AGENDA

Regular Meeting of the

CITY COUNCIL
OF THE CITY OF TROY

APRIL 18, 2005

CONVENING AT 7:30 P.M.

Submitted By
The City Manager

TO: The Honorable Mayor and City Council
Troy, Michigan

FROM: John Szerlag, City Manager

SUBJECT: Background Information and Reports

Ladies and Gentlemen:

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

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

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

Goals

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

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

Respectfully submitted,

John Szerlag, City Manager

CITY COUNCIL

AGENDA

April 18, 2005 – 7:30 PM
Council Chambers
City Hall - 500 West Big Beaver
Troy, Michigan 48084
(248) 524-3317

CALL TO ORDER: 1

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CALL TO ORDER:

INVOCATION & PLEDGE OF ALLEGIANCE: **Father Emanuel Shaleta - St. Joseph Chaldean Catholic Church**

ROLL CALL:

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

CERTIFICATES OF RECOGNITION:

A-1 Presentations: No Presentations

CARRYOVER ITEMS:

B-1 No Carryover Items

PUBLIC HEARINGS:

C-1 Commercial Vehicle Appeal – 1102 Boyd

Suggested Resolution
Resolution #2005-04-
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 Irene Ianos, for waiver of Chapter 39, Section 40.66.00, of the Code of the City of Troy, to permit outdoor parking of a Dodge dump truck and wood chipper on a trailer in a residential district is hereby **APPROVED** for _____ (not to exceed two years).

Or 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 Irene Ianos, for waiver of Chapter 39, Section 40.66.00, of the Code of the City of Troy, to permit outdoor parking of a Dodge dump truck and wood chipper on a trailer in a residential district is hereby **DENIED**.

Yes:
No:

C-2 Commercial Vehicle Appeal – 1998 Kirkton

Suggested Resolution
Resolution #2005-04-
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 William Hiner, for waiver of Chapter 39, Section 40.66.00, of the Code of the City of Troy, to permit outdoor parking of a Ford dump truck in a residential district is hereby **APPROVED** for _____(not to exceed two years).

Or 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 William Hiner, for waiver of Chapter 39, Section 40.66.00, of the Code of the City of Troy, to permit outdoor parking of a Ford dump truck in a residential district is hereby **DENIED**.

Yes:
No:

C-3 Commercial Vehicle Appeal – 6771 Westaway

Suggested Resolution
Resolution #2005-04-
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 Henry Rowe, for waiver of Chapter 39, Section 40.66.00, of the Code of the City of Troy, to permit outdoor parking of a Ford cube van in a residential district is hereby approved for _____(not to exceed two years).

Or 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 Henry Rowe, for waiver of Chapter 39, Section 40.66.00, of the Code of the City of Troy, to permit outdoor parking of a Ford cube van in a residential district is hereby **DENIED**.

Yes:
No:

POSTPONED ITEMS:

D-1 Best Value Process Award – Audit Services – In a related matter, Item J-7 is a letter from Doeren Mayhew to City Council

Pending Resolution
Moved by Howrylak
Seconded by Eisenbacher

WHEREAS, The City Council of the City of Troy desires to utilize the services of a new auditor after fourteen years with Doeren Mayhew.

RESOLVED, That a three (3) year contract to provide audit services for years 2005, 2006 and 2007 with an option to renew for three (3) additional years is hereby **AWARDED** to the Rehmann Group as a result of the Best Value process at an estimated cost of $63,820.00, as outlined in the tabulation opened February 4, 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 proper contract and proposal documents, including insurance certificates and all other specified requirements.

PROPOSED - STANDARD PURCHASING RESOLUTION 8 – Resolution A

RESOLVED, That a three-year contract to provide Audit Services for years 2005, 2006, and 2007 with an option to renew for three additional years is hereby **AWARDED** to Doeren Mayhew of Troy, Michigan, the lowest bidder with the highest score, as the result of a Best Value process at an estimated annual cost of $55,695.00, as outlined in the tabulation opened February 4, 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 proper contract and proposal documents, including insurance certificates and all other specified requirements.

ALTERNATE – Resolution B

WHEREAS, The Troy City Council does not wish to retain Doeren Mayhew to provide auditing services for another contract period since the firm has been engaged as the City's auditors since 1991; and

WHEREAS, The Rehmann Group is the next most qualified firm as the result of a Best Value Process;

NOW, THEREFORE, BE IT RESOLVED, That, a three-year contract to provide Audit Services for years 2005, 2006, and 2007 with an option to renew for three additional years is hereby **AWARDED** to The Rehmann Group, at an estimated annual cost of $63,820.00, as outlined in the tabulation opened February 4, 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 proper contract and proposal documents, including insurance certificates and all other specified requirements.

CONSENT AGENDA:

The Consent Agenda includes items of a routine nature and will be approved with one motion. That motion will approve the recommended action for each item on the Consent Agenda. Any Council Member may ask a question regarding an item as well as speak in opposition to the recommended action by removing an item from the Consent Agenda and have it considered as a separate item. Any item so removed from the Consent Agenda shall be considered after other items on the consent portion of the agenda have been heard. Public comment on Consent Agenda Items will be permitted under Agenda Item 9 "E".

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

Suggested Resolution
Resolution #2005-04-
Moved by
Seconded by

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

Yes:
No:

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

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E-2 Approval of City Council Minutes

Suggested Resolution
Resolution #2005-04-

RESOLVED, That the Minutes of the Regular Meeting of April 4, 2005 at 7:30 PM be **APPROVED** as submitted.

E-3 Proposed City of Troy Proclamation(s):

Suggested Resolution
Resolution #2005-04-

a) Recording for the Blind and Dyslexic Week – April 25-30, 2005
b) Law Day – May 1, 2005

E-4 Standard Purchasing Resolutions

a) Standard Purchasing Resolution 1: Award to Low Bidder – Roof Replacement at Fire Station #4

Suggested Resolution
Resolution #2005-04-

RESOLVED, That a contract to replace the roof at Fire Station #4, located at 2103 E. Maple Road, is hereby **AWARDED** to the low bidder, Bloomfield Construction Company of Bloomfield Hills, MI, at an estimated total cost of $31,190.00, which includes twenty (20) additional sheets of fire retardant plywood, and insurance; at unit prices contained on the attached bid tabulation opened March 29, 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 documents, including bonds, insurance certificates and all other specified requirements.

b) Standard Purchasing Resolution 3: Option to Renew – Towing and Storage Services

Suggested Resolution
Resolution #2005-04-

WHEREAS, On August 6, 2001, a three-year contract with two, one-year options to renew to provide towing and storage services was **AWARDED** to the low bidder, Coleman's Towing and Recovery, Inc. (formerly A Roadone Company) (Resolution #2001-08-394-E-3); and

WHEREAS, Coleman's Towing and Recovery, Inc. agreed to exercise the first of two one-year options to renew the contract under the same prices, terms, and conditions (Resolution #2004-05-268-E-9); and

WHEREAS, Coleman's Towing and Recovery, Inc. agrees to exercise the second one-year option to renew the contract;

NOW, THEREFORE, BE IT RESOLVED, That the second of two one-year options to renew the contract is hereby **EXERCISED** with Coleman's Towing and Recovery, Inc. to provide towing and storage services under the same contract prices, terms, and conditions expiring on July 31, 2006.

c) Standard Purchasing Resolution 1: Award to Low Bidder – Contract 05-1 – Section 18 Bituminous Overlay, Big Oak Trail SAD and Somerton SAD

Suggested Resolution
Resolution #2005-04-

RESOLVED, That contract No. 05-1, Section 18 Bituminous Overlay, Big Oak Trail SAD and Somerton SAD, be **AWARDED** to John Carlo, Inc., 4500 River Ridge, Clinton Twp., MI 48038 at an estimated total cost of $289,956.90.

BE IT FURTHER RESOLVED, That the award is **CONTINGENT** upon submission of proper contract and bid documents, including bonds, insurance certificates and all specified requirements, and if additional work is required such additional work is **AUTHORIZED** in an amount not to exceed 10% of the total project cost.

d) Standard Purchasing Resolution 1: Award to Low Bidder – Aggregates

Suggested Resolution
Resolution #2005-04-

RESOLVED, That one-year contracts for Aggregates with an option to renew for one additional year are hereby **AWARDED** to the low bidders, Wolverine Contractors, Inc. of Lathrup Village, MI, Richmond Transport of Lenox, MI, United Soils, Inc. of Ray Township, MI, and Edw. C. Levy Co. of Detroit, MI, at unit prices contained in the bid tabulation opened March 21, 2005, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, with the contracts expiring April 30, 2006; and

BE IT FURTHER RESOLVED, That the awards are **CONTINGENT** upon contractors' submission of properly executed bid and proposal documents, including insurance certificates and all other specified requirements.

e) Standard Purchasing Resolution 2: Bid Award – Lowest Bidder Meeting Specifications – Printing of Troy Today, Quarterly Newsletter

Suggested Resolution
Resolution #2005-04-

RESOLVED, That a contract to provide printing of the quarterly Troy Today newsletter for one (1) year with an option to renew for two (2) additional one-year periods is hereby **AWARDED** to the lowest acceptable bidder meeting specifications, Grand River Printing & Imaging, for an estimated annual cost of $70,060.72, plus the actual cost of bulk rate postage; and additional charges as needed not to exceed 10% of the total contract cost or $7,006.07, at unit prices contained in the bid tabulation opened March 30, 2005, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, to expire upon completion of the Spring 2006 issue.

f) Standard Purchasing Resolution 1: Award to Sole Bidder – Transit Mixed Concrete

Suggested Resolution

Resolution #2005-04-

RESOLVED, That a contract to provide one-year requirements of Transit Mixed Concrete with an option to renew for one additional year is hereby **AWARDED** to the sole bidder, Nagy Ready Mix, Inc. of Utica, MI, the primary supplier, at unit prices contained in the bid tabulation opened March 14, 2005, a copy of which shall be attached to the original Minutes of this meeting at an estimated total cost of $166,554.00.

BE IT FURTHER RESOLVED, That Clawson & Killins Concrete Co. is hereby named secondary supplier, utilizing the informal three-quote process at the following unit prices:

PROPOSAL A – WEEK DAY DELIVERY

ITEM	DESCRIPTION	UNIT PRICE
1.	6 Sack Mix	$ 68.00/cy
2.	7 Sack Mix (High Early)	$ 73.00/cy
3.	12 HR 300PSI Mix Flexural Strength/ 7 sack	$ 73.00/cy
4.	**Split Load Charges**	
a.	2 Locations	$ 100.00/ea
b.	3 locations	$ 100.00/ea
5.	Below Minimum Load Charge	$ 80.00/ea
6.	Cold Weather Protection	$ 4.00/cy

PROPOSAL B – SATURDAY DELIVERY

ITEM	DESCRIPTION	UNIT PRICE
1.	6 Sack Mix	$ 73.00/cy
2.	7 Sack Mix (High Early)	$ 78.00/cy
3.	12 HR 300PSI Mix Flexural Strength/ 7 sack	$ 78.00/cy
4.	**Split Load Charges**	
a.	2 Locations	$ 100.00/ea
b.	3 locations	$ 100.00/ea
5.	Below Minimum Load Charge	$ 80.00/ea
6.	Cold Weather Protection	$ 5.00/cy

NOW, THEREFORE, BE IT RESOLVED, That the awards are **CONTINGENT** upon contractors' submission of properly executed bid and contract documents, including insurance certificates and all other specified requirements; and the contracts shall expire April 30, 2006.

g) Standard Purchasing Resolution 10: Travel Authorization and Approval to Expend Funds for Troy City Council Members' Travel Expenses – National League of Cities (NLC) Congress of Cities and Exposition

Suggested Resolution

Resolution #2005-04-

RESOLVED, That the Mayor and City Council Members are **AUTHORIZED** to attend the National League of Cities' 82nd Congress of Cities and Exposition to be held in Charlotte, North Carolina from December 6 – 10, 2005, in accordance with accounting procedures of the City of Troy.

E-5 Request for Approval of Relocation Claim, Barbara A. Stimac, 2827 Thames, Sidwell #88-20-25-226-004, Project No. 01.105.5 – Big Beaver Road Improvements, Rochester to Dequindre

Suggested Resolution
Resolution #2005-04-

RESOLVED, That as required by Michigan Laws and Federal Regulations, the City Council of the City of Troy hereby **APPROVES** the Relocation Claim from Barbara A. Stimac, pertaining to the City of Troy's acquisition of her property at 2827 Thames, having Sidwell #88-20-25-226-004, and authorizes payment in the amount of $2,245.00

E-6 Request for Acceptance of a Regrading and Temporary Construction Permit for the Troy Court Water Main Project #01.502.5 – Section 34

Suggested Resolution
Resolution #2005-04-

RESOLVED, That the Regrading and Temporary Construction Permit from property owner Strained Gator, LLC, having Sidwell #88-20-34-152-023, with a consideration of $1,000.00, is hereby **ACCEPTED**, and payment of the stated consideration is **APPROVED**, for the construction, operation, maintenance and repair of the Troy Court Water Main improvement project; and

BE IT FURTHER RESOLVED, That a copy of said document shall be **ATTACHED** to the original Minutes of this meeting.

E-7 Request for Acceptance of a Permanent Easement for Watermain – Republic of San Marino Hall, Incorporated – 1685 E. Big Beaver Road – Project No. 04.929.3 – Sidwell #88-20-23-401-033

Suggested Resolution
Resolution #2005-04-

RESOLVED, That the Watermain Easement from Republic of San Marino Hall, Incorporated, owner of property at 1685 East Big Beaver Road, having Sidwell #88-20-23-401-033, is hereby **ACCEPTED** for the operation, maintenance and repair or replacement of watermain; and

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

E-8 Private Agreement for San Marino Social Club

Suggested Resolution
Resolution #2005-04-

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

E-9 Maria Hunciag v. City of Troy

Suggested Resolution
Resolution #2005-04-

RESOLVED, That the City Attorney is hereby **AUTHORIZED** to retain Laura S. Amtsbuechler, of the law firm of Johnson, Rosati, LaBarge, Aseltyne and Field, P.C., to represent the City of Troy in any and all claims and damages in the matter of Maria Hunciag v. City of Troy, and to retain any necessary experts and pay any reasonable expenses incurred in defense of the matter.

E-10 Request for Acceptance of Private Road Agreement, Private Sidewalk Agreement, Emergency Storm Sewer Easement, Emergency Access Easement, Permanent Sanitary Sewer Easement, and Permanent Water Main Easement – Golf John R, L.L.C. – The Enclave of Troy – Sidwell #88-20-13-351-025

Suggested Resolution
Resolution #2005-04-

RESOLVED, That the Private Road Agreement, Private Sidewalk Agreement, Emergency Storm Sewer Easement, Emergency Access Easement, Permanent Sanitary Sewer Easement, and Permanent Water Main Easement, all being part of The Enclave of Troy Condominium project, are hereby **ACCEPTED**; and

BE IT FURTHER RESOLVED, That the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the Private Road Agreement and the Private Sidewalk Agreement on behalf of the City; and

BE IT FINALLY 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.

PUBLIC COMMENT: Limited to Items Not on the Agenda

Public comment limited to items not on the Agenda in accordance with the Rules of Procedure of the City Council, Article 16 - Members of the Public and Visitors.

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 in accordance with the Rules of Procedure of the City Council, Article 16, during the Public Comment section under item 11"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. 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. 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.

F-1 Appointments to Boards and Committees: a) Mayoral Appointments: Brownfield Redevelopment Authority; b) City Council Appointments: Advisory Committee for Senior Citizens, Board of Zoning Appeals, Cable Advisory Committee, Charter Revision Committee, Charter Revision Committee, Historic District Commission, Library Board, Personnel Board

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 #2005-04-
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:

Brownfield Redevelopment Authority
Mayor, Council Approval (7) – 3 years

Term Expires 04/30/08

Term Expires 04/30/08

Term Expires 04/30/08

CURRENT MEMBERS

NAME	TERM EXPIRES
Cotsonika, Arthur	04/30/06
Goss, Laurence R. (Seeks reappointment)	04/30/05
Lee, Katerine M.	04/30/05
Lenivov, Victor	04/30/07
Swartz, Robert D.	04/30/05
Ullmann, Lon M.	04/30/06
Wilberding, Bruce J.	04/30/07

INTERESTED APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
Baptista, Michael	05/21/03-05/2005	06/02/03
Burke, Matthew	10/20/04-10/2005	11/08/04
DeBacker, Deborah	05/20/02-05/2004	06/03/02
Dziurman, Theodore	06/10/03-05/2005	06/16/03
Hyun, Yul Woong (Jeff)	09/26/03-09/2005	10/06/03
Joseph, Luke	03/10/03-03/2005	03/17/03
Keisling, Laurence	04/29/04-04/2006	05/03/04
Pritzloff, Mark	04/17/03-04/2005	04/28/03
Shier, Frank	02/18/03-02/2005	03/03/03
Silver, Neil S.	08/11/00-06/20/01-06/09//03-05/2005	08/21/00-07/09/01-06/16/03
Smits, Beatrice G.	12/02/03-12/2005	12/15/03

Yes:
No:

(b) City Council Appointments

Suggested Resolution
Resolution #2005-04-
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:

Advisory Committee for Senior Citizens
Appointed by Council (9) – 3 years

Term Expires 04/30/08

Term Expires 04/30/08

Term Expires 04/30/08

CURRENT MEMBERS

NAME	TERM EXPIRES
Berar, James	04/30/07
Black, Burdette L. Jr.	04/30/07
Dixon, Merrill W. (Sr Rep for Parks & Rec Board)	04/30/06
Hoag,Marie	04/30/06
Noce, Pauline Y.	04/30/07
Ogg, David S.	04/30/05
Rhoads, Josephine	04/30/05
Thompson, JoAnn	04/30/06
Weisgerber, William (Does not seek reappointment)	04/30/05

INTERESTED APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
Buchanan, Cynthia	06/07/00	06/07/00
Burt, Susan	09/24/01	10/01/01
Connor, Kathleen Ann	02/25/04-02/2006	03/01/04
Freliga, Mary E.	11/25/02-11/2004	12/02/02
Freliga, Victor P.	04/19/04-04/2006	05/03/04
Lang, Victoria	06/16/03-06/2005	07/07/03
Pietron, Dorothy A.	12/21/98-07/10/01	07/23/01
Pritzloff, Mark	04/17/03-04/2005	04/28/03
Sastry, Shiva Shakara K.	07/20/04-07/2006	08/23/04
Schafer, Donald E.	06/08/04-06/2006	06/21/04
Solarte, Remedios	09/15/04	09/20/04
Wheeler, Nancy	03/108/04-03/2006	04/12/04

Board of Zoning Appeals

Appointed by Council (7) – 3 years

Term Expires April 30, 2008

Term Expires April 30, 2008

CURRENT MEMBERS

NAME	TERM EXPIRES
Courtney, Kenneth L.	April 30, 2007
Fejes, Christopher	April 30, 2006
Gies, Marcia	April 30, 2007
Maxwell, Mark (Seeks reappointment)	April 30, 2005
Hutson, Michael	April 30, 2006

Kovacs, Matthew R. (Seeks reappointment)	April 30, 2005
Wright, Wayne C. (Planning Comm Rep)	December 31, 2005
Drake-Batts, Lynn (Planning Comm Alt. Rep)	December 31, 2005

INTERESTED APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
Almassian, Carolyn	04/22/02-04/2004	05/06/02
Anderson, David C.	12/06/01-06/16/03-05/2005	12/17/01-07/07/03
Baptista, Michael	05/21/03-05/2005	06/02/03
Bordas, Dougla M.	08/19/99	
Dziurmanh, Theodore	06/10/03-05/2005	06/16/01
Godlewski, W.S.	07/01/03-07/2005	07/07/03
Hall, Patrick C.	06/16/03-052005	07/07/03
Hanna, Atef A.	10/28/02-10/2004	11/04/02
Howe, Peter Thomas	03/12/03-03/2005	03/17/03
Joseph, Luke	03/10/03-03/2005	03/17/03
Keisling, Laurence G.	04/29/04-04/2006	05/03/04
Lakin, David	01/13/04-01/2006	02/02/04
Minnick, Richard D. II	04/29/02-07/18/03-07/2005	05/06/02-08/04/03
Noce, Robert Wilson	11/16/00-07/11/03-07/2005	11/20/00-07/21/03
Ogg, David	02/09/99-06/09/03-05/2005	04/23/01-06/16/03
Peard, James R.	11/25/03-06/09/03-05/2005	12/02/02-06/16/03
Powers, Brian M.	10/15/02-10/2004	10/21/02
Pritzloff, Mark	04/17/03-04/2005	04/28/03
Shah, Jayshree	01/12/04-04/23/04-04/2006	05/03/04
Shier, Frank	02/18/03-02/2005	03/03/03
Smits, Beatrice G.	12/02/03-12/2005	
Strat, Thomas	02/16/02-09/2004	09/23/02
Wright, Wayne C.	01/07/99-06/18/03-06/2005	
Yousef, Gary	11/24/03-11/2005	01/05/04

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

Charter Revision Committee
Appointed by Council (7) – 3 years

Term Expires April 30, 2008

Term Expires April 30, 2008

CURRENT MEMBERS

NAME	TERM EXPIRES
Barno, Lillian	April 30, 2006
Bliss, Daniel H.	April 30, 2006
Bloom, Jerry E.	April 30, 2007
Kanoza, Shirley	April 30, 2007
Noce, Robert	April 30, 2006
Solomon, Mark R.	April 30, 2005
Wilsher, Cynthia A.	April 30, 2005

INTERESTED APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
Almassian, Carolyn	04/22/02-04/2004	05/06/02
Baughman, Deborah L.	06/18/01-06/09/03-05/2005	07/09/01-06/16/03
Courtney, Kenneth	03/12/04-03/2006	03/15/04
Pritzloff, Mark	04/17/03-04/2005	04/28/03
Schepke, Gordon	03/22/05	04/04/05
Silver, Neil S.	06/09/03-05/2005	06/16/03
Weisgerber, William	04/23/01-07/14/03-03/07/05-07/2007	04/23/01-07/21/03
Wheeler, Nancy	03/08/04-03/2006	04/12/04
Ziegenfelder, Peter F.	12/07/00-06/11/01-06/11/03-05/2005	12/18/00-07/09/01-06/16/03

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 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)	03/01/08
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 Petrulis	02/11/03-07/31/03-07/2005	02/17/03-08/18/03
Nancy Wheeler	03/08/04-03/2006	04/12/04

Library Board

Appointed by Council (5) – 3 years

Term Expires April 30, 2008

CURRENT MEMBERS

NAME	TERM EXPIRES
Allen, Joanne C.	April 30, 2008
Andreoff, Lauren (Student)	July 01, 2005
Chen, Cheng (Mr) (Student)	July 01, 2005
Griffen, Brian	April 30, 2006
Gregory, Lynne R.	April 30, 2007
Wheeler, Nancy D.	April 30, 2007
Zembrzuski, Audre	April 30, 2005

INTERESTED APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
Blythe, Wilson Deane	03/06/02	03/18/02
Brady, Michael	04/30/03	
Freliga, Mary E.	11/25/02-11/2004	12/02/02
Gauri, Kul B.	08/26/99-07/03/03-07/2005	
Hashmi, Amin	08/22/02-08/2004	
Mellen, Dick	05/02/03-05/2005	05/05/03

Nelson, Albert T. Jr.	03/16/99	
O'Brien, Michael	07/28/03-07/2005	08/04/03
Powers, Brian M.	10/15/02-10/2004	10/21/02
Pritzloff, Mark	04/17/03-04/2005	04/28/03
Sastry, Shiva Shankara K.	07/20/04-07/2006	08/23/04
Shah, Jayshree	08/28/01-01/12/04-01/2006	09/17/01-02/02/04
Shah, Oniell	08/07/02	09/23/02
Shepich, Patricia A.	07/22/04-07/2006	08/23/04
Shiner, Mary E.	11/28/01	12/09/01
Smits, Beatrice G.	12/02/03-12/2005	12/15/03
Solarte, Remedios A.	09/15/04	09/20/04
Solomon, Mark R.	02/05/99-06/16/03-05/2005	07/07/03
Uitto, Renee	12/03/04-12/2006	12/06/04

INTERESTED STUDENT APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
None on File		

Personnel Board

Appointed by Council (5) - 3 years

Term Expires April 30, 2008

Term Expires April 30, 2008

CURRENT MEMBERS

NAME	TERM EXPIRES
Baughman, Deborah L.	April 30, 2005
Nelson, Albert T. Jr.	April 30, 2006
Patrick, Stephen Jr.	April 30, 2006
Tschirhart, Ronald L. (Seeks reappointment)	April 30, 2005
Vanderbrink, James E.	April 30, 2006

INTERESTED APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
Bluthe, Wilson Deane	03/06/02	03/18/02
Calice, Mark A.	06/10/03-05/2005	06/16/03
Freliga, Victor P.	11/28/04-11/2006	12/06/04
Hall, Patrick C.	06/16/03-05/2005	07/07/03
Howrylak, Frank J.	06/11/03-05/2005	06/16/03
Huber, Laurie G.	06/18/01-05/2003	07/09/01
Pritzloff, Mark	04/17/03-04/2005	04/28/03
Shah, Jayshree	04/23/04-04/2006	05/03/04
Uitto, Renee	12/03/04-12/2006	12/06/04
Ziegenfelder, Peter F.	12/07/00-06/11/01-06/11/03-05/2005	12/18/90-07/09/01-06/16/03

Yes:
No:

F-2 Approval of Contract with MDOT for Right-of-Way Acquisition for the Reconstruction and Widening of John R, from Square Lake to South Boulevard – Project No. 02.204.5

Suggested Resolution
Resolution #2005-04-
Moved by
Seconded by

RESOLVED, That the Agreement between the City of Troy and the Michigan Department of Transportation for right-of-way acquisition for John R, Square Lake to South Boulevard, Project No. 02.204.5, is hereby **APPROVED** and the Mayor and City Clerk are **AUTHORIZED** to execute the documents, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes:
No:

F-3 Approval of Contract with MDOT for Right-of-Way Acquisition for the Reconstruction and Widening of John R, from Long Lake to Square Lake – Project No. 02.203.5

Suggested Resolution
Resolution #2005-04-
Moved by
Seconded by

RESOLVED, That the Agreement between the City of Troy and the Michigan Department of Transportation for right-of-way acquisition for John R, Long Lake to Square Lake, Project No. 02.203.5, is hereby **APPROVED** and the Mayor and City Clerk are **AUTHORIZED** to execute the documents, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes:
No:

F-4 Bid Waiver – Purchase of Encoding Hardware and Hard Disk Array for Long-Term Archival Storage

Suggested Resolution
Resolution #2005-04-
Moved by
Seconded by

WHEREAS, Integrated Media Technologies, Inc. is the provider of DVTel hardware and application software used by the Police Department to record interviews and activity in the Lockup Section.

WHEREAS, Increased camera coverage and long-term storage will enhance Police Department Operations.

NOW, THEREFORE, BE IT RESOLVED, That, formal bidding procedures are hereby **WAIVED** and the City of Troy is **AUTHORIZED** to purchase hardware, licensing, and installation services from Integrated Media Technologies, Inc. to connect thirteen (13) cameras to the recording system, and a 4TB RAID-5 storage unit at an estimated total cost of $36,077.00.

Yes:
No:

F-5 Proposed Amendment to Chapter 20 – Water and Sewer Rates - Update of Sanitary Sewer Benefit Fees

Suggested Resolution
Resolution #2005-04-
Moved by
Seconded by

RESOLVED, That the Sewer Benefit fees as provided in Chapter 20 – Water and Sewer Rates, Section 8 of the Troy City Code, last amended in 1989, are hereby **REVISED** as recommended in a report by the City Manager dated March 30, 2005, a copy of which shall be **ATTACHED** to and made a part of the Minutes of this meeting, as follows:

Single Family Residences

Zone Districts	Min. Lot Size	Existing Fee	Proposed Fee
R-1E	60	$2,400	$3,000
R-1D	75	$3,000	$3,750
R-1C	85	$3,400	$4,250
R-1B	100	$4,000	$5,000
R-1A	120	$4,800	$6,000
All Other Uses and Zones			$50/front foot Minimum $3,000

BE IT FURTHER RESOLVED, That the Sewer Benefit fee for any sanitary sewer constructed by the City of Troy after April 18, 2005 **SHALL BE DETERMINED** on a project-by-project basis based on the total cost of the sewer extension divided by the number of properties benefiting from the sewer at the time of construction; and

BE IT FURTHER RESOLVED, That for sewers constructed after April 18, 2005 by any entity or agency other than the City of Troy, the Sewer Benefit fee payable by all properties benefiting from the sewer construction **SHALL BE BASED** on the zoning classification of the property;

BE IT FINALLY RESOLVED, That for any lot created from splitting property benefiting from a sanitary sewer extension constructed after April 18, 2005 by the City of Troy, the lot or lots created **SHALL PAY** either the Benefit Fee applicable to that property's zoning classification or

the proportionate share of the benefit fee established at the time of sewer construction, whichever is greater.

Yes:
No:

F-6 Council Rules of Procedure Amendment to Accommodate SEMCOG and SOCRRA Member Appointments

Suggested Resolution
Resolution #2005-04-
Moved by
Seconded by

RESOLVED, That Council Rules of Procedure be **AMENDED**, as recommended, to incorporate Rule 15.1 Appointment of City of Troy Representation to SEMCOG and SOCRRA.

Yes:
No:

F-7 FOIA (Freedom of Information Act) / Enhanced Access Policy Proposed Revision

Suggested Resolution
Resolution #2005-04-
Moved by
Seconded by

WHEREAS, The City of Troy is a public body within the meaning of the Michigan Freedom of Information Act (MFOIA, found in MCL 15.231 et seq.) and the Michigan Enhanced Access Act (MCL 15.441 et seq.);

WHEREAS, The declared public policy of the State of Michigan, as set forth in the MFOIA, is that all persons, except those incarcerated in state or local correctional facilities, are entitled to full and complete information regarding governmental decision-making;

WHEREAS, In its capacity as a public body, the City of Troy creates, possesses and maintains certain records which fit within the definition of the term “public records” as defined in the MFOIA;

WHEREAS, The City of Troy is required by the provisions of the MFOIA to grant requests by persons or corporations desiring to inspect or receive copies of public records when the requested documentation or information is described sufficiently to enable the public body to find the public record, except as provided in MCL 15.243;

WHEREAS, The City of Troy has the ability to provide some “public records” in a requested electronic format, but the cost of producing the requested public records exceeds normal MFOIA production costs and, therefore, is entitled to be reimbursed to the City; and

WHEREAS, The City of Troy desires to establish procedures, guidelines and fees in accordance with and pursuant to the provisions of MFOIA and the Michigan Enhanced Access Act for application to and for use in connection with requests received by it for the inspection or receipt of copies of public records.

NOW, THEREFORE, BE IT RESOLVED, That the City Clerk is hereby **DESIGNATED** as the FOIA / Enhanced Access Act Coordinator for the City of Troy.

BE IT FURTHER RESOLVED, That the attached FOIA / Enhanced Access policy is hereby **ADOPTED** by the City of Troy.

Yes:
No:

F-8 Approval of Subdivision Entrance Sign / Agreement – Cedar Ridge Estates Subdivision

Suggested Resolution
Resolution #2005-04-
Moved by
Seconded by

RESOLVED; That the sign application submitted by the Cedar Ridge Estates Homeowners Association for the placement of a sign on the detention pond parcel adjacent to the intersection of Cedar Knoll Drive and Big Beaver Road is hereby **APPROVED** as to the design and materials proposed; and

BE IT FURTHER RESOLVED; That the agreement regarding the maintenance and liability coverage for the sign is also **APPROVED** and the Mayor and City Clerk are **AUTHORIZED** to sign the attached agreement on behalf of the City.

Yes:
No:

F-9 Planning Consultant Services Contract

Suggested Resolution
Resolution #2005-04-
Moved by
Seconded by

WHEREAS, An Agreement for Consulting Services was entered into on August 15, 2001 between the City of Troy and Carlisle/Wortman Associates, Inc., for a period of two (2) years; and

WHEREAS, The terms of the Agreement provide for modification of the conditions and extension of the terms by mutual agreement for both parties; and

WHEREAS, The Agreement has been extended by mutual agreement by virtue of the fact that the City continues to seek the services of Carlisle/Wortman Associates, Inc., and Carlisle/Wortman Associates, Inc. continues to abide by the original terms and conditions of the Agreement; and

WHEREAS, Carlisle/Wortman Associates, Inc. has submitted a revised Agreement for Consulting Services, including an increase in the hourly rate schedule; and

WHEREAS, the term of the revised Agreement for Consulting Services shall be for a period of five (5) years; and

WHEREAS, City Management is satisfied with the service provided by Carlisle/Wortman Associates, Inc. and considers the proposed hourly rate schedule to be reasonable.

NOW, THEREFORE, BE IT RESOLVED, That City Council hereby **APPROVES** the Agreement for Consulting Services; and

BE IT FURTHER RESOLVED, That City Council **AUTHORIZES** the Mayor and City Clerk to execute the Agreement for Consulting Services.

Yes:
No:

F-10 Wireless Oakland Pilot Community

City Management would like to make a presentation on this issue.

Suggested Resolution
Resolution #2005-04-
Moved by
Seconded by

RESOLVED, That the City of Troy supports Oakland County's initiative to be wireless, and requests that Troy be selected as a pilot community, and

BE IT FURTHER RESOLVED, That the City of Troy will permit the placement of wireless equipment on City-controlled infrastructure subject to such placement being performed in a responsive and responsible manner.

Yes:
No:

F-11 City Manager Employment Contract

Suggested Resolution
Resolution #2005-04-
Moved by
Seconded by

RESOLVED, That the Employment Agreement between the City of Troy and City Manager John Szerlag, as reviewed and modified by Labor Attorney Craig Lange, is hereby **APPROVED**, and the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the document, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and

BE IT FURTHER RESOLVED, That the Annual Salary for the City Manager is hereby **ADJUSTED** from $133,786.00 to $_____, effective January 1, 2005.

Yes:
No:

F-12 City Attorney Employment Contract

Suggested Resolution
Resolution #2005-04-
Moved by
Seconded by

RESOLVED, That the Employment Agreement between the City of Troy and City Attorney Lori Grigg Bluhm, as reviewed and modified by Labor Attorney Craig Lange, is hereby **APPROVED**, and the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the document, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and

BE IT FURTHER RESOLVED, That the Annual Salary for the City Attorney is hereby **ADJUSTED** from $109,697.00 to $_____, effective January 1, 2005.

Yes:
No:

F-13 Preliminary Site Condominium Review – Oak Forest South Site Condominium, East Side of Willow Grove, South of Square Lake Road, Section 11 – R-1C

Also enclosed is a petition from area residents requesting to close Trevino at Willow Grove using temporary barricades. An analysis of this request by Traffic Engineer John Abraham is also submitted.

Suggested Resolution
Resolution #2005-04-
Moved by
Seconded by

RESOLVED, That the Preliminary Plan as submitted under Section 34.30.00 of the Zoning Ordinance (Unplatted One-Family Residential Development) for the development of a One-Family Residential Site Condominium known as Oak Forest South Site Condominium, as submitted and as recommended for approval by the Planning Commission and City Management, located on the east side of Willow Grove, south of Square Lake Road, including 23 home sites, within the R-1C zoning district, being 10.03 acres in size, is hereby **APPROVED**.

Yes:
No:

F-14 Preliminary Site Condominium Review – Oak Forest Site Condominium, South Side of Square Lake Road, Between Willow Grove and John R Road, Section 11 – R-1C

Suggested Resolution
Resolution #2005-04-
Moved by
Seconded by

RESOLVED, That the Preliminary Plan as submitted under Section 34.30.00 of the Zoning Ordinance (Unplatted One-Family Residential Development) for the development of a One-Family Residential Site Condominium known as Oak Forest Site Condominium, as submitted and as recommended for approval by the Planning Commission and City Management, located on the south side of Square Lake, between Willow Grove and John R Road, including 76 home sites, within the R-1C zoning district, being 38.4 acres in size, is hereby **APPROVED**.

Yes:
No:

F-15 Limited Public Forum – Selection Process

Suggested Resolution
Resolution #2005-04-
Moved by
Seconded by

Alternative A:

WHEREAS, The City Council approved the front lawn of City Hall, the parking lot area north of the Community Center as recommended by City Management and adjacent to the Reflective Head area and the area surrounding the Reflective Head as the designated limited public forum area.

RESOLVED, That the application, rules and procedures including selection processes allowing for time, place, and manner governing the limited public forum area are hereby **APPROVED**; and

BE IT FURTHER RESOLVED, That a lottery will be held per attached (Exhibit A). Those wishing to be considered for dates through May 8, 2005 must complete the designated public forum and lottery applications (Exhibit A) and submit to Parks and Recreation no later than 4 pm April 21, 2005; and

BE IT FINALLY RESOLVED, That all applications for dates after May 8, 2005 will be **CONSIDERED** on a first-come, first-served basis.

Alternative B:

WHEREAS, The City Council approved the front lawn of City Hall, the parking lot area north of the Community Center as recommended by City Management and adjacent to the Reflective Head area and the area surrounding the Reflective Head as the designated limited public forum area.

RESOLVED, That the application, rules and procedures including selection processes allowing for time, place, and manner governing the limited public forum area are hereby **APPROVED**; and

BE IT FURTHER RESOLVED, That requests will be **ACCEPTED** and **APPROVED** on a first come, first served basis. All written requests received after April 4, 2005 will be **CONSIDERED** in the order received.

Alternative C:

WHEREAS, The City Council approved the front lawn of City Hall, the parking lot area north of the Community Center as recommended by City Management and adjacent to the Reflective Head area and the area surrounding the Reflective Head as the designated limited public forum area,

RESOLVED, That the application, rules and procedures including selection processes allowing for time, place, and manner governing the limited public forum area are hereby **APPROVED**; and

BE IT FURTHER RESOLVED, That completed applications will be **ACCEPTED** beginning at noon, April 19th on a first-come, first-served basis.

Yes:
No:

MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

G-1 Announcement of Public Hearings:

G-2 Green Memorandums:

a) City Manager's Letter to Ed Barlow Regarding the Proposal for Recalibration of Troy Futures Community Report

b) Charter Revisions – 2005 Proposed Charter Committee Referrals

c) Minutes from the Special/Joint Meeting of the City Council and Planning Commission, March 28, 2005

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

H-1 No Council Referrals Advanced

COUNCIL COMMENTS:

I-1 No Council Comments Advanced

REPORTS:

J-1 Minutes – Boards and Committees:

a) Election Commission/Final – February 23, 2005
b) Troy Youth Council/Final – February 23, 2005
c) Advisory Committee for Persons with Disabilities/Draft – March 2, 2005
d) Advisory Committee for Persons with Disabilities/Final – March 2, 2005
e) Building Code Board of Appeals/Final – March 2, 2005
f) Employees' Retirement System Board of Trustees/Draft – March 9, 2005
g) Planning Commission Special/Study/Draft – March 22, 2005
h) Planning Commission Special/Study/Final – March 22, 2005
i) Troy Daze Advisory Committee/Draft – March 22, 2005
j) Troy Youth Council/Draft – March 23, 2005
k) Election Commission/Draft – April 12, 2005

J-2 Department Reports:

a) Mayor Louise Schilling's Travel Expense Report for the NLC Annual Congressional City Conference
b) Councilmember Robin Beltramini's Travel Expense Report for the MML Legislative Conference
c) Councilmember Dave Lambert's Travel Expense Report for the National League of Cities Congressional Cities Conference
d) Councilmember Dave Lambert's Travel Expense Report for the Michigan Municipal League Legislative Conference
e) Permits Issued During the Month of March 2005
f) 2005 First Quarter Litigation Report
g) March 31, 2005 Quarterly Financial Report
h) ICMA Survey

J-3 Letters of Appreciation: None Submitted.

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

J-5 Calendar

J-6 Realignment of Coolidge Road/Wattles Intersection Under Full Closure of Coolidge Road

J-7 Letter from Doeren Mayhew Regarding Audit Services

J-8 Letter of Transmittal; Proposed Fiscal Year 2005/06 Annual Budget

STUDY ITEMS:

K-1 Study Item – (Time Permitting) Update on Premature Concrete Pavement Deterioration from Alkali-Silica Reactivity (ASR)

PUBLIC COMMENT: Address of "K" Items

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 in accordance with the Rules of Procedure of the City Council, Article 16, during the Public Comment section under item 18 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. 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. 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

Suggested Resolution
Resolution #2005-04-
Moved by
Seconded by

BE IT RESOLVED, That the City of Troy City Council **SHALL MEET** in Closed Session, as permitted by MCL 15.268 (e), Story v City of Troy and Roy Rathka, Jr. v City of Troy.

Yes:
No:

RECESSED

RECONVENED

ADJOURNMENT

Respectfully submitted,

John Szerlag, City Manager

SCHEDULED CITY COUNCIL MEETINGS:

Monday, April 25, 2005: 6:30 PM ..... Special/Study/Budget City Council
Monday, April 25, 2005..... Regular City Council
Monday, May 02, 2005: 6:30 PM..... Special/Study/Budget City Council
Saturday, May 7, 2005: 9:00 AM ..... Special/Study/Budget City Council
Monday, May 9, 2005 ..... Regular City Council
Tuesday, May 10, 2005: 7:30 PM.....Special/Study City Council
Monday, May 16, 2005 ..... Regular City Council
Monday, May 23, 2005 ..... Regular City Council
Monday, June 6, 2005 ..... Regular City Council
Monday, June 20, 2005 ..... Regular City Council

DATE: April 8, 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
1102 Boyd

On March 16, 2005, information was sent to Nicholas Ianos that identified restrictions related to a commercial vehicle located on residential property. As part of that information, he was advised that the Dodge dump truck and wood chipper parked on the property did not comply with the exceptions found in Chapter 39, Section 40.66.00. He was given the option to remove the vehicle or appeal to City Council for relief of the Ordinance.

In response to our letters, Ms. Irene Ianos has 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 your meeting of April 18, 2005.

The existing home on the property is 874 square feet. There is already a 634 square foot detached garage on the site. Per the requirements of Section 40.57.04 of the Zoning Ordinance, no additional detached buildings could be constructed. The parcel of this home is 10,800 square feet in area. Based upon the maximum 30% lot coverage a total of 3,240 square feet of buildings could be built 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

RECEIVED
MAR 23 2005
BUILDING DEPARTMENT

Request is hereby made for permission to keep a commercial vehicle(s) as described below, on the following residential zoned site:

NAME: Irene Ianos

ADDRESS: 1102 Boyd St.

CITY: Troy MI. ZIP: 48083 PHONE: 248-619-0685

ADDRESS OF SITE: 1102 Boyd.

NUMBER OF VEHICLES: 2

VEHICLE IDENTIFICATION NUMBER(S)
1B6MF36C0TJ180506 - Truck

LICENSE PLATE NUMBER(S) BW 6204 - Truck

DESCRIPTION OF VEHICLE(S) Wood Chipper + Dump Truck

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..

(signature of applicant)

STATE OF MICHIGAN
COUNTY OF OAKLAND

On this 23rd day of March, 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.

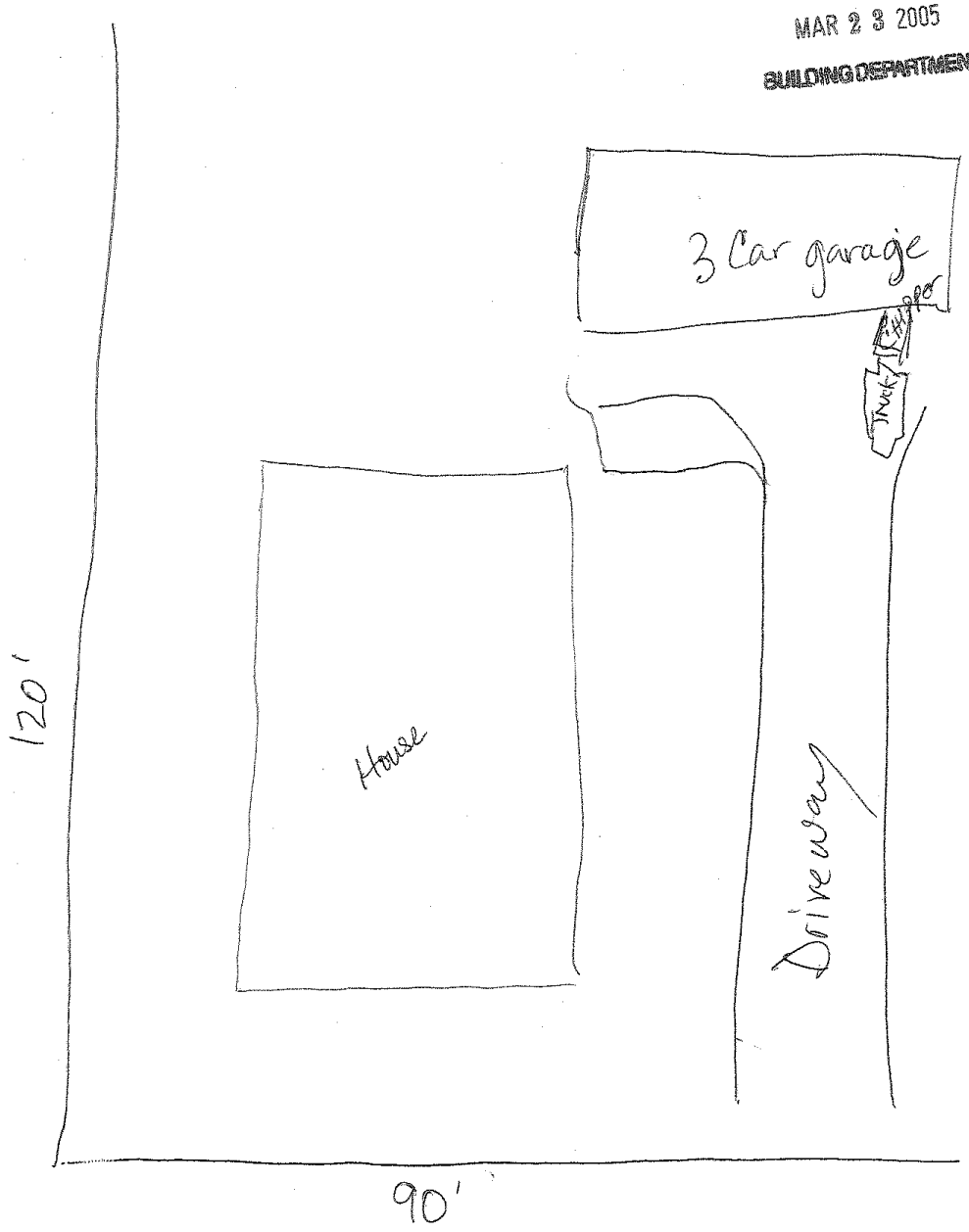
PAMELA R. PASTERNAK
Notary Public, State of Michigan, County of Macomb
My Commission Expires September 1, 2007
Acting in the County of Oakland

Pamela R. Pasternak

Notary Public, County, Michigan

My Commission Expires:_____

RECEIVED
MAR 23 2005
BUILDING DEPARTMENT



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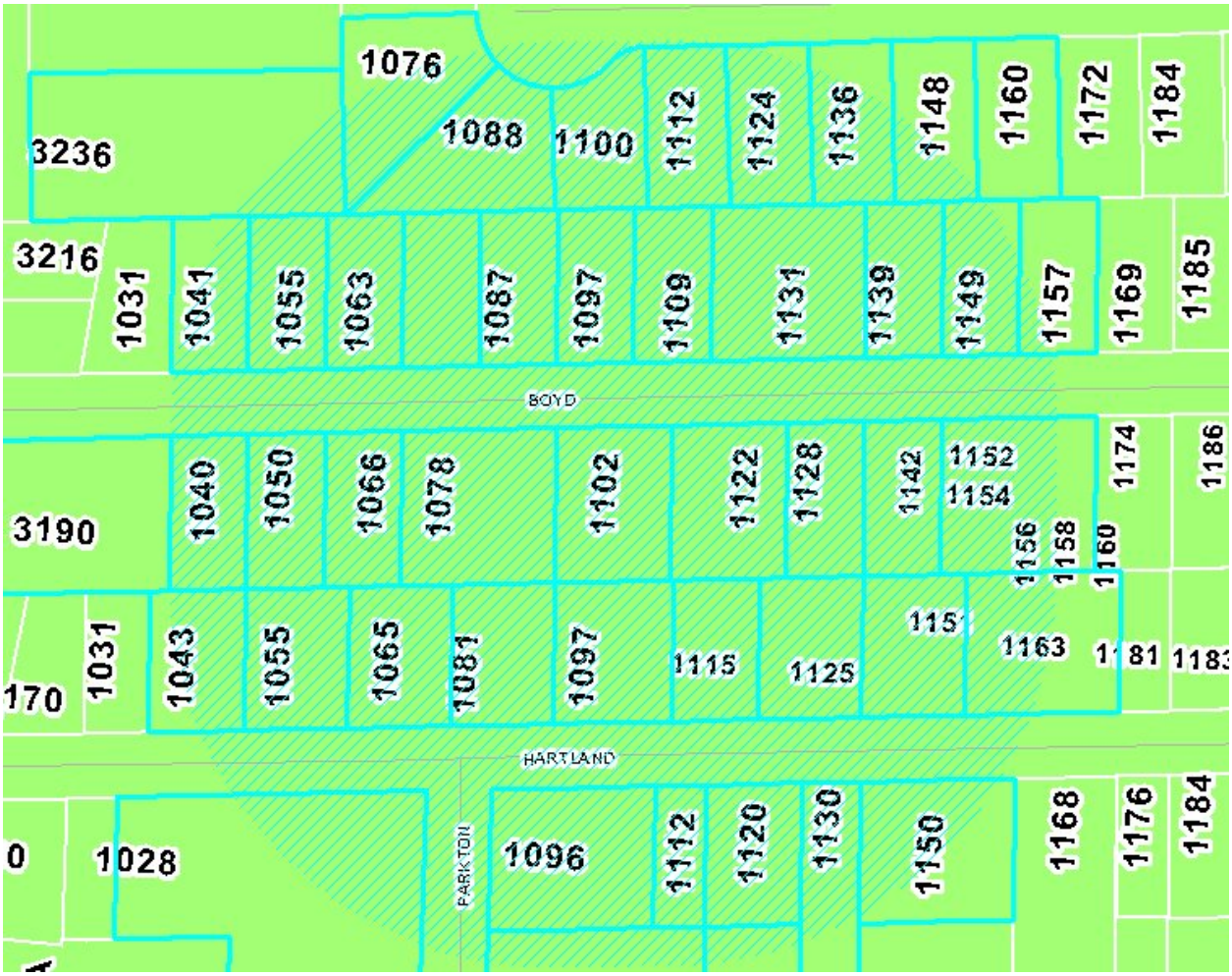
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RECEIVED
APR 07 2005
BUILDING DEPARTMENT

TO: CITY COUNCIL

Please register my **approval** [ ] **objection** [X] to the request described on the reverse side.

My reason for this **approval** [ ] **objection** [X] is:

This home has been running a business out of the home since they moved in, with semi-trucks, tree trimming vehicles, etc. They have been destroying their front yard, and allowing them to park a commercial vehicle in front will make his home and our neighborhood look far worse. I would find this to be a detriment, and would be concerned if other homes treated their houses as a commercial business. Please do not destroy the quaint cottage-style neighborhood that we enjoy.

NAME: Denise & Michael Murray

ADDRESS OR PROPERTY DESCRIPTION 1128 Boyd

If Commercial Vehicles Are Allowed To Park On This Street, It Will Lower Property Values On The Entire Block. Commercial Vehicles Belong On Commercial Property Not Residential

RECEIVED
APR 07 2005
BUILDING DEPARTMENT

TO: CITY COUNCIL

Please register my **approval** [ ] **objection** [X] to the request described on the reverse side.

My reason for this **approval** [ ] **objection** [X] is:

This home is running a business out of their residence. There is constant traffic at this address along with large trucks pulling in an out. It presents a problem with entering and exiting the driveway.

NAME: Thomas Tasnozny

ADDRESS OR PROPERTY DESCRIPTION 1097 Boyd.

RECEIVED
APR 07 2005
BUILDING DEPARTMENT

TO: CITY COUNCIL

Please register my **approval [ ] objection [✓]** to the request described on the reverse side.

My reason for this **approval [ ] objection [✓]** is:

There should be no Commercial Vehicles on residential streets of any kind. I sure don't want to look at them. I see that truck and mess everyday. It should not be there. They also have a Limo setting there now. When is that going to be gone???

NAME: Monica W. Carrier

ADDRESS OR PROPERTY DESCRIPTION 1087 Boyd

DATE: April 8, 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
1998 Kirkton

On February14, 2005, information was sent to William Hiner that identified restrictions related to a commercial vehicle located on residential property. As part of that information, he was advised that the Ford dump truck parked on the property did not comply with the exceptions found in Chapter 39, Section 40.66.00. He was given the option to remove the vehicle or appeal to City Council for relief of the Ordinance.

In response to our letters, Mr. Hiner has 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 your meeting of April 18, 2005.

The property in question has an existing home of 1,503 square feet and an existing detached garage of 728 square feet. Based upon the limitations of Section 40.57.04, only 24 additional square feet of detached garage could be constructed. The property is 16, 555 square feet in area and the 30% maximum lot coverage would allow buildings totaling 4,967 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: William Hiner

ADDRESS: 1998 Kirkton

CITY: Troy MI. ZIP: 48083 PHONE: 248 - 528-2368

ADDRESS OF SITE: 1998 Kirkton

NUMBER OF VEHICLES: 1

VEHICLE IDENTIFICATION NUMBER(S)
1FDLF47G4VEB18063

LICENSE PLATE NUMBER(S) 1284 AU

DESCRIPTION OF VEHICLE(S) 1997 Ford 3 yard Dump

REASON FOR APPEAL (see A - D below) _____

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..

William C Weiss

William C Weiss
(signature of applicant)

STATE OF MICHIGAN
COUNTY OF Oakland

On this 23rd day of February, 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 1, 2007
Acting in the County of Oakland

My Commission Expires:

February 23, 2005

To whom this may concern:

I am writing you in regards of a commercial vehicle violation notice that I received from the City of Troy. This was for a 1997 Ford 3-yard dump truck, which is approximately 120 feet off of the street and on the north east corner of my property. The dump truck is parked on my driveway, at the address of 1998 Kirkton. I have taken some pictures of the location of the vehicle: I will bring them to the hearing or sooner, if needed. This truck is insured and plated.

Thank you,

William Hiner

If you any questions please feel free to call me at (248) 528-2368.

To Whom It May Concern:

Our lot size is 96 feet wide, and 186 deep. The dump truck is shown is blue and it is approximately 110 feet from Kirkton Street, alongside our garage, which is located at 1998 Kirkton, and our neighbor's garage. The green between our driveways is my neighbor's green belt. The dump truck is parked on the cement driveway, on and next to our garage.

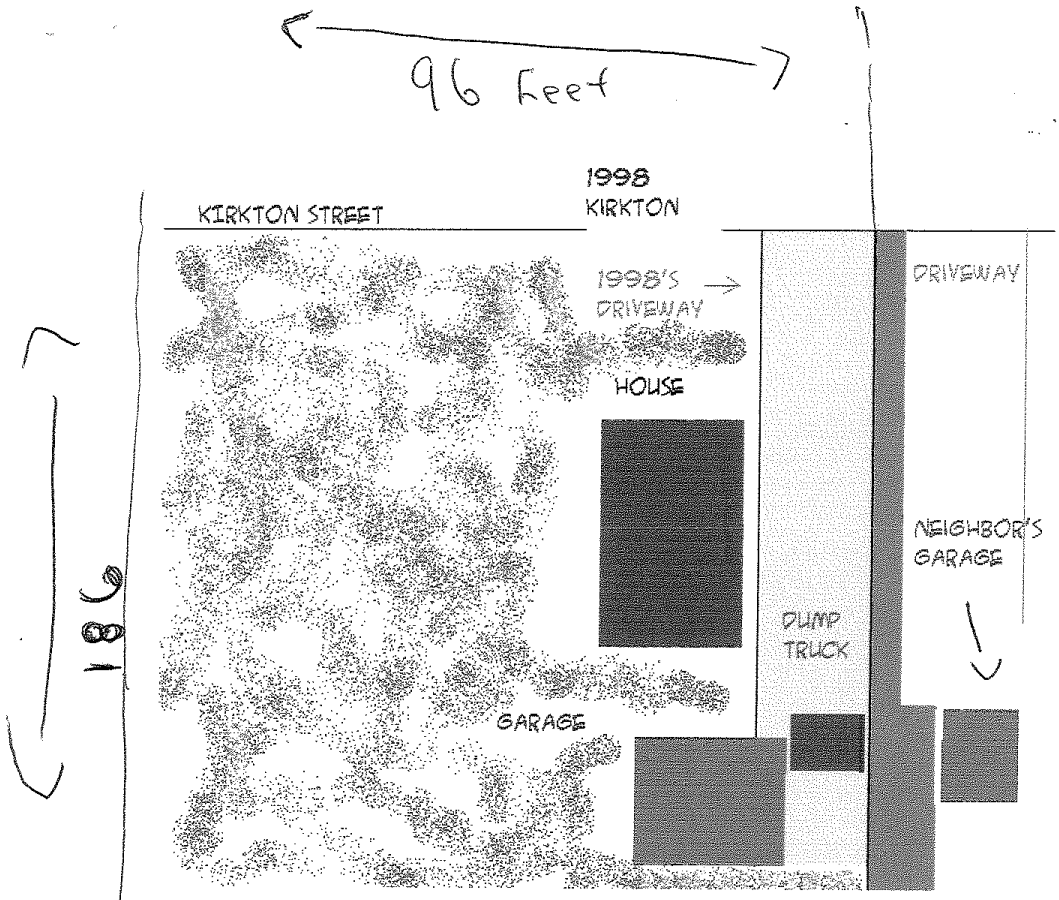
Any questions and comments can be directed to (248) 528-2368.

Thank you,

William Hiner

1998 Kirkton

RECEIVED
MAR 23 2005
BUILDING DEPARTMENT



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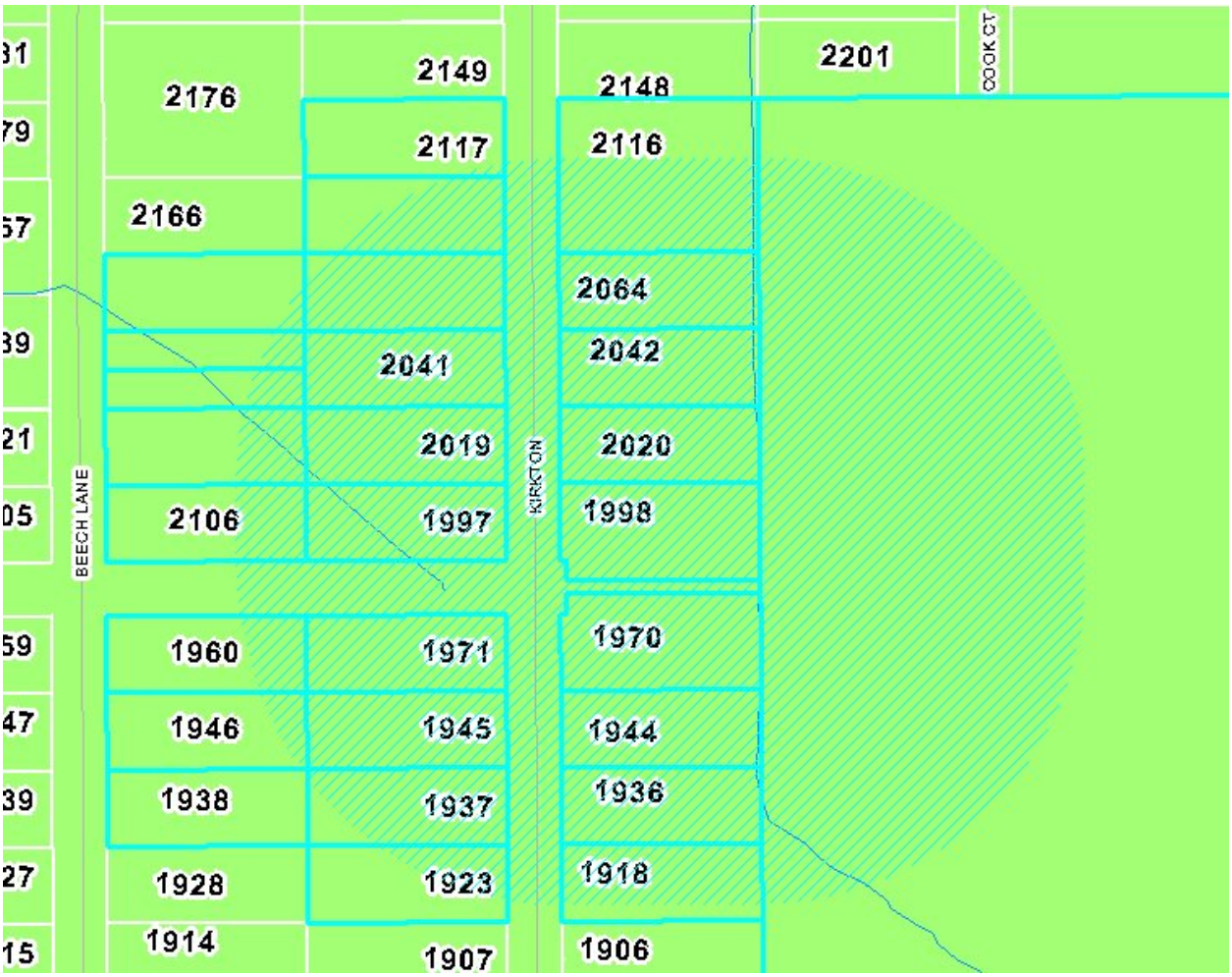
MAR 23 2005
BUILDING DEPARTMENT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RECEIVED
APR 0 7 2005
BUILDING DEPARTMENT

TO: CITY COUNCIL

Please register my **approval** [X] **objection** [ ] to the request described on the reverse side.

My reason for this **approval** [X] **objection** [ ] is:

equipment is always neat + orderly and
is not a issue with us

NAME: Rick + Debbie Bailey

ADDRESS OR PROPERTY DESCRIPTION 2019 Kirkton

REC
APR 12
BUILDING DEPA

10-Apr-05

Parcel ID 27-328-009 - cka 1998 Kirkton

Troy City Council
500 West Big Beaver
Troy, Michigan 48084

To Whom It May Concern:

As I am unable to attend the April 18, 2005 public hearing, I am sending this letter of notice. I support Mr. Hiner in his request for exception as long as his immediate neighbors also have no objection. More important issues demand the attention of the Troy City Council. Please grant his request.

Respectfully,

Joe Pitlanish
2106 Beech Lane, 48083-1607

cc: William Hiner
City of Troy

DATE: April 8, 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
6771 Westaway

On February 22, 2005, information was sent to Henry Rowe that identified restrictions related to a commercial vehicle located on residential property. As part of that information, he was advised that the Ford cube van parked on the property did not comply with the exceptions found in Chapter 39, Section 40.66.00. He was given the option to remove the vehicle or appeal to City Council for relief of the Ordinance.

In response to our letters, Mr. Rowe has 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 your meeting of April 18, 2005.

The existing home on the property is 2, 067 square foot in size. The existing detached garage is 720 square feet. Per the requirements of Section 40.57.04 of the Zoning Ordinance, an additional 314 square feet of accessory building could be constructed. The parcel in question is 43,400 square feet in area. Based upon the 30% maximum lot coverage, a total of 13,020 square foot of building could be constructed on the site.

Should you have any questions or require additional information, kindly advise.

Attachments

Prepared by: Mark Stimac, Director of Building and Zoning

RECEIVED
MAR 2 8 2005
BUILDING DEPARTMENT

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: HENRY ROWE

ADDRESS: 6771 WESTAWAY

CITY: TROY MI. ZIP: 48085 PHONE: 248-879-0989

ADDRESS OF SITE: THE SAME-6771 WESTAWAY

NUMBER OF VEHICLES: 1

VEHICLE IDENTIFICATION NUMBER(S) 1FDKE37M7LHA88244

LICENSE PLATE NUMBER(S) YNW 950

DESCRIPTION OF VEHICLE(S) REGISTERED AS VAN

REASON FOR APPEAL (see A - D below) B - C - D IF YOU WOULD LIKE IN THE SUMMER TIME IT COULD BE PARKED BETWEEN TREE AND GARAGE OFF DRIVEWAY

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..

Henry Rosz
(signature of applicant)

STATE OF MICHIGAN
COUNTY OF Oakland

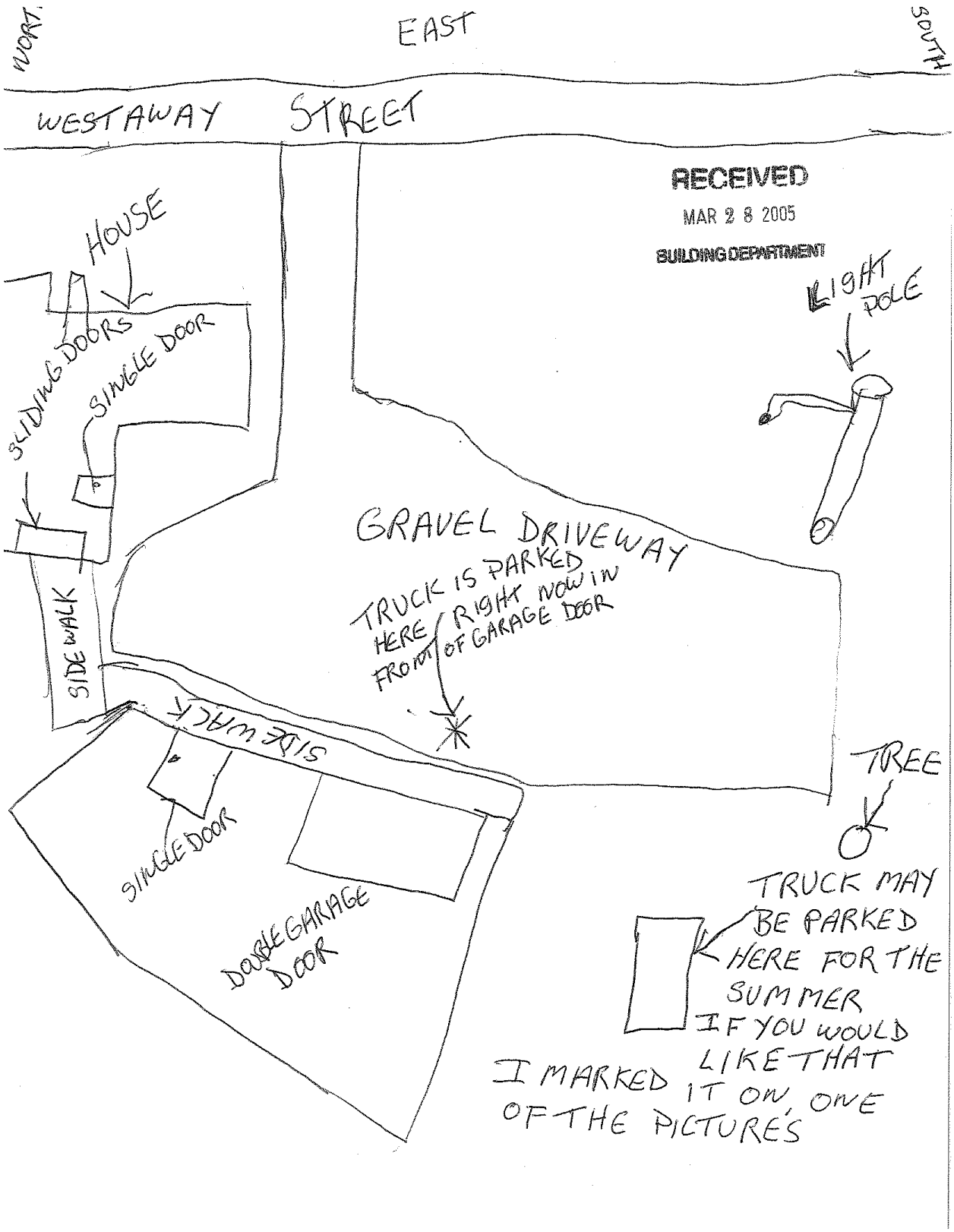
On this 22 day of March, 2005 before me personally appeared the above named person who depose and sayeth that he/she signed this application with full knowledge of its contents and that all matters stated therein are true.

Candy Gravelo
Notary Public, County, Michigan

My Commission Expires: 12/31/2007

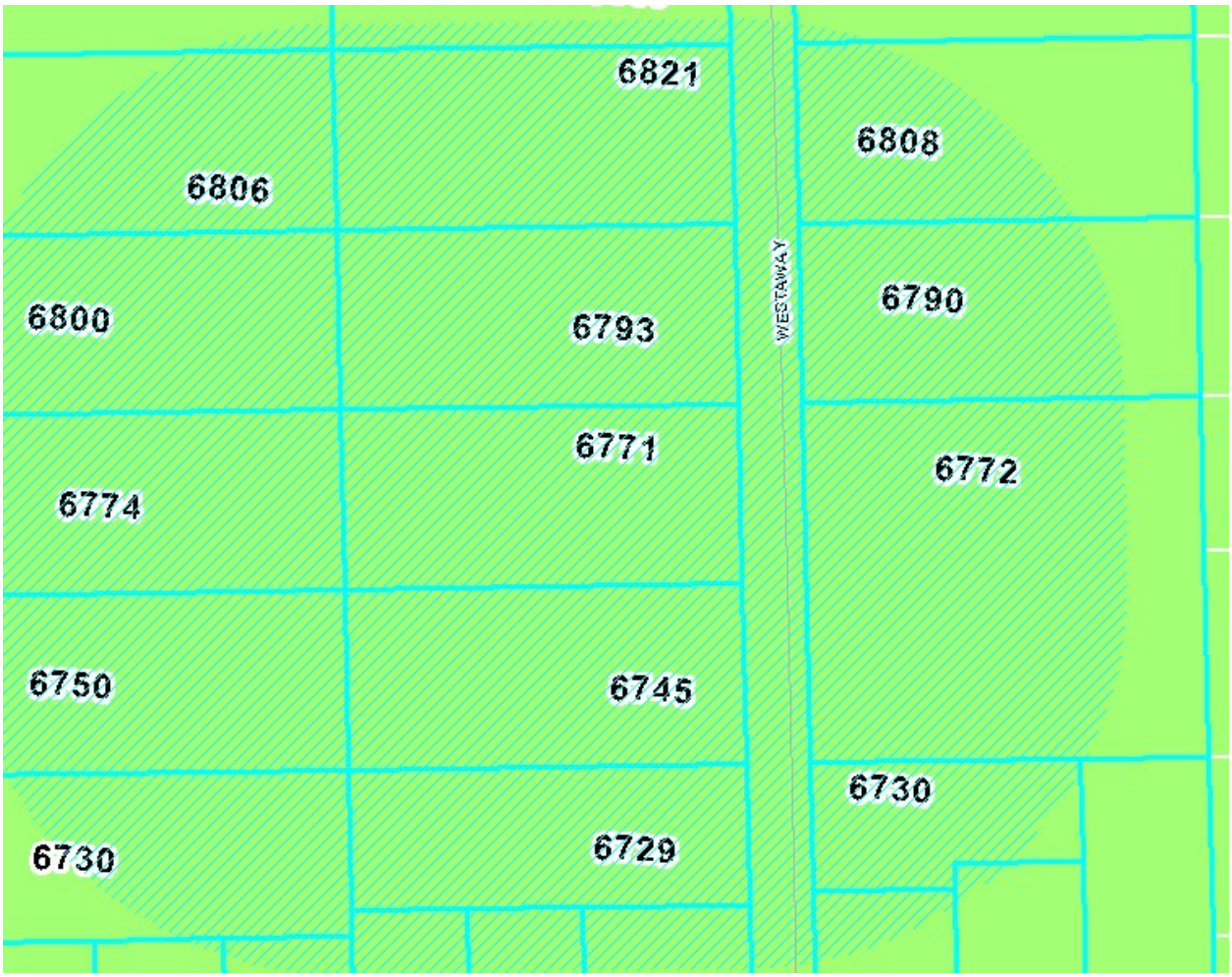
CANDY GRAVELO
Notary Public, Macomb County, MI
My Commission Expires Dec. 31, 2007

Acting in Oakland County


NORT.
EAST
SOUTH
WESTAWAY STREET
RECEIVED
MAR 2 8 2005
BUILDING DEPARTMENT
HOUSE
SLIDING DOORS
SINGLE DOOR
LIGHT POLE
GRAVEL DRIVEWAY
TRUCK IS PARKED HERE RIGHT NOW IN FRONT OF GARAGE DOOR
SIDE WALK
SIDE WALK
SINGLE DOOR
DOUBLE GARAGE DOOR
TREE
TRUCK MAY BE PARKED HERE FOR THE SUMMER IF YOU WOULD LIKE THAT
I MARKED IT ON ONE OF THE PICTURES

Aquamarine

TRUCK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TO: CITY COUNCIL

Please register my **approval** [X] **objection** [ ] to the request described on the reverse side.

My reason for this **approval** [ ] **objection** [ ] is:

RECEIVED
APR 12 2005
BUILDING DEPARTMENT

NAME: Stephen P. Heemsoth

ADDRESS OR PROPERTY DESCRIPTION 6836 DONALDSON

RECEIVED
APR 11 2005
BUILDING DEPARTMENT

TO: CITY COUNCIL

Please register my **approval** [ ] **objection** [X] to the request described on the reverse side.

My reason for this **approval** [ ] **objection** [X] is:

If we allow 1 Home owner to do this then we would or should allow all that make this request to do the same. I would not like to have cube Vans parked in our neighborhood. I would not object to a Temp. permit to allow a Home owner to park a cube Van at their address for a short period. (MAX. 6mo.) I do object to a permanent Relief as I do not think it is the correct image that our Neighborhood is looking for.

NAME: JEFF DUNCAN

ADDRESS OR PROPERTY DESCRIPTION 6730 WESTAWAY

RECEIVED
APR 13 2005
BUILDING DEPARTMENT

TO: CITY COUNCIL

Please register my **approval** [X] **objection** [ ] to the request described on the reverse side.

My reason for this **approval** [X] **objection** [ ] is:

HE IS A GREAT NEIGHBOR
THIS IS HIS PROPERTY AND HE
SHOULD BE ABLE TO PUT HIS
VEHICLE ON HIS PROPERTY

NAME: DARLENE / NORMAN RUSSELL

ADDRESS OR PROPERTY DESCRIPTION 6774 DONALDSON
TROY

April 7, 2005

TO: John Szerlag, City Manager

FROM: John M. Lamerato, Assistant City Manager-Finance/Administration

SUBJECT: Best Value Process Award – Audit Services

This memo will focus on the process used in the selection of an auditing firm, Government Finance Officers Association (GFOA) Recommended Practice for Audit Procurement, as well as the history of auditor selection of the City of Troy.

PROCESS

The Request for Proposal (RFP) included a detailed description of the process that would be followed in the selection of an auditor. The "Selection Process" (copy attached) was followed and the award recommendation made within the parameters of the stated process. The standard deviation method was the **stated method** for scoring the pricing phase.

During the discussion of this item at the January 24, 2005 City Council meeting, City Council was informed of the process being used and the short list of auditing firms asked to participate in the process, based on their experience in governmental auditing and membership and involvement in the Michigan Government Finance Officers Association. The list included the firms of Doeren Mayhew, Plante & Moran, Pricewaterhouse Coopers, Rehmann Robson, and Wolinsky and Company. Two additional firms that were mentioned at the meeting (KPMG and Virchow, Krause & Company) were also sent a notice of RFP availability. If elimination of the current auditors from consideration was desired, Doeren Mayhew should have been eliminated from the process at that time.

At the City Council meeting of January 24, 2005, Resolution #2005-01-051 was passed (copy attached) that directed City Staff to continue the review process for Request for Qualifications in the selection of auditing services and submit to City Council the summary of their findings and recommendations no less than two weeks before a decision is expected. The recommendation appeared on the March 7, 2005 Council agenda as a Green Memo.

The March 21, 2005 City Council agenda contained City Management's recommendation to award the contract to Doeren Mayhew, the highest scoring respondent, as a result of a best value process.

GOVERNMENT FINANCE OFFICERS ASSOCIATION (GFOA) RECOMMENDED PRACTICE FOR AUDIT PROCUREMENT

The following bullet points were taken from the GFOA Recommended Practice – Audit Procurement:

- "Governmental entities should enter into multiyear agreements of at least five years in duration when obtaining the services of independent auditors. Such multiyear agreements can take a variety of different forms (e.g., a series of single-year contracts), consistent with applicable legal requirements. Such agreements allow for greater continuity and help to minimize the potential for disruption in connection with the independent audit. Multiyear agreements can also help to reduce audit costs by allowing auditors to recover certain "start-up" costs over several years, rather than over a single year".

- "Governmental entities should undertake a full-scale competitive process for the selection of independent auditors at the end of the term of each audit contract, consistent with applicable legal requirements. Ideally, auditor independence would be enhanced by a policy requiring that the independent auditor be replaced at the end of the audit contract, as is often the case in the private sector. **Unfortunately, the frequent lack of competition among audit firms fully qualified to perform public-sector audits could make a policy of mandatory auditor rotation counterproductive. In such cases, it is recommended that a governmental entity actively seek the participation of all qualified firms, including the current auditors, assuming that the past performance of the current auditors has proven satisfactory".**

These points were taken into consideration when we developed the process to select an audit firm.

HISTORY OF AUDIT SELECTION – CITY OF TROY

- 1991 – Following an RFP process City Council awarded Doeren Mayhew a four-year contract, as they were the lowest priced acceptable bidder. City Management's recommendation at the time was to remain with Derderian, Kann, Seyferth & Salucci.

- 1995 – Five-year extension granted to Doeren Mayhew by City Council, based on City Management recommendation. Reasons given were to provide a smoother transition with the upcoming change in financial software and myself being new to the job.

- 1999 – **City Council** granted a five-year extension to Doeren Mayhew, on their own volition. City Management was prepared to go out for RFP's after the 1999 audit as evidenced by attached letter to Doeren Mayhew. City Council requested that City Management prepare a contract extension for five years, which was approved by City Council.

SUMMARY

City Management was charged with recommending an audit firm to City Council based upon a process that was approved by City Council. City Council had two weeks to review the recommendation before a formal vote would be taken. City Management did not receive any correspondence from City Council until the afternoon of March 21, 2005, the date of the meeting. City Management supplied City Council with the requested information which included a copy of all RFPs and rating sheets the night of the meeting.

Our recommendation is based upon the results of three staff members independently rating the two firms under consideration using the process and weighting methods approved by City Council. The ultimate selection of auditors, as well as other professional service providers, rests with City Council. It is professional staff's responsibility to judge, evaluate and then make a recommendation of a suitable firm to perform the work to City Council.

The City of Troy is not alone in having the same auditing firm for a number of consecutive years. The following information has been gathered on the time-span of current auditors from comparable cities:

Farmington Hills – 30+ years
Novi – 26+ years
Southfield – 24 years
Sterling Heights – 18 years

Both of the firms that were under consideration have the necessary expertise to perform the audit for the City of Troy. Based on the selection process approved by City Council on January 24,2005, Doeren Mayhew is the recommended choice of auditors.

EVALUATION PROCESS:

AUDIT SERVICES

SELECTION PROCESS

CRITERIA FOR SELECTION
The City Committee reviewed the proposals using the following criteria:

A. Compliance with qualifications criteria
B. Completeness of the proposal
C. Correlation of the proposals submitted to the needs of the City of Troy
D. Any other factors which may be deemed to be in the City's best interest
E. Evaluation Process

Phase 1: **Qualifications Evaluation.**

A designated member of the Committee reviewed all responses and determined if that company met the minimum established criteria. A standardized form was used for all firms.
(Evaluation Criteria Sheet attached)

Phase 2: **Weighted Evaluation Process.**

Those firms that passed the initial pass/ fail phase, were ***independently*** rated by each member of the Evaluation Committee using a standardized weighted score sheet. The rating forms were turned into Purchasing who then calculated the weighted scores for the final score indicated on the Executive Summary. The scores of the three Committee Members were averaged into one score for each bidder for this phase of the process.

Phase 3: **Oral Presentation**

Both firms were invited to interview with the Evaluation Committee. A scripted format was used to ensure fairness to both firms. Each Committee member completed his or her Interview Form ***independently*** without discussion. The forms were turned into Purchasing to calculate the scores for the final score reported on the Executive Summary. The scores of the three Committee Members were averaged into one score for each bidder for this phase of the process.

Phase 4: "**Other" Points**

The Committee decided to eliminate this phase of the process therefore no "Other" points were awarded.

Phase 5: **Price**

Points for price will be calculated as follows:

CALCULATIONS:
1. The proposals shall be arranged from lowest proposal to highest proposal
2. High Proposal (-) Low Proposal = Range
3. A mean or average will be calculated from the data, as well as the variance and standard deviation. This information will be used to compare and interpret the measures of location and variability within the population. Points will be given based upon the number of standard deviations that the bid price is from the mean or average or similar process depending upon the population.

Phase 6: **Final Scoring and Selection**

The highest final weighted score will be the firm recommended to the Troy City Council for Award.

40% x Price Score (100 pt. Base) =
30% x Evaluation Score (100 pt. Base) =
20% x Oral Presentation Score (100 pt. Base) =
~~10% x Other (100 pt. Base) =~~
~~100~~% 90% Final Weighted Score

Note: The City of Troy reserved the right to change the order or eliminate an evaluation phase if deemed in the City's best interest to do so.

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

Yes: All-7

MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

G-1 Announcement of Public Hearings:

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

Noted and Filed

G-2 Green Memorandums:

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

Noted and Filed

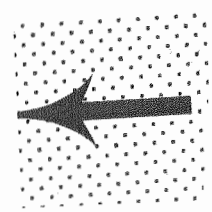
COUNCIL REFERRALS: Items Advanced to the City Manager by Individual City Council Members for Placement on the Agenda

H-1 No Referrals Advanced

COUNCIL COMMENTS:

I-1 No Council Comments Advanced

Resolution Regarding the Selection of Auditing Services



Resolution
Moved by Beltramini
Seconded by Stine

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

Vote on Resolution to Call the Question

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

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

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

MOTION CARRIED

Vote on Resolution Regarding the Selection of Auditing Services

Resolution #2005-01-051
Moved by Beltramini
Seconded by Stine

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

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

MOTION CARRIED

REPORTS:

J-1 Minutes – Boards and Committees:

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

Noted and Filed

J-2 Department Reports:

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

Noted and Filed

J-3 Letters of Appreciation:

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

Noted and Filed

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

City of Troy

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

Area code (248)

Assessing
524-3311

Bldg. Inspections
524-3344

Bldg. Maintenance
524-3368

City Clerk
524-3316

City Manager
524-3330

Community Affairs
524-1147

Engineering
524-3383

Finance
524-3411

Fire-Administration
524-3419

Human Resources
524-3339

Information Services
619-7279

Law
524-3320

Library
524-3545

Parks & Recreation
524-3484

Planning
524-3364

Police-Administration
524-3443

Public Works
524-3370

Purchasing
524-3338

Real Estate & Development
524-3498

Treasurer
524-3334

General Information
524-3300

December 17, 1999

Attn: Mr. Lawrence A. Simon
Doeren Mayhew
Certified Public Accountants
2300 Top of Troy
755 West Big Beaver Rd.
Troy, MI 48084-0231

Dear Mr. Simon,

Enclosed please find the proposal that was mailed to Mr. John Lamerato, Assistant City Manager / Finance and Admistration. City staff intends to go through a request for proposal process for audit services within the next few months. Therefore, your proposal is being returned unopened to ensure that your pricing schedule has not been compromised.

Let me assure you that your company will be sent a request for proposal to the address on file. We look forward to reviewing your company's proposal at that time but request that you provide the proposal in the format prepared by City Staff.

Sincerely,

Jeanette Bennett
Purchasing Director

Cc: John M. Lamerato
File

WHEREAS, The land and house will become the property of the City of Troy.

NOW THEREFORE BE IT RESOLVED, That the Agreement to Purchase between Danny E. Lee and Diane M. Lee, and the City of Troy, having Sidwell #88-20-16-478-026 for the acquisition of their property at 109 Lange, is hereby **APPROVED** in the amount of $290,000.00, plus closing costs.

Yes: All-5
No: None
Absent: Schilling, Broomfield

The meeting **RECESSED** at 8:57 PM.

The meeting **RECONVENED** at 9:11 PM.

F-10 Standard Purchasing Resolution 8: Best Value Process Award – Audit Services

Resolution
Moved by Howrylak
Seconded by Eisenbacher

WHEREAS, The City Council of the City of Troy desires to utilize the services of a new auditor after fourteen years with Doeren Mayhew.

RESOLVED, That a three (3) year contract to provide audit services for years 2005, 2006 and 2007 with an option to renew for three (3) additional years is hereby **AWARDED** to the Rehmann Group as a result of the Best Value process at an estimated cost of $63,820.00, as outlined in the tabulation opened February 4, 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 proper contract and proposal documents, including insurance certificates and all other specified requirements.

Resolution to Postpone

Resolution
Moved by Beltramini
Seconded by Lambert

RESOLVED, That Standard Purchasing Resolution 8: Best Value Process Award – Audit Services be **POSTPONED** until the Regular City Council Meeting scheduled for Monday, April 4, 2005.

Vote on Resolution to Amend Proposed Postponement Resolution

Resolution #2005-03-134
Moved by Howrylak

Seconded by Lambert

RESOLVED, That the Resolution to Postpone be **AMENDED** by **STRIKING** "April 4, 2005" and **INSERTING** "April 18, 2005".

Yes: All-5
No: None
Absent: Schilling, Broomfield

Vote on Resolution to Postpone as Amended

Resolution #2005-03-135
Moved by Beltramini
Seconded by Lambert

RESOLVED, That Standard Purchasing Resolution 8: Best Value Process Award – Audit Services be **POSTPONED** until the Regular City Council Meeting scheduled for Monday, April 18, 2005.

Yes: All-5
No: None
Absent: Schilling, Broomfield

F-11 Labor Attorney Fees and Agreement

Resolution #2005-03-136
Moved by Lambert
Seconded by Eisenbacher

WHEREAS, Craig Lange, Roumell, Lange and Cholack has provided the City of Troy with excellent outside labor counsel for many years and has requested a rate increase from $145.00 to $155.00 per hour; and

WHEREAS, The City Attorney has determined that the rate charged by Lange & Cholack is reasonable; and

WHEREAS, It is the determination of the City Manager and City Council of the City of Troy that no benefit would result to the City to solicit sealed proposals;

NOW, THEREFORE, BE IT RESOLVED, That the Agreement for Labor Council Services, and rate charge of $155.00 per hour requested by Craig Lange, Roumell, Lange & Cholack, is hereby **APPROVED** effective March 1, 2005.

Yes: All-5
No: None
Absent: Schilling, Broomfield

March 2, 2005

TO: John Szerlag, City Manager

FROM: John M. Lamerato, ACM / Finance & Administration
Jeanette Bennett, Purchasing Director
James A. Nash, Financial Services Director

SUBJECT: **Agenda Item** - Standard Purchasing Resolution 8: Best Value Process Award – Audit Services

RECOMMENDATION

On February 4, 2005, three (3) proposals were received to provide audit services for the fiscal years ending June 30th 2005, 2006, and 2007, with a three (3) year option to renew. City management recommends that a contract be awarded to Doeren Mayhew of Troy, Michigan, the highest scoring respondent, as a result of a best value process for an estimated annual cost of $55,695.00. The award is contingent upon vendor submission of proper contract and proposal documents, including insurance certificates and all specified requirements.

SELECTION PROCESS

The best value approach leading to this award recommendation is based upon the vendor offering the best combination of a variety of factors. Three staff members independently evaluated proposals of the bidders meeting minimum requirements. The Staff Committee reviewed the firms using pass/ fail criteria, weighted criteria, scripted interviews, and pricing. References were contacted and asked scripted questions. These factors are documented in the attached Executive Summary.

SUMMARY

After completing the evaluation process, Doeren Mayhew received the highest weighted score from the committee. Accordingly, it is the recommendation of the committee to award the audit services contract to Doeren Mayhew.

BUDGET

Funds for the audit are available in the various operating accounts for Finance, DDA, Block Grant Administration, and Brownfield Redevelopment.

EXECUTIVE SUMMARY
AUDIT SERVICES

STATISTICS:

- **7 Request for Proposals or Notices were sent by email or fax**
- **3 responses were received**
- **Doeren Mayhew was rated the most qualified firm by receiving the highest score**

FINAL SCORING:

The ***final score*** for each qualified Short-listed bidder from Phase 2 will be determined as follows:

40% x Price Score (100 pt. Base) =
30% x Evaluation Score (100 pt. Base) =
20% x Oral Presentation Score (100 pt. Base) =
~~10% x Other (100 pt. Base)~~ =
~~100~~ 90% Final Weighted Score

The following bidders submitted a proposal and received the indicated final scores:

COMPANY	SCORE
Doeren Mayhew	66
The Rehmann Group	51

BIDDER NOT MEETING SPECIFICATIONS:

Virchow, Krause & Company, LLP was disqualified for the following:

- ✓ **VK&C did not have Michigan governmental experience listed**
- ✓ **The only Michigan staff listed did not have municipal experience**
- ✓ **VK&C made an assumption in their RFP that the City would supply draft financial statements. This assumption was in conflict with a specification requiring preparation, editing, and printing of reports**

REASONS FOR NO BID RESPONSES:

PriceWaterhouseCoopers LLP respectfully declined to bid but requested to remain on our bid list.
Plante Moran, PLLC expressed numerous reasons for not bidding, which include: 1) Troy was not upset with the current auditing firm and probably would stay with them; 2) large emphasis on fee; 3) for the effort, they probably would not get it; 4) they are a premier firm and could not receive enough points to make that apparent; 5) they are very busy at audit time but could do the work if requested.
Wolinski & Company, CPA, PC, during the process, Ms. Houghton mentioned that they would not be submitting a RFP because, since the Enron scandal, regulatory agencies are trying to crack down on firms and require them to separate consulting from CPA services. Wolinski & Co. does more consulting.
KPMG – did not respond to voicemail – earlier had refused to provide email address.

Attachments:

Evaluation Process
Weighted Scoring Summary

EVALUATION PROCESS:

AUDIT SERVICES

SELECTION PROCESS

CRITERIA FOR SELECTION
The City Committee reviewed the proposals using the following criteria:

A. Compliance with qualifications criteria
B. Completeness of the proposal
C. Correlation of the proposals submitted to the needs of the City of Troy
D. Any other factors which may be deemed to be in the City's best interest
E. Evaluation Process

Phase 1: **Qualifications Evaluation.**

A designated member of the Committee reviewed all responses and determined if that company met the minimum established criteria. A standardized form was used for all firms.
(Evaluation Criteria Sheet attached)

Phase 2: **Weighted Evaluation Process.**

Those firms that passed the initial pass/ fail phase, were ***independently*** rated by each member of the Evaluation Committee using a standardized weighted score sheet. The rating forms were turned into Purchasing who then calculated the weighted scores for the final score indicated on the Executive Summary. The scores of the three Committee Members were averaged into one score for each bidder for this phase of the process.

Phase 3: **Oral Presentation**

Both firms were invited to interview with the Evaluation Committee. A scripted format was used to ensure fairness to both firms. Each Committee member completed his or her Interview Form ***independently*** without discussion. The forms were turned into Purchasing to calculate the scores for the final score reported on the Executive Summary. The scores of the three Committee Members were averaged into one score for each bidder for this phase of the process.

Phase 4: "**Other" Points**

The Committee decided to eliminate this phase of the process therefore no "Other" points were awarded.

Phase 5: **Price**

Points for price will be calculated as follows:

CALCULATIONS:
1. The proposals shall be arranged from lowest proposal to highest proposal
2. High Proposal (-) Low Proposal = Range
3. A mean or average will be calculated from the data, as well as the variance and standard deviation. This information will be used to compare and interpret the measures of location and variability within the population. Points will be given based upon the number of standard deviations that the bid price is from the mean or average or similar process depending upon the population.

Phase 6: **Final Scoring and Selection**

The highest final weighted score will be the firm recommended to the Troy City Council for Award.

40% x Price Score (100 pt. Base) =
30% x Evaluation Score (100 pt. Base) =
20% x Oral Presentation Score (100 pt. Base) =
~~10% x Other (100 pt. Base) =~~
~~100~~% 90% Final Weighted Score

Note: The City of Troy reserved the right to change the order or eliminate an evaluation phase if deemed in the City's best interest to do so.

WEIGHTED RATING
AUDIT SERVICES

WEIGHTED EVALUATION – Rating Non-Mandatory Requirements:

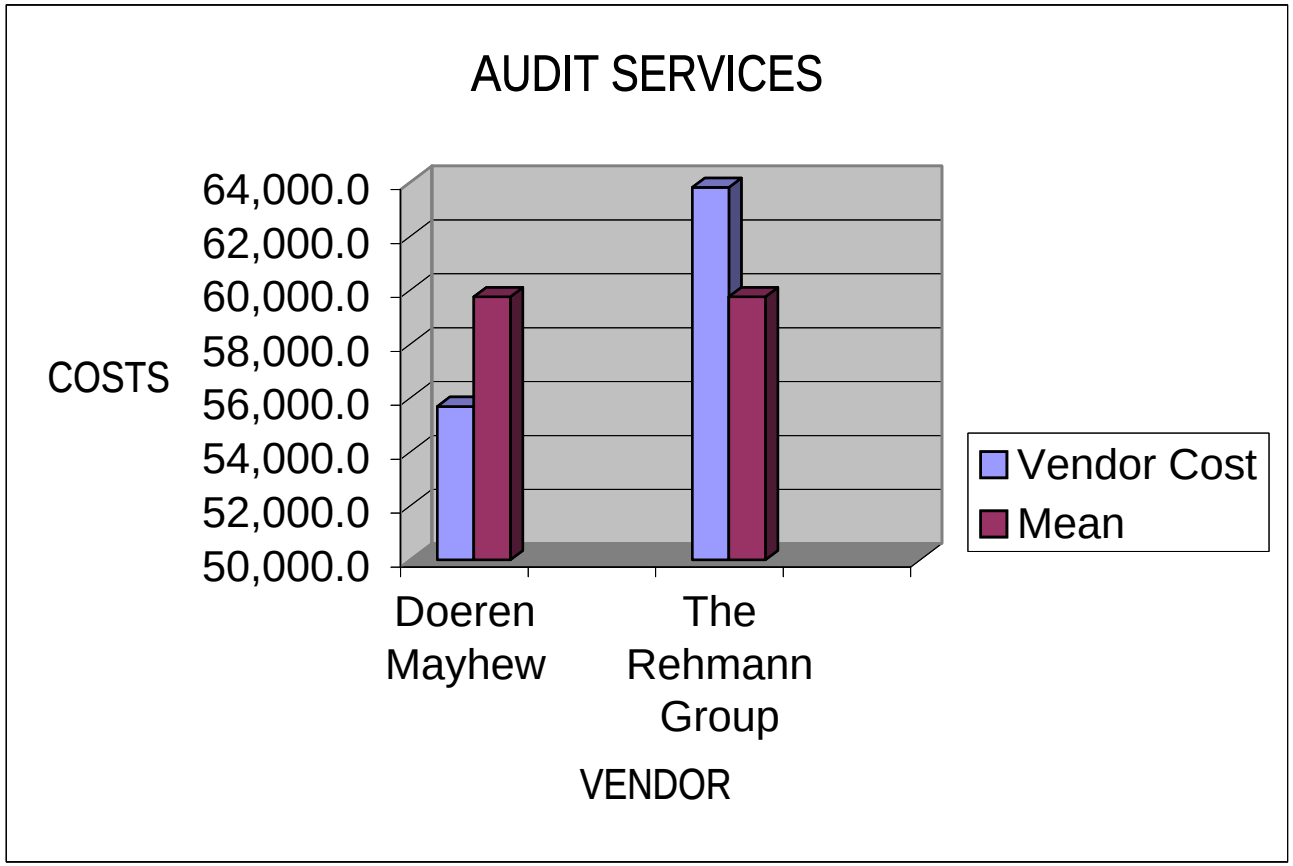
Raters:	1	2	3	AVERAGE
Vendors:				
1. Doeren Mayhew	**82**	**61**	**65**	**69.34 = 69**
2. The Rehman Group	**91**	**82**	**64**	**79.0**

INTERVIEW SCORING:

Raters:	1	2	3	AVERAGE
Vendors:				
1. Doeren Mayhew	**59**	**83**	**79**	**73.67 = 74**
2. The Rehman Group	**85**	**93**	**76**	**84.67 = 85**

FINAL SCORING:

	Score Price Score 40% of Total	Score Weighted Score 30% of Total	Score Interview Score 20% of Total	FINAL SCORE Max. = 90
Categories:	Price	Weighted	Interview	
1. Doeren Mayhew	**75 x .40 = 30**	**69 x .30 = 20.7= 21**	**74 x .20 = 14.8 = 15**	**66**
2. The Rehman Group	**25 x .40 = 10**	**79 x .30 = 23.7= 24**	**85 x .20 = 17**	**51**


AUDIT SERVICES
COSTS
64,000.0
62,000.0
60,000.0
58,000.0
56,000.0
54,000.0
52,000.0
50,000.0
Doeren Mayhew
The Rehmann Group
VENDOR
Vendor Cost
Mean

AUDIT SERVICES
ANALYSIS

VENDOR	COST	MEAN	DIFFERENCE	D2	VARIANCE	STANDARD DEVIATION	POINTS
Doeren Mayhew	55,695.0	59,758	4,062.50	16503906.25		-1	75
						0 (Mean)	50
The Rehmann Group	63,820.0	59,758	(4,062.50)	16503906.25		+1	25
	$ 119,515.0			33,007,813	16503906.25	4062.50	

G:\EXCEL LIST: StandardDeviationAuditServices02-05.xls

Opening Date -- 2-4-05
Date Prepared -- 2/24/05

CITY OF TROY
REQUEST FOR PROPOSAL
AUDIT SERVICES

VENDOR NAME:	DOEREN MAYHEW	THE REHMANN GROUP	
PROPOSAL: Audit Services for the City of Troy for fiscal years 2005, 2006, 2007 ending June 30th with an Option to Renew for three additional fiscal years			
FIRM QUESTIONNAIRE: Y or N	YES	YES	
PROPOSAL A: **City of Troy Audit**			
All-Inclusive Maximum Price for 2005 Audit			
Annual Cost:	$ 45,840.00	$ 57,000.00	
Staff - Hours & Hourly Rates Y or N	YES	YES	
Federal Programs - Annual Cost:	$ 3,585.000	INCLUDED	
Out of Pocket Expenses:	None	None	
PROPOSAL B: **Downtown Development**			
All-Incusive Maximum Price - DDA Audits for 2005			
Annual Cost:	$ 2,345.00	$ 3,070.00	
Out of Pocket Expenses:	None	None	
Staff - Hours & Hourly Rate Y or N	YES	YES	
PROPOSAL C: **Brownfield Redevelopment**			
All-Incusive Maximum Price - BRA Audits for 2005			
Annual Cost:	$ 1,950.00	$ 1,800.00	
Staff - Hours & Hourly Rate Y or N	YES	YES	
Out of Pocket Expenses:	None	None	
PROPOSAL D: **Local Development Authority**			
All-Incusive Maximum Price - Smart Zone Audits for 2005			
Annual Cost:	$ 1,975.00	$ 1,950.00	
Staff - Hours & Hourly Rate Y or N	YES	YES	
Out of Pocket Expenses:	None	None	
ESTIMATED GRAND TOTAL:	$ 55,695.00	$ 63,820.00	
INSURANCE: Can Meet	YES	YES	
Cannot Meet			
TERMS:	BLANK	BLANK	
EXCEPTIONS:	BLANK	BLANK	
ACKNOWLEDGEMENT: Y or N	YES	YES	

DMS:
Virchow, Krause & Company, LLP ($45,000)
Reasons: No Michigan municipal experience listed; and draft financial statements are not available, but the responsibility of the auditor.

NO BIDS:
PriceWaterhouseCoopers

ATTEST:
Aileen Bittner
Laura Fitzpatrick
Jeanette Bennett

Jeanette Bennett
Purchasing Director

RE: RFP-COT 04-60
Audit Services

February 14, 2005

Mr. John Knepel, CPA
Virchow, Krause & Company, LLP
115 S. 84th Street, Suite 400
Milwaukee, WI 53214

Dear Mr. Knepel,

On behalf of the City of Troy, I would like to thank you for participating in the Request for Proposal for Audit Services. At this time we would like to notify you that during Phase I of the Selection Process (Qualifications Evaluation), the Selection Committee eliminated your firm from further consideration for the following reasons:

1. Question 3 requests a list of governmental audit clients. Question 5 requests information on the staff assigned to the City of Troy account. Although your company has municipal references, they are all in Wisconsin. Correspondingly, staff with municipal experience assigned to the City account is located in Wisconsin. The only listed Michigan staff member assigned to the City's account does not have any municipal experience indicated. The Selection Committee was specifically looking for firms with Michigan audit experience for the following reasons:
   - ✓ Act 51 Highway Tax receipts, expenditures, reporting requirements
   - ✓ DDA, Brownfield Redevelopment, and LDFA (SmartZone) statutes
   - ✓ Deficit fund balance reporting issues
   - ✓ State Construction Code Act
   - ✓ Allowable Investments

2. Question 11 requests information on your firm's Audit Approach. In your proposal, you state "Our proposal and estimated hours schedule are prepared under the assumption that City's records will be ready to be audited… **In addition, draft financial statements will be available**." This assumption does not comply with the intent of the Report Preparation specification included in the document on page 4 of 16 of the Request for Qualifications/ Proposal, under Section V, Item B. Report Preparation: "Report preparation, editing, and printing shall be the responsibility of the auditor".

If you have any questions concerning the Request for Proposal, the process, or would like further information, please call the Purchasing Department for assistance at (248) 680-7291.

Sincerely,

Jeanette Bennett
Purchasing Director

A Regular Meeting of the Troy City Council was held Monday, April 4, 2005, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the Meeting to order at 7:31 PM.

Mayor Pro Tem Beltramini gave the invocation and Cub Scout Pack 1705, Den 4 and 5, from Martell Elementary School Assisted the Mayor in leading the Pledge of Allegiance to the Flag.

ROLL CALL

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

Vote on Resolution to Excuse Council Member Howrylak

Resolution #2005-04-147
Moved by Eisenbacher
Seconded by Stine

RESOLVED, That Council Member's Howrylak's absence at the Regular City Council meeting and Closed Session of April 4, 2005 is **EXCUSED** due to being out of the county.

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

MOTION CARRIED

CERTIFICATES OF RECOGNITION:

A-1 Presentations: No Presentations

CARRYOVER ITEMS:

B-1 No Carryover Items

PUBLIC HEARINGS:

C-1 Rezoning Application - Northeast Corner of Livernois and Maple Road, Section 27 – B-1 to H-S (Z-700) – April 4, 2005

Resolution #2005-04-148
Moved by Eisenbacher
Seconded by Beltramini

RESOLVED, That the B-1 to H-S rezoning request, located on the northeast corner of Livernois Road and Maple Road, Section 27, being 15,900 square feet in size, is hereby **GRANTED**, as recommended by City Management and the Planning Commission.

Yes: All-6
No: None
Absent: Howrylak

~~C-2 Street Vacation Application (SV-182) – A Section of Alley Located South of Chopin and North of Maple, Section 27~~ NOTE: Item listed incorrectly under Public Hearings on Agenda; refer to Item E-20 on the Consent Agenda

POSTPONED ITEMS:

D-1 No Postponed Items

CONSENT AGENDA:

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

Resolution #2005-04-149
Moved by Beltramini
Seconded by Stine

RESOLVED, That all items as presented on the Consent Agenda are hereby **APPROVED** as presented with the exception of Items E-4, E-5, E-6 and E-7 which shall be considered after Consent Agenda (E) items, as printed.

Yes: All-6
No: None
Absent: Howrylak

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 #2005-04-149-E-2

RESOLVED, That the Minutes of the Regular Meeting of March 21, 2005 at 7:30 PM be **APPROVED** as submitted, the Special Meeting of March 28, 2005 at 7:00 PM be **APPROVED** as corrected, and the Regular Meeting of March 28, 2005 at 7:30 PM be **APPROVED** as submitted.

E-3 Proposed City of Troy Proclamation:

Resolution #2005-04-149-E-3

a) Cultural Diversity Month – April 9, 2005 – May 7, 2005

E-8 SBC Dedicated Internet Service

Resolution #2005-04-149-E-8

BE IT RESOLVED, That a new 3-year contract be **EXECUTED** with SBC for Dedicated Internet Access at an estimated cost of $1,224.00 per month is hereby **APPROVED.**

E-9 Acceptance of a Permanent Water Main Easement and a Regrading and Temporary Construction Permit for the Troy Court Water Main Project #01.502.5 – Section 34

Resolution #2005-04-149-E-9

RESOLVED, That Permanent Watermain Easement and Temporary Regrading and Construction Permit, are hereby **ACCEPTED**, and payment for both documents in the amount of $3,500.00, plus recording costs, is **APPROVED**, for the construction, operation, maintenance and repair of the Troy Court Water Main improvement project; and

BE IT FURTHER RESOLVED, That the City Clerk is hereby **DIRECTED TO RECORD** the Permanent Watermain Easement with the Oakland County Register of Deeds, and copy of both Easement and Permit shall be **ATTACHED** to the original Minutes of this meeting.

E-10 Final Street Vacation Application (SV-173) – A Portion of Hanover Street, from Leetonia Street Extending North Between Lots 85 and 86 of McCormick and Lawrence Little Farms Subdivision 5, North of Wattles Road and East of Livernois, Section 15

Resolution #2005-04-149-E-10

WHEREAS, A request has been received for the vacation of a portion of the 50-foot-wide platted but unopened Hanover Street right-of-way, extending north 217.05 feet from Leetonia Street (platted Loraine Avenue), and abutting lots 85 and 86 of McCormick and Lawrence Little Farms Subdivision 5, Section 15 (Liber 20, page 30 of Oakland County Plats).

WHEREAS, The portion of Hanover Street to be vacated is described as:

> A portion of the 50-foot-wide platted but unopened Hanover Street right-of-way, extending north 217.05 feet from Leetonia Street (platted Loraine Avenue), and abutting lots 85 and 86 of McCormick and Lawrence Little Farms Subdivision, Section 15 (Liber 20, page 30 of Oakland County Plats).

WHEREAS, The 20-foot wide Public Right-of-Way for Public Utilities and Public Walkway to be retained from the Hanover Street Vacation, is shown in the attached Street Vacation & Right-Of-Way Sketch" and is described as:

> Part of Vacated Hanover Street as platted in "McCormick and Lawrence Little Farms", Liber 20, Page 30, of Oakland County,

Michigan records. Commencing at the southwest corner of Lot 86 of said "McCormick and Lawrence Little Farms"; thence North 89 degrees 58 minutes 00 seconds West, along the south line of said lot extended west, 15.00 feet to the point of beginning; thence continuing North 89 degrees 58 minutes 00 seconds West 20.00 feet; thence North 00 degrees 30 minutes 00 seconds West, parallel with the west line of said lot 86, 217.05 feet to the north line of said lot extended west; thence South 89 degrees 58 minutes 00 seconds East 20.00 feet; thence South 00 degrees 30 minutes 00 seconds East, 217.05 feet to the point of beginning. Containing 4,341 square feet or 0.097 acres more or less.

WHEREAS, The properties which shall benefit from this requested vacation include Lot 85 of McCormick and Lawrence Little Farms Subdivision 5, Section 15 (City of Troy Tax Parcel 20-15-352-050 and Lot 86 of McCormick and Lawrence Little Farms Subdivision 5, Section 15 (City of Troy Tax Parcel 20-15-377-043).

WHEREAS, City Council approved an authorizing resolution on July 22, 2002, which stated that final street vacation shall be granted after the following actions:

1. Receipt of the above noted right-of-way and/or easement conveyances from the owners of the applicable lots.

2. Determination by the City Engineer of the nature and extent of easements to be retained over the subject street right-of-way, based in part on input or responses from the applicable utility companies.

NOW, THEREFORE, BE IT RESOLVED, That final action is **APPROVED** expressly saving and retaining a 20-foot wide public right of way for public utilities and public walkway as described.

E-11 Application for New SDD and SDM Liquor Licenses for Red Wagon Shoppe

(a) <u>New Licenses</u>

Resolution #2005-04-149-E-11a

RESOLVED, That the request from LUV SUN, Inc., for a new SDD license and a new SDM license, located at 1613 Livernois Rd., Troy, Michigan 48083, in Oakland County [MLCC REQ ID# 276917/276918] be **CONSIDERED FOR APPROVAL**. It is the consensus of this legislative body that the application be recommended "above all others" for issuance.

(b) Agreement

Resolution #2005-04- 149-E-11b

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

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Troy hereby **APPROVES** an agreement with LUV SUN, Inc., for a new SDD license and a new SDM license, located at 1613 Livernois Rd., Troy, Michigan 48083, in Oakland County [MLCC REQ ID# 276917/276918], and the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the document, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

E-12 Application to Transfer Ownership of a B-Hotel Liquor License – Marriott International, Inc. (Troy Marriott)

(a) License Transfer

Resolution #2005-04-149-E-12a

RESOLVED, That the request from Marriott International, Inc. & WHP Hotel Owner-2A, L.L.C. (A Delaware Limited Liability Company), formerly known as Mar-Ty, L.L.C. (A Delaware Limited Liability Company), licensees of a 2004 B-Hotel licensed business with Dance-Entertainment Permit, 8 Bars and Official Permit (food), located at 200 W. Big Beaver Rd., Troy, Michigan, Oakland County, to transfer all membership interest in WHP Hotel Owner-2A, L.L.C. (A Delaware Limited Liability Company), formerly known as Mar-Ty, L.L.C. (A Delaware Limited Liability Company), wherein Marty-Mezz, L.L.C. is dropped as sole member through the transfer of 100% of the General and Limited Partnership interests in PA Troy Hospitality Investors, L.P. to WHP Mezz Borrower 2, L.L.C., and the simultaneous dissolution of PA Troy Hospitality Invertors, L.P., and its wholly owner subsidiary Mar-Ty Mezz, L.L.C., thereby resulting in WHP Mezz Borrower 2, L.L.C., being the sole member in WHP Hotel Owner-2A, L.L.C., be **CONSIDERED FOR APPROVAL**. It is the consensus of this legislative body that the application be recommended “above all others” for issuance.

(b) Agreement

Resolution #2005-04-149-E-12b

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

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Troy hereby **APPROVES** an agreement with Marriott International, Inc. & WHP Hotel Owner-2A, L.L.C. (A Delaware Limited Liability Company), formerly known as Mar-Ty, L.L.C. (A Delaware Limited Liability Company), licensees of a 2004 B-Hotel licensed business with Dance-Entertainment Permit, 8 Bars and Official Permit (food), located at 200 W. Big Beaver Rd., Troy, Michigan, Oakland County, to transfer all membership interest in WHP Hotel Owner-2A, L.L.C. (A

Delaware Limited Liability Company), formerly known as Mar-Ty, L.L.C. (A Delaware Limited Liability Company), wherein Marty-Mezz, L.L.C. is dropped as sole member through the transfer of 100% of the General and Limited Partnership interests in PA Troy Hospitality Investors, L.P. to WHP Mezz Borrower 2, L.L.C., and the simultaneous dissolution of PA Troy Hospitality Invertors, L.P., and its wholly owner subsidiary Mar-Ty Mezz, L.L.C., thereby resulting in WHP Mezz Borrower 2, L.L.C., being the sole member in WHP Hotel Owner-2A, L.L.C., and the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the document, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

E-13 Application to Transfer Ownership of a Class C Liquor License – TENT Restaurant Operations, Inc. (Bailey's Pub and Grille)

(a) License Transfer

Resolution #2005-04-149-E-13a

RESOLVED, That the request from TENT Restaurant Operations, Inc., to transfer ownership of a 2004 Class C licensed business, with Official Permit (food), and Sunday Sales, located at 1965 W. Maple Rd., Troy, Michigan 48084, in Oakland County, from Fox & Hound of Michigan, Inc., be **CONSIDERED FOR APPROVAL**. It is the consensus of this legislative body that the application be recommended "above all others" for issuance.

(b) Agreement

Resolution #2005-04-149-E-13b

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

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Troy hereby **APPROVES** an agreement with TENT Restaurant Operations, Inc., to transfer ownership of a 2004 Class C licensed business, with Official Permit (food), and Sunday Sales, located at 1965 W. Maple Rd., Troy, Michigan 48084, in Oakland County, from Fox & Hound of Michigan, Inc., and the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the document, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

E-14 Acceptance of Two (2) Temporary Construction Permits for the Troy Court Water Main Project #01.502.5 – Section 34

Resolution #2005-04-149-E-14

RESOLVED, That the one (1) Temporary Construction Easement from property owner W & H Real Estate, LLC (2/3 interest) &, Robert & Carol Hewitt (1/3 interest), having Sidwell #88-20-34-152-013, with a consideration of $500.00 and the one (1) Temporary Construction Easement from Troy Court, LLC, having Sidwell #88-20-34-152-018, with a consideration of $500.00, are hereby **ACCEPTED**, and payment of the stated consideration is **APPROVED**, for the construction, operation, maintenance and repair of the Troy Court Water Main improvement project; and

BE IT FURTHER RESOLVED, THAT, A copy of each shall be **ATTACHED** to the original Minutes of this meeting.

E-15 Application to Transfer Class C Liquor License to Bank of America, N.A.

(a) New License

Resolution #2005-04-149-E-15a

RESOLVED, That the request from Bank Of America, N.A., to transfer ownership of a 2004 12 Months Resort Class C licensed business, located at 5460 Corporate, Troy, Michigan 48098, in Oakland County, from Cooker Restaurant Corporation, issued under MCL 436.1531(2): minimum seating: 100 [MLCC REQ ID# 267215], be **CONSIDERED FOR APPROVAL**. It is the consensus of this legislative body that the application be recommended "above all others" for issuance.

(b) Agreement

Resolution #2005-04-149-E-15b

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

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Troy hereby **APPROVES** an agreement with Bank Of America, N.A., to transfer ownership of a 2004 12 Months Resort Class C licensed business, located at 5460 Corporate, Troy, Michigan 48098, in Oakland County, from Cooker Restaurant Corporation, issued under MCL 436.1531(2): minimum seating: 100 [MLCC REQ ID# 267215], and the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the document, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

E-16 Standard Purchasing Resolution 1: Award to Low Bidder – Liquid Calcium Chloride

Resolution #2005-04-149-E-16

RESOLVED, That a contract to provide one-year requirements of Liquid Calcium Chloride with an option to renew for one additional year is hereby **AWARDED** to the low total bidder, Michigan Chloride Sales, Inc., of St. Louis, MI, at an estimated total cost of $49,120.00, which includes $500.00 for the "additional insured endorsement" clause, at unit prices contained in the bid tabulation opened March 16, 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 contractors submission of properly executed bid and contract documents, including bonds, insurance certificates and all other specified requirements.

E-17 Standard Purchasing Resolution 2: Bid Award – Lowest Acceptable Bidder Meeting Specifications – Fertilization Services at Sylvan Glen and Sanctuary Lake Golf Courses

Resolution #2005-04-149-E-17

RESOLVED, That a contract to furnish all materials, equipment, and labor for one-year requirements of Fertilization Services at Sylvan Glen and Sanctuary Lake Golf Courses with an option to renew for an additional year is hereby **AWARDED** to the lowest bidder meeting specifications, Turf Grass, Inc. of South Lyon, MI, for an estimated total cost of $34,140.00, at unit prices contained in the attached bid tabulation opened March 15, 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's submission of properly executed bid documents, including insurance certificates and all other specified contract requirements.

E-18 Standard Purchasing Resolution 1: Award to Low Bidders – Four (4) 64,000 GVW Tandem Axle Dump Trucks

Resolution #2005-04-149-E-18

RESOLVED, That a contract to purchase four (4) 64,000 GVW Tandem-Axle Dump Trucks is hereby **AWARDED** to the low total bidders, Bi-State Sterling Truck Center of Toledo, OH and Monroe Truck Equipment of Flint, MI for an estimated total cost of $327,588.00 and $190,748.00 respectfully, at unit prices contained in the bid tabulation opened March 1, 2005, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

E-19 Standard Purchasing Resolution 3: Option to Renew – Automobile, Light Truck, Farm, and Construction Equipment Replacement Parts

Resolution #2005-04-149-E-19

WHEREAS, On May 6, 2002, three-year contracts with the option to renew for three additional years to provide automobile, light truck, farm, and construction equipment replacement parts were awarded to the lowest acceptable bidders meeting specifications, Kirk's Automotive, Terminal Supply, Jack Doheny Supply Company, DTS Fluid Power, LLC (previously Rubber Materials), and Shults Equipment, Inc. (Resolution #2002-05-288-E10).

WHEREAS, All the above named vendors have agreed to exercise the three-year option to renew the contracts under the same price discount structure, terms, and conditions.

NOW, THEREFORE, BE IT RESOLVED, That the options to renew the contracts are hereby **EXERCISED** with Kirk's Automotive, Terminal Supply, Jack Doheny Supply Company, DTS Fluid Power, LLC (previously Rubber Materials), and Shults Equipment, Inc. to provide automobile, light truck, farm, and construction equipment replacement parts under the same pricing structure, terms, and conditions as the original contracts expiring May 6, 2008.

E-20 Street Vacation Application (SV-182) – A Section of Alley Located South of Chopin and North of Maple, Section 27

Resolution #2005-04-149-E-20

WHEREAS, A request has been received for the vacation of a portion of a section of alley that is shown in the attached drawing entitled Alley Vacation & Easement Sketch, and further described as follows:

> A portion of a section of alley that is 18 feet wide by approximately 240.54 feet, within the Addison Heights Subdivision, as recorded in Liber 33, page 28 of Oakland County Plats, abutting Lots 78 through 90 and Lot 549, Section 27.

WHEREAS, The City Council approved an authorizing resolution for the street vacation request on June 16, 2003, contingent upon an easement for continued use of full alley and until such time development of property directs recording of easement.

NOW, THEREFORE, BE IT RESOLVED, That the City Council **CONCURS** in the recommendations of City Management and **APPROVES** the final vacation request expressly reserving, saving and retaining therefrom an easement granting it and its designated licensees the right to construct, operate, maintain, repair, and/or replace over the entire right of way being vacated, any water mains, sanitary or storm sewer systems or other public utilities including ingress and egress.

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

E-4 Act 51 Mileage Certification for 2004

Resolution #2005-04-150
Moved by Stine
Seconded by Beltramini

WHEREAS, It is necessary to furnish certain road information to the State of Michigan for the purpose of obtaining funds under Act 51, P.A. 1951, as amended.

WHEREAS, The City of Troy hereby accepts the following non-platted streets: Tanner, Peacock, Quill Creek, Dominique, Wyandotte and Colleen.

RESOLVED, That said streets are located within the City of Troy; right-of-way is under the control of the City of Troy; said streets are public streets and are for public street purposes and were open to the public prior to December 31, 2004; and said streets are **ACCEPTED** into the City of Troy local street system.

BE IT FURTHER RESOLVED, That the City of Troy hereby **DECERTIFIES** the following street: River Bend effective on December 31, 2004.

Yes: All-6
No: None

Absent: Howrylak

E-5 Resolution Authorizing Request for Reimbursement: Oakland County West Nile Virus Fund

Resolution #2005-04-151
Moved by Stine
Seconded by Lambert

RESOLVED, That the City Council for the City of Troy, Oakland County, Michigan, hereby **AUTHORIZES** the City of Troy's Park's and Recreation Department, to seek reimbursement in the amount of $30,057.91 from the Oakland County's West Nile Virus Fund for expenditures incurred while instituting proactive public health measures to reduce the population of infected mosquitoes in the environment.

Yes: All-6
No: None
Absent: Howrylak

E-6 Traffic Committee Recommendations – February 16, 2005

(a) Stop Signs on Millburn at Brinston and on Millburn at Prescott

Resolution #2005-04-152
Moved by Stine
Seconded by Eisenbacher

RESOLVED, That Traffic Control Order #_____ be **ISSUED** for installation of STOP signs on Millburn at Brinston and on Millburn at Prescott.

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

MOTION FAILED

(a) Yield Signs on Millburn at Brinston and on Millburn at Prescott

Resolution #2005-04-153
Moved by Beltramini
Seconded by Broomfield

RESOLVED, That Traffic Control Order #05-03-SS(Y) be **ISSUED** for installation of YIELD signs on Millburn at Brinston and on Millburn at Prescott.

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

MOTION CARRIED

Proposed Resolutions for Traffic Committee Recommendations (b) (c) and (d)

Resolution
Moved by Lambert
Seconded by Eisenbacher

(b) *No Stopping, Standing, Parking* Signs on South Side of Timberview Between Livernois and the Timberview/Millstone Intersection

RESOLVED, That Traffic Control Order #_____ be **ISSUED** for installation of *No Stopping, Standing, Parking Signs* on the south side of Timberview between Livernois and the Timberview/Millstone intersection.

(c) Installation of *No Parking Zone* Signs on the East Side of Millstone 50 Feet North and on the East Side of Timberview 50 Feet to the South of the Timberview/Millstone Intersection

RESOLVED, That Traffic Control Order #_____ be **ISSUED** for installation of *No Parking Zone Signs* on the east side of Millstone 50 feet north and on the east side of Timberview 50 feet to the south of the Timberview/Millstone intersection.

(d) Installation of a *Stop Sign* on Westbound Timberview at the Timberview/Millstone Intersection

RESOLVED, That Traffic Control Order #_____ be **ISSUED** for installation of a *Stop Sign* on westbound Timberview at the Timberview/Millstone intersection.

Vote on Resolution to Amend Traffic Committee Recommendation (b)

Resolution #2005-04-154
Moved by Beltramini
Seconded by Eisenbacher

RESOLVED, That the Resolution be **AMENDED** by **STRIKING "**for installation of *No Stopping, Standing, Parking Signs"* and **INSERT "**to restrict parking" **BEFORE** "on the south side of Timberview between Livernois and the Timberview/Millstone intersection."

Yes: All-6
No: None
Absent: Howrylak

Vote on Traffic Committee Recommendations (b) as Amended, and (c) and (d)

Resolution #2005-04-155
Moved by Lambert
Seconded by Eisenbacher

(b) Restrict Parking on South Side of Timberview Between Livernois and the Timberview/Millstone Intersection

RESOLVED, That Traffic Control Order #05-01-P be **ISSUED** to restrict parking on the south side of Timberview between Livernois and the Timberview/Millstone intersection.

(c) Installation of *No Parking Zone* Signs on the East Side of Millstone 50 Feet North and on the East Side of Timberview 50 Feet to the South of the Timberview/Millstone Intersection

RESOLVED, That Traffic Control Order #05-02-P be **ISSUED** for installation of *No Parking Zone Signs* on the east side of Millstone 50 feet north and on the east side of Timberview 50 feet to the south of the Timberview/Millstone intersection.

(d) Installation of a *Stop Sign* on Westbound Timberview at the Timberview/Millstone Intersection

RESOLVED, That Traffic Control Order #05-04-SS be **ISSUED** for installation of a *Stop Sign* on westbound Timberview at the Timberview/Millstone intersection.

Yes: All-6
No: None
Absent: Howrylak

E-7 Traffic Committee Recommendations – March 16, 2005

(a) Installation of a Stop Sign at Cypress and Randall

Resolution #2005-04-156
Moved by Stine
Seconded by Lambert

RESOLVED, That Traffic Control Order #_____ be **ISSUED** for installation of a *Stop Sign* at Cypress and Randall

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

MOTION FAILED

(a) No Changes at Cypress and Randall

Resolution #2005-04-157
Moved by Stine
Seconded by Eisenbacher

RESOLVED, That **NO CHANGES** be approved at Cypress and Randall.

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

MOTION CARRIED

Vote on Traffic Committee Recommendations (b) and (c)

Resolution #2005-04-158
Moved by Beltramini
Seconded by Lambert

(b) Installation of Signs in the Circle Drive in the South Parking Lot at Susick Elementary School

RESOLVED, That Traffic Control Order #05-03-P be **ISSUED** for installation of signs indicating *No Stopping, Standing, Parking Except For Morning Drop-Off Times* in the circle drive in the north parking lot and installing signs indicating *No Stopping, Standing, Parking-Bus Loading/Unloading Only* in the circle drive in the south parking lot at Susick Elementary School.

(c) Installation of No Stopping, Standing, Parking Signs Along the East Curb and on the Two Adjacent Islands of the Library Parking Lot Driveway

RESOLVED, That Traffic Control Order #05-04-P be **ISSUED** for installation of *No Stopping, Standing, Parking Signs* along the east curb and on the two adjacent islands of the library parking lot driveway.

Yes: All-6
No: None
Absent: Howrylak

PUBLIC COMMENT: Limited to Items Not on the Agenda

REGULAR BUSINESS:

F-1 Appointments to Boards and Committees: a) Mayoral Appointments: Economic Development Corporation; b) City Council Appointments: Historic District Commission; Library Board

(a) Mayoral Appointments

Resolution #2005-04-159
Moved by Schilling
Seconded by Lambert

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

Economic Development Corporation
Mayor, Council Approval (9)– 6 years

Doug Smith – Real Estate & Development Director Term expires 04-30-2011

Yes: All-6
No: None
Absent: Howrylak

(b) City Council Appointments

Resolution #2005-04-160
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:

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.

Barbara Chambers - (Historical Commission) Term expires 03-01-08

Library Board
Appointed by Council (5) – 3 years

Joanne C. Allen Term Expires April 30, 2008

Yes: All-6
No: None
Absent: Howrylak

F-2 Blood Draw Procedure – Beaumont Hospital and Alliance Mobile Health

Resolution #2005-04-161
Moved by Stine
Seconded by Lambert

RESOLVED, That the Agreement between the City of Troy and Alliance Mobile Health is hereby **APPROVED**, the Mayor and City Clerk are **AUTHORIZED** to **EXECUTE** the document, and a copy is to be **ATTACHED** to the original minutes of this meeting.

RESOLVED, That the Agreement between the City of Troy and William Beaumont Hospital is hereby **APPROVED**, the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the document, and a copy is to be **ATTACHED** to the original Minutes of this meeting.

Yes: All-6
No: None
Absent: Howrylak

F-3 2005 Magic of Fall - Troy Daze Festival Schedule - Fees

Resolution #2005-04-162
Moved by Eisenbacher
Seconded by Beltramini

RESOLVED, That the Troy Daze/Magic of Fall schedule and fees are hereby **APPROVED** as requested by the Troy Daze Advisory Committee and a copy shall be **ATTACHED** to and made a part of the original Minutes of this meeting.

Yes: All-6
No: None
Absent: Howrylak

The meeting **RECESSED** at 8:52 PM.

The meeting **RECONVENED** at 9:04 PM.

F-4 Designation of Limited Public Forums

Resolution
Moved by Broomfield
Seconded by Lambert

RESOLVED, That Troy City Council hereby **APPROVES** the front lawn of City Hall and the area surrounding the *Reflective Head* as the designated limited public forum area; and

BE IT FURTHER RESOLVED, That the rules and procedures governing the limited public forum area as recommended by City Management and attached hereto are hereby **APPROVED**.

Resolution to Amend

Resolution
Moved by Broomfield
Seconded by Stine

RESOLVED, That the Resolution be **AMENDED** by **INSERTING**, "and the parking lot north of the Community Center as recommended by City Management and adjacent to the *Reflective Head* area" in the first RESOLVED and **INSERTING, "**that City Council hereby **DIRECTS** City Management to provide City Council with a listing of further application procedures" in the second RESOLVED.

Vote on Resolution to Postpone

Resolution #2005-04-163
Moved by Beltramini
Seconded by Eisenbacher

RESOLVED, That *Designation of Limited Public Forms* be **POSTPONED** until City Management can draft proper regulations governing the three (3) proposed designated limited public forum areas.

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

MOTION FAILED

Vote on Resolution to Amend

Resolution #2005-04-164
Moved by Broomfield
Seconded by Stine

RESOLVED, That the Resolution be **AMENDED** by **INSERTING**, "and the parking lot north of the Community Center as recommended by City Management and adjacent to the *Reflective Head* area" in the first RESOLVED and **INSERTING, "**that City Council hereby **DIRECTS** City Management to provide City Council with a listing of further application procedures" in the second RESOLVED.

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

MOTION CARRIED

Vote on Resolution to Amend

Resolution #2005-04-165
Moved by Schilling
Seconded by Beltramini

RESOLVED, That the Resolution be **AMENDED** by **STRIKING** "the front lawn of City Hall".

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

MOTION FAILED

Vote on Resolution to Amend

Resolution #2005-04-166
Moved by Broomfield
Seconded by Lambert

RESOLVED, That the Resolution be **AMENDED** by **STRIKING** "application procedures" and **INSERTING** "selection processes allowing for time, place and manner."

Yes: All-6
No: None
Absent: Howrylak

Vote on Resolution as Amended

Resolution #2005-04-167
Moved by Broomfield
Seconded by Lambert

RESOLVED, That Troy City Council hereby **APPROVES** the front lawn of City Hall, the parking lot area north of the Community Center as recommended by City Management and adjacent to the *Reflective Head* area and the area surrounding the *Reflective Head* as the designated limited public forum area; and

BE IT FURTHER RESOLVED, That the rules and procedures governing the limited public forum area as recommended by City Management and attached hereto are hereby **APPROVED** and that City Council hereby **DIRECTS** City Management to provide City Council with a listing of further selection processes allowing for time, place, and manner.

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

MOTION CARRIED

The meeting **RECESSED** at 10:55 PM.

The meeting **RECONVENED** at 11:03 PM.

MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

G-1 Announcement of Public Hearings:
a) Commercial Vehicle Appeal – 1998 Kirkton – April 18, 2005
b) Commercial Vehicle Appeal – 1102 Boyd – April 18, 2005
c) Commercial Vehicle Appeal – 6771 Westaway – April 18, 2005

Noted and Filed

G-2 Green Memorandums:
a) Islamic Association of Michigan

Noted and Filed

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

H-1 Mayor Schilling's Request for List of Churches in Troy and a List of Languages Spoken in Troy

COUNCIL COMMENTS:

I-1 No Council Comments Advanced

Vote on Resolution to Suspend Rules of Procedure for the City Council, Rule #6 – Order of Business, Article 15 I

Resolution #2005-04-168
Moved by Beltramini
Seconded by Eisenbacher

RESOLVED, That City Council **SUSPEND** Rules of Procedure for the City Council, Rule #6 *Order of Business,* Article 15-I. Council Comments and **AUTHORIZE** City Council to discuss and take action on reconsideration of *Consideration of National Day of Prayer,* Resolution #2005-03-147, from the Special City Council Meeting of Monday, March 28, 2005.

Yes: All-6
No: None
Absent: Howrylak

MOTION CARRIED

Vote on Resolution to Reconsider

Resolution #2005-04-169
Moved by Beltramini
Seconded by Schilling

RESOLVED, That *Consideration of National Day of Prayer,* Resolution #2005-03-147, Moved by Broomfield and Seconded by Eisenbacher, as it appears below be **RECONSIDERED** by City Council:

> *RESOLVED, That in 2005, the City of Troy **AUTHORIZES** the National Day of Prayer Task Force to hold a National Day of Prayer-Christian observance to be observed from 12:00 PM to 1:00 PM on Thursday, May 5, 2005 and that the Interfaith Group shall **CONDUCT** a service from 11:00 AM to 12:00 PM at Veteran's Plaza.*
> *Yes: All-7*

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

Absent: Howrylak

MOTION CARRIED

Vote on Resolution to Amend by Substitution

Resolution #2005-04-170
Moved by Beltramini
Seconded by Eisenbacher

RESOLVED, That Reconsidered Resolution #2005-03-147 regarding, *Consideration of National Day of Prayer,* be **AMENDED** by **STRIKING** it in its entirety and **SUBSTITUTED** with, "RESOLVED, That the City of Troy **AUTHORIZES** the National Day of Prayer Task Force to hold a National Day of Prayer-Christian observance to be observed from 12:00 PM to 1:00 PM on Thursday, May 5, 2005 at one of the designated public forum sites."

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

MOTION CARRIED

Vote on Resolution as Substituted

Resolution #2005-04-171
Moved by Broomfield
Seconded by Eisenbacher

RESOLVED, That the City of Troy **AUTHORIZES** the National Day of Prayer Task Force to hold a National Day of Prayer-Christian observance to be observed from 12:00 PM to 1:00 PM on Thursday, May 5, 2005 at one of the designated public forum sites.

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

MOTION FAILED

Resolution to Consider Observation of National Day of Prayer at Any of the City of Troy Parks or Utilize One of the Three Designated Limited Public Forum Sites

Resolution
Moved by Eisenbacher
Seconded by Beltramini

RESOLVED, That in 2005, the City of Troy **AUTHORIZES** all residents and any groups to observe the National Day of Prayer at any of the City of Troy parks or utilize one (1) of the three (3) designated limited public forum sites following the City of Troy's prescribed rules and procedure.

Vote on Resolution to Amend

Resolution #2005-04-172
Moved by Lambert
Seconded by Beltramini

RESOLVED, That the Resolution be **AMENDED** by **STRIKING**, "AUTHORIZED" and **INSERTING**, "INVITES".

Yes: All-6
No: None
Absent: Howrylak

Vote on Resolution as Amended

Resolution #2005-04-173
Moved by Eisenbacher
Seconded by Beltramini

RESOLVED, That in 2005, the City of Troy **INVITES** all residents and any groups to observe the National Day of Prayer at any of the City of Troy parks or utilize one (1) of the three (3) designated limited public forum sites following the City of Troy's prescribed rules and procedure.

Yes: All-6
No: None
Absent: Howrylak

Vote on Resolution to Suspend Rules of Procedure for the City Council, Rule #26 – Continued Agenda Items Not Considered Before 12:00 AM

Resolution #2005-04-174
Moved by Lambert
Seconded by Broomfield

RESOLVED, That City Council **SUSPEND** Rules of Procedure for the City Council, Rule #26 - *Continued Agenda Items Not Considered Before 12:00 AM* and **AUTHORIZE** City Council to **EXTEND** the adjournment time to 12:30 AM.

Yes: All-6
No: None
Absent: Howrylak

REPORTS:

J-1 Minutes – Boards and Committees:

a) Troy Historic Commission/Final – October 26, 2004
b) Troy Historic Study Committee/Final – November 4, 2004
c) Troy Historic Study Committee/Final – November 30, 2004
d) Troy Historic District Study Committee/Final – January 4, 2005
e) Troy Historic Commission/Final – January 25, 2005
f) Troy Historic Study Committee/Final – February 1, 2005
g) Liquor Advisory Committee/Final – February 14, 2005
h) Board of Zoning Appeals/Final – February 15, 2005
i) Troy Ethnic Issues Advisory Board/Final – February 15, 2005
j) Planning Commission Special/Study Meeting/Draft – March 1, 2005
k) Planning Commission Special/Study Meeting/Final – March 1, 2005
l) Troy Ethnic Issues Advisory Board/Draft – March 1, 2005
m) Building Code Board of Appeals/Draft – March 2, 2005
n) Planning Commission Regular Meeting/Draft – March 8, 2005
o) Planning Commission Regular Meeting/Final – March 8, 2005
p) Liquor Advisory Committee/Draft – March 14, 2005
q) Board of Zoning Appeals/Draft – March 15, 2005

Noted and Filed

J-2 Department Reports:

a) Council Member Dave Lambert's Report on the National League of Cities Conference
b) Councilmember Robin Beltramini's Travel Expense Report for NLC Congressional Cities Conference
c) Annual Library Survey of Users
d) First Quarter 2005 Development Report
e) Permits Issued During the Month of February 2005

Noted and Filed

J-3 Letters of Appreciation:

a) Letter to Cindy Stewart from Mary Beth Halushka of the Troy Board of Education
b) Letter Thanking Police Officer Milt Stansbury for a Recent Ride Along
c) Letter Thanking Police Officer Patrick Dyjewski for Providing Assistance to Broken Down Motorist and Motorist Needing Medical Attention
d) Letter Thanking Police Officer LaForest for Assisting in Apprehending a Retail Fraud Suspect
e) Letter Thanking Police Officer Craig Fitzpatrick and Police Officer Frank Nastasi for Providing Assistance to a Stranded Motorist
f) Letter From Brad Byarski Thanking Jennifer Lawson for Offering Input and Information Regarding Maple Forest

Noted and Filed

J-4 Proposed Proclamations/Resolutions from Other Organizations:

a) Resolution from the Oakland County Board of Commissioners in Support of the Community Development Block Grant (CDBG) Program

Noted and Filed

J-5 Calendar

Noted and Filed

J-6 Options/Ramifications for Proposed I-75/Crooks/Long Lake Interchange Improvement Project

Noted and Filed

J-7 Golf, Inc. Article

Noted and Filed

J-8 Report on Liquor Compliance Inspections

Noted and Filed

J-9 Load Restrictions Report and Communication

Noted and Filed

J-10 Report Regarding Feasibility of a Minor League Baseball Stadium at Donald Flynn Park

Noted and Filed

J-11 State of Michigan Ash Tree Removal Contract

Noted and Filed

J-12 DPW Recycling Center Closure

Noted and Filed

J-13 Letter from Julie A. Wendt, Director, Licensing Division of the Liquor Control Commission

Noted and Filed

J-14 Law Day 2005

Noted and Filed

STUDY ITEMS:

K-1 No Study Items Submitted

PUBLIC COMMENT: Address of "K" Items

CLOSED SESSION:

L-1 Closed Session

Resolution #2005-04-175
Moved by Stine
Seconded by Broomfield

BE IT RESOLVED, That the City of Troy City Council **SHALL MEET** in Closed Session, as permitted by MCL 15.268 (a), Personnel Evaluations of Troy City Manager John Szerlag and Troy City Attorney Lori Grigg Bluhm.

Yes: All-6
No: None
Absent: Howrylak

The meeting **RECESSED** at 12:20 AM on Tuesday, April 05, 2005.

The meeting **RECONVENED** at 1:13 AM on Tuesday, April 05, 2005.

The meeting **ADMOURNED** at 1:140 AM on Tuesday, April 05, 2005.

Louise E. Schilling, Mayor

Tonni L. Bartholomew, MMC
City Clerk

PROCLAMATION
Recording for the Blind & Dyslexic Week
April 25 – 30, 2005

WHEREAS, **Recording for the Blind & Dyslexic of Michigan,** located at 5600 Rochester Road in Troy, Michigan, is a non-profit volunteer organization serving people who cannot read standard print because of a visual, learning or other physical disability; and

WHEREAS, Their mission is "to promote educational and professional success by converting printed materials into audio format" and those audio textbooks are provided free of charge to over 9,000 Michigan members, grades kindergarten through graduate school; and

WHEREAS, The careful reading of textbooks, descriptions of graphs, charts, diagrams, maps, tables and so forth, by the dedicated and highly trained volunteers at **Recording for the Blind & Dyslexic of Michigan** gives reading-disabled students equal access to the written word; and

WHEREAS, Every year the demand for their services grows, and it is estimated that more than a quarter of a million learning disabled students ages 6 to 21 could benefit from the use of audio textbooks; and

WHEREAS, **Recording for the Blind & Dyslexic of Michigan** will be conducting their **12th Annual Record-a-Thon**, the purpose of which is to record as many textbooks as possible for six continuous days during the **Week of April 25 – 30, 2005**; and

WHEREAS, **Recording for the Blind & Dyslexic of Michigan** will start this event with a Celebrity Kickoff on **Monday, April 25, 2004** at 10:00 a.m.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Troy hereby proclaims **the week of April 25 – 30, 2005**, as **"Recording for the Blind & Dyslexic Week"** in honor of the hard-working local volunteers who diligently give of their time and talents, not to mention their treasure, to provide equal educational opportunities to those who cannot read and who learn by listening.

Presented this 25th day of April 2005.

LAW DAY PROCLAMATION
May 1, 2005

WHEREAS, One of the principles we fought for in the Revolutionary War was the right to trial by jury. The Declaration of Independence denounced King George III's refusal to extend to Americans, "in many cases… the benefits of trial by jury"; and

WHEREAS, A jury of one's peers is a cornerstone of American democracy. Along with voting, it is one of the main ways people take part in the public life of this nation; and

WHEREAS, Trial by jury is guaranteed in the Fifth, Sixth, and Seventh Amendments; and

WHEREAS, Jurors decide whether defendants are guilty or not guilty, liable or not liable; and

WHEREAS, The decisions that jurors make affect millions of lives everyday and have a profound impact on our economy and our society. By entrusting jurors from the community to decide legal cases-some of them involving millions of dollars or life and death issues-we reinforce our belief that everyday people can make the right decision, and that we are an open, democratic government; and;

WHEREAS, Few activities in our civic life provide such a direct contact with our democratic process as does jury service; and

NOW THEREFORE, BE IT RESOLVED that as we celebrate Law Day 2005, we acknowledge the central role of juries in American life, and we recognize the importance of educating our fellow citizens about the rewards and benefits of jury service; and

BE IT FURTHER RESOLVED that the City Council of the City of Troy proclaims **Sunday, May 1, 2005 as Law Day.** We urge the citizens, schools, businesses, and media of the City of Troy to use this occasion to dedicate ourselves to preserve and strengthen the jury system. We also encourage citizens to take advantage of the educational opportunities and information provided as part of the **Troy City Attorney's Office 2005 Law Day Program**, including the video presentation embodying this year's Law Day theme, "The American Jury: We the People in Action", and the Law Day displays during the month of May at the Troy Public Library, and the Troy Museum and Historic Village.

Signed this 18th day of April 2005.

April 4, 2005

To: John Szerlag, City Manager

From: Jeanette Bennett, Purchasing Director
William S. Nelson, Fire Chief

Subject: **Agenda Item** - Standard Purchasing Resolution 1: Award To Low Bidder – Roof Replacement Fire Station 4

RECOMMENDATION

On March 29, 2005, bid proposals were opened to provide roof replacement at Fire Station 4, 2103 E. Maple Road. This bid includes a cost provision for plywood replacement as necessary. City management recommends the contract be awarded to the low bidder, Bloomfield Construction Company of Bloomfield Hills, MI, for an estimated total cost of $31,190.00, for the 50-year asphalt fiberglass shingle system, at unit prices contained in the attached bid tabulation. The cost includes an allowance to replace 20 additional sheets of fire retardant plywood, and insurance.

The award is contingent upon contractor submission of properly executed bid documents, including insurance certificates, bonds, and all specified requirements.

BACKGROUND

- The roof shingles at Station 4 have blown off in several areas allowing water to enter the building and damage the ceilings. The roof failures have been caused by plywood delimitation, which allows the roofing nails to come loose.

- The base bid included the installation of ten (10) sheets of plywood. After the existing roofing material is removed, an inspection of the existing roof surface will be made by representatives of the Building and Fire Departments to determine if any additional plywood above the original ten (10) sheets will be required.

- The manufacturer guarantees the roofing material specified for fifty- (50) years.

BUDGET

Funds are available in the Fire Buildings and Repairs Capital Account Number 401344.7975.070.

96 Vendors Notified on MITN System
4 Bid Responses Rec'd

Prepared by: Richard Sinclair, Assistant Fire Chief

CITY OF TROY ITB-COT 05-10

Opening Date -- 3/29/05
Date Prepared -- 4/1/05

BID TABULATION
ROOF REPLACEMENT - FIRE STATION #4

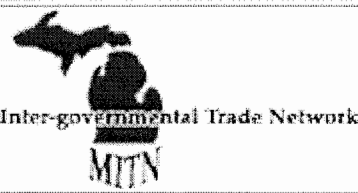
VENDOR NAME:	* **BLOOMFIELD CONSTRUCTION COMPANY**	BUTCHER & BAECKER CONSTRUCTION	CRANE ROOFING INC	BOSS COMMERCIAL BUILDING
CHECK #:	417662948	029180906	363485282	649301946
CHECK AMOUNT:	**$4,200.00**	**$4,200.00**	**$4,200.00**	**$4,200.00**
PROPOSAL: ROOF REPLACEMENT OF FIRE STATION #4 AT 2103 EAST MAPLE ROAD, TROY				
To remove and replace the roof system in accordance with specifications for a 50 Year, Asphalt Fiberglass Shingle System				
COMPLETE FOR THE SUM OF:	**$ 29,500**	$ 34,900	$ 48,360	$ 50,350
Additional Costs:	**UNIT PRICE**	**UNIT PRICE**	**UNIT PRICE**	**UNIT PRICE**
Fire Retardant Treated Plywood 4' x 8' Sheets	**$ 70.00**	$ 85.00	$ 80.00	$ 90.00
		Based on 20 Additional Sheets		
ESTIMATED TOTAL FOR MATERIALS	**$ 1,400.00**	$ 1,700.00	$ 1,600.00	$ 1,800.00
INSURANCE: Can Meet	**XX, +$289.99**	XX	XX	Can Obtain
Cannot Meet				
ESTIMATED GRAND TOTAL:	**$ 31,189.99**	$ 36,600.00	$ 49,960.00	$ 52,150.00
CONTACT INFORMATION				
Hr of Operation	8-4:30PM	8-5PM	7-5PM	6-7PM
24 Hr Phone No.	(248)521-5201	(248)379-9673	(248)961-2282	(734)516-1940
SITE INSPECTION: Y/N	YES	YES	YES	YES
Date	3/9/05	3/9/05	3/9/05	3/9/05
COMPLETION DATE:	BY JUNE 30, 2005			
Can Meet	XX	XX	XX	XX
Cannot Meet				
BIDDER QUESTIONNAIRE: Attached	XX	XX	XX	XX
Not Attached				
TERMS:	BLANK	30 DAYS	NET 30 - 10% Retention	Attached to Bid
WARRANTY:	BLANK	CT - 10 YR	50 YR MFG	50 YRS MFG
EXCEPTIONS:	BLANK	BLANK	LISTED IN BID	LISTED IN BID
ACKNOWLEDGEMENT: Y or N	YES	YES	YES	YES
ADDENDUM 1: Y or N	YES	YES	YES	YES

ATTEST:
Richard Sinclair
Charlene McComb
Linda Bockstanz

*** DENOTES LOW BIDDER**

Jeanette Bennett
Purchasing Director

G:Roof Replacement- Fire Station #4 ITB-COT 05-10



Downloading History for ITB-COT 05-10 Roof-FS4

The report below shows all fax and e-mail vendors that matched this document when it was originally issued. It also shows all vendors that have downloaded or ordered the document and any subsequent amendments as of **4/4/2005.**

Document Title:	Roof Replacement for Fire Station #4 - Located at 2103 E. Maple
Date Issued:	2/25/2005
Close Date:	3/29/2005
Date Amendment #1 was Issued:	3/11/2005

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

Acct #	Company Name	Service	Date Obtained Document	Date Obtained Amendments
18133	3.L.K. CONSTRUCTION L.L.C.	E-mail		
20516	A. S. Contrera, LLC	Fax	3/8/2005	#1 3/11/2005
12763	ACME Contracting, Ltd.	Free	3/8/2005	
18057	advanced air services,inc.	E-mail		
16669	Advanced Home Investments	Fax		#1 3/11/2005
19324	AGGREGATE TRANSPORT.INC	E-mail		
17061	Akins Construction, Inc.	Fax		#1 3/11/2005
12133	Allied Building Service Company of Detroit, Inc.	E-mail		
10103	Aluminum Supply Co., Inc.	E-mail	2/25/2005	
19884	AM Home Improvements	E-mail		
19104	Anderson Builders and Contractors	E-mail		
18661	Ann Arbor Roofing Company	E-mail	3/7/2005	
18855	Anselmo & Associates Architects & Interior Design	E-mail		#1 3/11/2005
14534	Associated Applications, Inc.	E-mail	3/3/2005	
12141	Bloom Roofing Systems	E-mail	3/8/2005	
16844	Bloomfield Construction	E-mail	3/18/2005	#1 3/14/2005
16863	BOSS Commercial Building Services	Free	4/2/2005	#1 3/22/2005
11631	Bowman Construction LLC	Free	2/28/2005	#1 3/23/2005

10406	Butcher & Baecker Construction Co., Inc.	E-mail	2/25/2005	#1 3/23/2005
19594	Capital Waste, Inc.	E-mail		
15039	Cefai Builders, Inc.	E-mail		
18963	CEI Roofing, Inc.	Free	2/28/2005	
15864	Choice Windows & Siding INC	E-mail		
12099	ChristenDETROIT	E-mail		
14859	CK Window Cleaning, LLC	E-mail		
12020	Computer & Electronics Enterprises, Inc.	E-mail		
16300	Core Construction, Inc.	Free	3/10/2005	#1 3/21/2005
16876	Crane Roofing, Inc.	E-mail		#1 3/28/2005
16876	Crane Roofing, Inc.	E-mail	3/30/2005	
11122	Crystal Bright Janitorial Services, Inc.	E-mail		
17560	D1 Services	Free	3/2/2005	#1 3/22/2005
14564	Detroit Cornice & Slate Co., Inc.	Free	2/28/2005	
19136	Dodaj Enterprises	E-mail		
17060	Energy Coatings Plus	E-mail		
17755	F.H. Martin Construction Co.	E-mail		
14211	Fire, Emergency And Safety Technology, Inc.	E-mail		
13236	Fisher Roofing Company, Inc.	E-mail		
16017	Fleis & Vandebrink Engineering, Inc	E-mail		
13350	Fred Lax Construction	E-mail		
16771	Garland Industries, Inc.	Free	3/2/2005	
19269	Genesis Energy Solutions, LLC	Free	3/9/2005	
18833	Great Lakes Systems, Inc.	E-mail		
14310	H. A. Smith Lumber & Hardware	E-mail	3/14/2005	
19574	Hardin Geotechnologies, Inc.	E-mail	3/1/2005	
20197	HYDRO METER SYSTEMS, INC	E-mail	3/21/2005	
20073	I-Z Corp	Free	3/1/2005	
12686	Ideal Building Supplies, LLC.	E-mail		
20449	Ingram Roofing, Inc.	Free	2/28/2005	
19591	Innovated Capital Solutions	E-mail		
17350	Insurance Services Construction Corporation	E-mail		
17231	Irish Construction Company, Inc.	E-mail		
19350	James J. Leamon Landscape Design and Construction	E-mail		
11382	Jarvis Construction	Fax		#1 3/11/2005
18798	Jiffy clean	E-mail		
12824	Johnson Controls	E-mail		
13283	Kelcris Corporation	E-mail		
17428	King Global Enterprises. LLC	E-mail		
20160	Kinney Lawnscaping, inc.	E-mail		
19567	LAMOS Management Services	E-mail		

17071	Lee Wholesale Supply, Inc.	Fax		#1 3/11/2005
18437	LUNA Construction Services, LLC	E-mail		
14543	Lutz Roofing	E-mail		
14543	Lutz Roofing	E-mail	2/28/2005	
14592	M S Consulting Engineers, P.C.	E-mail	3/24/2005	
18159	mago construction	E-mail		
11563	Millennium Fabricating & Design	Free	3/4/2005	#1 3/14/2005
20289	Miracle Mechanical & Construction, LLC	E-mail		
10310	Newton Crane Roofing, Inc.	E-mail	2/25/2005	
13310	North Star Refrigeration, Heating and Cooling	E-mail		
11936	Northside True Value Hardware	Fax		#1 3/11/2005
18380	OccuMed3	E-mail		
11073	Oscar W. Larson Co.	E-mail		
17790	Pete Wood Plumbing & Heating Co.	E-mail		
10345	Port Huron Roofing & Sheet Metal Company	E-mail	2/25/2005	
11344	Premium Sevices, Inc	E-mail		
20169	Professional Roofing Services, Inc.	E-mail		
19477	Professional Service Industries, Inc	E-mail		
11361	Quickie Carpet Cleaning	Free	3/1/2005	
15271	ROOFCON, INC	E-mail	2/25/2005	
13568	Royal Roofing Co. Inc.	E-mail	2/28/2005	
10713	Rumford Industrial Group, Inc.	E-mail		
13739	Schena Roofing & Sheet Metal Co. Inc.,	Fax	3/9/2005	#1 3/11/2005
12583	Sigma Associates, Inc.	E-mail	3/2/2005	
13223	Simpson Development Group	E-mail		
13684	soil and materials engineers, inc	E-mail		
13340	SPECIAL EVENTS PARTY RENTAL	Free	2/25/2005	
15989	Stroyko Construction LLC	E-mail		
20303	SUSAN L. HUBBARD Attorney-At-Law	E-mail		
11558	T. F. Beck Company	E-mail	3/8/2005	
17764	Thomas Roofing	Fax		#1 3/11/2005
19703	Twin Med Inc.	E-mail		
20218	VHM Enterprise INC	E-mail		
12859	VZ ENTERPRISE LLC	Free		#1 3/17/2005
13207	Walbridge Aldinger Company	E-mail		
20528	wm. molnar roofing inc.	Free	3/9/2005	
18147	Wyoming Development Corp	E-mail	3/14/2005	#1 3/14/2005

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April 6, 2005

To: John Szerlag, City Manager

From: Jeanette Bennett, Purchasing Director
Charles Craft, Chief of Police

Re: **Agenda Item** - Standard Purchasing Resolution 3: Option to Renew - Towing and Storage Services

RECOMMENDATION

The Police Department recommends exercising the second of two one-year options to renew the Towing and Storage Services contract since Coleman's Towing and Recovery, Inc. has indicated a desire to continue the contract at the same prices, terms, and conditions as the original contract for one-year expiring July 31, 2006 (letter attached).

On August 6, 2001, the Troy City Council approved a three-year contract to provide Towing and Storage Services with an option to renew for two additional one-year periods to the low bidder, Coleman's Towing and Recovery, Inc. (formerly A Roadone Company) (Resolution #2001-08-394-E-3). On May 24, 2004 (Resolution #2004-05-268-E-9), the first of two one-year options to renew the contract was exercised.

SURVEY RESULTS

The Purchasing Department conducted a market survey in 2004. Increasing costs for fuel was named as one reason for towing prices remaining stable or increasing in 2004. In this year of ever increasing fuel prices, exercising the option to renew the contract for another year using a 2001 pricing schedule is advisable without conducting another market survey.

BUDGET IMPACT

This contract establishes the towing rates for private vehicles in the City of Troy and provides for the towing of City vehicles. If a City vehicle is towed, the DPW Motor Pool operating budget is usually used if the tow is the result of an equipment failure. If the towing is due to operator error, the individual department's operating budget is charged.

City of Troy

April 4, 2005

ATT: Anthony Thomas
Coleman's Towing and Recovery, Inc.
1871 Birchwood Dr.
Troy, Michigan 48083

Dear Mr. Thomas,

On August 6, 2001, the City of Troy entered into contract #20100149 OB with Coleman's Towing and Recovery, Inc. to provide three-year requirements of Towing Services. This contract contained an option to renew the contract for two additional one-year periods under the same prices, terms, and conditions as the original contract.

Please indicate and sign below if Coleman's Towing and Recovery, Inc. wishes to renew this contact through July 31, 2006. A request by City staff to determine the successful bidder's interest in renewing the contract in no way obligates the City. The option cannot be exercised without Troy City Council approval and a blanket purchase order issued.

If you have any questions please call me at 248-524-3445 or Jeanette Bennett, Purchasing Director at 248-680-7291.

CHECK ONE:

Coleman's Towing and Recovery, Inc. is interested in renewing the contract under the same prices, terms, and conditions. (X)

Coleman's Towing and Recovery, Inc. is not interested in renewing the contract. ( )

x VICE PRESIDENT
Signed: Authorized Company Representative

Print Name: ANTHONY THOMAS **Date:** 4-5-05

Thank you,
Captain Edward Murphy EJM
Troy Police Department

May 12, 2004

To: John Szerlag, City Manager

From: Jeanette Bennett, Purchasing Director
Charles Craft, Chief of Police

Re: **Agenda Item** - Standard Purchasing Resolution 3: Option to Renew - Towing and Storage Services

RECOMMENDATION:

On August 6, 2001, the Troy City Council approved a three-year contract to provide Towing and Storage Services with an option to renew for two additional one-year periods to the low bidder, Coleman's Towing and Recovery, Inc. (formerly A Roadone Company) (Resolution #2001-08-394-E-3). The Police Department recommends exercising the first of two one-year options under the same prices, terms, and conditions.

Coleman's Towing and Recovery, Inc. has indicated a desire to continue the contract at the same prices, terms, and conditions as the original contract for one-year expiring July 31, 2005 (letter attached).

SURVEY RESULTS

The Purchasing Department has conducted a market survey and concurs with the recommendation to exercise the option to renew, as costs particularly for insurance and fuel are increasing. Also, the Police Department conducted two random surveys to ensure that prices charged are within the confines of the contract, and concluded that the billing was in accordance with the contract.

BUDGET IMPACT:

This contract establishes the towing rates for private vehicles in the City of Troy and provides for the towing of City vehicles. If a City vehicle is towed, the DPW Motor Pool operating budget is usually used if the tow is the result of an equipment failure. If the towing is due to operator error, the individual department's operating budget is charged.

E-9 Standard Purchasing Resolution 3 – Option to Renew – Towing and Storage Services

Resolution #2004-05-268-E-9

WHEREAS, On August 6, 2001, a three-year contract with two one-year options to renew to provide towing and storage services was awarded to Coleman's Towing and Recovery, Inc. (formerly A Roadone Company) (Resolution #2001-08-394-E-3).

WHEREAS, Coleman's Towing and Recovery, Inc. agrees to exercise the first one-year option to renew the contract.

NOW, THEREFORE, BE IT RESOLVED, That the first of two one-year options to renew the contract is hereby **EXERCISED** with Coleman's Towing and Recovery, Inc. to provide towing and storage services under the same contract prices, terms, and conditions expiring on July 31, 2005.

April 8, 2004

ATT: Anthony Thomas
Colman's Towing and Recovery, Inc.
1871 Birchwood Dr.
Troy, MI 48083

Dear Mr. Thomas,

On August 6, 2001, the City of Troy entered into contract #20100149 OB with Coleman's Towing and Recovery, Inc. to provide three-year requirements of Towing Services. This contract contained an option to renew the contract for two additional one-year periods under the same prices, terms, and conditions as the original contract.

Please fax this letter back to the City of Troy at (248) 619-7267 if Coleman's Towing and Recovery, Inc. wishes to renew this contract through July 31, 2005. A request by City staff to determine the successful bidder's interest in renewing the contract in no way obligates the City. The option cannot be exercised without Troy City Council approval and a blanket purchase order issued.

If you have any questions please call me at (248) 524-3445 or Jeanette Bennett, Purchasing Director at (248) 680-7291.

CHECK ONE: ✓

Coleman's Towing and Recovery, Inc.
is interested in renewing the contract
under the same prices, terms, and conditions: (✓)

Coleman's Towing and Recovery, Inc.
is not interested in renewing
the contract: ( )

X_____
Signed: Authorized Company Representative

Print Name: Anthony Thomas
Date: 4-20-04

Thank you,
Captain Edward Murphy
Troy Police Department

Purchasing Department

April 29, 2004

FROM: Jeanette Bennett, Purchasing Director

CONTRACT: Towing Services

RE: Market Survey

A & M Service Center Inc. Mario Valente – 3/29/04 (248) 588-3640

What's happened since 2001 in the towing market?

Pretty much hookup charges have remained about the same –

Honestly – there is a problem with your (City's) company – contract amounts bid are not being billed to the general public (he has seen the billing of vehicles being moved from one yard to another).

Storage prices for A & M have increased from $10 to $15 in last year

What do you see happening in the next year? *– Would your prices increase, decrease or remain the same?*

Gas prices are part of doing business – should be absorbed; Over next year – towing prices should be stable

Bob Adams Towing /Byers Wrecker Service Terry Adams – 3/29/04 (248) 644-5000

What's happened since 2001 in the towing market?

Obviously – your (City's) company didn't increase prices since 1997. Honestly, to make a profit, their prices have to go up. In the years 2001 to 2004 their prices are going up; fuel is escalating; their expenses are going up. Currently, other communities are paying $75 per car tow and $15 for storage. He can't do it for $55 per tow or for a $10 storage fee. Mr. Adams suggests building an increase into any future contracts. There is no respect for towing companies but over the last few years towing has become very sophisticated in the use of specialized equipment and training of personnel required for equipment use. This professionalism in the industry increases costs.

What do you see happening in the next year *– Would your prices increase, decrease or remain the same?*

No decreases. He projects prices to keep going up. Prices should continue to increase over the next year. Anticipating fuel to increase 10-20%; health insurance to increase 12%; and Consumers to increase 30-40%. Prices of property are escalating with the corresponding increases in taxes that result in increased costs to store a vehicle. The other problem is that cities don't want storage yards in their communities.

The two companies would probably bid together again since it provides better service. They have double the equipment and area coverage if together.

Service Towing Inc. **Bruce Hertz – 3/30/04**
(586) 756-9500

What's happened since 2001 in the towing market?

It's a crazy market and a hard question to answer. Strange things are happening in the market place since prices are escalating but people are cutting prices. Don't know how people are doing it but they are holding prices to keep the business. Costs are escalating dramatically in fuel and insurance. Old units are being shut down to decrease insurance costs. The City should look at the costs of towing City vehicles more. Mr. Hertz recently bid the Sterling Heights towing contract and doesn't understand how others are doing it.

Wrecker Industry - revenue is down since more cities are installing traffic lights. It is a hard thing to say but towing companies make their money on accidents. It is better for the average person but hard on the industry. Revenue is lost to the industry with traffic light installation.

What do you see happening in the next year *– Would your prices increase, decrease or remain the same?*

Mr. Hertz sees fuel prices increasing in the next year and insurance costs increasing dramatically. He has heard that the uninsured motorist insurance costs will increase this year.

SUMMARY

The survey conducted indicates that it is in the City's best interest to continue the towing services contract with Coleman's Towing since prices (particularly insurance and fuel costs) are increasing. The Police Department conducted two random surveys of towing bills to ensure that all parties of the contract are being charged within the confines of the contract and answer the concern expressed by A & M Service that prices charged were incorrect. The Police Department found that billing charged was in accordance with the contract (surveys attached). Therefore, it is staff's recommendation to proceed with the renewal option.

TROY POLICE DEPARTMENT

Charles T. Craft, Chief 500 W. Big Beaver, Troy, Michigan 48084 (248) 524-3443

PATROL DIVISION MEMORANDUM

April 7, 2004

TO: Captain Edward Murphy

FROM: PSA Russ Weipert

SUBJECT: 2nd Colemans audit

Captain,

I went to Colemans on Tuesday April 6, 2004 and randomly drew 21 more tow bills from the last year. The sampling included front wheel drive (FWD) vehicles, rear wheel drive (RWD) vehicles and 4 wheel drive (4WD) vehicles.

I found that of the 9 FWD vehicles towed, 4 were charged a flatbed fee and 5 were not charged the fee. All 4 of the vehicles charged the fee were involved in accidents causing major damage to the vehicles. The 5 vehicles not charged the fee were a mixture of road hazards, accidents and arrests.

I found that of the 3 vehicles towed that were RWD, 1 was charged a flat bed fee and 2 were not. The vehicle charged the flatbed fee was involved in a major injury accident.

I found that of the 9 vehicles towed that were 4WD, all 9 were charged a flatbed fee. According to the AAA towing manual all 4WD vehicles must be towed using a flatbed or risk major transmission or axle damage.

I found that Colemans was not charging a flatbed fee unless the vehicle required the use of a flatbed, even if the vehicles were placed on the flatbed.

Thanks,

Russ

TROY POLICE DEPARTMENT

Charles T. Craft, Chief 500 W. Big Beaver, Troy, Michigan 48084 (248) 524-3443

PATROL DIVISION MEMORANDUM

April 1, 2004

TO: Captain Edward Murphy

FROM: PSA Russ Weipert

SUBJECT: Colemans Towing audit

On Wednesday March 31, 2004 you asked me to audit some of Colemans Towing invoices to make sure the fees they were charging were within contract specifications.

I went to Colemans on Wednesday March 31st in the afternoon and spoke with Steve, the dispatcher. We randomly pulled 20 tow bills from the past 12 months. The only question that I had was for flatbed charges, this question had been previously answered by Sgt. Ostrowski in his 2001 audit. I found that all the tow charges were at or below the contract price, as were any charges for clean-up, labor, and storage.

To help future in future audits I have asked Tony from Colemans to make sure that any charges for flatbed fees are justified on the release form that we receive, ie: FWD vehicles struck in the rear, 4WD vehicles, or other circumstances that would require the use of tow dollies or a flatbed wrecker. Tony said that would be easy to do and assured me that flatbed fees were not being charged to every vehicle being placed on a flatbed, only those that require its use.

From this audit it appears that Colemans is following the contract pricing structure, therefore I would recommend that we extend our current contract with them for an additional year.

Russ Weipert

VISITOR COMMENTS

CONSENT AGENDA

E-1 Approval of Consent Agenda

Resolution #2001-08-394
Moved by Pallotta
Seconded by Lambert

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

Yes: All-7

E-2 Standard Purchasing Resolution 4: Tri-County Purchasing Cooperative – Voice/Data Cabling Services

Resolution #2001-08-394-E-2

RESOLVED, That a two-year contract for Voice/Data Cabling Services from Hi-Tech Systems Service, Inc. is hereby approved through the Farmington Hills bid with an extension of the prices, terms, and conditions to the Tri-County Purchasing Cooperative of which the City of Troy is a member at unit prices contained in the bid tabulation entitled 00-01-911 – Data/Phone Cabling expiring March 19, 2003 with an option to renew for an additional two years.

BE IT FURTHER RESOLVED, That the award is contingent upon contractor submission of properly executed proposal and bid documents including bonds, insurance certificates, and all other specified requirements including a mutually agreeable negotiated additional charge for unforeseen circumstances such as asbestos encapsulation, etc.

E-3 Standard Purchasing Resolution 1: Award to Low Bidder – Towing Contract

Resolution #2001-08-394-E-3

RESOLVED, That a three-year contract to provide Towing and Storage Services with an option to renew for two additional one-year periods is hereby awarded to the low bidder, Coleman's Towing and Recovery, A RoadOne Company, at unit prices contained in the bid tabulation opened July 11, 2001, a copy of which shall be attached to the original Minutes of this meeting at an estimated total cost of $154,130.00 per year, to expire July 31, 2004.

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

July 27, 2001

To: The Honorable Mayor and City Council

From: John Szerlag, City Manager
Jeanette Bennett, Purchasing Director
Charles T. Craft, Chief of Police

Subject: Standard Purchasing Resolution 1: Award To Low Bidder – Towing Contract

RECOMMENDATION

City Management recommends that City Council award a three (3) year towing contract to the low bidder, Coleman's Towing and Recovery, Inc., A RoadOne Company, at an estimated total cost of $154,130 per year, at unit prices contained in the attached bid tabulation opened 7/11/2001, contingent upon vendor submission of proper contract and bid documents, including insurance certificates and all other specified requirements.

Coleman's Towing and Recovery, Inc., has provided service during the last three-year contract, and we are satisfied with their service. The Police Department did site visits to all bidders and found no reason to deviate from the low bidder.

EXPLANATION OF SERVICES

It should be noted that the first half of the proposal "Service – Private Vehicles" is not financed by the City of Troy. The contract establishes prices for all private vehicles requiring tows or related services within City boundaries due to accidents, stall outs and other occurrences. The second portion of the proposal "Service – City Owned Vehicles" encompasses towing and related services for City of Troy vehicles.

BUDGET

Monies are available to fund this contract in the Police Department and Equipment Operations Accounts for towing services.

21 Bids Sent
4 Bids Rec'd

Prepared by: Sergeant Michael Crocker

E-3

Opening Date -- 7/11/01
Date Prepared -- 7/23/01

CITY OF TROY
BID TABULATION
TOWING SERVICES

Item	ESTIMATED COUNT	VENDOR NAME: **	COLEMAN'S TOWING & RECOVERY INC A ROADONE COMPANY	A&M SERVICE CENTER INC	
		SERVICE - PRIVATE VEHICLES	COST	COST	
1.	1480	Vehicles of less than 5,000 lbs	$ 50.00	$ 60.00	
2.	941	Accident vehicles of less than 5,000 lbs	$ 50.00	$ 65.00	
3.	161	Vehicles of over 5,000 lbs	$ 50.00	$ 70.00	
4.	99	Accident vehicles of over 5,000 lbs	$ 50.00	$ 70.00	
5.	5	Vehicles of over 10,000 lbs	$ 165.00	$ 85.00	
6.	5	Accident vehicles of over 10,000 lbs	$ 175.00	$ 85.00	PER HOUR MIN 2 HRS
7.		Straight pick-ups (less than 1/2 mile)			
7a.		a. Vehicles of less than 10,000 lbs	$ 45.00	$ 70.00	
7b.		b. Vehicles of over 10,000 lbs	$ 65.00	$ 85.00	PER HOUR MIN 2 HRS
8.		Tows more than 5 miles outside City limits; amount per mile in addition to the basic towing fee	$3.00 PER MILE	$2.00 PER MILE	
9.		Service calls with City of Troy limits			
9a.		Vehicle jump-start	$ 35.00	$ 45.00	
9b.	49	Vehicle lock-out	$ 25.00	$ 45.00	
9c.	321	Return vehicle to roadway	$ 40.00	$ 45.00	+TIME
9d.		Tire change (per tire)	$ 35.00	$ 45.00	
9e.		Service call-other (separate cars...etc.)	$ 45.00	$ 45.00	
10.		Additional Dolly charge not included in flatbed or wheel lift hoist tows.	$ 35.00	$ 40.00	
11.		Labor charge per man hr for on scene, additional or standby personnel (per man hour)	$45.00 PER HOUR	$25.00 PER HOUR	
12.		Storage fee rate per day - Standard parking	$ 10.00	$ 10.00	
12a.		Storage fee rate per day - Oversize parking	$ 18.00	$ 20.00	
		SUB-TOTAL	$ 149,815.00	$ 185,665.00	
		SERVICE - CITY OWNED VEHICLES			
1.	40	Vehicles up to 10,000 lbs	$ 30.00	$ 35.00	
2.	5	Accident up to 10,000 lbs	$ 30.00	$ 35.00	
3.	10	Vehicles over 10,000 lbs	$ 75.00	$ 65.00	
4.	5	Accident vehicles over 10,000 lbs	$ 75.00	$ 65.00	
5.	4	Remove Each Axle Shaft/Drive Shaft	$ -	BLANK	
6.		Towing beyond 5 miles (per mile)	$2.50 PER MILE	$20.00 $1.50 PER MILE	
7.	12	Road service within City limits including jump starts	$ 30.00	$ 25.00	
7a.		Additional dolly charge	$ 30.00	N/C	
7b.		Labor charge (per man hour)	$30.00 PER HOUR	$10.00 PER HOUR	
7c.	12	On-road tire replacement	$ 25.00	$ 35.00	
8.		Transport vehicle to Troy Auction Sites or dealers			
8a.		Cars, Vans & Pick-ups	$35.00 $2.50 PER MILE	$1.50 PER MILE	
8b.		Vehicles/equipment from 12,000 to 18,000 GVW	$65.00 $2.50 PER MILE	$1.50 PER MILE	
8c.	4	Vehicles/equipment from 18,000 GVW & over	$75.00 $2.50 PER MILE	$2.00 PER MILE	
9.		Vehicle requiring assist. to place back on road			
9a.	6	Cars, Vans & Pick-ups	$ 30.00	$ 35.00	
9b.		Vehicles/equipment from 12,000 to 18,000 GVW	$ 45.00	$ 65.00	
9c.	10	Vehicles/equipment from 18,000 GVW & const. Eqmt.	$ 65.00	$ 65.00	
		SUB-TOTAL	$ 4,315.00	$ 4,170.00	
		ESTIMATED GRAND TOTAL **	$ 154,130.00	$ 189,835.00	
		EXPERIENCE: Years in Service	42	20	
		INSURANCE: Y/N	YES	YES	
		TERMS :	N/A	BLANK	
		EXCEPTIONS:	BLANK	BLANK	

Opening Date -- 7/11/01
Date Prepared -- 7/23/01

CITY OF TROY
BID TABULATION
TOWING SERVICES

		VENDOR NAME:	BOB ADAMS TOWING BYERS WRECKER SERVICE	SERVICE TOWING
Item	ESTIMATED COUNT	**SERVICE - PRIVATE VEHICLES**	COST	COST
1.	1480	Vehicles of less than 5,000 lbs	$ 65.00	$ 75.00
2.	941	Accident vehicles of less than 5,000 lbs	$ 65.00	$ 75.00
3.	161	Vehicles of over 5,000 lbs	$ 65.00	$ 75.00
4.	99	Accident vehicles of over 5,000 lbs	$ 65.00	$ 75.00
5.	5	Vehicles of over 10,000 lbs	$ 175.00	$ 225.00
6.	5	Accident vehicles of over 10,000 lbs	$ 175.00	$ 225.00
7.		Straight pick-ups (less than 1/2 mile)		
7a.		a. Vehicles of less than 10,000 lbs	$ 25.00	$ 45.00
7b.		b. Vehicles of over 10,000 lbs	$ 50.00	$ 125.00
8.		Tows more than 5 miles outside City limits; amount per mile in addition to the basic towing fee	$3.00 PER MILE	$3.50 PER MILE
9.		Service calls with City of Troy limits		
9a.		Vehicle jump-start	$ 40.00	$ 45.00
9b.	49	Vehicle lock-out	$ 40.00	$ 45.00
9c.	321	Return vehicle to roadway	$ 50.00	$ 65.00
9d.		Tire change (per tire)	$ 45.00	$ 45.00
9e.		Service call-other (separate cars...etc.)	$ 50.00	$ 75.00
10.		Additional Dolly charge not included in flatbed or wheel lift hoist tows.	$ 40.00	$ 45.00
11.		Labor charge per man hr for on scene, additional or standby personnel (per man hour)	$40.00 PER HOUR	$55.00 PER HOUR
12.		Storage fee rate per day - Standard parking	$ 12.00	$ 12.00
12a.		Storage fee rate per day - Oversize parking	$ 12.00	$ 25.00
		SUB-TOTAL	$ 194,025.00	$ 226,395.00
		SERVICE - CITY OWNED VEHICLES		
1.	40	Vehicles up to 10,000 lbs	$ 35.00	$ 50.00
2.	5	Accident up to 10,000 lbs	$ 35.00	$ 50.00
3.	10	Vehicles over 10,000 lbs	$ 75.00	$ 125.00
4.	5	Accident vehicles over 10,000 lbs	$ 75.00	$ 125.00
5.	4	Remove Each Axle Shaft/Drive Shaft	$ 15.00	$ 20.00
6.		Towing beyond 5 miles (per mile)	$3.00 PER MILE	$3.50 PER MILE
7.	12	Road service within City limits including jump starts	$ 30.00	$ 30.00
7a.		Additional dolly charge	$ 30.00	$ 30.00
7b.		Labor charge (per man hour)	$30.00 PER HOUR	$55.00 PER HOUR
7c.	12	On-road tire replacement	$ 30.00	$ 30.00
8.		Transport vehicle to Troy Auction Sites or dealers		
8a.		Cars, Vans & Pick-ups	$3.00 PER MILE	$3.50 PER MILE
8b.		Vehicles/equipment from 12,000 to 18,000 GVW	$3.00 PER MILE	$3.50 PER MILE
8c.	4	Vehicles/equipment from 18,000 GVW & over	$3.00 PER MILE	$3.50 PER MILE
9.		Vehicle requiring assist. to place back on road		
9a.	6	Cars, Vans & Pick-ups	$ 30.00	$ 50.00
9b.		Vehicles/equipment from 12,000 to 18,000 GVW	$ 45.00	$ 125.00
9c.	10	Vehicles/equipment from 18,000 GVW & const. Eqmt.	$ 75.00	$ 150.00
		SUB-TOTAL	$ 4,470.00	$ 6,795.00
		ESTIMATED GRAND TOTAL	$ 198,495.00	$ 233,190.00
		EXPERIENCE: Years in Service	50	24
		INSURANCE: Y/N	YES	YES
		TERMS :	NET 30	BLANK
		EXCEPTIONS:	LISTED IN BID	LISTED IN BID

**** DENOTES LOW TOTAL BIDDER**

ATTEST:
Flo Opatik
Michael Crocker
Susan Leirstein

Jeanette Bennett
Purchasing Director

Mailing Name	Address Line 1	Address Line 2	City City	ST	Postal Code
A & M SUNOCO SERVICE	4738 ROCHESTER ROAD		ROYAL OAK	MI	48073
ADLER'S TOWING	1186 BALDWIN		PONTIAC	MI	48340
BOB ADAM'S TOWING	2499 COLE		BIRMINGHAM	MI	48009
BYERS WRECKER SERVICE INC	399 SOUTH STREET		ROCHESTER	MI	48307
COLMAN'S TOWING & RECOVERY INC (ROADONE)	1871 BIRCHWOOD		TROY	MI	48083
DEAN'S TOWING	4259 HAMPTON		ROYAL OAK	MI	48073
FRONRATH INC	2831 GRATIOT		ROSEVILLE	MI	48066
GENERAL TOWING	2415 WOODWARD AVENUE		BLOOMFIELD HILLS	MI	48302
HARERSTICK TOWING	21902 JOHN R		HAZEL PARK	MI	48030
MAPLE/LASHER SHELL SERVICE	3690 W MAPLE ROAD		BLOOMFIELD HILLS	MI	48301
MONAGHAN'S TOWING	21680 FERN		OAK PARK	MI	48237
MUNDY'S TOWING	28152 JOHN R		HAZEL PARK	MI	48071
PLUMBROOK TOWING	43753 UTICA ROAD		STERLING HEIGHTS	MI	48078
ROADONE	19801 PLEASANT		ST CLAIR SHORES	MI	48080
RON'S MARATHON	1400 W MAPLE		TROY	MI	48084
SERVICE TOWING	789 AJAX DRIVE		MADISON HEIGHTS	MI	48071
SERVICE TOWING	6006 RINKE		WARREN	MI	48091
SOUTH MACOMB TOWING	4401 E 8 MILE ROAD		WARREN	MI	48091
TJ'S TOWING	13154 LEECH		STERLING HEIGHTS	MI	48312
TROY COLLISION	931 RANKIN STREET		TROY	MI	48083

COMMODITY CODE: 968-90

TOWING SERVICES

E-04c

March 30, 2005

TO: John Szerlag, City Manager

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

SUBJECT: **AGENDA ITEM -** Standard Purchasing Resolution #1: Award to Low Bidder Contract 05-1 – Section 18 Bituminous Overlay, Big Oak Trail SAD & Somerton SAD

RECOMMENDATION

It is recommended that City Council award a contract for Section 18 Bituminous Overlay, Big Oak Trail SAD & Somerton SAD to John Carlo, Inc., 4500 River Ridge, Clinton Twp., MI 48038 for their low bid of $289,956.90 contingent upon submission of proper proposal and bid documents, including insurance certificates, bonds and all specified requirements.

In addition, we are requesting authorization to approve additional work, if needed, not to exceed 10% of the original project cost.

PROJECT INFORMATION

Bids were received and publicly read on March 22, 2005. The low bidder was John Carlo, Inc., as can be seen in the attached tabulation of bids. The project will include asphalt overlays in Section 18, special assessment paving of gravel roads and minor storm sewer work on Big Oak Trail and Somerton. All contract work, including final restoration and cleanup, is scheduled for completion by August 31, 2005.

FUNDING

Funds for this work are included in the 2004/05 Local Roads, account numbers 401499.7989.041025, 401499.7986.042011 and 401499.7989.041061. The budgeted amount includes funds for construction, inspection and contingencies.

9 - Bids Sent / 6 - Bids Rec'd

Prepared by: Gary Streight, Civil Engineer
G:\Contracts\Contracts - 2005\05-1 - Sec. 18 Bit. Overlay, Big Oak Trail SAD & Somerton SAD\Correspondence\Bid Award.doc

BID TABULATION
SECTION 18 BIT. OVERLAY, BIG OAK TRAIL SAD & SOMERTON SAD
CITY OF TROY
OAKLAND COUNTY, MICHIGAN

Bids Due: March 22, 2005
Project # 04.105.5, 04.201.1, 04.106.1

			John Cario 45000 River Ridge Clinton Township, MI 48038		Florence Cement Co. 12798 23 Mile Rd. Shelby Twp., MI 48315		Cadillac Asphalt 4751 White Lake Rd. Clarkston, MI 48346	
Item	Quantity		Unit Price	Total Cost	Unit Price	Total Cost	Unit Price	Total Cost
DIVISION 1 - Sec. 18 Bit. Overlay								
1 Adjust Structure	2	Each	$471.00	$942.00	$520.00	$1,040.00	$500.00	$1,000.00
2 Removing Pavement, as Needed	300	SY	$5.20	$1,560.00	$4.65	$1,395.00	$15.00	$4,500.00
3 Undercutting Subgrade, as Needed	100	CY	$29.50	$2,950.00	$35.00	$3,500.00	$28.00	$2,800.00
4 Excavation	100	CY	$17.30	$1,730.00	$13.55	$1,355.00	$15.00	$1,500.00
5 Aggregate Base Under Bituminous, as Needed	100	SY	$9.65	$965.00	$9.30	$930.00	$9.00	$900.00
6 Cold Milling Bituminous Surface	200	SY	$13.20	$2,640.00	$7.90	$1,580.00	$1.50	$300.00
7 Bit. Mix. No. 1100L, 20AA	150	Tons	$51.30	$7,695.00	$39.75	$5,962.50	$70.25	$10,537.50
8 Bit. Mix. No. 1100T, 36B	100	Tons	$107.00	$10,700.00	$76.75	$7,675.00	$90.00	$9,000.00
9 Bit. Mix. No. 1100T, 20AA, 1 1/2" Wearing	1,750	Tons	$38.00	$66,500.00	$44.00	$77,000.00	$45.25	$79,187.50
10 6" Concrete Driveway	75	SY	$42.70	$3,202.50	$37.80	$2,835.00	$40.00	$3,000.00
11 Traffic Maintenance Control	1	Lsum	$24,500.00	$24,500.00	$1,100.00	$1,100.00	$10,400.00	$10,400.00
12 Mail Box Post, as Needed	50	Each	$96.10	$4,805.00	$100.00	$5,000.00	$20.00	$1,000.00
13 Hand Patching	150	Tons	$95.60	$14,340.00	$65.00	$9,750.00	$100.00	$15,000.00
14 Cold Plastic Pav't Marking, 24" Stop Bar	150	LF	$12.55	$1,882.50	$21.60	$3,240.00	$8.00	$1,200.00
15 Restoration	Incid.	Incid.						
16 Weed Killer Application	1	Lsum	$1.00	$1.00	$2,700.00	$2,700.00	$7,350.00	$7,350.00
17 Water, 1,000 Gal/Unit	50	Unit	$30.00	$1,500.00	$54.00	$2,700.00	$28.00	$1,400.00
SUB-TOTAL - DIVISION 1				**$145,913.00**		**$127,762.50**		**$149,075.00**
DIVISION 2 - Big Oak Trail SAD								
18 Audio Video Record of Construction Area	1	Lsum	$800.00	$800.00	$810.00	$810.00	$1,500.00	$1,500.00
19 Removing Culvert	2	Each	$246.00	$492.00	$280.00	$560.00	$150.00	$300.00
20 Remove Concrete or Asphalt Pavement	50	SY	$6.70	$335.00	$6.50	$325.00	$8.00	$400.00
21 Adjust Sanitary Structure	3	Each	$470.00	$1,410.00	$330.00	$990.00	$450.00	$1,350.00
22 Earth Excavation	200	CY	$20.30	$4,060.00	$18.50	$3,700.00	$9.50	$1,900.00
23 Ditch Grading	1,000	LF	$1.85	$1,850.00	$22.00	$22,000.00	$4.75	$4,750.00
24 Roadway Grading	2,000	SY	$1.10	$2,200.00	$2.00	$4,000.00	$0.75	$1,500.00
25 Subgrade Undercutting, Incl. Crushed Conc. Backfill, If and Where Required	150	CY	$29.70	$4,455.00	$35.00	$5,250.00	$28.00	$4,200.00
26 Salvaged Aggregate for Shoulders	75	CY	$5.90	$442.50	$16.75	$1,256.25	$10.00	$750.00
27 Agg. Base, 21AA, for Roadway, Drive Approach, or Shoulder Replacement	400	Tons	$17.20	$6,880.00	$15.25	$6,100.00	$20.00	$8,000.00
28 Bit. Mix. No. 500, 20C, 3"	275	Tons	$57.00	$15,675.00	$41.00	$11,275.00	$49.25	$13,543.75
29 Bit. Mix. No. 1100T, 20AA, 1 1/2"	140	Tons	$43.00	$6,020.00	$74.40	$10,416.00	$72.75	$10,185.00
30 Bit. Mix. No. 1100T, 36B, 4" for Drive Approach	30	Tons	$124.00	$3,720.00	$99.00	$2,970.00	$100.00	$3,000.00
31 Class C76-IV Sewer, 12", (T.D.-B)	40	LF	$22.60	$904.00	$55.50	$2,220.00	$38.00	$1,520.00
32 12" CMP Culvert	20	LF	$21.90	$438.00	$57.00	$1,140.00	$27.00	$540.00
33 Relocate Hydrant	1	Each	$716.00	$716.00	$2,300.00	$2,300.00	$1,800.00	$1,800.00
34 Remove & Reset Mailboxes & Posts	5	Each	$121.00	$605.00	$100.00	$500.00	$20.00	$100.00

			John Carlo 45000 River Ridge Clinton Township, MI 48038		Florence Cement Co. 12798 23 Mile Rd. Shelby Twp., MI 48315		Cadillac Asphalt 4751 White Lake Rd. Clarkston, MI 48346	
35 Turf Restoration w/4" Topsoil and Class A Sod - Included in Project Items	Incid	Incid						
36 Watering Sodded Areas, 1,000 Gal/Unit	50	Units	$30.00	$1,500.00	$54.00	$2,700.00	$28.00	$1,400.00
37 Weed Control	1	Lsum	$1.00	$1.00	$2,700.00	$2,700.00	$1,250.00	$1,250.00
38 Traffic Maintenance Control	1	Lsum	$6,659.00	$6,659.00	$1,080.00	$1,080.00	$5,375.00	$5,375.00
SUB-TOTAL DIVISION 2				**$59,162.50**		**$82,292.25**		**$63,363.75**

DIVISION 3 - Somerton SAD

39 Removing Approaches	118	SY	$5.45	$643.10	$7.45	$879.10	$8.00	$944.00
40 Removing Pavement	150	SY	$5.20	$780.00	$4.65	$697.50	$5.00	$750.00
41 Removing Temporary Pavement	2150	SY	$3.45	$7,417.50	$2.25	$4,837.50	$4.75	$10,212.50
42 Reconstruct Structure	1	Each	$496.00	$496.00	$520.00	$520.00	$800.00	$800.00
43 Adjust Structure	6	Each	$471.00	$2,826.00	$520.00	$3,120.00	$450.00	$2,700.00
44 Roadway Grading	8.5	Sta	$1,030.00	$8,755.00	$620.00	$5,270.00	$1,200.00	$10,200.00
45 Machine Grading	13.6	Sta	$580.00	$7,888.00	$215.00	$2,924.00	$200.00	$2,720.00
46 Regrading	0.2	ACRE	$1,300.00	$260.00	$23,750.00	$4,750.00	$6,000.00	$1,200.00
47 Subgrade Undercutting, as Needed	100	CY	$29.70	$2,970.00	$35.00	$3,500.00	$28.00	$2,800.00
48 Aggregate Base, 21AA, Limestone	100	Ton	$17.20	$1,720.00	$14.50	$1,450.00	$18.00	$1,800.00
49 Bit. Mix. No. 500, 20C, 3"	652	Ton	$37.80	$24,645.60	$39.30	$25,623.60	$37.50	$24,450.00
50 Bit. Mix. No. 1100T, 20AA, 1 1/2"	328	Ton	$38.90	$12,759.20	$55.75	$18,286.00	$49.25	$16,154.00
51 Bit. Mix. No. 1100T, 36B, 4" for Approaches	23	Ton	$113.00	$2,599.00	$95.00	$2,185.00	$100.00	$2,300.00
52 Restoration	Incid.	Incid.						
53 Weed Killer Application	1	Lsum	$1.00	$1.00	$2,700.00	$2,700.00	$1,550.00	$1,550.00
54 Water, 1,000 Gal/Unit	50	Units	$30.00	$1,500.00	$54.00	$2,700.00	$28.00	$1,400.00
55 Traffic Maintenance Control	1	Lsum	$9,621.00	$9,621.00	$1,080.00	$1,080.00	$7,000.00	$7,000.00
SUB-TOTAL DIVISION 3				**$84,881.40**		**$80,522.70**		**$86,980.50**
TOTAL AMOUNT OF BID CONTRACT 05-1				**$289,956.90**		**$290,577.45**		**$299,419.25**

Additional Bidders	Bid
Barrett Paving Materials	$322,624.77
Ajax Paving	$339,919.50
ABC Paving	$357,327.30

* Corrected by Engineer

April 1, 2005

To: John Szerlag, City Manager

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

Subject: **Agenda Item** – Standard Purchasing Resolution 1: Award to Low Bidders – Aggregates

RECOMMENDATION

On March 21, 2005, sealed bid proposals were opened to furnish one-year requirements of Aggregates with an option to renew for one additional year. After reviewing these proposals, City management recommends awarding contracts to the low bidders, Wolverine Contractors Inc. of Lathrup Village, MI, Richmond Transport of Lenox, MI, United Soils Inc. of Ray Township, MI, and Edw. C. Levy Co. of Detroit MI, for an estimated total cost of $29,015.00, at unit prices contained in the attached bid tabulation. Aggregates are purchased on an as needed basis throughout the year based upon estimated quantities.

SUMMARY

Item	Est. Qty (Ton)	Description	Price Per Ton	Estimated Total
Wolverine Contractors Inc.				
4.	100	Crushed Concrete 3”-6”	$ 11.82	$ 1,182.00
5	250	Chloride Sand	$ 14.10	$ 3,525.00
7.	250	Mason Sand	$ 10.33	$ 2,582.50
		Estimated Cost		$ 7,289.50
Richmond Transport				
3.	200	Crushed Concrete 1”-3”	$ 9.75	$ 1,950.00
6.	250	2NS Sand	$ 8.80	$ 2,200.00
		Estimated Cost		$ 4,150.00
United Soils Inc.				
2.	500	Pea Stone	$ 11.29	$ 5,645.00
		Estimated Cost		$ 5,645.00
Edw. C. Levy Co.				
1.	1000	6A Slag	$ 11.93	$11,930.00
		Estimated Cost		$11,930.00
		Estimated Total Cost		**$29,014.50**

April 1, 2005

To: John Szerlag, City Manager
Re: Bid Award – Aggregates

BUDGET

Funds for these materials are available through the Public Works operating budgets for Streets and Water, as monies clear through the balance sheet Inventory Accounts for Aggregates.

51 Vendors Notified via MITN System
8 Bid Responses Rec'd
1 Late Bid

Prepared by: Emily Frontera, Administrative Aide

Opening Date -- 3/21/05
Date Prepared -- 4/1/05

CITY OF TROY
BID TABULATION
AGGREGATES

VENDOR NAME:			WOLVERINE CONTRACTORS INC	RICHMOND TRANSPORT	UNITED SOILS INC	EDW C LEVY CO
ITEM	EST QTY/TONS	DESCRIPTION	PRICE/ TON	PRICE/ TON	PRICE/ TON	PRICE/ TON
1.	1000	6A SLAG	$ 12.77	$ 12.45	N/A	**$ 11.93**
2.	500	PEA STONE	$ 12.70	$ 11.65	**$ 11.29**	$ 12.87
3.	200	CRUSHED CONCRETE, 1" - 3"	$ 10.47	**$ 9.75**	$ 10.66	No Bid
4.	100	CRUSHED CONCRETE, 3" - 6"	**$ 11.82**	No Bid	$ 15.99	No Bid
5.	250	CHLORIDE SAND	**$ 14.10**	No Bid	$ 19.99	No Bid
6.	250	2NS SAND	$ 9.30	**$ 8.80**	$ 9.80	$ 9.07
7.	250	MASON SAND	**$ 10.33**	$ 10.60	$ 11.30	$ 11.08
	DISCOUNT IF AWARDED ALL ITEMS		Blank	Blank	N/A	N/A
	ESTIMATED TOTAL AWARDED ITEMS:		**$ 7,289.50**	**$ 4,150.00**	**$ 5,645.00**	**$ 11,930.00**
	ESTIMATED GRAND TOTAL ALL ITEMS:		$ 30,828.50	N/A	N/A	N/A
	MINIMUM ORDER REQUIREMENTS		50 Tons	50 Tons	30 Tons	50 Tons
	Within Hours		24	24	24	24
	CONTACT INFORMATION Hrs of Operation		Open 24Hrs	6am-6pm	8:30-5pm	7-5pm
	24 Hr. Phone No.		(248)357-1000	(810)602-1351	(810)533-0076	N/A
	INSURANCE	CAN MEET	XX	XX	XX	XX
		CANNOT MEET				
	TERMS:		Net 30 Days	Net 10th	Net 30 Days	Net 30 Days
	EXCEPTIONS:		Blank	Blank	Blank	Alternate Bid: Mortar Sand for Mason Sand
	ACKNOWLEDGEMENT: Y or N		Yes	Yes	Yes	Yes

PROPOSAL: One (1) Year Requirements of Aggregates with an Option to Renew for One (1) Additional Year

BOLDFACE TYPE DENOTES LOW BIDDERS

ATTEST:
Charlene McComb
Emily Frontera
Tom Rosewarne
Linda Bockstanz

Jeanette Bennett
Purchasing Director

G:\ITB-COT 05-06 Aggregates

VENDOR NAME:			SYLVESTER MATERIAL CO DBA THE STANLEY GROUP	TJ FIORE CRUSHED CONCRETE INC	GREAT LAKES AGGREGATES CO	ELLSWORTH INDUSTRIES INC
ITEM	EST QTY/TONS	DESCRIPTION	PRICE/ TON	PRICE/ TON	PRICE/ TON	PRICE/ TON
1.	1000	6A SLAG	No Bid	No Bid		
2.	500	PEA STONE	$ 13.05	No Bid		
3.	200	CRUSHED CONCRETE, 1" - 3"	No Bid	$ 11.75	$ 10.40	
4.	100	CRUSHED CONCRETE, 3" - 6"	No Bid	No Bid		
5.	250	CHLORIDE SAND	No Bid	No Bid		$ 19.75
6.	250	2NS SAND	No Bid	No Bid		
7.	250	MASON SAND	No Bid	No Bid		
	DISCOUNT IF AWARDED ALL ITEMS		N/A	N/A		
	ESTIMATED TOTAL AWARDED ITEMS:		**$ -**	**$ -**	**$ -**	**$ -**
MINIMUM ORDER REQUIREMENTS			50 Tons	N/A	50 Tons	50 Tons
Within Hours			24	24	24	24
CONTACT INFORMATION						
Hrs of Operation			6-5pm	7-6pm	8-4pm	24 Hours
24 Hr. Phone No.			(419)392-2568	(586)939-6200	(734)777-7299	(313)218-4790
INSURANCE		CAN MEET	XX	XX	XX	XX
		CANNOT MEET				
TERMS:			Net 30 Days	Blank	Net 30 Days	Net 30
EXCEPTIONS:			Blank	N/A	Blank	None
ACKNOWLEDGEMENT: Y or N			Yes	Yes	Yes	Yes

Michigan Inter-governmental Trade Network
MITN

Downloading History for ITB-COT 05-06 Aggregate

The report below shows all fax and e-mail vendors that matched this document when it was originally issued. It also shows all vendors that have downloaded or ordered the document and any subsequent amendments as of **4/1/2005.**

Document Title:	Aggregates
Date Issued:	2/28/2005
Close Date:	3/21/2005

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

Acct #	Company Name	Service	Date Obtained Document	Date Obtained Amendments
12763	ACME Contracting, Ltd.	Free	3/16/2005	
19324	AGGREGATE TRANSPORT.INC	E-mail	3/26/2005	
12964	Ajax Materials Corporation	E-mail	2/28/2005	
14279	Amerinational Community Services	E-mail		
20226	Angela Trucking, Inc.	Free	3/11/2005	
14471	Angelo Iafrate Construction Company	E-mail		
11647	ARCADIS FPS, Inc.	E-mail		
17978	Attard Electrical Contracting	E-mail	3/14/2005	
12250	Barrett Paving Materials Inc.	E-mail	3/18/2005	
11355	Cartegraph	E-mail		
16410	DeAngelo Brothers Inc	Free	2/28/2005	
12164	Edw. C. Levy Co.	E-mail	2/28/2005	
17269	Electric Tool & Equipment, Inc.	Free	3/9/2005	
11185	Ellsworth Industries	Free	3/15/2005	
20362	Fastrnal Company	Free	3/18/2005	
16017	Fleis & Vandebrink Engineering, Inc	E-mail		
20599	Great Lakes Aggregates Company	Free	3/15/2005	
20479	HAYES EXCAVATING CO. INC.	E-mail	3/8/2005	
19742	Hennessey Engineers, Inc.	Free	3/2/2005	
14439	J & H Transportation, Inc.	Free	3/7/2005	
17522	Jack B. Anglin Company, Inc	E-mail		

16100	JACKIES TRANSPORT INC.	Fax		
18418	Lazer Technologies	Free	3/2/2005	
15957	Luke's Trucking and Excavating L.L.C	E-mail	3/6/2005	
20585	Michigan Groundscape	Free	3/18/2005	
12761	Northwest Consultants, Inc.	E-mail		
18380	OccuMed3	E-mail		
10643	Osburn Industries, Inc.	E-mail	2/28/2005	
11059	Pamar Enterprises, Inc.	E-mail		
17790	Pete Wood Plumbing & Heating Co.	E-mail		
13691	R & E Trucking Inc.	Fax		
18454	R.O.C. Transport, Inc	Fax	3/4/2005	
16297	Richard Sisson Trucking, Inc.	Fax		
10841	Richmond Transport Inc.	Fax	3/2/2005	
20595	Rose Pest Solutions	Free	3/17/2005	
16370	SAFEGUARD TRANSPORT	E-mail		
12336	SAVALLES TRUCKING INC.	Fax		
13684	soil and materials engineers, inc	E-mail		
10113	Sullivan Corporation	Free	3/4/2005	
11546	The Mannik & Smith Group, Inc.	E-mail	3/10/2005	
12535	The Stansley Group	E-mail	3/7/2005	
20481	TJ-Fiore Crushed Concrete, Inc.	E-mail	3/16/2005	
16894	Trans - Tek Transport, L. L. C.	Fax		
16303	Tri-City Aggregates Inc	Fax	3/2/2005	
20298	underground contracting corporation	Fax	3/1/2005	
14676	Unique Paving Materials	E-mail	3/14/2005	
11267	United Soils, Inc.	E-mail	3/2/2005	
17938	VMX International, LLC	E-mail	3/1/2005	
14338	Washtenaw Inc., Maintenance Services	E-mail	3/1/2005	
11031	Wiegand Mack Sales and Service	E-mail		
13436	Wolverine Contractors, Inc.	Fax	3/3/2005	

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April 5, 2005

TO: John Szerlag, City Manager

FROM: John M. Lamerato, Assistant City Manager/Finance & Administration
Jeanette Bennett, Purchasing Director
Cindy Stewart, Community Affairs Director

SUBJECT: **Agenda Item** - Standard Purchasing Resolution 2: Bid Award – Lowest Bidder Meeting Specifications – Printing of Troy Today, Quarterly Newsletter

RECOMMENDATION

Bid proposals to furnish printing of the quarterly newsletter Troy Today for one (1) year with an option to renew for two (2) additional one-year periods were opened on March 30, 2005. City management recommends a contract be awarded to the lowest acceptable bid received from Grand River Printing & Imaging, 8455 Haggerty Road, Van Buren Township, MI 48111, 734-394-3635 at an estimated annual cost of $70,060.72, plus additional charges as needed at unit prices contained in the attached bid tabulation dated 3/30/05 and the actual cost of bulk rate postage.

ADDITIONAL INFORMATION

The Troy Today is mailed to all households four (4) times per year to publicize City information; phone numbers; Parks & Recreation, Library, Museum and Nature Center classes and special events. It maintains regular features including road and infrastructure construction maps, development news, Council meeting schedules, Police and Fire tips and other special programs.

EXPLANATION OF LOWEST BID WITHDRAWING

Phillips Brothers Printing submitted the lowest bid at $65,200.00, but on April 4, 2005 they withdrew their bid due to the fact that they realized they overlooked or misunderstood a couple of items on the bid document. Their email is attached.

EXPLANATION OF BID NOT MEETING SPECIFICATIONS

The paper specification was changed this year to allow a lower weight paper to decrease postage costs. Grand River Printing & Imaging submitted two bids with the lowest of the two bids containing pricing for an alternate paper. That paper was unacceptable since the opacity of the paper was lower which can result in unacceptable ink bleed through.

BUDGET

Funds are available in the Community Affairs Printing Account #748.7901, Library Printing Account #790.7901 and the Parks & Recreation Printing Account #752.7901.

141 Vendors Notified via MITN System
6 Bid Responses Rec'd
1 Bid did not meet specifications
3 No Bids: (2) companies could not be competitive
(1) company policy prohibits including $1,500 check to insure the bid
1 Bid Withdrawn

Opening Date -- 3-30-05
Date Prepared -- 4/8/05

CITY OF TROY
BID TABULATION
PRINTING OF TROY TODAY

VENDOR NAME:	*	**GRAND RIVER PRINTING & IMAGING**	CLARK GRAPHICS INC
CHECK #		On File	620692837
CHECK AMOUNT		**$1,500.00**	**$1,500.00**

PROPOSAL: FURNISH ALL LABOR, MATERIALS, AND EQUIPMENT TO PROVIDE ONE YEAR REQUIREMENTS OF OFFSET PRINTING OF TROY TODAY WITH AN OPTION TO RENEW FOR TWO ADDITIONAL ONE-YEAR PERIODS

QTY	DESCRIPTION		
40,000 Copies per Printing	**Printing of TROY TODAY**		
	Four Times per Year (160,000 Copies per Year)		
	Complete for the Sum of:	**$ 17,515.18**	$ 24,663.00
	Extended Yearly Cost:	**$ 70,060.72**	$ 98,652.00
	Paper Manufactured by: Cover	Sonoma by Woodland	
	Inside	Daytona by Woodland	Daytona Offset
	Additional Charges:		
	1) Cost per each additional 4-page spread	See pricing schedule	
	50 lb Offset Paper		$ 3,114.00
	60 lb White Gloss Text Stock		$ 2,856.00
	2) Changes once the silver print is completed	$80.00/HR	$75.00/HR
	3) Cost for additional quantities per 500 Copies		
	Offset **Gloss Text**		
	Base Bid (80 Pages + 4 pages)	$168.56/500 Copies	$144.00/500 Copies
	Optional Pricing	Per 500 Copies	Per 500 Copies
	a.) 84 Pages (84 Pages + 4 pages)	$ 602.35	$ 298.00
	b.) 88 Pages (80 Pages + 8 pages)	$ 757.61	$ 290.00
	c.) 92 Pages (84 Pages + 8 pages)	$ 1,953.83	$ 348.00
	Completion Schedule:		
	Can meet 10 CALENDAR DAYS	XX	XX
	Cannot meet		
	Contact Information		
	Hours of Operations	3 shifts - 24 hours	24 hours
	24 Hrs Emergency Phone No.	(734)394-1400	(586)772-4900
	Terms	2% 10 days; Net 30	Net 30 Less 1% Net 20
	Warranty	BLANK	BLANK
	Delivery	**10 Business Days**	
	Samples Y or N	YES	YES
	Exceptions:	BLANK	IF STOCK IS UNAVAILABLE FOR 2ND, 3RD, AND 4TH
			PRINTING COST IS $25,394 FOR 40,500
			$25,250 FOR 40,000
	Acknowledgement Completed Y or N	YES	YES

BID WITHDRAWN :
Phillips Brothers Printers Inc $65,200.00

*** DENOTES LOWEST ACCEPTABLE BIDDER**

DMS:
Grand River Printing & Imaging - Alternate Bid - $67,335.32
Reason: The alternate paper is unacceptable due to opacity - there is greater chance of ink bleed through.

VENDOR NAME:	UNIVERSITY LITHOPRINTERS INC	ALLIED MAILING & PRINTING INC
CHECK #	109517	100073969
CHECK AMOUNT	**$1,500.00**	**$1,500.00**

PROPOSAL: FURNISH ALL LABOR, MATERIALS, AND EQUIPMENT TO PROVIDE ONE YEAR REQUIREMENTS OF OFFSET PRINTING OF TROY TODAY WITH AN OPTION TO RENEW FOR TWO ADDITIONAL ONE-YEAR PERIODS

QTY	DESCRIPTION			
40,000 Copies per Printing	**Printing of TROY TODAY**			
	Four Times per Year (160,000 Copies per Year)			
	Complete for the Sum of:		$ 24,990.00	$ 1.37
	Extended Yearly Cost:		$ 99,960.00	$ 219,901.00
	Paper Manufactured by:	Cover	Cannon	Woodland
		Inside	Woodland	Woodland
	Additional Charges:			
	1) Cost per each additional 4-page spread			
	50 lb Offset Paper		$ 1,685.00	$ 6,375.31
	60 lb White Gloss Text Stock		$ 1,685.00	$ 8,492.12
	2) Changes once the silver print is completed		$65.00/HR	$100.00/HR
	3) Cost for additional quantities per 500 Copies			
	Offset / **Gloss Text**			
	Base Bid (80 Pages + 4 pages)		$170.00/500 Copies	$647.45/500 Copies
	Optional Pricing		Per 500 Copies	Per 500 Copies
	a.) 84 Pages (84 Pages + 4 pages)		$ 190.00	$ 1,879.08
	b.) 88 Pages (80 Pages + 8 pages)		$ 210.00	$ 1,428.42
	c.) 92 Pages (84 Pages + 8 pages)		$ 230.00	$ 1,914.13
	Completion Schedule:			
	Can meet	10 CALENDAR DAYS	XX	XX
	Cannot meet			
	Contact Information			
	Hours of Operations		Production - M-F 24 Hours	M-F 7:30 - 5pm
	24 Hrs Emergency Phone No.		(734)973-9414	(313)719-1500
	Terms		Net 30 Days	Net 30 Days
	Warranty		BLANK	BLANK
	Delivery		**10 Business Days**	
	Samples	Y or N	YES	YES
	Exceptions:		BLANK	BLANK
	Acknowledgement	Completed Y or N	YES	YES

NO BIDS:

ATTEST:
Debra Painter
Cindy Stewart

Jeanette Bennett

From: Cynthia A Stewart
Sent: Monday, April 04, 2005 2:14 PM
To: Jeanette Bennett
Subject: FW: ITB-COT 05-05 Troy Today.

-----Original Message-----
From: Rush, Carolyn [mailto:Carolyn@pbpweb.com]
Sent: Monday, April 04, 2005 2:05 PM
To: Cynthia A Stewart
Subject: ITB-COT 05-05 Troy Today.

Hi Cindy,

Per our conversation, please consider this e-mail as Phillips Brothers Printers' withdrawal from ITB-COT 05-05 Troy Today.
After your questioning of a few items in the bid, we realized we overlooked or misunderstood a couple of items.
Phillips Brothers Printers would not be able to complete the print of the publication exact to the specifications, for the price we bid.
I apologize for any inconvenience this may have caused.
Carolyn Rush

Downloading History for ITB-COT 05-05 TroyToday

The report below shows all fax and e-mail vendors that matched this document when it was originally issued. It also shows all vendors that have downloaded or ordered the document and any subsequent amendments as of **4/8/2005.**

Document Title:	Printing of Troy Today
Date Issued:	3/8/2005
Close Date:	3/30/2005

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

Acct #	Company Name	Service	Date Obtained Document	Date Obtained Amendments
10991	360 Services International	E-mail		
17153	A&E Printers and Mailers	Free	3/22/2005	
11680	A-1 Business Products	E-mail	3/9/2005	
13053	Accuform Printing & Graphics, Inc.	Free	3/16/2005	
10693	ACE Computer Essentials, Inc.	E-mail		
16603	Ad-Tech Agency Inc.	E-mail		
12742	Addison Graphic Solutions, Inc.	E-mail		
13431	Advantage Communications Group	E-mail		
16572	Allied Mailing & Printing	Free	3/23/2005	
19786	America's Finest Printing & Graphics	E-mail	3/11/2005	
20230	American Ink Printing & Graphics	E-mail	3/9/2005	
11147	American Mailers	E-mail		
19476	Ann Arbor Printing & Mailing Service	E-mail	3/8/2005	
15460	Arbor Press	E-mail		
12062	B2B Services, Inc	Fax		
10717	Blue Pencil Creative Group, Ltd.	E-mail		
16776	BRD Printing Incorporated	E-mail	3/17/2005	
15019	Brodie Corporation	E-mail		
18332	c &h printing	E-mail		
17028	C&A Type and Graphics	E-mail	3/8/2005	
16815	C.A.P. Printing L.L.C.	Free	3/10/2005	

11916	Caldwell Printing	Free	3/28/2005	
19674	Capital Imaging	E-mail		
13422	Centron Data Services, Inc.	E-mail		
12922	Clark Graphics, Inc.	E-mail	3/21/2005	
19258	Color Q LLC	E-mail	3/16/2005	
16718	Commercial Blueprint, Inc.	E-mail		
13813	Commercial Communications, Inc	E-mail		
17102	Community Reproduction and Printing Group, Inc.	E-mail		
17878	Compton Printing	E-mail		
19861	Computer Composition Corp	Free	3/14/2005	
20016	CORT Furniture Rental	E-mail	3/9/2005	
10469	COUGAR PRINTING & GRAPHICS, INC.	E-mail		
10276	CPM Services Group, Inc	E-mail		
17214	CWB Enterprises, LLC	E-mail	3/9/2005	
10868	Dearborn Lithograph, Inc.	E-mail	3/25/2005	
11544	Dearborn Offset Printing, Inc.	E-mail	3/22/2005	
10100	Der Graphics, Incorporated	E-mail		
13468	DESIGN GROUP	Free	3/9/2005	
19136	Dodaj Enterprises	E-mail		
19543	Dupli Envelope & Graphics Corp.	E-mail		
16733	E.J. Steve	E-mail	3/8/2005	
15621	ECON MARKETING SERVICES INC	E-mail		
10981	Ed Luberda	E-mail		
17995	Empire Printing	E-mail		
10318	Entire Reproductions and Imaging Solutions	E-mail	3/9/2005	
19341	FIRST IMPRESSION PRINTING	E-mail		
14027	Five Star Graphics Inc dba Graphic Image	E-mail		
12125	Flamingo Kid Signs, Inc.	E-mail	3/10/2005	
11444	Fudge Business Forms, Inc.	E-mail		
11422	Gemini Forms & Systems	Free	3/8/2005	
15657	Grand River Printing & Imaging	E-mail	3/14/2005	
19815	Graphics East, Inc.	Fax		
19666	Greatland Corporation	E-mail		
17036	greko print &imaging inc.	Fax		
17186	Hatteras Printing, Inc.	E-mail	3/31/2005	
10677	Heitman Garand Company	Free	3/11/2005	
17858	Herald Publishing Company, Inc.	E-mail		
20473	Hooley Printing & Graphics	Free	3/11/2005	
20073	I-Z Corp	Free	3/20/2005	
19788	Identification Resources, Inc.	E-mail	3/29/2005	
17444	ImageNation Inc.	E-mail		

16060	Imperial Graphics & Design	E-mail		
11388	Inco Graphics	E-mail		
15511	Inland Press	E-mail	3/8/2005	
19591	Innovated Capital Solutions	E-mail		
13718	International Minute Press	Free	3/10/2005	
11719	INTRAC FORMS & SYSTEMS	E-mail		
18146	J & M Reproduction Corporation	E-mail		
18476	John Henry Company	E-mail	3/9/2005	
11116	Johnston Lithograph	Fax	3/30/2005	
14624	Kansas Bank Note Company	E-mail	3/13/2005	
13781	Kimcraft Printers, Inc	E-mail	3/8/2005	
11891	Kinko's	E-mail		
12808	Lasertec	E-mail		
10117	Lawson Printers, Inc.	Free	3/9/2005	
17321	Lighthouse Graphic Services	E-mail		
10128	Marketing Support Services	E-mail		
14525	Maro Enterprises LLC	E-mail		
19927	Mass Mailing	Free	3/10/2005	
17065	Master Business Forms Company	Fax		
17245	Matrix Imaging Solutions	E-mail		
18734	Matrix Printing Systems, Inc.	E-mail		
18275	Max Printing	E-mail		
17763	Mays Printing Company Inc.	E-mail		
11598	Media Connection Advertising Inc	E-mail		
19765	Meridian Graphics, LLC	Free	3/9/2005	
12333	Messenger Printing Service	E-mail	3/8/2005	
19710	Metro Community Newspapers, LLC	Free	3/16/2005	
12030	Miami Systems Corporation	Free	3/9/2005	
13110	Mid Atlantic Planning & Consulting	Free	3/21/2005	
18678	Miller Corp LLC	E-mail	3/21/2005	
17889	MK & Company	E-mail		
15976	Moore Wallace Inc	E-mail		
13485	Morning Star Publishing Company	E-mail	3/10/2005	
16101	Mort Crim Communications, Inc.	E-mail		
19622	MSX International	E-mail		
15485	Nu-Tech Graphics & Systems Inc.	Fax	3/28/2005	
20146	Observer & Eccentric Newspapers	E-mail		
18380	OccuMed3	E-mail		
18547	Office Furniture Services	E-mail		
14166	P&S INC	E-mail		
10331	PC Photo Imaging	E-mail	3/8/2005	
16416	Perfect Impressions	Free	3/30/2005	
14369	Perfect Promotion Inc.	E-mail		

18156	Performance Creative Resources, Inc.	E-mail	3/29/2005	
15759	Phillips Bros. Printers	Free	3/10/2005	
12743	PK Specialties	E-mail		
19946	POINTE GRAPHICS LLC	E-mail	3/21/2005	
19600	Print-Tech Inc.	E-mail	3/9/2005	
12534	Printcom, Inc	E-mail	3/8/2005	
10596	Printwell, Inc.	E-mail	3/22/2005	
19563	Pro-Motion, LLC	Free	3/8/2005	
12047	R.b. Printing Service	Fax		
20273	RBF Inc.	E-mail	3/15/2005	
15189	Regina's All-Star Apparel & Accessories, Inc.	E-mail		
10129	Robot Printing and Communications	E-mail		
10294	Rodriguez Printing Services	E-mail		
10038	Rotary Multiforms, Inc	E-mail		
13739	Schena Roofing & Sheet Metal Co. Inc.,	Fax	3/8/2005	
12933	Select Graphics Corporation	E-mail	3/8/2005	
11448	Signature Press, Inc.	E-mail		
11956	Sir Speedy Printing	E-mail	3/8/2005	
12886	Sky Promotions/Benquin Business	E-mail		
16450	SourceMaster	E-mail		
16388	Standard Office Solutions, INC	E-mail		
13123	Stephens Nu-Ad	E-mail		
18307	Stoffel Seals Corporation	E-mail	3/9/2005	
18562	TAB Products Company	E-mail		
16967	Target Information Management	E-mail		
13301	The Devon Group	Free	3/9/2005	
18035	The EGT Group,Inc.	E-mail		
16663	The Job Shop Ink Inc.	E-mail		
17735	The Quintek Group	E-mail	3/10/2005	
12437	The Reliance Group	E-mail		
12620	University Lithoprinters, Inc.	Free	3/15/2005	
12760	Utley Brothers, Inc.	E-mail		
20363	Velocity Imaging Group	E-mail	3/9/2005	
11610	Westside Reprographics	E-mail		
12122	Woodland Paper	Free	3/22/2005	
16881	Zip Printing	E-mail		

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March 31, 2005

To: John Szerlag, City Manager

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

Re: **Agenda Item:** Standard Purchasing Resolution 1: Award to Sole Bidder – Transit Mixed Concrete

RECOMMENDATION

On March 14, 2005, bid proposals were opened to furnish one-year requirements of Transit Mixed Concrete on an as needed basis for replacement of sidewalks, curbs and streets, with an option to renew for one (1) additional year. City management recommends awarding the contract to the sole bidder, Nagy Ready Mix Inc. of Utica, MI, as Primary Supplier, for an estimated cost of $166,554.00, at unit prices contained on the attached bid tabulation.

SUMMARY

PROPOSAL A – WEEK DAY DELIVERY

ITEM	EST QTY	DESCRIPTION	UNIT PRICE
1.	100 YDS	6 Sack Mix	$ 69.95/cy
2.	500 YDS	7 Sack Mix (High Early)	$ 77.95/cy
3.	800 YDS	12 HR 300PSI Mix Flexural Strength/ 7 sack	$ 77.95/cy
4.		**Split Load Charges**	
a.	15 times	2 Locations	$ 95.00/ea
b.	2 times	3 locations	$ 145.00/ea
5.	25 times	Below Minimum Load Charge	$ 65.00/ea
6.	50 YDS	Cold Weather Protection	$ 5.00/cy
		TOTAL ESTIMATED PRICE	**$111,920.00**

PROPOSAL B – SATURDAY DELIVERY

ITEM	EST QTY	DESCRIPTION	UNIT PRICE
1.	25 YDS	6 Sack Mix	$ 75.95/cy
2.	100 YDS	7 Sack Mix (High Early)	$ 83.95/cy
3.	500 YDS	12 HR 300PSI Mix Flexural Strength/ 7 sack	$ 83.95/cy
4.		**Split Load Charges**	
a.	5 times	2 Locations	$ 95.00/ea
b.	2 times	3 locations	$ 145.00/ea
5.	20 times	Below Minimum Load Charge	$ 65.00/ea
6.	60 YDS	Cold Weather Protection	$ 5.00/cy
		TOTAL ESTIMATED PRICE	**$ 54,633.75**

SECONDARY SUPPLIER

Routinely, a secondary supplier is named in the event that the primary supplier is unable to provide material, or meet delivery needs. Since only one vendor participated in the formal bid process and historical data shows that secondary suppliers are rarely called upon, an informal quote process was completed and Clawson & Killins Concrete Co. of Novi, MI shall be named as the Secondary Supplier.

March 31, 2005

To: John Szerlag
Re: Bid Award – Transit Mixed Concrete

PROPOSAL A – WEEK DAY DELIVERY

ITEM	DESCRIPTION	UNIT PRICE
1.	6 Sack Mix	$ 68.00/cy
2.	7 Sack Mix (High Early)	$ 73.00/cy
3.	12 HR 300PSI Mix Flexural Strength/ 7 sack	$ 73.00/cy
4.	**Split Load Charges**	
a.	2 Locations	$ 100.00/ea
b.	3 locations	$ 100.00/ea
5.	Below Minimum Load Charge	$ 80.00/ea
6.	Cold Weather Protection	$ 4.00/cy

PROPOSAL B – SATURDAY DELIVERY

ITEM	DESCRIPTION	UNIT PRICE
1.	6 Sack Mix	$ 73.00/cy
2.	7 Sack Mix (High Early)	$ 78.00/cy
3.	12 HR 300PSI Mix Flexural Strength/ 7 sack	$ 78.00/cy
4.	**Split Load Charges**	
a.	2 Locations	$ 100.00/ea
b.	3 locations	$ 100.00/ea
5.	Below Minimum Load Charge	$ 80.00/ea
6.	Cold Weather Protection	$ 5.00/cy

BACKGROUND INFORMATION

As of the date and time of the bid opening, Nagy Ready Mix Inc., was the sole bidder for this contract. Vendors who have provided mixed concrete in the past for the Streets Department were contacted to discuss their reasons for not participating in the formal bid process. Clawson & Killins Concrete Co., Van Horn Concrete and Superior Materials all indicated that they had intended to participate but neglected to submit bid proposals by the bid deadline.

BUDGET

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

20 Vendors Notified via MITN System
12 JD Edwards Vendors Mailed Notices
1 Bid Response Rec'd

Prepared by: Emily Frontera, Administrative Aide

Opening Date -- 3/14/05
Date Prepared -- 3/17/05

CITY OF TROY
BID TABULATION
TRANSIT MIXED CONCRETE

	VENDOR NAME:		*	NAGY READY MIX INC			
ITEM	EST QTY	DESCRIPTION		UNIT PRICE PRICE/YD	UNIT PRICE PRICE/YD	UNIT PRICE PRICE/YD	UNIT PRICE PRICE/YD
PROPOSAL A: WEEKDAY DELIVERY							
1.	100 YDS	6 SACK MIX		**$ 69.95**			
2.	500 YDS	7 SACK MIX (High Early)		**$ 77.95**			
3.	800 YDS	12 HR 300 PSI MIX Flexural Strength/ 7 sack		**$ 77.95**			
4.		**SPLIT LOAD CHARGES**					
a.	15 TIMES	2 LOCATIONS		**$ 95.00**			
b.	2 TIMES	3 LOCATIONS		**$ 145.00**			
5.	25 TIMES	BELOW MINIMUM LOAD CHARGE		**$ 65.00**			
6.	50 YDS	COLD WEATHER PROTECTION		**$ 5.00**			
	ESTIMATED TOTAL - PROPOSAL A:			**$ 111,920.00**			
PROPOSAL B: SATURDAY DELIVERY							
1.	25 YDS	6 SACK MIX		**$ 75.95**			
2.	100 YDS	7 SACK MIX (High Early)		**$ 83.95**			
3.	500 YDS	12 HR 300 PSI MIX Flexural Strength/ 7 sack		**$ 83.95**			
4.		**SPLIT LOAD CHARGES**					
a.	5 TIMES	2 LOCATIONS		**$ 95.00**			
b.	2 TIMES	3 LOCATIONS		**$ 145.00**			
5.	20 TIMES	BELOW MINIMUM LOAD CHARGE		**$ 65.00**			
6.	60 YDS	COLD WEATHER PROTECTION		**$ 5.00**			
	ESTIMATED TOTAL - PROPOSAL B:			**$ 54,633.75**			
UNLOADING TIME PER CUBIC YARD:				6MIN PER CY			
	MINIMUM LOAD:			7 CUBIC YARDS			
	HOURS OF OPERATION:			M-F 7-5:30 Sat 7-12pm			
	24 HRS PHONE NO.			MITCH (248)891-2231			

Opening Date -- 3/14/05
Date Prepared -- 3/17/05

CITY OF TROY
BID TABULATION
TRANSIT MIXED CONCRETE

VENDOR NAME:		* NAGY READY MIX INC			
INSURANCE:	Can Meet	XX			
	Cannot Meet				
TERMS:		BLANK			
WARRANTY:		BLANK			
DELIVERY TIME:		BLANK			
EXCEPTIONS:		BLANK			
ACKNOWLEDGEMENT:	Y or N	YES			

PROPOSAL - One (1) Year Requirements of Transit Mixed Concrete with an Option to Renew for One (1) Additional Year

ATTEST:
Loretta Wagner
Emily Frontera
Tom Rosewarne
Linda Bockstanz

*** DENOTES SOLE BIDDER**

Jeanette Bennett
Purchasing Director

G:\ITB-COT 05-04 TransitMixConcrete

Downloading History for ITB-COT 05-04 MxConcrete

The report below shows all fax and e-mail vendors that matched this document when it was originally issued. It also shows all vendors that have downloaded or ordered the document and any subsequent amendments as of **3/17/2005.**

Document Title:	Transit Mixed Concrete
Date Issued:	2/22/2005
Close Date:	3/14/2005

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

Acct #	Company Name	Service	Date Obtained Document	Date Obtained Amendments
17556	C.A. Hull Co., Inc.	E-mail	2/28/2005	
20276	Cruz -N- Moore Concrete, Inc.	E-mail	2/23/2005	
17769	Darby Ready Mix	Fax		
12164	Edw. C. Levy Co.	E-mail		
20362	Fastrnal Company	Free	3/11/2005	
15071	Harvard Engineering and Construction	E-mail		
11630	Mercer Equipment Rentals	E-mail		
20455	Nagy Ready Mix Inc	E-mail	3/1/2005	
18380	OccuMed3	E-mail		
14647	OSBORNE CONCRETE COMPANY INC.	Fax		
13691	R & E Trucking Inc.	Fax		
18454	R.O.C. Transport, Inc	Fax		
20331	Sabiston Builders Supply	Fax	3/2/2005	
17201	Shadowoods	Fax		
15977	Spartan Concrete	E-mail		
13875	Sterling Concrete Products, Inc.	E-mail	2/23/2005	
20500	SUPERIOR MATERIALS, INC	Free	3/4/2005	
12535	The Stansley Group	E-mail		
14676	Unique Paving Materials	E-mail		
13921	WALKER LANDSCAPING, INC.	E-mail		

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April 14, 2005

TO: John Szerlag, City Manager

FROM: Mary Redden, Office Coordinator

SUBJECT: Agenda Item – Standard Purchasing Resolution 10 Travel Authorization and Approval to Expend Funds for Troy City Council Members' Travel Expenses - National League of Cities (NLC) Congress of Cities and Exposition

Authorization is requested for Council Members' attendance of the NLC 82nd Congress of Cities and Exposition to be held in Charlotte, North Carolina in December 2005.

NLC is offering a reduced registration rate if registration is made before April 30, 3005.

Council Members Beltramini and Lambert were authorized to attend this particular conference by Council resolutions #2005-02-083-E-13a and #2005-02-083-E-13b on February 21, 2005.

MR/mr

AGENDA ITEMS\2005\04.18.05 – Stand Res #10 - Auth for NLC 82nd Congress of Cities and Exposition

Mary F Redden

To: Louise Schilling

Subject: RE: Special Congress of Cities Registration Offer (REVISED)

From: Deborah Brice
Sent: Monday, April 11, 2005 11:20 AM
Subject: Special Congress of Cities Registration Offer (REVISED)

CONGRESS OF CITIES AND EXPOSITION UPDATE

11, 2005

AMERICA'S CITIES AND TOWNS TEAMING UP FOR TOMORROW

SPECIAL LIMITED OFFER:

Register NOW for the 82nd Congress of Cities and Exposition at a reduced con rate. Visit the Congress of Cities and Exposition website at www.nlc.org and do the special Registration/Housing form.

Here is your chance to book your room reservations early and save on the confe fees.

Take advantage of this special offer; time is limited.

This offer good only until April 30, 2005

AMERICA'S CITIES AND TOWNS TEAMING UP FOR TOMORROW
CHARLOTTE CONVENTION CENTER-CHARLOTTE, NC
DECEMBER 6-10, 2005

National League of Cities
1301 Pennsylvania Avenue NW Suite 550 · Washington, DC 20004
Phone:(202) 626-3000 · Fax:(202) 626-3043
info@nlc.org · www.nlc.org
Privacy Policy

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.

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.

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.

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

April 5, 2005

TO: John Szerlag, City Manager

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

RE: Agenda Item – Request for Approval of Relocation Claim, Barbara A. Stimac, 2827 Thames, Sidwell # 88-20-25-226-004
Project No. 01.105.5 – Big Beaver Road Improvements, Rochester to Dequindre

As part of the proposed Big Beaver Road Widening Project – Rochester to Dequindre, City Council previously authorized the purchase of the property at 2827 Thames from the Barbara A. Stimac Revocable Trust. The closing was held on November 16, 2004. Mrs. Stimac has found a replacement dwelling on Axtell Road in Troy, Michigan.

In accordance with Michigan Laws and Federal Regulations, Mrs. Stimac is eligible for reimbursement of moving and incidental costs associated with her move. Mrs. Stimac chose a self-move and is making a claim for a fixed moving payment in the amount of $1,800. She has also made a claim for allowed incidental closing costs associated with the acquisition of her new dwelling.

Mrs. Stimac has filed the attached Relocation Claim and supplied the needed documentation to justify the payment. In order for the City to proceed with the proposed project, staff requests that City Council approve the attached Relocation Claim from Barbara A. Stimac in the amount of $2,245.00, and authorize payment. Funds will come from the Big Beaver Road – Rochester to Dequindre project.

Prepared by: Larysa Figol, Right of Way Representative

RELOCATION CLAIM
RESIDENTIAL

Michigan Department of Transportation 0679 (01/03)

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

CLAIMANT'S NAME: Barbara A. Stimac

MAILING ADDRESS: 2827 Thames, Troy, MI 48083

ACQUIRED PROPERTY ADDRESS AND PHONE:	REPLACEMENT PROPERTY ADDRESS AND PHONE:
2827 Thames, Troy, MI 48083	Axtell, Troy, MI 48084

CONTROLLING DATES

Date occupied state acquired property: 1967 Date of first written offer: 7-30-04 Date of move: 12/13/04

Date of move: _____ Date of final payment: 11/16/04 Date of estimated just compensation deposit: _____

MUST OCCUPY REPLACEMENT PROPERTY BY ----		
If Tenant, 12 months after date of move.	Date:	
If Secured Owner, 12 months after date of final payment.	Date:	11/16/05
If Unsecured Owner, 12 months after date of estimated just compensation deposit.	Date:	
MUST FILE CLAIM FOR PAYMENT BY ----		
If Tenant, 18 months after date of move.	Date:	
If Owner, 18 months after date of move or final payment, whichever is later.	Date:	05/16/06

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".

Replacement Housing Supplement	$0.00
Incidental Closing Costs	$445.00
Increased Interest Differential	$0.00
Replacement Rental Supplement (Installment # _____)	$0.00
Purchase Down Payment	$0.00
Moving - Fixed or Actual	$1,800.00
AMOUNT DUE:	**$ 2,245.00**

I/We agree payment will be sent to:

I/We Certify that:

1. All information submitted is true and correct.
2. I/We have purchased and occupied, or will purchase and occupy, a replacement dwelling which is decent, safe, and sanitary within the standards prescribed by the Michigan Department of Transportation.
3. I/We have vacated or will vacate the state acquired property.
4. I/We have not submitted any other claim, or received reimbursement from any other source, for expenses itemized on this claim.
5. I/We agree if the amount of compensation deposited is increased in an administrative settlement or condemnation action, the replacement housing supplement shall be recalculated based upon the increased compensation award, and any overpayment in the housing supplement shall be deducted by the Department from the final payment.
6, I/We am/are a legal resident of the United States

Barbara A. Stimac 3/31/05

Claimant's Signature Date **Claimant's Signature** 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: [signature] **DATE:** 3-31-05

APPROVED BY: Patricia A. Potts **DATE:** 4-5-05

REMARKS:

CONTROL SECTION	PARCEL	NAME
STU 63459	#6 / 88-20-25-226-004	Barbara A. Stimac Revocable Trust
JOB NUMBER	**FED ITEM NUMBER**	**FED PROJ NUMBER**
49878	HH2855	STP 0163 (039) 01.105.5

Michigan Department
of Transportation
0679 (01/03)

REPLACEMENT HOUSING SUPPLEMENT

a) Price of comparable dwelling:		d) Lower of "a" or "b" minus "c":	
b) Price of replacement dwelling:			
c) Price of state acquired dwelling:		**AMOUNT DUE:**	$

INCIDENTAL CLOSING COSTS

If there is no existing mortgage on the state acquired property, most of these costs are ineligible. Closing costs for tenants must be deducted from their total Purchase Down Payment amount.

Appraisal		Mobile Home Title Transfer	
Assumption Fee		Mobile Home Sales Tax	
Commencement Notice		Mortgage Application Fee	
Closing and/or Escrow	$150.00	Mortgage Insurance (limited to balance of existing mortgage)	
Credit Report		Mortgage Title Insurance (limited to value of comparable)	
Discount Points (limited to balance of existing mortgage if not paid in Increased Interest Differential)		Notary Fee	
Document Preparation Fee	$270.00	Recording	$25.00
Inspections		Survey	
Legal		Tax Service Fee	
Loan Origination Fee (limited to balance of existing mortgage if not paid in Increased Interest Differential)		Other	
		AMOUNT DUE:	$445.00

INCREASED INTEREST DIFFERENTIAL

Current Mortgage Balance		New Mortgage Balance	
Current Mortgage Interest Rate		New Mortgage Interest Rate	
Current Mortgage Payment		New Mortgage Term	
		New Mortgage Points	
		AMOUNT DUE:	$

REPLACEMENT RENTAL SUPPLEMENT/PURCHASE DOWN PAYMENT

	RENT	UTILITIES	TOTAL	X 42 MONTHS		
(a) Comparable					(e) Lower of "a" or "b":	
(b) Replacement					(f) Lower of "c" or "d":	
(c) Displacement					(g) Rental Supplement ("e" minus "f"):	
(d) Income	Yearly	Monthly	X 30%	X 42 MONTHS	(h) Installments: (1) $____ (2) $____ (3) $____	
					(i) Purchase Down Payment (larger of "g" or $5250.00):	
					(j) Payment previously claimed:	
					AMOUNT DUE:	$

FIXED MOVING PAYMENT

NO. OF ROOMS OF FURNITURE	PAYMENT
1	$425.00
2	625.00
3	825.00
4	900.00
5	1,025.00
6	1,150.00
7	1,300.00
8	1,400.00
Each Additional Room	200.00

CLAIMANT OWNS NO FURNITURE BUT MOVES PERSONAL PROPERTY:

NO. OF ROOMS	PAYMENT
1	$375.00
EACH ADDITIONAL ROOM	$100.00

OCCUPANT OF DORMITORY-STYLE ROOM:

PAYMENT $50.00

NO. OF ROOMS IN DWELLING
PLEASE CHECK ALL THAT APPLY

✓	Living Room	____	Den or Office
✓	Dining Room	✓	Laundry
✓	Family Room	____	Attic
✓	Kitchen	✓	Basement
✓	Bedroom	____	Porch
✓	Bedroom	✓	Garage
✓	Bedroom	____	Other ____
____	Bedroom	10	**TOTAL ROOMS**

DATE MOVE VERIFIED **AMOUNT DUE:** $ **1,800.00**

ACTUAL MOVING PAYMENT

Actual Moving Cost (per moving company bill or estimate)		
Monthly storage rate $	X number of months (limit 12)	
	AMOUNT DUE:	$

April 7, 2005

TO: John Szerlag, City Manager

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

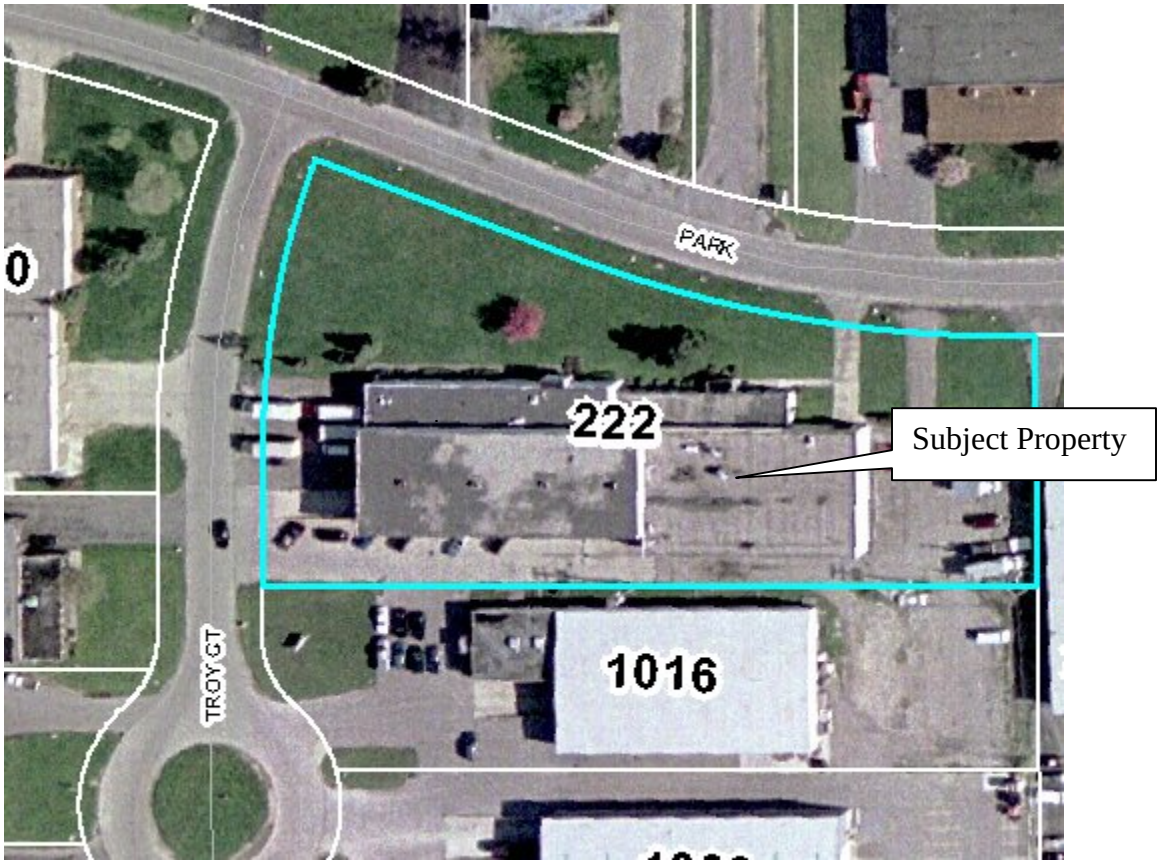
RE: Agenda Item – Request for Acceptance of a Regrading and Temporary Construction Permit for the Troy Court Water Main Project #01.502.5 – Section 34

In connection with the Troy Court Water Main improvement project affecting properties located on Elmwood Street and Troy Court in Section 34, the Real Estate and Development Department has received a Regrading and Temporary Construction Permit from Strained Gator, LLC, property owner of Sidwell #88-20-34-152-023. Staff has reviewed property values in the area and believes that a compensation amount of $1,000.00 is justifiable

In order for the Water Department to proceed with the Troy Court water main improvement project, we recommend that City Council accept the attached temporary permit and authorize the payment of the agreed amount.

Prepared by: Larysa Figol, Right of Way Representative

TROY COURT WATER MAIN
Sidwell #88-20-34-152-023



REGRADING AND TEMPORARY CONSTRUCTION PERMIT

Sidwell # 88-20-34-152-023
Project # 01.502.5
Resolution #

Strained Gator, L.L.C., a Michigan Limited Liability Company, Grantor(s), whose address is 222 Park Street, Troy, MI 48083 for and in consideration One Thousand and no/100 Dollars ($1,000.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, hereinafter called the CITY, whose address is 500 West Big Beaver Road, Troy, Michigan, hereby grants to the CITY, during the construction of and for a period of six (6) Months after completion of water main the right to move men, equipment, and materials on and through, and to store equipment, materials, and excavated matter on the following described property, located in the City of Troy, to-wit:

SEE ATTACHED EXHIBIT "A"

IN FURTHER CONSIDERATION, the premises so disturbed by reason of the exercise of any of the foregoing powers, shall be reasonably restored to its original condition by the City.

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

IN WITNESS WHEREOF, the undersigned hereunto affixed his signatures(s) this 6th day of April, 2005.

In presence of
WITNESS

STRAINED GATOR, L.L.C., A MICHIGAN
LIMITED LIABILITY COMPANY

Eric Button (L.S.)
* Eric Button
Its Member

(L.S.)

STATE OF MICHIGAN
COUNTY OF OAKLAND

On this 6th day of April 2005, before me a Notary Public in and for said county, personally appeared Eric Button, Member of Strained Gator, LLC, a Michigan Limited Liability Compay to me known to be the same person(s) described in and who executed the within instrument, who then acknowledged the same to be their free act and deed.

Larysa Figol
LARYSA FIGOL
Notary Public, OAKLAND, County, Michigan

My Commission Expires MARCH 2, 2006
Acting in OAKLAND COUNTY

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

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

EXHIBIT "A"

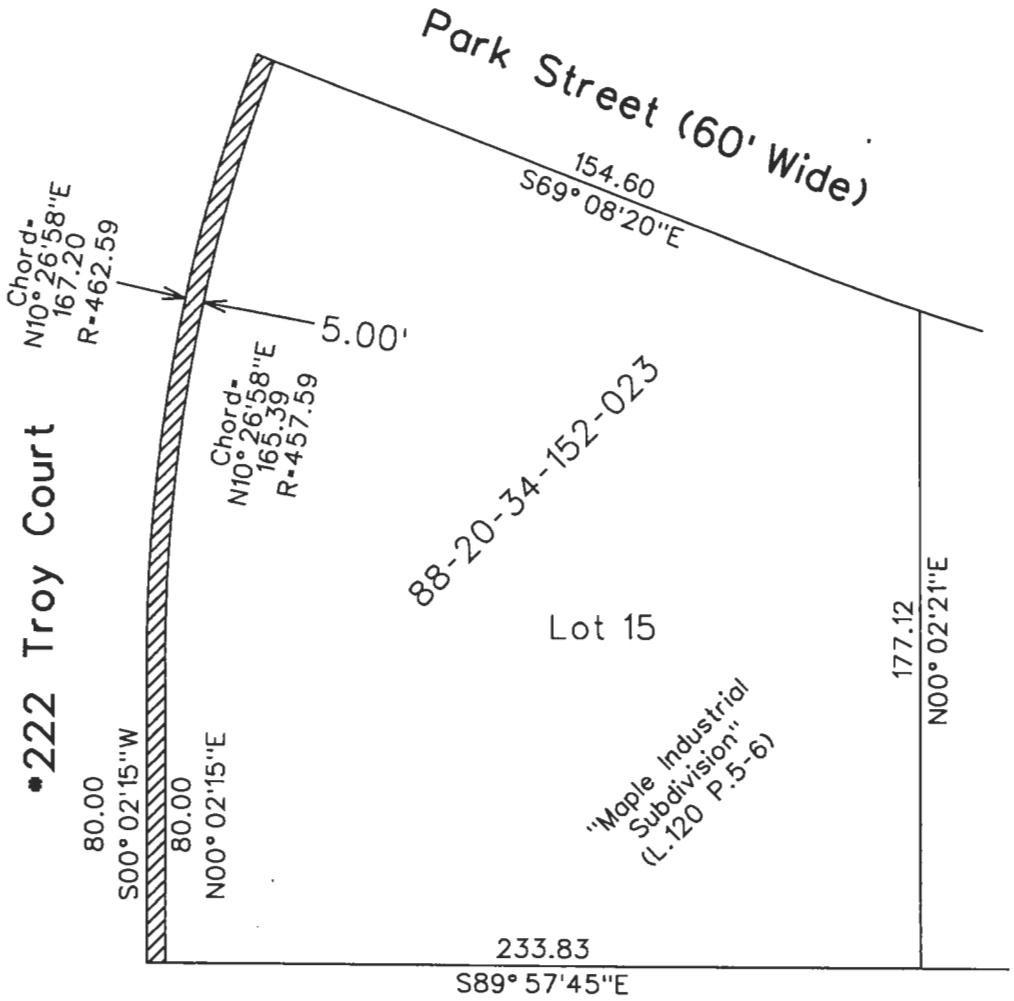
Section 34, 5' Wide Temporary Grading Permit for Watermain

Parcel: 88-20-34-152-023

Owner: Unknown

Part of Lot 15 of "Maple Industrial Subdivision", a subdivision of part of the West ½ of the Northwest ¼ of Section 34, T2N-R11E, City of Troy, Oakland County, Michigan, as recorded in Liber 120, Page 5-6 of Oakland County records. Described as beginning at the Northwest corner of said Lot 15; thence South 69 degrees 08 minutes 20 seconds East, along north line of said lot, 5.00 feet; thence along a curve to the left having a radius of 457.59 feet, a central angle of 20 degrees 49 minutes 24 seconds, and a chord bearing and distance of South 10 degrees 26 minutes 58 seconds West 165.39 feet; thence South 00 degrees 02 minutes 15 seconds West 80.00 feet to the south line of said lot 15; thence North 89 degrees 57 minutes 45 seconds West, along said south line, 5.00 feet to the west line of said lot; thence North 00 degrees 02 minutes 15 seconds East, along said west line, 80.00 feet; thence, continuing along said west line, along a curve to the right having a radius of 462.59 feet, a central angle of 20 degrees 49 minutes 25 seconds, and a chord bearing and distance of North 10 degrees 26 minutes 58 seconds East 167.20 feet to the point of beginning. Containing 1,236 Square Feet or 0.028 Acres more or less.

File: H:/Descriptions/Easement Descriptions/88-20-34-152-023.doc



Parcel #1

Graphic Scale: 1"=50'

0 25' 50' 100'

Temporary Grading Permit Area=1,236 Sq.Ft.

DATE	REV.

DOCUMENT PREPARED BY
George J. Ballard III
LAND SURVEYOR

CONTRACT No.

CITY OF TROY
OAKLAND COUNTY, MICHIGAN

Proposed Temporary Grading Permit Sketch

SCALE	DRAWN BY	CHECKED	FILE
HOR. 1"=50'	NAME GJB III	NAME	See Above
VER.	DATE 2-04-05	DATE	VIEW #1

STEVEN J. VANDETTE
CITY ENGINEER

SHEET No.	JOB No.
1OF1	

April 11, 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 Acceptance of a Permanent Easement for Watermain – Republic of San Marino Hall, Incorporated – 1685 East Big Beaver Road – Project No. 04.929.3
Sidwell #88-20-23-401-033

In connection with the expansion of the San Marino Hall, located in the southeast quarter of Section 23, north of Big Beaver and west of John R., the Real Estate and Development Department has acquired a watermain easement from the property owner, Republic of San Marino Hall, Incorporated. The consideration on this document is $1.00

Management recommends that City Council accept the attached easement.

Prepared by: Patricia A. Petitto, Senior Right of Way Representative

PERMANENT EASEMENT

Sidwell # 88-20-23-401-033
Project # 04.929.3
Resolution #

Republic of San Marino Hall, Incorporated, a Michigan Non-Profit Corporation, Grantor, whose address is 1685 East Big Beaver Road, Troy, MI 48083 for and in consideration of the sum of: One Dollar ($1.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, grants to the Grantee the right to construct, operate, maintain, repair and/or replace watermain, said easement for land situated in the City of Troy, Oakland County, Michigan, described as:

SEE ATTACHED EXHIBIT "A"

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

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

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

IN WITNESS WHEREOF, the undersigned hereunto affixed his signature(s) this 30th day of March, 2005.

REPUBLIC OF SAN MARINO HALL, INCORRORATED,
A MICHIGAN NON-PROFIT CORPORATION

By _____ (L.S.)
Dennis Giannini, President

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument as acknowledged before me this 30th day of March, 2005, by Dennis Giannini, President, of Republic of San Marino Hall, Incorporated, a Michigan Non-Profit Corporation, on behalf of the corporation.

Joyce A. Hoey

Joyce A. Hoey
Notary Public, Oakland County, Michigan
My Commission Expires 8-22-05

(Corporations)

Prepared by:

Patricia A. Petitto
500 West Big Beaver
Troy, Michigan 48084

Return to:

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

EXHIBIT "A"

PARENT PARCEL:

A PARCEL OF LAND LOCATED IN THE SOUTHEAST ¼ OF SECTION 23, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN BEING MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE SOUTH ¼ CORNER OF SECTION 23; THENCE ALONG THE SOUTH LINE OF SAID SECTION, SOUTH 89°54'10" EAST 921.47 FEET; THENCE NORTH 01°01'20" EAST 102.01 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY OF BIG BEAVER ROAD (204' WIDE) SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE CONTINUING N 01°01'20" EAST 1206.89 FEET TO A POINT ON THE SOUTH LINE OF "RAINTREE VILLAGE SUB. NO. 1" (LIBER 138, PAGES 12-16); THENCE ALONG SAID LINE NORTH 89°30'51" EAST 395.04 FEET TO A POINT ON THE WEST LINE OF "LASIER GARDENS SUB," (LIBER 34, PAGE 10); THENCE ALONG SAID LINE SOUTH 00°36'50" WEST 1210.81 FEET TO A POINT ON THE SAID NORTH RIGHT-OF-WAY OF BIG BEAVER ROAD; THENCE ALONG SAID LINE NORTH 89°54'10" WEST 403.58 FEET TO THE POINT OF BEGINNING. CONTAINING 11.08 ACRES MORE OR LESS AND SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

WATERMAIN EASEMENTS – TWO (2) SEPARATE EASEMENTS

TWO (2) SEPARATE TWENTY (20') FEET WIDE EASEMENTS FOR THE CONSTRUCTION AND MAINTENANCE OF A WATERMAIN LYING TEN (10') FEET ON BOTH SIDES OF AND PARALLEL WITH AND ADJACENT TO TWO (2) LINES DESCRIBED AS BEGINNING AT POINT "A" AND POINT "B", SAID POINTS BEING DISTANT SOUTH 89°54'10" EAST 921.47 FEET ALONG THE SOUTH SECTION LINE OF SECTION 23, TOWN 2 NORTH, RANGE 11 EAST, FROM THE SOUTH ¼ CORNER OF SAID SECTION 23; THENCE NORTH 01°01'20" EAST 102.01 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF BIG BEAVER ROAD, (204' WIDE); THENCE SOUTH 89°54'10" EAST 403.58 FEET ALONG THE NORTH RIGHT OF WAY LINE OF BIG BEAVER ROAD; THENCE NORTH 00°36'50" EAST 434.47 FEET TO A POINT REFERRED HEREINAFTER AS POINT "A"; THENCE CONTINUING NORTH 00°36'50" EAST 136.18 FEET TO A POINT REFERRED HEREINAFTER AS POINT "B".

EASEMENT NO. 1

BEGINNING AT POINT "A" AS PREVIOUSLY DESCRIBED; THENCE NORTH 89°23'10" WEST 20.00 FEET TO THE POINT OF ENDING OF THE TWENTY (20" FEET WIDE WATERMAIN EASEMENT.

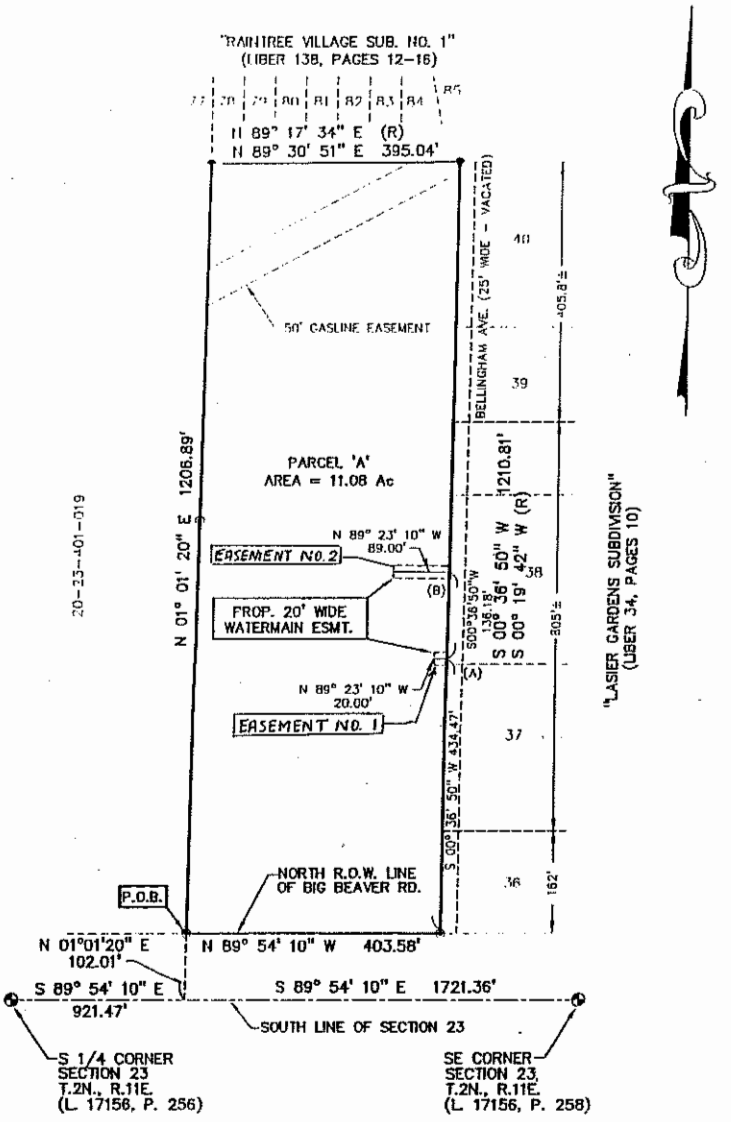
EASEMENT NO. 2

BEGINNING AT POINT "B" AS PREVIOUSLY DESCRIBED; THENCE NORTH 89°23'10" WEST 89.00 FEET TO THE POINT OF ENDING OF THE TWENTY (20') FEET WIDE WATERMAIN EASEMENT.

SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD

SKETCH OF EASEMENT

COPY



NOTE: ALL EASEMENTS HAVE NOT BEEN SHOWN

LEGEND

● FIRE/CITY IRON R. RECORDED
⊕ MONUMENTS FOUND M. MEASURED

GRAPHIC SCALE

0 200 300 400

1 Inch = 200 ft.

Emireszl & Associates Engineering

CONSULTING CIVIL ENGINEERING LAND PLANNING
6700 Pine Knob Road
Clarkston, MI 48348
(248) 394-0812
Fax (248) 394-0532

CLIENT:
SAN MARINO HALL, INC.
1685 BIG BEAVER ROAD
CITY OF TROY, MI 48083

REFERENCE: PROFESSIONAL ENGINEERING ASSOC., INC. JOB # 2000-1111 CERTIFICATE OF SURVEY (DTD: 5/10/01)

Scale: 1" = 200'	Design:	Ck. By:	Job No.: 04-03
Date: 3-09-05	Drawn By: EAE		Dwg. No.: 1

E-08

RECEIVED
APR 07 2005
CITY OF TROY
CITY MANAGER'S OFFICE

April 6, 2005

TO: John Szerlag, City Manager

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

SUBJECT: Private Agreement for San Marino Social Club
Project No. 04.929.3

The Engineering Department has reviewed and approved plans for this project, which includes water main and soil erosion controls.

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

Approval is recommended.

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

Prepared by: G. Scott Finlay, P.E.
Civil Engineer

Enclosed Private Agreement, Detailed Summary, Sketch

G:\Projects\Projects - 2004\04.929.3 - San Marino Social Club\Private Agreement Cover Letter.doc

CONTRACT FOR INSTALLATION OF MUNICIPAL IMPROVEMENTS (PRIVATE AGREEMENT)

PROJECT NO. 04.929.3	PROJECT LOCATION: SE 1/4 Sec. 23
RESOLUTION NO.	DATE OF COUNCIL APPROVAL:

KNOW ALL MEN BY THESE PRESENT; That the City of Troy, a Michigan Municipal Corporation of the County of Oakland, State of Michigan, hereinafter referred to as "City" and **San Marino Social Club** whose address is **1685 E. Big Beaver, Troy, MI 48083** and whose telephone number is **248-619-0860** hereinafter referred to as "Owners".

WITNESSETH, FIRST: That the City agrees to allow the installation of **Water Main and Soil Erosion** in accordance with plans prepared by **Endreszl & Associates Engineering, Inc.** whose address is **8700 Pine Knob Rd., Clarkston, MI 48348** and whose telephone number is **248-394-0842**, and approved prior to construction by the City specifications of the City shall be complied with for this construction.

SECOND: That the Owners agree to contribute the approximate contract price of **$21,555.00**. This amount will be transmitted to the City Clerk for installation of said improvements in the form of (check one):

Cash	☐
Certificate of Deposit	☐
Irrevocable Bank Letter of Credit	☒
Check	☐
Performance Bond & 10% Cash	☐

Said funds shall be placed on deposit with the City upon the execution of this contract and shall be disbursed to the owner by the City only upon presentation of duly executed waivers of lien and sworn statements satisfactory to the City, and after final inspection and approval by the Engineering Department for the City. In addition, the owners agree to contribute the following cash fees:

* Plan Review and Construction Inspection Fee (Public Improvements)	$	1,745.96
Engineering Review Fee (Private Improvements)	$	2,635.44
Water Main Testing Fee	$	650.00
Street Cleaning/Road Maintenance (Refundable)	$	2,500.00
TOTAL:	$	**$7,531.40**

* 8.10% (.081) of approximate contract price

CONTRACT FOR INSTALLATION OF MUNICIPAL IMPROVEMENTS
(PRIVATE AGREEMENT)

PROJECT NO. 04.929.3	PROJECT LOCATION: SE 1/4 Sec. 23
RESOLUTION NO.	DATE OF COUNCIL APPROVAL:

THIRD: The owners may contract for construction of said improvement or may have the City advertise for bids. In the even the Owners select their own contractor, such contractor shall be subject to prior written approval by the City and completed contract documents shall be submitted to the City.

Owners agree to arrange for a pre-construction meeting with the City Engineer and the contractor prior to start of work. All municipal improvements must be completely staked in the field under the direct supervision of a registered civil engineer or registered land surveyor, according to the approved plans.

FOURTH: Owners hereby acknowledge the benefit to their property conferred by the construction of the aforementioned and agree and consent to pay the total sum of $ 29,086.40 for the construction of said public utilities in lieu of the establishments of any special district by the City. Further, owners acknowledge that the benefit to their property conferred by the improvement is equal to, or in excess of, the aforementioned amount.

FIFTH: Owners agree that if, for any reason, the total cost of completion of such improvement shall exceed the sum deposited with the City in accordance with Paragraph SECOND hereof, that Owners will immediately remit such additional amount to the City upon request and City will disburse such additional amount in accordance with Paragraph SECOND hereof. In the event the total cost of completion shall be less than the sum deposited with City in accordance with Paragraph SECOND hereof, City will reimburse to the Owners the excess funds remaining after disbursement of funds.

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

CONTRACT FOR INSTALLATION OF MUNICIPAL IMPROVEMENTS
(PRIVATE AGREEMENT)

PROJECT NO. 04.929.3	PROJECT LOCATION: SE 1/4 Sec. 23
RESOLUTION NO.	DATE OF COUNCIL APPROVAL:

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

OWNERS

By:

Please Print or Type

Please Print or Type

CITY OF TROY

By:

Louise E. Schilling, Mayor

Tonni Bartholomew, City Clerk

STATE OF MICHIGAN, COUNTY OF OAKLAND

On this 30th day of MARCH, A.D.20 05, before me personally appeared DENNIS S. GIANNINI known by me to be the same person(s) who executed this instrument and who acknowledged this to be his/her/their free act and deed.

NOTARY PUBLIC, Oakland County, Michigan

My commission expires: 8-22-05

DETAILED SUMMARY OF REQUIRED ESCROW DEPOSITS AND CASH FEES
PRIVATE AGREEMENT FOR SAN MARINO SOCIAL CLUB
PROJECT NO. 04.929.3

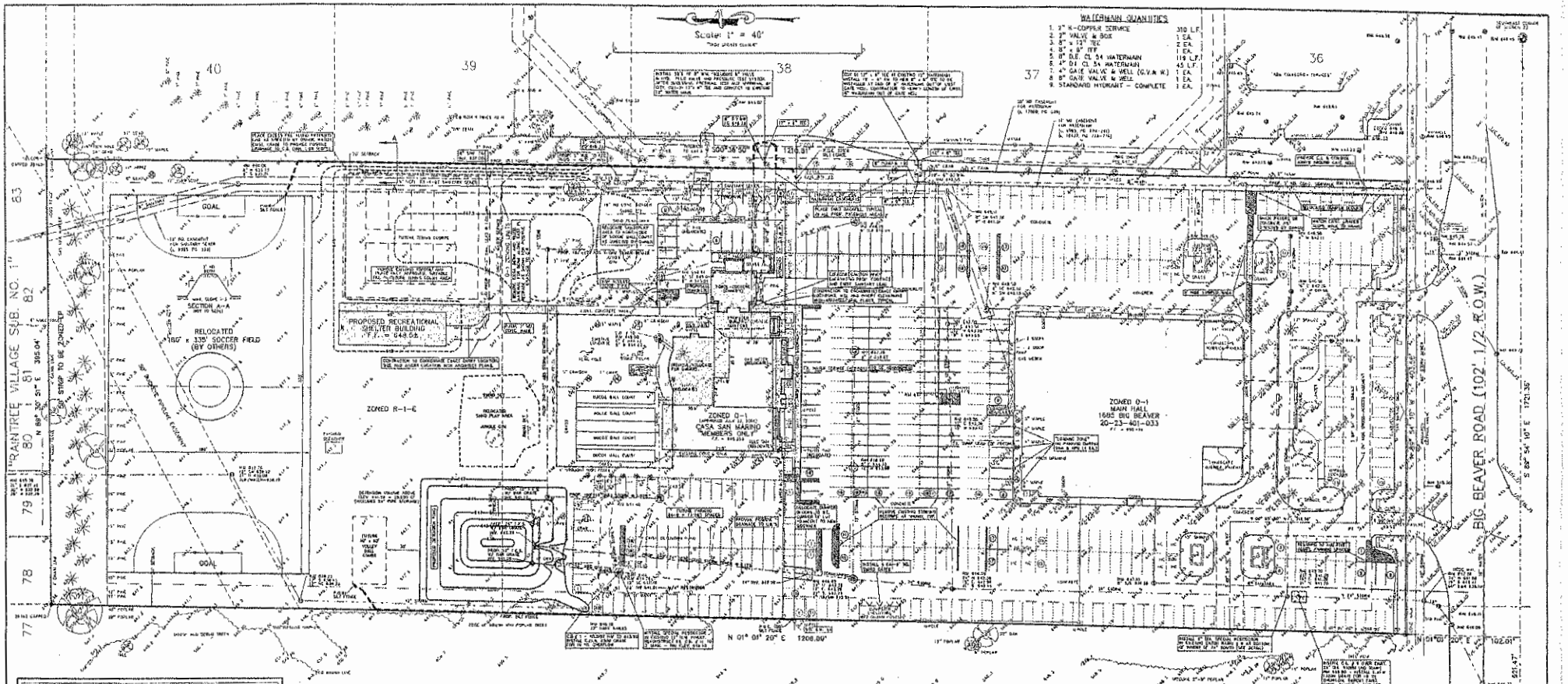
The estimated costs of public improvements for the above-mentioned project are as follows:

Escrow Deposits:

Watermain	**21,555.00**	
Total Escrow Deposits: (Letter of Credit)		**$ 21,555.00**

Cash Fees:

Review & Inspection	$1,745.96	
Engineering Review	2,635.44	
Water Main Testing Fee	650.00	
Street Cleaning/Road Maintenance	2,500.00	
Total Cash Fees: (check)		**$ 7,531.40**



WATERMAIN QUANTITIES

1.	3" K-COPPER SERVICE	310 L.F.
2.	3" VALVE & BOX	1 EA.
3.	8" x 12" TEE	2 EA.
4.	8" x 8" TEE	1 EA.
5.	8" D.I. CL 54 WATERMAIN	119 L.F.
6.	4" DI CL 54 WATERMAIN	45 L.F.
7.	4" GATE VALVE & WELL (G.V.& W.)	1 EA.
8.	8" GATE VALVE & WELL	1 EA.
9.	STANDARD HYDRANT - COMPLETE	1 EA.

LEGEND

EXISTING		PROPOSED
	PROPERTY MON.	
	MON. OF RECORD	
	P.K. NAIL	
	MONUMENT OF RECORD	H RETURNED
	MONUMENT FOUND	M MEASURED
		C CALCULATED
	GAS STRUT POLE, WIRE & GUY/ANCHOR	
	U.G. TELEPHONE CABLE & MANHOLE	
	U.G. ELECTRIC CABLE & MANHOLE	
	GAS MAIN	
	WATERMAIN, HYD., GATE VALVE, T.S. & X	
	SANITARY SEWER & MANHOLE	
	STORM SEWER & MANHOLE	
	COMBINED SEWER & MANHOLE	
	CATCH BASIN	
	INLET	
	POINT ELEVATION (DC = DRAIN GRADE, FG = TOP/COVER)	
	LIGHT POLE	
	SIGN	

LEGAL DESCRIPTION

(BY OTHERS)

A PARCEL OF LAND LOCATED IN THE SOUTHEAST 1/4 OF SECTION 23, T.2N., R.11E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN BEING MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE SOUTH 1/4 CORNER OF SECTION 23; THENCE ALONG THE SOUTH LINE OF SAID SECTION S 89°54'10" E, 921.47 FEET; THENCE N 00°56'50" E, 100.00 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF BIG BEAVER ROAD (204' WIDE) SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE CONTINUING N 00°56'50" E, 1206.61 FEET TO A POINT ON THE SOUTH LINE OF "TRAINTREE VILLAGE SUB. NO. 1" (LIBER 138, PAGES 12-14); THENCE ALONG SAID LINE N 89°54'10" E, 395.04 FEET TO A POINT ON THE WEST LINE OF "CASPER GARDENS SUB." (LIBER 34, PAGE 16); THENCE ALONG SAID LINE S 00°56'50" W, 1216.61 FEET TO A POINT ON THE SAID NORTH RIGHT-OF-WAY LINE OF BIG BEAVER RD.; THENCE ALONG SAID LINE N 89°54'10" W, 403.55 FEET TO THE POINT OF BEGINNING. CONTAINING 11.08 ACRES MORE OR LESS AND SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

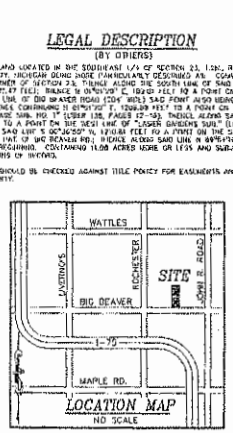
THIS DRAWING SHOULD BE CHECKED AGAINST TITLE POLICY FOR EASEMENTS AND OTHER CLOUDS ON USE OF THIS PROPERTY.

REFERENCE DRAWINGS

P.E.A. JOB NO. 250000111 "CERTIFICATE OF SURVEY" DATED: 4-29-01
NOWAK & FRAUS JOB NO. S-8801 "CERTIFICATE OF SURVEY" DATED: 4-4-00
TRI-COUNTY ENGINEERING, INC. - JOB# AA-3067 "BOUNDARY SURVEY" DTD. 9-19-95
ZUMBIEL WATERMAIN - SANITARY/WATER IN AN "AS-BUILT" DTD. 9-17-96
R.R.C. - JOB # 970084 "JACKSON DRAIN AS-BUILT" DTD. 9-18-89

BENCHMARKS

B.M. #1 - REFERENCE SITE BM #123126 ARROW TOP HYD - ELEV. = 649.156
B.M. #2 - SITE BM #123123 ARROW TOP OF HYD - ELEV. = 649.193
B.M. #3 - SET IRON HEAD NAIL IN WEST SIDE OF U. POLE - ELEV. = 650.80
B.M. #4 - SET DOG HEAD NAIL IN NORTH SIDE OF U. POLE - ELEV. = 648.89



LOCATION MAP
NO SCALE

DEVELOPMENT NOTES:

20-23-401-019

GROSS SITE AREA = 11.08 ACRES
NET SITE AREA = 11.08 ACRES

BANQUET HALL

FIRST FLOOR BUILDING AREA	28,997 S.F.
2nd STORY BALCONY	608 S.F.
LOBBY	2,845 S.F.
FRONT CANOPY	1,216 S.F.
BASEMENT AREA	5,000 S.F.
GROSS BUILDING AREA	38,728 S.F.
HALL AREA	12,747 S.F.
BASEMENT AREA	3,200 S.F.
NET USABLE BUILDING AREA	15,947 S.F.

MEMBERS CLUB HOUSE

EXIST. FIRST FLOOR BUILDING	6,272 S.F.
PROPOSED FIRST FLOOR ADDITION	4,878 S.F.
PROPOSED 2nd FLOOR ADDITION	5,931 S.F.
CANOPY (FORTE COCHERE)	1,100 S.F.
GROSS BUILDING AREA	18,181 S.F.
MEMBER'S ROOM, MULTI-PURPOSE ROOM DINING ROOM & BOARD ROOM, MEDIA ROOM OFFICE	8,778 S.F.
NET USABLE BUILDING AREA	8,778 S.F.

RECREATIONAL SHELTER BUILDING

GROSS BUILDING AREA	2,850 S.F.
NET USABLE BUILDING AREA	450 S.F.

TOTAL GROSS BUILDING AREA

BANQUET HALL	38,728 S.F.
MEMBER CLUB HOUSE	18,181 S.F.
RECREATIONAL SHELTER BUILDING	2,850 S.F.
	59,759 S.F.

LOT COVERAGE (BASED ON FIRST FLOOR AREA)
44,215 S.F./482,708 = 9.16%

OCCUPANCY CALCULATIONS

CALCULATIONS OF DANCE FLOOR AREA TO RESULT IN NET DINING ROOM AREA

HALL NO. 1 DANCE AREA: 33% x 5216 = 1738 S.F. DANCE AREA
NET DINING AREA: 5216-1738 = 3480 S.F.
NET CAPACITY: 3480/15 S.F./PERSON = 232 PEOPLE

HALL NO. 2 DANCE AREA: 33% x 4774 = 1575 S.F. DANCE AREA
NET DINING AREA: 4774-1575 = 3199 S.F.
NET CAPACITY: 3199/15 S.F./PERSON = 213 PEOPLE

HALL NO. 3 DANCE AREA: 33% x 3547 = 1170 S.F. DANCE AREA
NET DINING AREA: 3547-1170 = 2377 S.F.
NET CAPACITY: 2377/15 S.F./PERSON = 158 PEOPLE

BASEMENT HALL:
NET DINING AREA: 1875 S.F.
NET CAPACITY: 1875/15 S.F./PERSON = 125 PEOPLE

TOTAL HALLS NO. 1, 2, 3 AND BASEMENT HALL: 728 PEOPLE

BASIS OF PARKING - PARKING CALCULATIONS - SECTION 40.21.31A/B

MAIN BANQUET HALL - SECTION 40.21.31.B
1 SPACE/2 PERSONS PLUS 1 EMPLOYEE SPACE PER 10 SEATS
728/2 PERSONS = 364 SPACES + 1 SPACE/10 SEATS (+72.8) = 437 SPACES

CASA SAN MARINO BUILDING - SECTION 40.21.31.A
DINING ROOM AREA 2038 S.F./15 S.F. PER PERSON = 136 PEOPLE
1 SPACE/2 PERSONS PLUS 1 EMPLOYEE SPACE PER 10 SEATS
136/2 PERSONS = 68 SPACES + 1 SPACE/10 SEATS (+13.6) = 82 SPACES

TOTAL BANQUET HALL AND CASA SAN MARINO BUILDING 519 SPACES

CAUTION !!!

THE LOCATIONS AND ELEVATIONS OF EXISTING UNDERGROUND UTILITIES AS SHOWN ON THIS DRAWING ARE ONLY APPROXIMATE. NO GUARANTEE IS EITHER EXPRESSED OR IMPLIED AS TO THE COMPLETENESS OR ACCURACY THEREOF. THE CONTRACTOR SHALL BE EXCLUSIVELY RESPONSIBLE FOR DETERMINING THE EXACT UTILITY LOCATIONS AND ELEVATIONS PRIOR TO THE START OF CONSTRUCTION.

BEFORE YOU DIG CALL MISS DIG 1-800-482-7171 (MON.-FRIDAY)

LANDSCAPE REQUIREMENTS SUMMARY

TOTAL SITE AREA = 11.08 ACRES x 43560 SQ. FT. = 482644.8 S.F.
482644.8 x 10% = 48264.48 S.F.

YOU CANNOT INCLUDE FRONT 10' OF REQUIRED "GREEN BELT"
10% OF LANDSCAPING IS IN THE AREA FROM THE REAR BUILDING LINE OF THE CASA BUILDING TO THE FRONT PROPERTY LINE EXCEPT FOR THE FRONT 10' OF REQUIRED "GREEN BELT".

TOTAL LANDSCAPE PROVIDED = 47334 S.F. = 10%
TOTAL LANDSCAPE REQUIRED = 48264 S.F.

THE ABOVE SUMMATION IS BASED ON CALCULATIONS FROM THE REAR BUILDING LINE OF THE CASA BUILDING. FUTURE CALCULATIONS SHOULD BE BASED ON THE REAR BUILDING LINE OF THE PROPOSED RECREATION SHELTER BUILDING UNDER REVIEW FOR SPECIAL USE APPROVAL.

ALL 12" STORM SEWER PIPE SHALL BE EITHER PVC SDR-35 TYPE DWV MEETING OR EXCEEDING ASTM D3034 OR ABS PLASTIC PIPE MEETING ASTM D2661, D2751, F-628

MAR 21 2005
MAR 10 2005

PARKING STATEMENT:

PROP. TOTAL PARKING = 448 SPACES INCLUDING 14 BARRIER-FREE SPACES
EXIST. TOTAL PARKING = 416 SPACES INCLUDING 14 BARRIER-FREE SPACES
28 ADDITIONAL SPACES

NINE (9) BARRIER-FREE (HC) REQUIRED [401-500] = 3 BARRIER-FREE EXCESS

Endreszl & Associates Engineering
CIVIL ENGINEERING
CONSULTING
6700 Pine Knob Road
Clarkston, MI 48346
(248) 394-0842
Fax (248) 394-0532

3	3/21/05	REVISED PER CITY REVIEW	DE	
2	3/10/05	REVISED PER CITY REVIEW	DE	
1	12/30/04	FIRE STAND ADDED	DE	
0	11/18/04	INITIAL DRAWING	DE	
No.	Date	Revision Description	By	

SAN MARINO HALL, INC.
1695 E. BIG BEAVER ROAD
TROY, MICH. 48083
(248) 853-9800
DEAN CASADE

OVERALL SITE PLAN
SAN MARINO SOCIAL CLUB

1695 E. BIG BEAVER ROAD
CITY OF TROY, OAKLAND COUNTY, MICHIGAN

Scale: 1" = 40'	Design: D.E. Ck. By:	Job No.: 04-03
Date: 8-1-04	Drawn By: E.A.E.	Dwg. No.: 2

TO: Mayor and Members of Troy City Council
FROM: Lori Grigg Bluhm, City Attorney
DATE: April 12, 2005
SUBJECT: Maria Hunciag v. City of Troy

In 2003, Maria Hunciag filed a lawsuit in federal court against the City of Troy. In this lawsuit, Ms. Hunciag alleged employment discrimination, based on age, national origin, and gender, in violation of both federal and state law. She also asserted claims of retaliation, under both state and federal law. Ms. Hunciag is currently employed as a part time Library Aide for the City. She was previously employed at the Troy Museum, but was involuntarily separated from Museum employment in 2000. She asserts that a younger white male was given the full time position of City of Troy Museum Archivist, even though she was more qualified for the position. She initially approached the Equal Employment Opportunity Commission (EEOC) with her complaints. The EEOC, after investigation, declined jurisdiction and referred the matter to the U.S. Department of Justice, which also declined to take any action on the complaints. As a result, she filed her own lawsuit in federal court. The case proceeded through a lengthy discovery process, and the filing and briefing of the City's Motion to Dismiss the case,In January 2005, U. S. District Court Judge Victoria Roberts dismissed all Ms. Hunciag's claims that were based on federal law, and declined to exercise jurisdiction over the state law claims. Ms. Hunciag then took the opportunity to file a new lawsuit in the Oakland County Circuit Court, which would allow for a final adjudication on the state law claims that were previously asserted. This complaint, other than eliminating the federal claims, is almost identical to the one filed in federal court in 2003. The minor additions and modifications are underlined by hand in the attached complaint. The case has been assigned to Oakland Circuit Court Judge Gene Schnelz.

Due to potential conflicts in litigating against a current employee, Attorney Laura Amtsbuechler of Johnson, Rosati, Lebarge, Aseltyne & Field handled the federal litigation. Although the Court did not entertain the arguments, Ms. Amtsbuechler also briefed the law and requested dismissal of the state law claims in her Motion for Summary Judgment. Absent objection from City Council, Ms. Amtsbuechler will continue her aggressive representation of the City in the state law case. Our office will continue to monitor the progress and serve as a liaison for the City.

If you have any questions concerning the above, please let us know.

To re-order this form, call (517) 337-1211
Target Information Management, Inc.
Approved SCAO

Original - Court
1st copy - Defendant

2nd copy - Plaintiff
3rd copy - Return

476

05-065523-CD

STATE OF MICHIGAN
JUDICIAL DISTRICT
6th JUDICIAL CIRCUIT
COUNTY PROBATE

SUMMONS AND COMPLAINT

OAKLAND COUNTY JUDGE GENE SCHNELZ
HUNCIAG,MARIA V TROY CITY

Court address

1200 N. Telegraph Road, Pontiac, MI 48341

Plaintiff name(s), address(es), and telephone no(s).	v	Defendant name(s), address(es), and telephone no(s).
MARIA ELENA HUNCIAG		CITY OF TROY, a Municipal Corporation
Plaintiff attorney, bar no., address, and telephone no.		
Aaron J. Pruss (P63045 30665 Northwestern Hwy., Suite 100 Farmington Hills, MI 48334 248/932-1101		

RECEIVED
CITY OF TROY
2005 APR -6 PM 12

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

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

Issued	This summons expires*	Court clerk
APR 06 2005	JUL 06 2005	RUTH JOHNSON

*This summons is invalid unless served on or before its expiration date.

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

Family Division Cases

☐ There is no other pending or resolved action within the jurisdiction of the family division of circuit court involving the family or family members of the parties.

☐ An action within the jurisdiction of the family division of the circuit court involving the family or family members of the parties has been previously filed in _____ Court.

The action ☐ remains ☐ is no longer pending. The docket number and the judge assigned to the action are:

Docket no.	Judge	Bar no.

General Civil Cases

☐ There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint.

☒ A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has been previously filed in United States District Court, Eastern District of Michigan Court.

The action ☐ remains ☒ is no longer pending. The docket number and the judge assigned to the action are:

Docket no.	Judge	Bar no.
03-72175	Victoria A. Roberts	

VENUE

Plaintiff(s) residence (include city, township, or village)	Defendant(s) residence (include city, township, or village)
Centerline, MI	Troy, MI

Place where action arose or business conducted

Troy, MI

2/9/05
Date

Signature of attorney/plaintiff

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

STATE OF MICHIGAN

RECEIVED FOR FILING
OAKLAND COUNTY CLERK
2005 APR -6 A 11:57
BY: DEPUTY COUNTY CLERK

IN THE 6TH CIRCUIT COURT FOR THE COUNTY OF OAKLAND

MARIA ELENA HUNCIAG,

Plaintiff,

05-065523-CD
OAKLAND COUNTY JUDGE GENE SCHNELZ
HUNCIAG,MARIA V TROY CITY

v.

CITY OF TROY, a Municipal Corporation,

Defendant.

BEALS HUBBARD, PLC
Eric A. Parzianello (P42797)
Aaron J. Pruss (P63045)
Attorneys for Plaintiff
30665 Northwestern Hwy., Suite 100
Farmington Hills, MI 48334
248/932-1101

COMPLAINT

NOW COMES Plaintiff, Maria Elena Hunciag, by and through her attorneys, Beals Hubbard, PLC, and in support of her Complaint against the City of Troy, states as follows:

JURISDICTION AND VENUE

1. This is an action for injunctive and equitable relief, damages and costs based on unlawful national origin, age, sex and retaliatory discrimination suffered by Plaintiff.

2. Plaintiff, Maria Elena Hunciag ("Ms. Hunciag"), currently lives in Centerline, Michigan.

3. Defendant, the City of Troy (the "City"), is a Michigan municipal corporation in Troy, Michigan.

4. Jurisdiction and venue are proper with this Circuit Court as the Plaintiff has suffered damages in excess of $25,000.00.

COMMON FACTUAL ALLEGATIONS

5. Ms. Hunciag was born in Romania on January 17, 1945 and became a naturalized United States citizen in 1989.

6. In Romania, Ms. Hunciag earned a Master's Degree in Art History in 1970. Such degree is recognized internationally by the United Nations (UNESCO) and the University of Sorbonne in Paris. She later attended the University of Paris IV – Sorbonne in 1983 and studied to obtain a PhD. She ultimately obtained her PhD – Doctorate in History of Arts – from Romania in 1995 while working for the City of Troy.

7. Ms. Hunciag worked as a full time curator of the National Fine Arts Museum in Bucharest, Romania for eleven years.

8. In 1988, Ms. Hunciag began working for the City of Troy part time as an Exhibit Preparatory Museum Aide.

9. From 1995 to 1999, Ms. Hunciag's work and responsibilities grew and became the equivalent of a full time curator while still fulfilling her primary job responsibilities. Although she worked full time in the dual capacities, she continued to receive only part time pay as the Exhibit Preparatory Museum Aide.

10. In addition to devoting much more time to her work than merely part time hours, she participated in the funding and founding of the Troy Veterans Memorial Commission and was a chief editor and author of a book about World War II Veterans to be published for the City. She was instrumental in giving World War II Veterans from Troy the medals they never received in two separate ceremonies at MEPS Troy.

11. For these and numerous other projects to benefit the City, Ms. Hunciag was appropriately acknowledged and praised by State and Federal officials such as Sander Levin, as well as numerous newspaper articles about her work.

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Telephone: 248-932-1101

12. In May of 1999, the City hired William B. Boardman, who was twenty-nine years old at the time and only possessed an Associate Degree, as a part time Museum Aide after Ms. Hunciag requested, repeatedly, that her not-so-voluntary and dual responsibilities become formally recognized and paid in the form of a full-time position.

13. Shortly after Mr. Boardman's hire, while still in his probationary period, he became confrontational with Ms. Hunciag and continually made disparaging remarks about her, her accent and her being from Romania. Such remarks included a disrespectful and condescending comment that she must have "learned her English from Latka"[1] and asked her if she was "fresh off the boat" and barred her from the use of the collection, on several occasions becoming violent.

14. Throughout the fall of 1999, Ms. Hunciag complained to City management about the humiliating remarks and treatment by Mr. Boardman.

15. Instead of promptly investigating Mr. Boardman's conduct, the City terminated and/or limited her involvement in the World War II book, Casevell House restorations, antiquing at the Troy Museum Country Store, acquisitioning, and with the collection, making her work at the museum obsolete.

16. In December 1999, Ms. Hunciag complained about her involvement with the book, as well as Casevell House restorations, acquisitions for the Country Store, etc.

17. In February 2000, Ms. Hunciag's employment was terminated as a result of Defendant's retaliation for her complaints about her treatment.

18. In March 2000, the City sent Ms. Hunciag a letter "rescinding" her termination and asked her to return to work within two weeks. In the meantime, Ms. Hunciag became sick due to the unfair treatment by the City.

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[1] Latka was a character from the television show *Taxi* with a thick foreign accent, generally made to look incompetent and was the cause of many discriminatory jokes.

19. At the advise of Mayor Stine, Ms. Hunciag agreed to return to run the museum; however, not under the same working conditions and treatment – no more discriminatory and retaliatory treatment.

20. Ms. Hunciag never had an opportunity to interview for a full-time job prior to 2001. Both of the positions that became available—Curator in 1997 and Manager at the Museum—were filled by promotion of individuals less qualified. In 2000, instead of Ms. Hunciag, Lorraine Campbell was appointed Museum Manager with no appropriate degree or experience and was sent to college for four (4) years at the Troy taxpayers' expense.

21. Instead of correcting the unlawful treatment and allowing Ms. Hunciag to return to work in the museum or opening the Manager position for interview, the City transferred her to work part time in the library and allowed Ms. Campbell to sign the WWII Book curated by Ms. Hunciag.

22. Ms. Hunciag complained about the transfer and once again reported the past harassment and retaliatory treatment hoping that the City would finally remedy the matter and allow her to return to the museum.

23. Again, nothing was corrected, and Ms. Hunciag continued to be subjected to harassing, discriminatory and retaliatory treatment. For example, Ms. Hunciag was not evaluated from 199 to 2001 while Mr. Boardman was evaluated and promoted in May of 2000 after writing a hate letter against Ms. Hunciag.

24. In May 2001, the City officials announced four new full time positions, three in the library and one at the museum, and named the four individuals who would fill the positions, by promotion, with no interview and/or posting – Ms. Hunciag was not one of the individuals.

25. At the time of the announcement, in May of 2001, the new positions had not been posted and no interviews had been conducted.

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26. Only after complaints from various City employees did the City finally post the openings in July 2001 and then Defendant conducted interviews.

27. In the end, the same four people who were named in May 2001 received the promotions.

28. Up to and after the date of the interviews, all of Ms. Hunciag's evaluations had been outstanding – she received mostly "nines" out of "tens." Mr. Boardman's job performances ratings were not as high as Ms. Hunciag's and the City had to hire an aide to help him with his full-time job.

29. The City claimed its determination as to who would fill the positions was based thirty percent on actual experience, education and training, and seventy percent on the actual interview.

30. The percentages were purposely disproportionate so as to prevent Ms. Hunciag, who had an incomparably high level of experience, education and training, from obtaining the position so a less experienced, younger American male could obtain the museum promotion.

31. In fact, a thirty year old, Caucasian, American male who had less experience, training and education, and only approximately two years with the City, was awarded the position.

32. After no one at the City with whom she spoke would take action, and instead only retaliated against her for her requests and complaints, she filed a charge of discrimination with the Equal Employment Opportunity Commission ("EEOC") on or about July 9, 2002.

33. On or about November 14, 2002, the EEOC found that there was cause that the Defendant, in fact, violated the Act by retaliating against the Plaintiff for complaining about the discrimination.

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COUNT I – VIOLATION OF THE MICHIGAN ELLIOTT LARSON CIVIL RIGHTS ACT (ELCRA) MCL 37.2201 *et seq.* – DISCRIMINATION BASED ON AGE

34. Plaintiff restates and realleges paragraphs 1-32 as if more fully stated herein.

35. In 2001, Ms. Hunciag was fifty-six years old and part of the protected class under the ADEA.

36. The City harassed her, made discriminatory remarks, treated her differently and failed to promote her to the full time position as a Museum Archivist.

37. Ms. Hunciag was well qualified for the position based on her years of experience, education, training and work in the department and in the City.

38. A thirty year old male with only two years with the City, without a Doctorate, less experience and training, was awarded the position.

39. Ms. Hunciag was harassed, subjected to discrimination and denied the promotion based on her age.

40. Such actions on the part of the City are a violation of ELCRA.

41. As a proximate result of Defendant's unlawful actions against Plaintiff as described above, Plaintiff has sustained injuries including potential loss of earnings and earning capacity, loss of career opportunities, loss of reputation and esteem in the community, physical pain and suffering, mental anguish, fright, shock, embarrassment, humiliation and mortification.

WHEREFORE, Plaintiff respectfully requests this Honorable Court:

a. Order Defendant to promote her to the full time Museum Archivist position which was wrongfully denied to her;

b. Award Plaintiff her back pay and fringe benefits that she lost because of Defendant's violation of the Act;

c. Alternatively, if she is not promoted, award Plaintiff, including back pay, her wages and fringe benefits she would have received from the date the full time Museum Archivist position was filled until retirement;

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d. Order that Defendant be enjoined from continuing its unlawful employment practices;

e. Award Plaintiff her damages for the pain, suffering, mental anguish, embarrassment and humiliation caused by Defendant's wrongful conduct;

f. Award Plaintiff her attorney fees, interest and costs;

g. Award Plaintiff exemplary damages; and

h. Award Plaintiff any and all other relief this Court deems just and equitable.

COUNT II – VIOLATION OF THE MICHIGAN ELLIOTT LARSON CIVIL RIGHTS ACT (ELCRA) MCL 37.2201 *et seq.* – DISCRIMINATION BASED ON ETHNIC ORIGIN

42. Plaintiff restates and realleges paragraphs 1-40 as if more fully stated herein.

43. Plaintiff was and is a member of the protected class based on ethnic origin as she was born in Romania.

44. The City harassed her, made discriminatory remarks, treated her differently and failed to promote her to the full time position of Museum Archivist.

45. Ms. Hunciag was well qualified for the position based on her years of experience, education and work in the department and the City.

46. A thirty year old, United States born male with only two years with the City, without a Doctorate, less experience and training, was awarded the position.

47. Ms. Hunciag was harassed, subjected to discrimination and denied the promotion based on her ethnic origin.

48. Such actions on the part of the City are a violation of ELCRA.

49. As a proximate result of Defendant's unlawful actions against Plaintiff as described above, Plaintiff has sustained injuries including potential loss of earnings and earning

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capacity, loss of career opportunities, loss of reputation and esteem in the community, physical pain and suffering, mental anguish, fright, shock, embarrassment, humiliation and mortification.

WHEREFORE, Plaintiff respectfully requests this Honorable Court:

a. Order Defendant to promote her to the full time Museum Archivist position which was wrongfully denied to her;

b. Award Plaintiff her back pay and fringe benefits that she lost because of Defendant's violation of the Act;

c. Alternatively, if she is not promoted, award Plaintiff, including back pay, her wages and fringe benefits she would have received from the date the full time Museum Archivist position was filled until retirement;

d. Order that Defendant be enjoined from continuing its unlawful employment practices;

e. Award Plaintiff her damages for the pain, suffering, mental anguish, embarrassment and humiliation caused by Defendant's wrongful conduct;

f. Award Plaintiff her attorney fees, interest and costs;

g. Award Plaintiff exemplary damages; and

h. Award Plaintiff any and all other relief this Court deems just and equitable.

COUNT III – VIOLATION OF THE MICHIGAN ELLIOTT LARSON CIVIL RIGHTS ACT (ELCRA) MCL 37.2201 *et seq.* – DISCRIMINATION BASED ON SEX

50. Plaintiff restates and realleges paragraphs 1-48 as if more fully stated herein.

51. Ms. Hunciag was and is a female and part of a protected class under the Act.

52. The City harassed her, made discriminatory remarks, treated her differently and failed to promote her to the full time position of Museum Archivist.

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53. Ms. Hunciag was well qualified for the position based on her years of experience, education and work in the department and the City.

54. A thirty year old male with only two years with the City, without a Doctorate, less experience and training, was awarded the position.

55. Ms. Hunciag was harassed, subjected to discrimination and denied the promotion based on her sex.

56. Such actions on the part of the City are a violation of ELCRA.

57. As a proximate result of Defendant's unlawful actions against Plaintiff as described above, Plaintiff has sustained injuries including potential loss of earnings and earning capacity, loss of career opportunities, loss of reputation and esteem in the community, physical pain and suffering, mental anguish, fright, shock, embarrassment, humiliation and mortification.

WHEREFORE, Plaintiff respectfully requests this Honorable Court:

a. Order Defendant to promote her to the full time Museum Archivist position which was wrongfully denied to her;

b. Award Plaintiff her back pay and fringe benefits that she lost because of Defendant's violation of the Act;

c. Alternatively, if she is not promoted, award Plaintiff, including back pay, her wages and fringe benefits she would have received from the date the full time Museum Archivist position was filled until retirement;

d. Order that Defendant be enjoined from continuing its unlawful employment practices;

e. Award Plaintiff her damages for the pain, suffering, mental anguish, embarrassment and humiliation caused by Defendant's wrongful conduct;

f. Award Plaintiff her attorney fees, interest and costs;

g. Award Plaintiff exemplary damages; and

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h. Award Plaintiff any and all other relief this Court deems just and equitable.

COUNT IV – VIOLATION OF THE MICHIGAN ELLIOTT LARSON CIVIL RIGHTS ACT (ELCRA) MCL 37.2201 *et seq.* – DISCRIMINATION BASED ON RETALIATION

58. Plaintiff restates and realleges paragraphs 1-56 as if more fully stated herein.

59. Beginning shortly after May of 1999 and continuing until today, Plaintiff has been subjected to retaliation by Defendant's supervisory personnel because she complained of unlawful acts of discrimination in violation of the ELCRA.

60. This retaliation involved treating Plaintiff differently than similarly situated employees with regards to the terms, conditions and benefits of their employment.

61. This retaliation would not have occurred had Plaintiff not engaged in the protected activity pursuant to the ELCRA.

62. As a proximate result of Defendant's unlawful actions against Plaintiff as described above, Plaintiff has sustained injuries including potential loss of earnings and earning capacity, loss of career opportunities, loss of reputation and esteem in the community, physical pain and suffering, mental anguish, fright, shock, embarrassment, humiliation and mortification.

WHEREFORE, Plaintiff respectfully requests this Honorable Court:

a. Order Defendant to promote her to the full time Museum Archivist position which was wrongfully denied to her;

b. Award Plaintiff her back pay and fringe benefits that she lost because of Defendant's violation of the Act;

c. Alternatively, if she is not promoted, award Plaintiff, including back pay, her wages and fringe benefits she would have received from the date the full time Museum Archivist position was filled until retirement;

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d. Order that Defendant be enjoined from continuing its unlawful employment practices;

e. Award Plaintiff her damages for the pain, suffering, mental anguish, embarrassment and humiliation caused by Defendant's wrongful conduct;

f. Award Plaintiff her attorney fees, interest and costs;

g. Award Plaintiff exemplary damages; and

h. Award Plaintiff any and all other relief this Court deems just and equitable.

COUNT V – RETALIATION IN VIOLATION OF MICHIGAN PUBLIC POLICY

63. Plaintiff restates and realleges paragraphs 1-61 as if more fully stated herein.

64. Beginning shortly after May of 1999 and continuing until today, Plaintiff has been subjected to retaliation by Defendant's supervisory personnel because she complained of unlawful acts of discrimination in violation of the ELCRA.

65. This retaliation involved treating Plaintiff differently than similarly situated employees with regards to the terms, conditions and benefits of their employment.

66. This retaliation would not have occurred had Plaintiff not engaged in the protected activity pursuant to the Act and/or ELCRA.

67. Such action is adverse to public policy.

68. As a proximate result of Defendant's unlawful actions against Plaintiff as described above, Plaintiff has sustained injuries including potential loss of earnings and earning capacity, loss of career opportunities, loss of reputation and esteem in the community, physical pain and suffering, mental anguish, fright, shock, embarrassment, humiliation and mortification.

WHEREFORE, Plaintiff respectfully requests this Honorable Court:

BEALS HUBBARD, P.L.C.
ATTORNEYS & COUNSELORS
30665 Northwestern Highway
Suite 100
Farmington Hills, Michigan 48334
Telephone: 248-932-1101

a. Order Defendant to promote her to the full time Museum Archivist position which was wrongfully denied to her;

b. Award Plaintiff her back pay and fringe benefits that she lost because of Defendant's violation of the Act;

c. Alternatively, if she is not promoted, award Plaintiff, including back pay, her wages and fringe benefits she would have received from the date the full time Museum Archivist position was filled until retirement;

d. Order that Defendant be enjoined from continuing its unlawful employment practices;

e. Award Plaintiff her damages for the pain, suffering, mental anguish, embarrassment and humiliation caused by Defendant's wrongful conduct;

f. Award Plaintiff her attorney fees, interest and costs;

g. Award Plaintiff exemplary damages; and

h. Award Plaintiff any and all other relief this Court deems just and equitable.

Respectfully submitted,

BEALS HUBBARD, PLC

By: _____

Eric A. Parzianello, Esq. (P42797)
Aaron J. Pruss, Esq. (P63045)
Attorneys for Plaintiff
30665 Northwestern Hwy., Suite 100
Farmington Hills, MI 48334
248/932-1101

Dated: March 7, 2005

BEALS HUBBARD, P.L.C.
ATTORNEYS & COUNSELORS
30665 Northwestern Highway
Suite 100
Farmington Hills, Michigan 48334
Telephone: 248-932-1101

DEMAND FOR JURY TRIAL

Plaintiff, Maria Elena Hunciag, hereby requests trial by jury.

Respectfully submitted,

BEALS HUBBARD, PLC

By: _____

Eric A. Parzianello, Esq. (P42797)
Aaron J. Pruss, Esq. (P63045)
Attorneys for Plaintiff
30665 Northwestern Hwy., Suite 100
Farmington Hills, MI 48334
248/932-1101

Dated: March 7, 2005

VERIFICATION

STATE OF MICHIGAN)
) ss.
COUNTY OF WAYNE)

I, Maria Elena Hunciag, being first duly sworn, state and depose that I have read the foregoing Complaint and that the information contained therein is true and accurate to the best of my information, knowledge, and belief, and that I can competently testify thereto if called to be a witness based upon my personal knowledge.

Maria Elena Hunciag

Maria Elena Hunciag

Subscribed and sworn to before me this 8th day of March 2005

LEISANNE M. SMEADALA
Notary Public, Wayne Co., MI
My Commission Expires Nov. 15, 2005

NOTARY PUBLIC, in and for the County of Wayne State of Michigan
My Commission Expires: 11.15.05
acting in Oakland Co., MI

BEALS HUBBARD, P.L.C.
ATTORNEYS & COUNSELORS
30665 Northwestern Highway
Suite 100
Farmington Hills, Michigan 48334
Telephone: 248-932-1101

April 9, 2005

TO: John Szerlag, City Manager

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

SUBJECT: **AGENDA ITEM** - REQUEST FOR ACCEPTANCE of Private Road Agreement, Private Sidewalk Agreement, Emergency Storm Sewer Easement, Emergency Access Easement, Permanent Sanitary Sewer Easement, and Permanent Water Main Easement – Golf John R, L.L.C. – The Enclave of Troy – Sidwell #88-20-13-351-025

In connection with the development of The Enclave of Troy Condominium project on the north side of Wattles Road, east of John R Road, the Real Estate and Development Department has acquired the necessary required documents listed below. The consideration on each document is $1.00.

GRANTOR	TYPE of DOCUMENT
Golf John R, L.L.C.	Private Road Agreement
Golf John R, L.L.C.	Private Sidewalk Agreement
Golf John R, L.L.C.	Emergency Storm Sewer Easement
Golf John R, L.L.C.	Emergency Access Easement
Golf John R, L.L.C.	Permanent Sanitary Sewer Easement
Golf John R, L.L.C.	Permanent Water Main Easement

In order for this development project to be finalized, management recommends that City Council accept the attached agreements, and easements for recording. It will also be necessary that the Mayor and City Clerk be authorized to sign the Private Road and Private Sidewalk agreements.

Prepared by: Dennis C. Stephens, Right of Way Representative

CITY CLERK'S OFFICE
PROCESSING REQUEST FORM
FOR
CONTRACTS/AGREEMENTS

DATE: 04-09-2005
FROM: DENNIS C. STEPHENS

IDENTIFYING NAME: THE ENCLAVE OF TROY

AGENDA DATE: 04-18-2005 _

ITEM NUMBER (IF KNOWN) _____

RESOLUTION NUMBER _____
NUMBER OF ORIGINALS SUBMITTED: 1 PRIVATE SIDEWALK AGREEMENT AND 1 PRIVATE ROAD AGREEMENT.

ORIGINAL(S) MUST BE ATTACHED WITH THIS FORM WHEN SUBMITTED FOR AGENDA

SIGNATURES REQUIRED:

MAYOR: YES
CITY CLERK: YES
OTHER: _____

NUMBER OF CERTIFIED COPIES NEEDED OF COUNCIL RESOLUTION_____

DISTRIBUTION OF SIGNED ORIGINAL(S):

CLERK: _____
SUBMITTING PARTY: BACK TO REAL ESTATE & DEVELOPMENT FOR RECORDING
ATTORNEY: _____
DEPARTMENT(S): _____
OTHER: _____

CLERK'S USE:

WITNESS NEEDED: _____
NOTARY NEEDED: _____

SIGNATURES REQUIRED:

DEPARTMENT: _____
ATTORNEY: _____
MANAGER: _____
MAYOR: _____
CITY CLERK: _____
OTHER: _____

PRIVATE ROAD AGREEMENT

(Sidwell No. 20-13-351-025)

THIS PRIVATE ROAD AGREEMENT ("Agreement") made this 8th day of November, 2000, between GULF JOHN R, L.L.C., a Michigan limited liability company ("Developer") whose address is 2038 W. Big Beaver Road, Suite 200, Troy, Michigan 48084, and the CITY OF TROY, a Michigan municipal corporation ("City") whose address is 500 West Big Beaver Road, Troy, Michigan 48084,

W I T N E S S E T H :

WHEREAS, Developer is the owner of certain real property located in the City of Troy, Oakland County, Michigan, more particularly described on Exhibit A (the "Land") which is attached to this Agreement and made a part hereof, and

WHEREAS, Developer intends to develop a residential condominium project within an R-1T Zoning District, with private streets located within the portion of the Land described on Exhibit B (the "Road Easement Area"), which is attached to this Agreement and made a part hereof, and seeks the approval of the City Council of the street system; and

WHEREAS, the Road Easement Area is shown on the drawing attached hereto as Exhibit C and by this reference made a part hereof; and

WHEREAS, it is recognized that the development of a private street system will result in less street area being available for public uses, and the placement of residential buildings closer to the street pavement than would occur in the case of a public street system; and

WHEREAS, it is recognized that the private street may include some non-standard improvements, street furniture, etc., which are not available or present in conjunction with public street systems; and

WHEREAS, the City is willing to approve the private street system, provided that Developer will agree that the streets will never be dedicated to the public and the City will never be required to maintain them; and

WHEREAS, in conjunction with approval of the subject private street system, the City must be assured that the residents of Developer's condominium project will have street facilities which will be similar in quality to public streets.

NOW, THEREFORE, in consideration of One Dollar ($1.00) paid by the City, Developer and City agree as follows:

1. City approves the use of a private street system to serve the proposed residential condominium development on the Land.

2. Developer agrees, on its behalf and on behalf of all future owners of the Land, that the condominium association created to administer the condominium established on the Land shall always have the obligation to maintain the streets on the Land as private roads in accordance with the final approved site plan prepared by MCS Associates, Inc., dated October 13, 1999, as amended through October 12, 2000, being drawing PS-99-669, and shall never request that the City accept a dedication of the streets for public use and maintenance.

3. Developer and City agree that the private street pavement shall be constructed to public street standards, or to an alternative pavement standard acceptable to the City Engineer in relation to the pavement life, durability and serviceability. The pavement construction shall be inspected by the City's Engineering staff.

4. Developer agrees to grant to the City easements for emergency access, for police and fire protection, and for the maintenance, repair or replacement of the storm water drainage system in the event the owner(s) of the Land fail to maintain the system. The cost of any such repair, replacement, or maintenance by the City shall be charged to and reimbursed by the condominium association.

5. No modification, amendment or supplement to the terms and conditions stated in this Agreement shall be effective unless in writing and signed by each of the parties.

6. This Agreement shall be governed by and interpreted in accordance with the ordinances of the City of Troy and the laws of the State of Michigan.

7. This Agreement shall be binding upon and inure to the benefit of the respective heirs, representatives, successors and permitted assigns of the parties.

8. This Agreement shall be recorded in the office of the Oakland County Register of Deeds.

9. Developer agrees to reference this Agreement in the individual deeds to subsequent purchasers and in the master deed that establishes the condominium on the Land.

10. Any notice required or permitted to be given to either party by the other pursuant to this Agreement shall be deemed to be sufficient if in writing and either personally delivered, sent by facsimile, telecopier or telegram, or sent by certified or registered mail, postage prepaid to the following addresses:

To Developer:

Gulf John R, L.L.C.
2038 W. Big Beaver Road, Suite 200
Troy, Michigan 48084

With copy to:

George J. Mager, Jr.
Mager, Mercer & Alber, P.C.
Top of Troy Building
755 West Big Beaver Road, Suite 1700
Troy, Michigan 48084

To City:

City of Troy
500 West Big Beaver Road
Troy, Michigan 48084

or at such other address as either party shall designate by written notice to the other. Such notice shall be deemed given on the date when personally served or, if by facsimile, telecopier or telegram, on the day it is sent or, if by mail, on the day it is posted.

11. In the event either party hereto commences litigation against the other to enforce its rights hereunder, the prevailing party in such litigation shall be entitled to recover from the other party its reasonable attorneys fees and expenses incident to such litigation (through all appeals).

12. All provisions of this instrument, including the benefits and burdens, run with the land and are binding upon and

inure to the benefit of the successors and assigns of the parties hereto.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

In the presence of:
WITNESSES:

GULF JOHN R, L.L.C.,
a Michigan limited liability company

By: Tadian Development Company, L.L.C.,
a Michigan limited liability company
Its Manager

By: Tadian Company, a Michigan corporation, Member

Sherie Churill

By: Nicholas J. Donofrio,
Vice President

Judy Kennedy

STATE OF MICHIGAN)
) SS.
COUNTY OF OAKLAND)

Subscribed and sworn to before me this 8th day of November, 2000, by Nicholas J. Donofrio, Vice President of Tadian Company, a Michigan corporation, which is a Member of Tadian Development Company, L.L.C., a Michigan limited liability company, which is the Manager of GULF JOHN R, L.L.C., a Michigan limited liability company, on behalf of the company.

JUDY KENNEDY
Notary Public, Oakland County, MI
My Commission Expires 3-23-2001

Judy Kennedy
Notary Public, Oakland County, MI
My Commission Expires: March 23, 2001

WITNESSES:

CITY OF TROY,
a Michigan municipal corporation

_____ By: _____

_____ Its:

And
_____ By: _____

_____ Its:

STATE OF MICHIGAN)
) SS.
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this ____ day of _____, 2000, by _____, who are the _____ and _____, respectively, of the CITY OF TROY, a Michigan municipal corporation, on behalf of the City.

_____

Notary Public, County, MI
My Commission Expires:

DRAFTED BY:

George J. Mager, Jr.
MAGER, MERCER & ALBER, P.C.
Top of Troy Building
755 West Big Beaver Road,
Suite 1700
Troy, Michigan 48084

WHEN RECORDED PLEASE RETURN TO:

CITY CLERK, CITY OF TROY
500 West Big Beaver Road
Troy, Michigan 48084

3526/07/privroad

EXHIBIT A

Part of the Southwest 1/4 of Section 13, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan, being more particularly described as follows: Beginning at a point on the East line of John R Road (60 feet wide 1/2 right-of-way) which is North 00 degrees 49 minutes 28 seconds East (North 00 degrees 49 minutes 43 seconds East Record) 410.00 feet along the West line of said Section 13 and South 87 degrees 38 minutes 00 seconds East 60.02 feet from the Southwest corner of Section 13, Town 2 North, Range 11 East; thence continuing South 87 degrees 38 minutes 00 seconds East 199.98 feet; thence North 00 degrees 49 minutes 28 seconds East (North 00 degrees 49 minutes 43 seconds East Record) 250.00 feet; thence the following two courses along the boundary of "Mt. Vernon Estates Sub'n." (Liber 116 of Plats, Pages 13 through 17, both inclusive, Oakland County Records): South 87 degrees 38 minutes 00 seconds East 362.72 feet and South 00 degrees 47 minutes 55 seconds West (south 00 degrees 49 minutes 43 seconds West Record) 599.98 feet; thence North 87 degrees 38 minutes 00 seconds West 562.97 feet along the North line of Wattles Road (60 feet wide 1/2 right-of-way); thence North 00 degrees 49 minutes 28 seconds East 349.97 feet along said East line of John R Road to the point of beginning.

Containing 287,586 Square Feet --- 6.602 Acres

3526/07/exalegal

EXHIBIT B

LEGAL DESCRIPTION: ROAD EASEMENT

Part of the Southwest 1/4 of Section 13, T.2N., R.11E., City of Troy, Oakland County, Michigan, being more particularly described as follows: Beginning at a point on the North line of Wattles Road (60 ft. wd. 1/2 R.O.W.) which is South 87 degrees 38 minutes 00 seconds East 443.26 feet along the South line of said Section 13 and North 02 degrees 22 minutes 00 seconds East 60.00 feet from the Southwest corner of Section 13, T.2N., R.11E.; thence continuing North 02 degrees 22 minutes 00 seconds East 90.66 feet; thence Northerly 49.00 feet along the arc of a curve to the left (Radius of 80.00 feet, central angle of 35 degrees 05 minutes 32 seconds, long chord bears North 15 degrees 10 minutes 46 seconds West 48.24 feet); thence North 32 degrees 43 minutes 32 seconds West 26.93 feet; thence Westerly 63.40 feet along the arc of a curve to the right (Radius of 120.00 feet, central angle of 25 degrees 29 minutes 54 seconds, long chord bears South 79 degrees 37 minutes 03 seconds West 52.96 feet); thence North 87 degrees 38 minutes 00 seconds West 52.12 feet; thence Southwesterly 37.55 feet along the arc of a curve to the left (Radius of 44.00 feet, central angle of 48 degrees 54 minutes 04 seconds, long chord bears South 67 degrees 54 minutes 58 seconds West 36.42 feet); thence Northerly 204.30 feet along the arc of a curve to the right (Radius of 44.00 feet, central angle of 266 degrees 02 minutes 30 seconds, long chord bears North 03 degrees 30 minutes 54 seconds West 64.34 feet); thence Easterly 28.52 feet along the arc of a curve to the left (Radius of 44.00 feet, central angle of 37 degrees 08 minutes 16 seconds, long chord bears South 69 degrees 03 minutes 52 seconds East 28.02 feet); thence South 87 degrees 38 minutes 00 seconds East 65.30 feet; thence Northeasterly 127.85 feet along the arc of a curve to the left (Radius of 80.00 feet, central angle of 91 degrees 34 minutes 05 seconds, long chord bears North 46 degrees 34 minutes 58 seconds East 114.67 feet); thence North 00 degrees 47 minutes 55 seconds East 76.35 feet; thence Northwesterly 48.35 feet along the arc of a curve to the left (Radius of 44.00 feet, central angel of 62 degrees 57 minutes 51 seconds, long chord bears North 30 degrees 41 minutes 01 second West 45.96 feet); thence Northeasterly 186.58 feet along the arc of a curve to the right (Radius of 44.00 feet, central angle of 242 degrees 57 minutes 51 seconds, long chord bears North 59 degrees 18 minutes 59 seconds East 75.05 feet); thence South 00 degrees 47 minutes 55 seconds West 154.74 feet; thence Southerly 98.19 feet along the arc of a curve to the right (Radius of 120.00 feet, central angle of 46 degrees 52 minutes 54 seconds, long chord bears South 24 degrees 14 minutes 22 seconds West 95.47 feet); thence South 32 degrees 43 minutes 32 seconds East 26.93 feet; thence Southerly 73.50 feet along the arc of a curve to the right (Radius of 120.00 feet, central angle of 35 degrees 05 minutes 32 seconds, long chord bears South 15 degrees 10 minutes

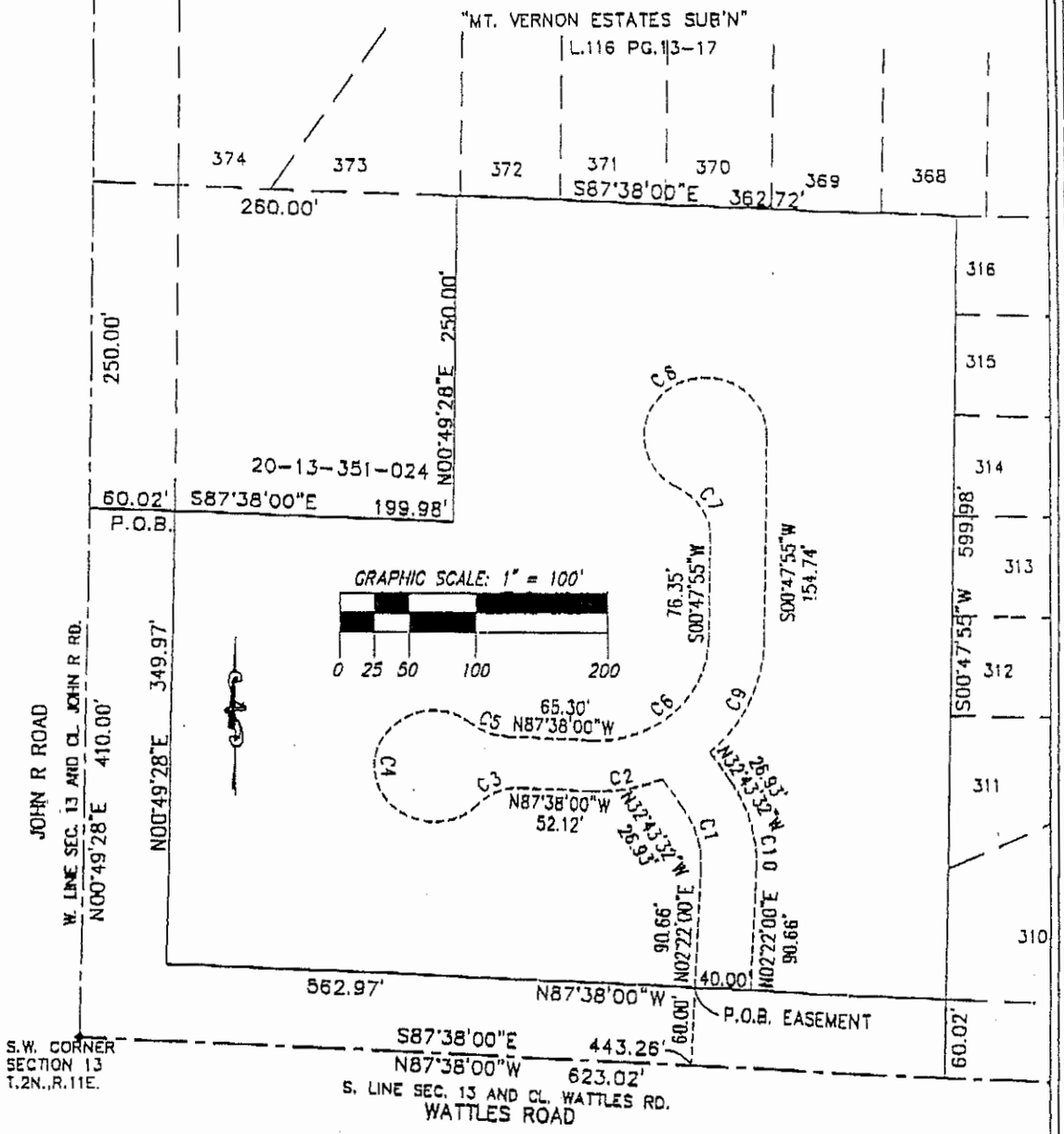
46 seconds East 72.35 feet); thence South 02 degrees 22 minutes 00 seconds West 90.66 feet; thence North 87 degrees 38 minutes 00 seconds West 40.00 feet along said North line of Wattles Road to the point of beginning.

Containing 33,865 Square Feet --- 0.777 Acres

Subject to and together with all easements and restrictions affecting title to the above described premises.

3526/07/rdease

EXHIBIT C



CURVE TABLE					
Curve	Length	Radius	Central Angle	Chord	Length
C1	49.00	80.00	35°05'32"	N15°10'46"W	48.24
C2	53.40	120.00	25°29'54"	N79°37'03"E	52.96
C3	37.55	44.00	48°54'04"	S67°54'58"W	36.42
C4	204.30	44.00	266°02'20"	S03°30'54"E	64.34
C5	28.52	44.00	37°08'16"	S69°03'52"E	28.02
C6	127.85	80.00	91°34'05"	N46°34'58"E	114.67
C7	48.35	44.00	62°57'51"	N30°41'01"W	45.96
C8	186.58	44.00	242°57'51"	S59°18'59"W	75.05
C9	98.19	120.00	46°52'54"	N24°14'22"E	95.47
C10	73.50	120.00	35°05'32"	N15°10'46"W	72.35

DB-00-5786
SHEET 1 OF 2

CLIENT: TADIAN HOMES
DATE: 6/6/00

MCS ASSOCIATES, INC.
CIVIL ENGINEERING AND SURVEYING
41150 TECHNOLOGY PARK DR., SUITE 102
STERLING HEIGHTS, MICHIGAN 48314
TELEPHONE 726-6310 FAX 726-0042

PRIVATE SIDEWALK AGREEMENT

(Sidwell No. 20-13-351-025)

THIS PRIVATE SIDEWALK AGREEMENT ("Agreement") made this 8th day of November, 2000, between GULF JOHN R, L.L.C., a Michigan limited liability company ("Developer") whose address is 2038 W. Big Beaver Road, Suite 200, Troy, Michigan 48084, and the CITY OF TROY, a Michigan municipal corporation ("City") whose address is 500 West Big Beaver Road, Troy, Michigan 48084,

W I T N E S S E T H :

WHEREAS, Developer is the owner of certain real property located in the City of Troy, Oakland County, Michigan, more particularly described on Exhibit A (the "Land") which is attached to this Agreement and made a part hereof, and

WHEREAS, Developer intends to develop a residential condominium project within a R-1T Zoning District, with private sidewalks located within the portion of the Land described on Exhibit B (the "Sidewalk Easement Area"), which is attached to this Agreement and made a part hereof, and seeks the approval of the City Council; and

WHEREAS, the Sidewalk Easement Area is shown on the drawing attached hereto as Exhibit C and by this reference made a part hereof; and

WHEREAS, the City is willing to approve the private sidewalk system, provided that Developer will agree that the sidewalks will never be dedicated to the public and the City will never be required to maintain them; and

WHEREAS, in conjunction with approval of the private sidewalk system, the City must be assured that the residents of Developer's condominium project will be obligated to maintain the sidewalks.

NOW, THEREFORE, in consideration of One Dollar ($1.00) paid by the City, Developer and City agree as follows:

1. City approves the use of a private sidewalk system to serve the proposed residential condominium development on the Land.

2. Developer agrees, on its behalf and on behalf of all future owners of the Land, that the condominium association created to administer the condominium established on the Land shall always have the obligation to install and forever keep and maintain the sidewalks on the Land and shall never request that the City accept a dedication of the sidewalks for public use and/or request the City to maintain, repair and/or replace the sidewalks.

3. Developer, on behalf of all future Co-owners, agrees that neither the Co-owners nor the Association, shall ever remove the sidewalks on the Land.

4. No modification, amendment or supplement to the terms and conditions stated in this Agreement shall be effective unless in writing and signed by each of the parties.

5. This Agreement shall be governed by and interpreted in accordance with the ordinances of the City of Troy and the laws of the State of Michigan.

6. This Agreement shall be binding upon and inure to the benefit of the respective heirs, representatives, successors and permitted assigns of the parties.

7. This Agreement shall be recorded in the office of the Oakland County Register of Deeds.

8. Developer agrees to reference this Agreement in the master deed that establishes the Condominium on the Land.

9. Any notice required or permitted to be given to either party by the other pursuant to this Agreement shall be deemed to be sufficient if in writing and either personally delivered, sent by facsimile, telecopier or telegram, or sent by certified or registered mail, postage prepaid to the following addresses:

To Developer:

Gulf John R, L.L.C.
2038 W. Big Beaver Road, Suite 200
Troy, Michigan 48084

With copy to:

George J. Mager, Jr.
Mager, Mercer & Alber, P.C.
Top of Troy Building
755 West Big Beaver Road, Suite 1700
Troy, Michigan 48084

To City:

City of Troy
500 West Big Beaver Road
Troy, Michigan 48084

or at such other address as either party shall designate by written notice to the other. Such notice shall be deemed given on the date when personally served or, if by facsimile, telecopier or telegram, on the day it is sent or, if by mail, on the day it is posted.

10. In the event either party hereto commences litigation against the other to enforce its rights hereunder, the prevailing party in such litigation shall be entitled to recover from the other party its reasonable attorneys fees and expenses incident to such litigation (through all appeals).

11. All provisions of this instrument, including the benefits and burdens, run with the land and are binding upon and inure to the benefit of the successors and assigns of the parties hereto.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

In the presence of:

WITNESSES:

GULF JOHN R, L.L.C.,
a Michigan limited liability company

By: Tadian Development Company, L.L.C.,
a Michigan limited liability company
Its Manager

By: Tadian Company, a Michigan corporation, Member

Sherie Churill

Sherie Churill

Judy Kennedy

Judy Kennedy

By: Nicholas J. Donofrio

Nicholas J. Donofrio,
Vice President

STATE OF MICHIGAN)
) SS.
COUNTY OF OAKLAND)

Subscribed and sworn to before me this 8th day of November, 2000, by Nicholas J. Donofrio, Vice President of Tadian Company, a Michigan corporation, which is a Member of Tadian Development Company, L.L.C., a Michigan limited liability company, which is the Manager of GULF JOHN R, L.L.C., a Michigan limited liability company, on behalf of the company.

JUDY KENNEDY
Notary Public, Oakland County, MI
My Commission Expires 3-23-2001

Judy Kennedy
Notary Public, Oakland County, MI
My Commission Expires: March 23, 2001

WITNESSES:

CITY OF TROY,
a Michigan municipal corporation

_____ By: _____

_____ Its:

And
_____ By: _____

_____ Its:

STATE OF MICHIGAN)
) SS.
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this ____ day of _____, 2000, by _____ _____, who are the _____ and _____, respectively, of the CITY OF TROY, a Michigan municipal corporation, on behalf of the City.

_____

Notary Public, County, MI
My Commission Expires:

DRAFTED BY:

George J. Mager, Jr.
MAGER, MERCER & ALBER, P.C.
Top of Troy Building
755 West Big Beaver Road,
Suite 1700
Troy, Michigan 48084

3526/07/sidewalk

WHEN RECORDED PLEASE RETURN TO:

CITY CLERK, CITY OF TROY
500 West Big Beaver Road
Troy, Michigan 48084

EXHIBIT A

Part of the Southwest 1/4 of Section 13, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan, being more particularly described as follows: Beginning at a point on the East line of John R Road (60 feet wide 1/2 right-of-way) which is North 00 degrees 49 minutes 28 seconds East (North 00 degrees 49 minutes 43 seconds East Record) 410.00 feet along the West line of said Section 13 and South 87 degrees 38 minutes 00 seconds East 60.02 feet from the Southwest corner of Section 13, Town 2 North, Range 11 East; thence continuing South 87 degrees 38 minutes 00 seconds East 199.98 feet; thence North 00 degrees 49 minutes 28 seconds East (North 00 degrees 49 minutes 43 seconds East Record) 250.00 feet; thence the following two courses along the boundary of "Mt. Vernon Estates Sub'n." (Liber 116 of Plats, Pages 13 through 17, both inclusive, Oakland County Records): South 87 degrees 38 minutes 00 seconds East 362.72 feet and South 00 degrees 47 minutes 55 seconds West (south 00 degrees 49 minutes 43 seconds West Record) 599.98 feet; thence North 87 degrees 38 minutes 00 seconds West 562.97 feet along the North line of Wattles Road (60 feet wide 1/2 right-of-way); thence North 00 degrees 49 minutes 28 seconds East 349.97 feet along said East line of John R Road to the point of beginning.

Containing 287,586 Square Feet --- 6.602 Acres

3526/07/exalegal

EXHIBIT B

LEGAL DESCRIPTION: CENTERLINE of 10 FT. WD. SIDEWALK EASEMENT

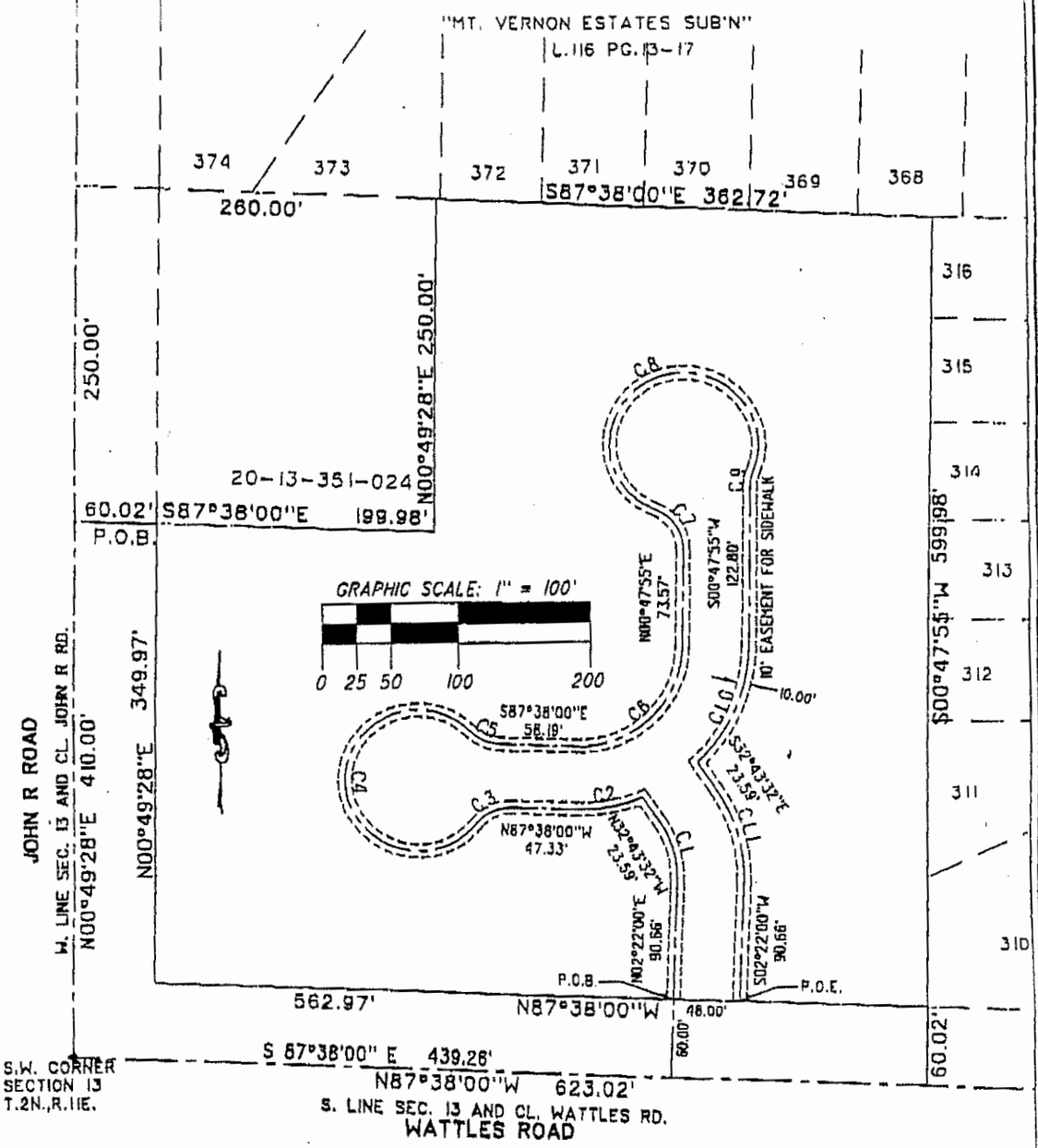
Part of the Southwest 1/4 of Section 13, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan, being more particularly described as follows: Beginning at a point which is South 87 degrees 38 minutes 00 seconds East 439.26 feet along the South line of said Section 13 and the centerline of Wattles Road (60 ft. wd. 1/2 R.O.W.) and North 02 degrees 22 minutes 00 seconds East 60.00 feet from the Southwest corner of Section 13, Town 2 North, Range 11 East; thence North 02 degrees 22 minutes 00 seconds East 90.66 feet; thence 46.55 feet along the arc of a curve to the left (Radius of 76.00 feet, central angle of 35 degrees 05 minutes 32 seconds, long chord bears North 15 degrees 10 minutes 46 seconds West 45.82 feet); thence North 32 degrees 43 minutes 32 seconds West 23.59 feet; thence 51.79 feet, along the arc of a curve to the right (Radius of 124.00 feet, central angle of 23 degrees 55 minutes 57 seconds, long chord bears South 80 degrees 24 minutes 02 seconds West 51.42 feet); thence North 87 degrees 38 minutes 00 seconds West 47.33 feet; thence 31.99 feet along the arc of a curve to the left (Radius of 34.00 feet, central angle of 53 degrees 54 minutes 05 seconds, long chord bears South 65 degrees 24 minutes 58 seconds West 30.82 feet); thence 261.16 feet along the arc of curve to the right (Radius of 54.00 feet, central angle of 277 degrees 05 minutes 54 seconds, long chord bears North 02 degrees 59 minutes 08 seconds West 71.49 feet); thence 25.63 feet along the arc of a curve to the left (Radius of 34.00 feet, central angle of 43 degrees 11 minutes 49 seconds, long chord bears South 66 degrees 02 minutes 05 seconds East 25.03 feet); thence South 87 degrees 38 minutes 00 seconds East 58.19 feet; thence 121.46 feet along the arc of a curve to the left (Radius of 76.00 feet, central angle of 91 degrees 34 minutes 05 seconds, long chord bears North 46 degrees 34 minutes 58 seconds East 108.94 feet); thence North 00 degrees 47 minutes 55 seconds East 73.57 feet; thence 39.92 feet along the arc of a curve to the left (Radius of 34.00 feet, central angle of 67 degrees 16 minutes 18 seconds, long chord bears North 32 degrees 50 minutes 14 seconds West 37.67 feet); thence 253.10 feet along the arc of a curve to the right (Radius of 54.00 feet, central angle of 268 degrees 33 minutes 06 seconds, long chord bears North 67 degrees 48 minutes 10 seconds East 77.33 feet); thence 12.63 feet along the arc of a curve to the left (Radius of 34.00 feet, central angle of 21 degrees 16 minutes 48 seconds, long chord bears South 11 degrees 26 minutes 19 seconds West 12.56 feet); thence South 00 degrees 47 minutes 55 seconds West 122.80 feet; thence 98.07 feet along the arc of a curve to the right (Radius of 124.00 feet, central angle of 45 degrees 18 minutes 57 seconds, long chord bears South 23 degrees 27 minutes 23 seconds West 95.54 feet); thence South 32 degrees 43 minutes 32 seconds East 23.59

feet; thence 75.95 feet along the arc of a curve to the right (Radius of 124.00 feet, central angle of 35 degrees 05 minutes 32 seconds, long chord bears South 15 degrees 10 minutes 46 seconds East 74.77 feet); thence South 02 degrees 22 minutes 00 seconds West 90.66 feet to the point of ending.

Subject to and together with all easements and restrictions affecting title to the above described premises.

3526/07/sidease

EXHIBIT C



CURVE TABLE					
Curve	Length	Radius	Central Angle	Chord	Length
C1	46.55	76.00	35°05'32'	N15°10'46'W	45.82
C2	51.79	124.00	23°55'57'	S80°24'02'W	51.42
C3	31.99	34.00	53°54'05'	S65°24'58'W	30.82
C4	261.16	54.00	277°05'54'	N02°59'08'W	71.49
C5	25.63	34.00	43°11'49'	S66°02'05'E	25.03
C6	121.46	76.00	91°34'05'	N46°34'58'E	108.94
C7	39.92	34.00	67°16'18'	N32°50'14'W	37.67
C8	253.10	54.00	268°33'06'	N67°48'10'E	77.33
C9	12.63	34.00	21°16'48'	S11°26'19'W	12.56
C10	98.07	124.00	45°18'57'	S23°27'23'W	95.54
C11	75.95	124.00	35°05'32'	S15°10'46'E	74.77

08-00-5833
SHEET 1 OF 2

Sidewalk Easement

CLIENT: TADIAN HOMES
DATE: 7/24/00

MCS ASSOCIATES, INC.
CIVIL ENGINEERING AND SURVEYING
41150 TECHNOLOGY PARK DR., SUITE 102
STERLING HEIGHTS, MICHIGAN 48314
TELEPHONE 726-6310 FAX 726-0042

EMERGENCY STORM SEWER EASEMENT

(Sidwell No. 20-13-351-025)

GULF JOHN R, L.L.C., a Michigan limited liability company ("Grantor"), whose address is 2038 W. Big Beaver Road, Suite 200, Troy, Michigan 48084, for and in consideration of the sum of One Dollar ($1.00) paid by the City of Troy, a Michigan municipal corporation ("Grantee"), whose address is 500 West Big Beaver Road, Troy, Michigan 48084, grants to the Grantee the right to, on an emergency basis, maintain, repair and/or replace the on-site private storm water drainage system including, storm sewer mains and storm water detention facilities (but not including any storm sewer leads) (the "Storm Sewer System"), located on the real property situated in the City of Troy, Oakland County, Michigan, more particularly described on Exhibit A, which is attached hereto and by this reference made a part hereof (the "Property"), and to enter upon the roads constructed on the Property and sufficient land adjacent to said storm drainage system improvements for the purpose of maintaining, repairing and/or replacing any portion of the storm drainage system.

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

Notwithstanding the rights granted to the Grantee under this Emergency Storm Sewer Easement, the Grantee shall have no obligation to maintain the Storm Sewer System. The grant of this easement is intended to allow the Grantee to enter upon the Property and maintain, repair and/or replace any portion of the Storm Sewer System in the event the then-current owners of the Property fail to maintain, repair or replace the Storm Sewer System and the Grantee determines, in its sole discretion, that a public health hazard or public nuisance exists that would be eliminated by the Grantee exercising its rights under this emergency easement.

In the event the Grantee does perform maintenance, repair or replacement of the Storm Sewer System, the owner, or, if a condominium is established on the Property, the co-owners of the condominium through their association shall reimburse the Grantee the cost (calculated at the Grantee's overtime rate for employees) incurred by the Grantee to perform such maintenance, repair and/or replacement of any portion of the Storm Sewer System. If the Owner, Co-owners or Association, as the case may be, fail to reimburse the Grantee, the Grantee shall be entitled to impose a lien on the Property that shall encumber the Property and, if a condominium is established, all condominium units on the Property in an amount equal to the costs incurred by the Grantee.

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

IN WITNESS WHEREOF, the undersigned hereunto affixed his signature this 8th day of November, 2000.

In the presence of:
WITNESSES:

GULF JOHN R, L.L.C.,
a Michigan limited liability company

By: Tadian Development Company, L.L.C.,
a Michigan limited liability
company, Manager

By: Tadian Company, a Michigan
corporation, Manager

Sherie Churill

Sherie Churill

Judy Kennedy

Judy Kennedy

By: N. J. Donofrio

Nicholas J. Donofrio,
Vice President

STATE OF MICHIGAN)
) SS.
COUNTY OF OAKLAND)

Subscribed and sworn to before me this 8th day of November, 2000, by Nicholas J. Donofrio, Vice President of Tadian Company, a

Michigan corporation, which is Manager of Tadian Development Company, L.L.C., a Michigan limited liability company, which is the Manager of GULF JOHN R, L.L.C., a Michigan limited liability company, on behalf of the company.

JUDY KENNEDY
Notary Public, Oakland County, MI
My Commission Expires 3-23-2001

Judy Kennedy
Judy Kennedy
Notary Public, Oakland County, MI
My Commission Expires: March 23, 2001

DRAFTED BY:

George J. Mager, Jr.
MAGER, MERCER & ALBER, P.C.
Top of Troy Building
755 West Big Beaver Road,
Suite 1700
Troy, Michigan 48084

WHEN RECORDED PLEASE RETURN TO:

CITY CLERK, CITY OF TROY
500 West Big Beaver Road
Troy, Michigan 48084

3526/07/StormSewer

EXHIBIT A

Part of the Southwest 1/4 of Section 13, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan, being more particularly described as follows: Beginning at a point on the East line of John R Road (60 feet wide 1/2 right-of-way) which is North 00 degrees 49 minutes 28 seconds East (North 00 degrees 49 minutes 43 seconds East Record) 410.00 feet along the West line of said Section 13 and South 87 degrees 38 minutes 00 seconds East 60.02 feet from the Southwest corner of Section 13, Town 2 North, Range 11 East; thence continuing South 87 degrees 38 minutes 00 seconds East 199.98 feet; thence North 00 degrees 49 minutes 28 seconds East (North 00 degrees 49 minutes 43 seconds East Record) 250.00 feet; thence the following two courses along the boundary of "Mt. Vernon Estates Sub'n." (Liber 116 of Plats, Pages 13 through 17, both inclusive, Oakland County Records): South 87 degrees 38 minutes 00 seconds East 362.72 feet and South 00 degrees 47 minutes 55 seconds West (south 00 degrees 49 minutes 43 seconds West Record) 599.98 feet; thence North 87 degrees 38 minutes 00 seconds West 562.97 feet along the North line of Wattles Road (60 feet wide 1/2 right-of-way); thence North 00 degrees 49 minutes 28 seconds East 349.97 feet along said East line of John R Road to the point of beginning.

Containing 287,586 Square Feet --- 6.602 Acres

3526/07/exalegal

EMERGENCY ACCESS EASEMENT

(Sidwell No. 20-13-351-025)

GULF JOHN R, L.L.C., a Michigan limited liability company ("Grantor"), whose address is 2038 W. Big Beaver Road, Suite 200, Troy, Michigan 48084, for and in consideration of the sum of One Dollar ($1.00) paid by the City of Troy, a Michigan municipal corporation ("Grantee"), whose address is 500 West Big Beaver Road, Troy, Michigan 48084, as the fee simple owner of the real property described on Exhibit A, which is attached hereto and by this reference made a part hereof, grants to the Grantee the right to enter upon the real property described on Exhibit B ("Legal Description Road Easement"), which is attached hereto and by this reference made a part hereof, (the "Street Easement Area") for emergency ingress and egress, and police and fire protection. The Street Easement Area is shown on the drawing attached hereto as Exhibit C and by this reference made a part hereof.

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

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

[The signature block in its entirety is contained on the following page.]

IN WITNESS WHEREOF, the undersigned hereunto affixed his signature this 8th day of November, 2000.

In the presence of:

WITNESSES:

GULF JOHN R, L.L.C.,
a Michigan limited liability company

By: Tadian Development Company, L.L.C., a Michigan limited liability company, Manager

By: Tadian Company, a Michigan corporation, Manager

By: _____
Nicholas J. Donofrio,
Vice President

_____
Sherie Churill

_____
Judy Kennedy

STATE OF MICHIGAN)
) SS.
COUNTY OF OAKLAND)

Subscribed and sworn to before me this 8th day of November, 2000, by Nicholas J. Donofrio, Vice President of Tadian Company, a Michigan corporation, which is Manager of Tadian Development Company, L.L.C., a Michigan limited liability company, which is the Manager of GULF JOHN R, L.L.C., a Michigan limited liability company, on behalf of the company.

JUDY KENNEDY
Notary Public, Oakland County, MI
My Commission Expires 3-23-2001

_____
Judy Kennedy
Notary Public, Oakland County, MI
My Commission Expires: March 23, 2001

DRAFTED BY:

George J. Mager, Jr.
MAGER, MERCER & ALBER, P.C.
Top of Troy Building
755 West Big Beaver Road,
Suite 1700
Troy, Michigan 48084

WHEN RECORDED PLEASE RETURN TO:

CITY CLERK, CITY OF TROY
500 West Big Beaver Road
Troy, Michigan 48084

3526/07/emeracc

 (Sidwell No. 20-13-351-025)

EXHIBIT A

Part of the Southwest 1/4 of Section 13, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan, being more particularly described as follows: Beginning at a point on the East line of John R Road (60 feet wide 1/2 right-of-way) which is North 00 degrees 49 minutes 28 seconds East (North 00 degrees 49 minutes 43 seconds East Record) 410.00 feet along the West line of said Section 13 and South 87 degrees 38 minutes 00 seconds East 60.02 feet from the Southwest corner of Section 13, Town 2 North, Range 11 East; thence continuing South 87 degrees 38 minutes 00 seconds East 199.98 feet; thence North 00 degrees 49 minutes 28 seconds East (North 00 degrees 49 minutes 43 seconds East Record) 250.00 feet; thence the following two courses along the boundary of "Mt. Vernon Estates Sub'n." (Liber 116 of Plats, Pages 13 through 17, both inclusive, Oakland County Records): South 87 degrees 38 minutes 00 seconds East 362.72 feet and South 00 degrees 47 minutes 55 seconds West (south 00 degrees 49 minutes 43 seconds West Record) 599.98 feet; thence North 87 degrees 38 minutes 00 seconds West 562.97 feet along the North line of Wattles Road (60 feet wide 1/2 right-of-way); thence North 00 degrees 49 minutes 28 seconds East 349.97 feet along said East line of John R Road to the point of beginning.

Containing 287,586 Square Feet --- 6.602 Acres

3526/07/exalegal

EXHIBIT B

LEGAL DESCRIPTION: ROAD EASEMENT

Part of the Southwest 1/4 of Section 13, T.2N., R.11E., City of Troy, Oakland County, Michigan, being more particularly described as follows: Beginning at a point on the North line of Wattles Road (60 ft. wd. 1/2 R.O.W.) which is South 87 degrees 38 minutes 00 seconds East 443.26 feet along the South line of said Section 13 and North 02 degrees 22 minutes 00 seconds East 60.00 feet from the Southwest corner of Section 13, T.2N., R.11E.; thence continuing North 02 degrees 22 minutes 00 seconds East 90.66 feet; thence Northerly 49.00 feet along the arc of a curve to the left (Radius of 80.00 feet, central angle of 35 degrees 05 minutes 32 seconds, long chord bears North 15 degrees 10 minutes 46 seconds West 48.24 feet); thence North 32 degrees 43 minutes 32 seconds West 26.93 feet; thence Westerly 63.40 feet along the arc of a curve to the right (Radius of 120.00 feet, central angle of 25 degrees 29 minutes 54 seconds, long chord bears South 79 degrees 37 minutes 03 seconds West 52.96 feet); thence North 87 degrees 38 minutes 00 seconds West 52.12 feet; thence Southwesterly 37.55 feet along the arc of a curve to the left (Radius of 44.00 feet, central angle of 48 degrees 54 minutes 04 seconds, long chord bears South 67 degrees 54 minutes 58 seconds West 36.42 feet); thence Northerly 204.30 feet along the arc of a curve to the right (Radius of 44.00 feet, central angle of 266 degrees 02 minutes 30 seconds, long chord bears North 03 degrees 30 minutes 54 seconds West 64.34 feet); thence Easterly 28.52 feet along the arc of a curve to the left (Radius of 44.00 feet, central angle of 37 degrees 08 minutes 16 seconds, long chord bears South 69 degrees 03 minutes 52 seconds East 28.02 feet); thence South 87 degrees 38 minutes 00 seconds East 65.30 feet; thence Northeasterly 127.85 feet along the arc of a curve to the left (Radius of 80.00 feet, central angle of 91 degrees 34 minutes 05 seconds, long chord bears North 46 degrees 34 minutes 58 seconds East 114.67 feet); thence North 00 degrees 47 minutes 55 seconds East 76.35 feet; thence Northwesterly 48.35 feet along the arc of a curve to the left (Radius of 44.00 feet, central angel of 62 degrees 57 minutes 51 seconds, long chord bears North 30 degrees 41 minutes 01 second West 45.96 feet); thence Northeasterly 186.58 feet along the arc of a curve to the right (Radius of 44.00 feet, central angle of 242 degrees 57 minutes 51 seconds, long chord bears North 59 degrees 18 minutes 59 seconds East 75.05 feet); thence South 00 degrees 47 minutes 55 seconds West 154.74 feet; thence Southerly 98.19 feet along the arc of a curve to the right (Radius of 120.00 feet, central angle of 46 degrees 52 minutes 54 seconds, long chord bears South 24 degrees 14 minutes 22 seconds West 95.47 feet); thence South 32 degrees 43 minutes 32 seconds East 26.93 feet; thence Southerly 73.50 feet along the arc of a curve to the right (Radius of 120.00 feet, central angle of 35 degrees 05 minutes 32 seconds, long chord bears South 15 degrees 10 minutes

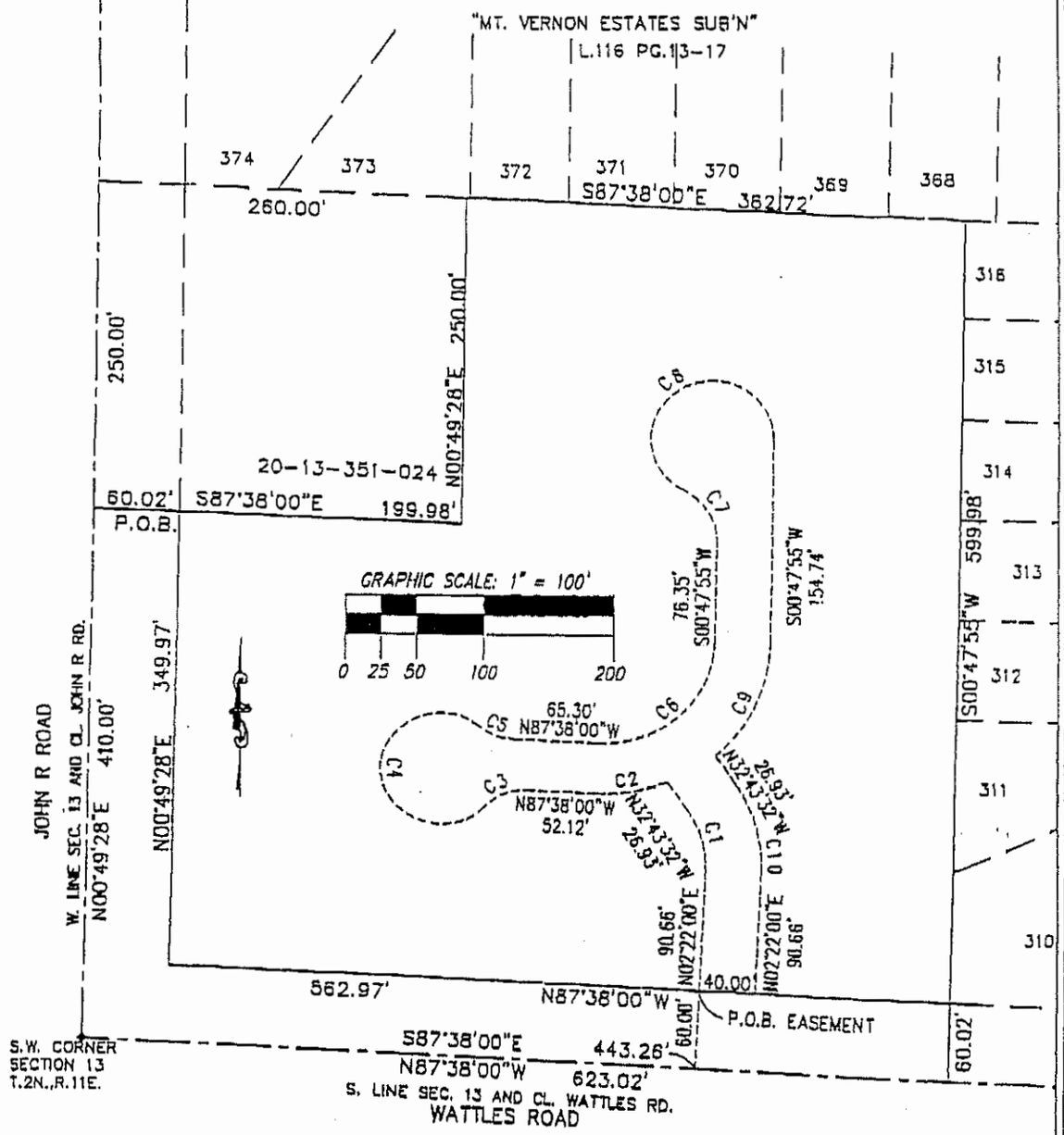
46 seconds East 72.35 feet); thence South 02 degrees 22 minutes 00 seconds West 90.66 feet; thence North 87 degrees 38 minutes 00 seconds West 40.00 feet along said North line of Wattles Road to the point of beginning.

Containing 33,865 Square Feet --- 0.777 Acres

Subject to and together with all easements and restrictions affecting title to the above described premises.

3526/07/rdease

EXHIBIT C



CURVE TABLE					
Curve	Length	Radius	Central Angle	Chord	Length
C1	49.00	80.00	35°05'32"	N15°10'46"W	48.24
C2	53.40	120.00	25°29'54"	N79°37'03"E	52.96
C3	37.55	44.00	48°54'04"	S67°54'58"W	36.42
C4	204.30	44.00	266°02'20"	S03°30'54"E	64.34
C5	28.52	44.00	37°08'16"	S69°03'52"E	28.02
C6	127.85	80.00	91°34'05"	N46°34'58"E	114.67
C7	48.35	44.00	62°57'51"	N30°41'01"W	45.96
C8	186.58	44.00	242°57'51"	S59°18'59"W	75.05
C9	98.19	120.00	46°52'54"	N24°14'22"E	95.47
C10	73.50	120.00	35°05'32"	N15°10'46"W	72.35

DB-00-5786
SHEET 1 OF 2

CLIENT: TADIAN HOMES
DATE: 6/6/00

MCS ASSOCIATES, INC.
CIVIL ENGINEERING AND SURVEYING
41150 TECHNOLOGY PARK DR., SUITE 102
STERLING HEIGHTS, MICHIGAN 48314
TELEPHONE 726-8310 FAX 726-0042

PERMANENT EASEMENT

Project #
Sidwell #
Res. #

Golf John R, L.L.C., a Michigan limited liability company, Grantor, whose address is 2038 W. Big Beaver Road, Suite 200, for and in consideration of the sum of: One Dollar ($1.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, grants to the Grantee the right to construct, operate, maintain, repair and/or replace Sanitary Sewer, said easement for land situated in the City of Troy, Oakland County, Michigan, described as:

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

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

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

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

IN WITNESS WHEREOF, the undersigned hereunto affixed, his signature(s) this 24th day of October A.D. 2000

In presence of:
WITNESS

Judy Kennedy
Judy Kennedy

Sherie Churill
SHERIE CHURILL

Golf John R, L.L.C.
a Michigan limited liability company

By: Tadian Development Company, L.L.C.,
A Michigan Limited Liability
Company, Manager

By: Tadian Company, a Michigan
Corporation, Manager

By: N. J. Donofrito
Nicholas J Donofrito Vice President

STATE OF MICHIGAN
COUNTY OF Oakland

Subscribed & sworn to before me this 24th day of October, 2000, by Nicholas J. Donofrito, Vice President of Tadian Company, A Michigan corporation, which is Manager of Tadian Development Company, L.L.C., a Michigan Limited Liability Company, which is the Manager of Golf John R, L.L.C., a Michigan Limited Liability company, on behalf of the company.

Judy Kennedy
Judy Kennedy
Notary Public, OAKLAND County, Michigan

(L.L.C.)

JUDY KENNEDY
Notary Public, Oakland County, MI
My Commission Expires 3-23-2001

My Commission Expires 3-23-01

Prepared by:
Dennis C. Stephens
500 West Big Beaver
Troy, Michigan 48084

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

EXHIBIT "A"

ENCLAVE AT TROY
SECTION 13, CITY OF TROY
OAKLAND COUNTY, MICHIGAN

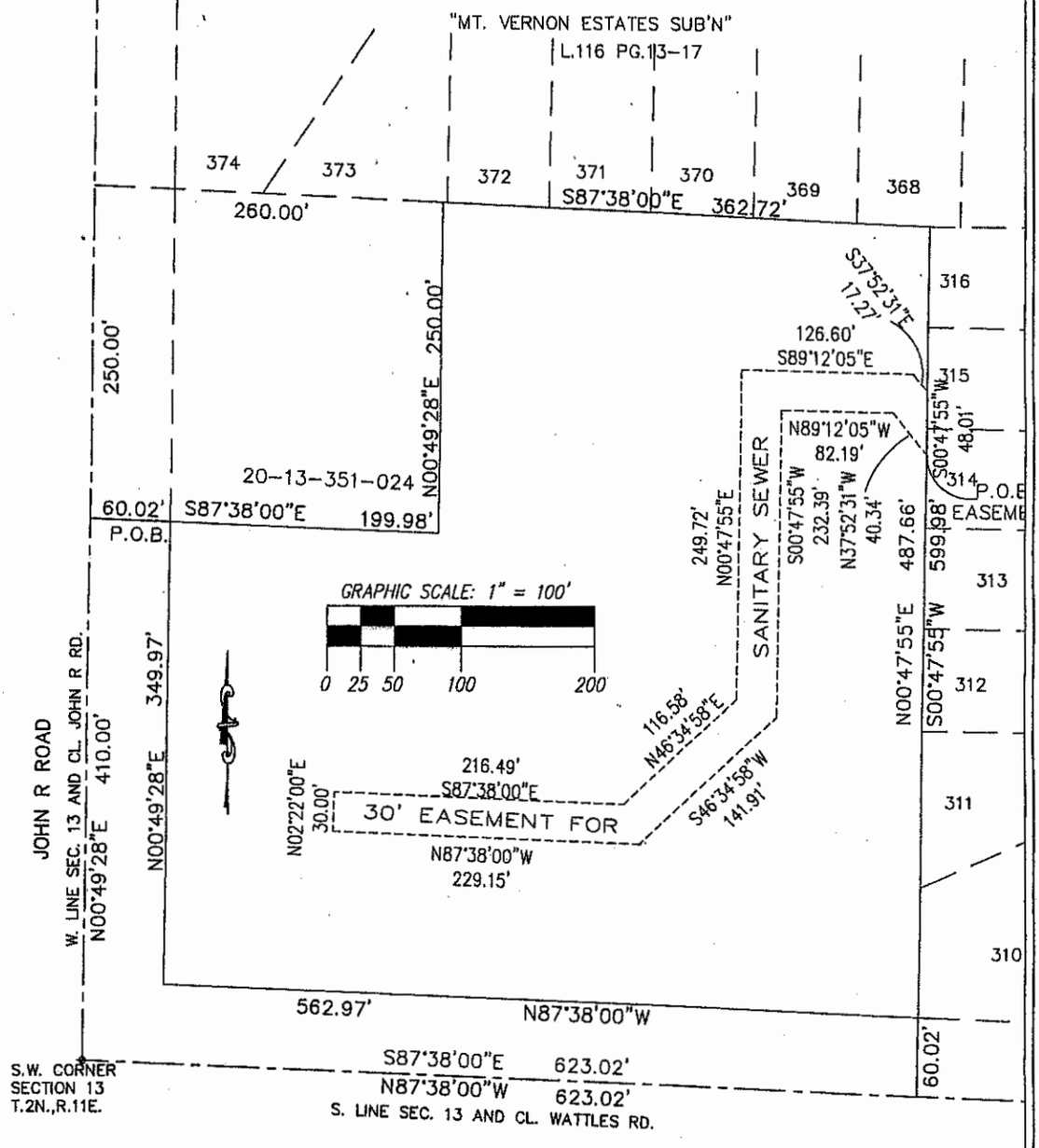
LEGAL DESCRIPTION: 30 FT. WD. SANITARY SEWER EASEMENT

Part of the Southwest ¼ of Section 13, T.2N., R.11E., City of Troy, Oakland County, Michigan, being more particularly described as follows: Beginning at a point which is S87°38'00"E 623.02 ft. along the South line of said Section 13 and the centerline of Wattles Road (60 ft. wd. ½ Right-of-Way) and N00°47'55"E 487.66 ft. along the Westerly boundary line of "Mt. Vernon Estates Sub'n" (Liber 116 of Plats, Pages 13-17, both inclusive, Oakland County Records) from the Southwest corner of Section 13, T.2N., R.11E.; thence N37°52'31"W 40.34 ft.; thence N89°12'05"W 82.19 ft.; thence S00°47'55"W 232.39 ft.; thence S46°34'58"W 141.91 ft.; thence N87°38'00"W 229.15 ft.; thence N02°22'00"E 30.00 ft.; thence S87°38'00"E 216.49 ft.; thence N46°34'58"E 116.58 ft.; thence N00°47'55"E 249.72 ft.; thence S89°12'05"E 126.60 ft.; thence S37°52'31"E 17.27 ft.; thence S00°47'55"W 48.01 ft. along said Westerly boundary line of "Mt. Vernon Estates Sub'n" to the point of beginning.
Square Feet 21,790 --- 0.500 Acres

June 20, 2000

MCS Associates, Inc.
41150 Technology Park Drive
Suite 102
Sterling Heights, Michigan 48314
(810) 726-6310

EXHIBIT A



DB-00-5807
SHEET 1 OF 2

CLIENT: TADIAN HOMES
DATE: 6/20/00

MCS ASSOCIATES, INC.
CIVIL ENGINEERING AND SURVEYING
41150 TECHNOLOGY PARK DR., SUITE 102
STERLING HEIGHTS, MICHIGAN 48314
TELEPHONE 726-6310 FAX 726-0042

PERMANENT EASEMENT

Project #
Sidwell #
Res. #

Golf John R, L.L.C., a Michigan limited liability company, Grantor, whose address is 2038 W. Big Beaver Road, Suite 200, for and in consideration of the sum of: One Dollar ($1.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, grants to the Grantee the right to construct, operate, maintain, repair and/or replace Water Main, said easement for land situated in the City of Troy, Oakland County, Michigan, described as:

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

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

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

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

IN WITNESS WHEREOF, the undersigned hereunto affixed, his signature(s) this 24th day of October A.D. 2000

In presence of:
WITNESS

Judy Kennedy
Judy Kennedy

Sheri Churill
SHERIE CHURILL

Golf John R, L.L.C.
a Michigan limited liability company

By: Tadian Development Company, L.L.C.,
A Michigan Limited Liability
Company, Manager

By: Tadian Company, a Michigan
Corporation, Manager

By: Nicholas Donofrito
Nicholas J Donofrito/Vice President

STATE OF MICHIGAN
COUNTY OF OAKLAND

Subscribed & sworn to before me this 24th day of October, 2000, by Nicholas J. Donofrito, Vice President of Tadian Company, A Michigan corporation, which is Manager of Tadian Development Company, L.L.C., a Michigan Limited Liability Company, which is the Manager of Golf John R, L.L.C., a Michigan Limited Liability company, on behalf of the company.

Judy Kennedy
Judy Kennedy
Notary Public, OAKLAND County, Michigan

(L.L.C.)

JUDY KENNEDY
Notary Public, Oakland County, MI
My Commission Expires 3-23-2001

My Commission Expires 3-23-01

Prepared by:
Dennis C. Stephens
500 West Big Beaver
Troy, Michigan 48084

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

EXHIBIT"A"

ENCLAVE AT TROY
SECTION 13, CITY OF TROY
OAKLAND COUNTY, MICHIGAN

LEGAL DESCRIPTION: 20 FT. WD. WATER MAIN EASEMENT

Part of the Southwest ¼ of Section 13, T.2N., R.11E., City of Troy, Oakland County, Michigan, being more particularly described as follows: Beginning at a point which is S87°38'00"E 427.26 ft. along the South line of said Section 13 and the centerline of Wattles Road (60 ft. wd. ½ R.O.W.) and N02°22'00"E 60.00 ft. from the Southwest corner of Section 13, T.2N., R.11E.; thence N02°22'00"E 90.66 ft.; thence 39.20 ft. along the arc of a curve to the left (Radius of 64.00 ft., central angle of 35°05'32", long chord bears N15°10'46"W 38.59 ft.); thence N32°43'32"W 29.20 ft.; thence N20°12'45"W 33.67 ft.; thence 24.66 ft. along the arc of a curve to the right (Radius of 88.00 ft., central angle of 16°03'15", long chord bears S84°20'23"W 24.58 ft.); thence N87°38'00"W 58.19 ft.; thence 34.68 ft. along the arc of a curve to the right (Radius of 46.00 ft., central angle of 43°11'49", long chord bears N66°02'05"W 33.87 ft.); thence 31.42 ft. along the arc of a curve to the left (Radius of 42.00 ft., central angle of 43°55'57", long chord bears N66°24'09"W 31.42 ft.); thence S02°22'00"W 110.05 ft.; thence N87°38'00"W 20.00 ft.; thence N02°22'00"E 126.55 ft.; thence 67.68 ft. along the arc of a curve to the right (Radius of 62.00 ft., central angle of 62°32'35", long chord bears S75°42'29"E 64.37 ft.); thence 19.60 ft. along the arc of a curve to the left (Radius of 26.00 ft., central angle of 43°11'49", long chord bears S66°02'05"E 19.14 ft.); thence S87°38'00"E 58.19 ft.; thence 108.68 ft. along the arc of a curve to the left (Radius of 68.00 ft., central angle of 91°34'05", long chord bears N46°34'58"E 97.47 ft.); thence N00°47'55"E 73.57 ft.; thence 30.53 ft. along the arc of a curve to the left (Radius of 26.00 ft., central angle of 67°16'18", long chord bears N32°50'14"W 28.80 ft.); thence 174.97 ft. along the arc of a curve to the right (Radius of 62.00 ft., central angle of 161°41'25", long chord bears N14°22'20"E 122.42 ft.); thence S05°13'02"W 20.00 ft.; thence 118.53 ft. along the arc of a curve to the left (Radius of 42.00 ft., central angle of 161°41'25", long chord bears S14°22'20"W 82.93 ft.); thence 54.01 ft. along the arc of a curve to the right (Radius of 46.00 ft., central angle of 67°16'18", long chord bears S32°50'14"E 50.96 ft.); thence S00°47'55"W 73.57 ft.; thence 95.94 ft. along the arc of a curve to the right (Radius of 88.00 ft., central angle of 62°27'51", long chord bears S32°01'50"W 91.26 ft.); thence S20°12'45"E 31.47 ft.; thence S32°43'32"E 27.00 ft.; thence 51.45 ft. along the arc of a curve to the right (Radius of 84.00 ft., central angle of 35°05'32", long chord bears S15°10'46"E 50.65 ft.); thence S02°22'00"W 90.66 ft.; thence N87°38'00"W 20.00 ft. along the North R.O.W. line of Wattles Road (60 ft. wd. ½ R.O.W.) to the point of beginning.
Containing 16,749 Square Feet --- 0.385 Acres

June 21, 2000

MCS Associates, Inc.
41150 Technology Park Drive
Suite 102
Sterling Heights, Michigan 48314
(810) 726-6310

April 4, 2005

TO: John Szerlag, City Manager

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

SUBJECT: **Agenda Item** – Approval of Contract with MDOT for Right-of-Way Acquisition for the Reconstruction and Widening of John R, from Square Lake to South Boulevard
Project No. 02.204.5

RECOMMENDATION

Staff recommends that City Council approve the attached contract with the Michigan Department of Transportation for right-of-way acquisition for the reconstruction and widening of John R, from Square Lake to South Boulevard. Furthermore, staff recommends that the Mayor and City Clerk be authorized to execute the agreement. The agreement as submitted is based on estimated costs, as is standard with all MDOT agreements, since these agreements are prepared when funding for the project is obligated and long before actual cost are known. The City's reimbursements from MDOT, under the agreement, will be based on the actual cost incurred.

SUMMARY

The scope of the project is for the total removal of John R between Square Lake and South Boulevard and the construction of a new five-lane concrete pavement with a center left turn lane. Included in the project will be water main replacement, storm sewer, sidewalks, street lighting and traffic signals. The construction phase is not currently funded. It is common to have the preliminary engineering or design phase and the right-of-way phase funded and underway prior to having the construction phase funded.

The Environmental Assessment for this project has been completed and approved by the Federal Highway Administration. The formal public hearing was held on June 30, 2004.

FUNDING

The estimated cost for the right-of-way phase is $1,000,000. Of this amount, $800,000 in Transportation Economic Development funds Category "C" are available. The local share of the project, to be paid for by the City, is estimated to be $200,000. Funds for the City of Troy's share are included in the proposed 2005-06 Major Road fund, account number 401479.7989.022045. No right-of-way expenditures are planned prior to July 1, 2005.

Prepared by: William J. Huotari, Deputy City Engineer
G:\Projects\Projects - 2002\02.204.5 - John R, Square Lake to South Blvd\To CC re MDOT Agreement_ROW.doc

Approval of Contract between City of Troy and Michigan Department of Transportation. – Right-of-Way Acquisition, John R, Square Lake to South Boulevard, Project No. 02.204.5

RESOLVED, that the Agreement between the City of Troy and the Michigan Department of Transportation for right-of-way acquisition for John R, Square Lake to South Boulevard, Project No. 02.204.5, is hereby approved 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

JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF TRANSPORTATION
LANSING

GLORIA J. JEFF
DIRECTOR

March 29, 2005

Ms. Tonni Bartholomew
Clerk
City of Troy
500 W. Big Beaver Road,
Troy, MI 4808-5285

Dear Ms. Bartholomew:

RE: MDOT Contract No.: 05-5110
Control Section: EDCD 63544
Job Number: 56247

Enclosed is the original and one copy of the above described contract between your organization and the Michigan Department of Transportation (MDOT). Please take time to read and understand this contract. If this contract meets with your approval, please complete the following checklist:

__ **PLEASE DO NOT DATE THE CONTRACTS.** MDOT will date the contracts when they are executed. A contract is not executed unless it has been signed by both parties.

__ **Secure the necessary signatures on all contracts.**

__ **Include a certified resolution**. The resolution should specifically name the officials who are authorized to sign the contracts.

__ **Return all copies of the contracts to my attention of the Department's Design Division, 2nd floor for MDOT execution.**

In order to ensure that the work and payment for this project is not delayed, the agreement needs to be returned within 35 days from the date of this letter.

A copy of the executed contract will be forwarded to you. If you have any questions, please feel free to contact me at (517) 335-2264.

Sincerely,

Jackie Burch

Jackie Burch
Contract Processing Specialist
Design Support Area

Enclosure

TED (C)
FED
RIGHT-OF-WAY
MODIFIED PART II

CAB

Control Section	EDCF 63544
Job Number	56247
Project	MG 0563(032)
Federal Item No.	RR 4528
CFDA No.	20.205 (Highway Research Planning & Construction)
Contract No.	05-5110

PART I

THIS CONTRACT, consisting of PART I and PART II (Modified Standard Agreement Provisions), is made and entered into this date of _____, by and between the MICHIGAN DEPARTMENT OF TRANSPORTATION, hereinafter referred to as the "DEPARTMENT"; and the CITY OF TROY, a Michigan municipal corporation, hereinafter referred to as the "REQUESTING PARTY"; for the purpose of fixing the rights and obligations of the parties in agreeing to the acquisition by the REQUESTING PARTY of the right-of-way necessary for the following improvements in the City of Troy, Michigan, which right-of-way acquisition is hereinafter referred to as the "PROJECT":

Acquisition of right-of-way for the concrete reconstruction and widening from two lanes to five lanes work along John R Road from Square Lake Road to South Boulevard; and all together with necessary related work.

WITNESSETH:

WHEREAS, pursuant to Federal and State law, monies have been provided for the performance of certain improvements on public roads; and

WHEREAS, the PROJECT has been approved for financing in part with funds appropriated to the Transportation Economic Development Fund, hereinafter referred to as "TED FUNDS", pursuant to PA 234 of the Public Acts of 1987, MCL 247.660; and

WHEREAS, it was determined that the PROJECT as described by this contract qualifies for funding pursuant to PA 231, Section 11(3)(c); Public Act of 1987 and categorized as:

C FUNDED PROJECT

WHEREAS, the reference "FHWA" in PART I and PART II refers to the United States Department of Transportation, Federal Highway Administration; and

WHEREAS, the PROJECT, or portions of the PROJECT at the request of the REQUESTING PARTY, are being programmed with the FHWA, for implementation with the use of Federal Funds under the following Federal program(s):

MINIMUM GUARANTEE FUNDS

WHEREAS, the Minimum Guarantee Funds will be used as TED FUNDS Category C; and

WHEREAS, the parties hereto have reached an understanding with each other regarding the performance of the PROJECT work and desire to set forth this understanding in the form of a written contract.

NOW, THEREFORE, in consideration of the premises and of the mutual undertakings of the parties and in conformity with applicable law, it is agreed:

1. The parties hereto shall undertake and complete the PROJECT in accordance with the terms of this contract.

2. The term "PROJECT COST", as herein used, is hereby defined as all the costs necessary for the performance of the PROJECT work, including engineering, appraisals, acquisition, legal, financing, the costs of technical guidance, monitoring, training, and any other costs as may be incurred by the DEPARTMENT as a result of this contract.

3. The DEPARTMENT is authorized by the REQUESTING PARTY to administer on behalf of the REQUESTING PARTY all phases of the PROJECT. The DEPARTMENT, at PROJECT COST, will provide technical guidance to the REQUESTING PARTY, will monitor the performance of the PROJECT work to assure conformance with Federal and state requirements, and will provide such training to the REQUESTING PARTY as is necessary for the performance of the PROJECT work.

Any items of the PROJECT COST incurred by the DEPARTMENT may be charged to the PROJECT.

4. The REQUESTING PARTY will perform or cause to be performed all the PROJECT work. The method of performing the work will be indicated on the work authorization.

5. The PROJECT COST shall be met in part by contributions by the Federal Government and/or TED FUNDS. Federal Minimum Guarantee Funds being used as TED FUNDS Category C shall be applied to the eligible items of the PROJECT COST at a participation ratio equal to 80 percent. The balance of the PROJECT COST, after deduction of Federal Funds and/or TED FUNDS, shall be paid by the REQUESTING PARTY. The PROJECT COST and cost participation are estimated to be as follows:

ESTIMATED COST	Federal Minimum Guarantee Funds Being Used As TED FUNDS	REQUESTING PARTY'S SHARE
$1,000,000	$800,000	$200,000

Any items of PROJECT COST not reimbursed by Federal Funds and/or TED FUNDS will be the sole responsibility of the REQUESTING PARTY.

6. The DEPARTMENT will issue a separate authorization to the REQUESTING PARTY to proceed with the performance of the PROJECT.

7. The construction of the improvements for which the PROJECT work is being performed and the construction engineering and inspection work related thereto will be covered by a separate contract.

8. The DEPARTMENT'S sole reason for entering into this contract is to enable the REQUESTING PARTY to obtain and use funds provided by the state and/or the Federal Highway Administration pursuant to Title 23 of the United States Code.

9. The performance of the entire PROJECT under this contract, whether Federally funded or not, will be subject to the provisions and requirements of PART II that are applicable to a Federally funded project. In addition, the following provisions will apply:

> All work will be performed in accordance with the Procedure Manual of the DEPARTMENT'S Real Estate Division. Variations from the procedures within the manual will be developed in cooperation with the DEPARTMENT.
>
> Reimbursement for right-of-way acquisition will be governed by FAPG Chapter I, Subchapter H, Part 710, Subpart C, Reimbursement Provisions, and other applicable directives of the FHWA.
>
> Procedures for relocation assistance, if necessary, will conform to the requirements set forth in FAPG Chapter I, Subchapter H, Part 740, and other applicable directives of the FHWA.
>
> Disposal of any right-of-way acquired as the PROJECT will conform to the requirements set forth in FAPG Chapter I, Subchapter H, Part 713, Subpart C, Disposal of Right-of-Way, and other applicable directives of the FHWA.

10. In the event that actual construction of the roadway on the right-of-way being acquired as the PROJECT is not undertaken by the close of the twentieth fiscal year following the fiscal year in which the FHWA and the DEPARTMENT project contract covering the PROJECT work is executed, the REQUESTING PARTY will be required to repay to the DEPARTMENT for forwarding to the FHWA all monies distributed as the FHWA'S contribution to the PROJECT COST.

11. The REQUESTING PARTY agrees that the costs reported to the DEPARTMENT for this contract will represent only those items that are properly chargeable in accordance with this contract. The REQUESTING PARTY also certifies that it has read the contract terms and has made itself aware of the applicable laws, regulations, and terms of this contract that apply to the reporting of costs incurred under the terms of this contract.

12. This contract shall become binding on the parties hereto and of full force and effect upon the signing thereof by the duly authorized officials for the parties hereto and upon the adoption of the necessary resolution approving said contract and authorizing the signatures thereto of the respective officials of the REQUESTING PARTY, a certified copy of which resolution shall be attached to this contract.

IN WITNESS WHEREOF, the parties hereto have caused this contract to be executed the day and year first above written.

CITY OF TROY

By_____
Title:

By_____
Title:

MICHIGAN DEPARTMENT
OF TRANSPORTATION

By_____
Department Director MDOT

FORM APPROVED
3/25/05
ASSISTANT
ATTORNEY
GENERAL

REVIEWED
3-22-05
CONTRACTS

BUREAU OF HIGHWAYS
NON CONSTRUCTION
03-15-93

PART II
MODIFIED

STANDARD AGREEMENT PROVISIONS

SECTION I COMPLIANCE WITH REGULATIONS AND DIRECTIVES

SECTION II PROJECT ADMINISTRATION AND SUPERVISION

SECTION III ACCOUNTING AND BILLING

SECTION IV SPECIAL PROGRAM AND PROJECT CONDITIONS

SECTION I

COMPLIANCE WITH REGULATIONS AND DIRECTIVES

A. All work shall be performed in accordance with the requirements and procedures of the DEPARTMENT.

B. All work on projects for which reimbursement with Federal funds is requested shall be performed in accordance with the requirements and guidelines set forth in the Directives of the Federal-Aid Policy Guide (FAPG) of the FHWA, as applicable, and as referenced in pertinent sections of Title 23 and Title 49 of the Code of Federal Regulations (CFR), and all supplements and amendments thereto.

C. In conformance with FAPG (23 CFR 630C): Project Agreements, the parties to this contract, on those Federally funded projects which exceed a total cost of $100,000.00 stipulate the following with respect to their specific jurisdictions:

1. That any facility to be utilized in performance under or to benefit from this contract is not listed on the Environmental Protection Agency (EPA) List of Violating Facilities issued pursuant to the requirements of the Federal Clean Air Act, as amended, and the Federal Water Pollution Control Act, as amended.

2. That they each agree to comply with all of the requirements of Section 114 of the Federal Clean Air Act and Section 308 of the Federal Water Pollution Control Act, and all regulations and guidelines issued thereunder.

3. That as a condition of Federal aid pursuant to this contract they shall notify the DEPARTMENT of the receipt of any advice indicating that a facility to be utilized in performance under or to benefit from this contract is under consideration to be listed on the EPA List of Violating Facilities.

D. Ensure that the PROJECT is constructed in accordance with and incorporates all committed environmental impact mitigation measures listed in approved environmental documents unless modified or deleted by approval of the FHWA.

E. All the requirements, guidelines, conditions and restrictions noted in all other pertinent Directives and Instructional Memoranda of the FHWA will apply to this contract and will be adhered to, as applicable, by the parties hereto.

SECTION II

PROJECT ADMINISTRATION AND SUPERVISION

A. The DEPARTMENT shall provide such administrative guidance as it determines is required by the PROJECT in order to facilitate the obtaining of available federal and/or state funds.

B. On those projects funded with Federal monies, the DEPARTMENT shall, as may be required, secure from the FHWA approval of plans and specifications, and such cost estimates for FHWA participation in the PROJECT COST.

C. Should it be necessary or desirable that portions of the work covered by this contract be accomplished by a consulting firm, a railway company, or governmental agency, firm, person, or corporation, under a subcontract with the REQUESTING PARTY at PROJECT expense, such subcontracted arrangements will be covered by formal written agreement between the REQUESTING PARTY and that party.

This formal written agreement shall: include a reference to the specific prime contract to which it pertains; include provisions which clearly set forth the maximum reimbursable and the basis of payment; provide for the maintenance of accounting records in accordance with generally accepted accounting principles, which clearly document the actual cost of the services provided; provide that costs eligible for reimbursement shall be in accordance with clearly defined cost criteria such as 49 CFR Part 18, 48 CFR Part 31, 23 CFR Part 140, OMB Circular A-87, etc. as applicable; provide for access to the department or its representatives to inspect and audit all data and records related to the agreement for a minimum of three years after the department's final payment to the local unit.

All such agreements will be submitted for approval by the DEPARTMENT and, if applicable, by the FHWA prior to execution thereof, except for agreements for amounts less than $100,000 for preliminary engineering and testing services executed under and in accordance with the provisions of the "Small Purchase Procedures" FAPG (23 CFR 172), which do not require prior approval of the DEPARTMENT or the FHWA.

Any such approval by the DEPARTMENT shall in no way be construed as a warranty of the subcontractor's qualifications, financial integrity, or ability to perform the work being subcontracted.

D. No PROJECT work for which reimbursement will be requested by the REQUESTING PARTY is to be subcontracted or performed until the DEPARTMENT gives written notification that such work may commence.

E. The REQUESTING PARTY shall be responsible for the payment of all costs and expenses incurred in the performance of the work it agrees to undertake and perform.

F. The REQUESTING PARTY shall pay directly to the party performing the work all billings for the services performed on the PROJECT which are authorized by or through the REQUESTING PARTY.

G. The REQUESTING PARTY shall submit to the DEPARTMENT all paid billings for which reimbursement is desired in accordance with DEPARTMENT procedures.

H. All work by a consulting firm will be performed in compliance with the applicable provisions of 1980 PA 299, Subsection 201, MCL 339.2001; MSA 18.425(2001), as well as in accordance with the provisions of all previously cited Directives of the FHWA.

I. The project engineer shall be subject to such administrative guidance as may be deemed necessary to ensure compliance with program requirement and, in those instances where a consultant firm is retained to provide engineering and inspection services, the personnel performing those services shall be subject to the same conditions.

J. The DEPARTMENT, in administering the PROJECT in accordance with applicable Federal and State requirements and regulations, neither assumes nor becomes liable for any obligations undertaken or arising between the REQUESTING PARTY and any other party with respect to the PROJECT.

K. In the event it is determined by the DEPARTMENT that there will be either insufficient Federal funds or insufficient time to properly administer such funds for the entire PROJECT or portions thereof, the DEPARTMENT, prior to advertising or issuing authorization for work performance, may cancel the PROJECT, or any portion thereof, and upon written notice to the parties this contract shall be void and of no effect with respect to that canceled portion of the PROJECT. Any PROJECT deposits previously made by the parties on the canceled portions of the PROJECT will be promptly refunded.

L. Those projects funded with Federal monies will be subject to inspection at all times by the DEPARTMENT and the FHWA.

SECTION III

ACCOUNTING AND BILLING

A. Procedures for billing for work undertaken by the REQUESTING PARTY:

1. The REQUESTING PARTY shall establish and maintain accurate records, in accordance with generally accepted accounting principles, of all expenses incurred for which payment is sought or made under this contract, said records to be hereinafter referred to as the "RECORDS". Separate accounts shall be established and maintained for all costs incurred under this contract.

   The REQUESTING PARTY shall maintain the RECORDS for at least three (3) years from the date of final payment of Federal Aid made by the DEPARTMENT under this contract. In the event of a dispute with regard to the allowable expenses or any other issue under this contract, the REQUESTING PARTY shall thereafter continue to maintain the RECORDS at least until that dispute has been finally decided and the time for all available challenges or appeals of that decision has expired.

   The DEPARTMENT, or its representative, may inspect, copy, or audit the RECORDS at any reasonable time after giving reasonable notice.

   If any part of the work is subcontracted, the REQUESTING PARTY shall assure compliance with the above for all subcontracted work.

   In the event that an audit performed by or on behalf of the DEPARTMENT indicates an adjustment to the costs reported under this contract, or questions the allowability of an item of expense, the DEPARTMENT shall promptly submit to the REQUESTING PARTY, a Notice of Audit Results and a copy of the audit report which may supplement or modify any tentative findings verbally communicated to the REQUESTING PARTY at the completion of an audit.

   Within sixty (60) days after the date of the Notice of Audit Results, the REQUESTING PARTY shall: (a) respond in writing to the responsible Bureau or the DEPARTMENT indicating whether or not it concurs with the audit report, (b) clearly explain the nature and basis for any disagreement as to a disallowed item of expense and, (c) submit to the DEPARTMENT a written explanation as to any questioned or no opinion expressed item of expense, hereinafter referred to as the "RESPONSE". The RESPONSE shall be clearly stated and provide any supporting documentation necessary to resolve any disagreement or questioned or no opinion expressed item of expense. Where the documentation is voluminous, the REQUESTING PARTY may supply appropriate excerpts and make alternate arrangements to conveniently and reasonably make that documentation available for review by the DEPARTMENT. The RESPONSE shall refer to and apply the

language of the contract. The REQUESTING PARTY agrees that failure to submit a RESPONSE within the sixty (60) day period constitutes agreement with any disallowance of an item of expense and authorizes the DEPARTMENT to finally disallow any items of questioned or no opinion expressed cost.

The DEPARTMENT shall make its decision with regard to any Notice of Audit Results and RESPONSE within one hundred twenty (120) days after the date of the Notice of Audit Results. If the DEPARTMENT determines that an overpayment has been made to the REQUESTING PARTY, the REQUESTING PARTY shall repay that amount to the DEPARTMENT or reach agreement with the DEPARTMENT on a repayment schedule within thirty (30) days after the date of an invoice from the DEPARTMENT. If the REQUESTING PARTY fails to repay the overpayment or reach agreement with the DEPARTMENT on a repayment schedule within the thirty (30) day period, the REQUESTING PARTY agrees that the DEPARTMENT shall deduct all or a portion of the overpayment from any funds then or thereafter payable by the DEPARTMENT to the REQUESTING PARTY under this contract or any other agreement, or payable to the REQUESTING PARTY under the terms of 1951 PA 51, as applicable. Interest will be assessed on any partial payments or repayment schedules based on the unpaid balance at the end of each month until the balance is paid in full. The assessment of interest will begin thirty (30) days from the date of the invoice. The rate of interest will be based on the Michigan Department of Treasury common cash funds interest earnings. The rate of interest will be reviewed annually by the DEPARTMENT and adjusted as necessary based on the Michigan Department of Treasury common cash funds interest earnings. The REQUESTING PARTY expressly consents to this withholding or offsetting of funds under those circumstances, reserving the right to file a lawsuit in the Court of Claims to contest the DEPARTMENT'S decision only as to any item of expense the disallowance of which was disputed by the REQUESTING PARTY in a timely filed RESPONSE.

The REQUESTING PARTY shall comply with the Single Audit Act of 1984, P.L. 98-502.

The REQUESTING PARTY shall adhere to the following requirements associated with audits of accounts and records:

a. Agencies expending a total of $300,000 or more in federal funds, from one or more funding sources in its fiscal year, shall comply with the requirements of the federal Office of Management and Budget (OMB) Circular A-133, as revised or amended.

The agency shall submit two copies of:

The Reporting Package
The Data Collection Form
The management letter to the agency, if one issued by the audit firm

The OMB Circular A-133 audit must be submitted to the address below in accordance with the time frame established in the circular, as revised or amended.

b. Agencies expending less than $300,000 in federal funds must submit a letter to the Department advising that a circular audit was not required. The letter shall indicate the applicable fiscal year, the amount of federal funds spent, the name(s) of the Department federal programs, and the CFDA grant number(s). This information must also be submitted to the address below.

c. Address: Michigan Department of Transportation
Bureau of Highways Technical Services
425 W. Ottawa, P.O. Box 30050
Lansing, MI 48909

d. Agencies must also comply with applicable State laws and regulations relative to audit requirements.

e. Agencies shall not charge audit costs to Department's federal programs which are not in accordance with the OMB Circular A-133 requirements.

f. All agencies are subject to the federally required monitoring activities, which may include limited scope reviews and other on-site monitoring.

2. Agreed Unit Prices Work - All billings for work undertaken by the REQUESTING PARTY on an agreed unit price basis will be submitted in accordance with the Michigan Department of Transportation Standard Specifications for Construction and pertinent FAPG Directives and Guidelines of the FHWA.

3. Force Account Work and Subcontracted Work - All billings submitted to the DEPARTMENT for Federal reimbursement for items of work performed on a force account basis or by any subcontract with a consulting firm, railway company, governmental agency or other party, under the terms of this contract, shall be prepared in accordance with the provisions of the pertinent FAPG Directives and the procedures of the DEPARTMENT. Progress billings may be submitted monthly during the time work is being performed provided, however, that no bill of a lesser amount than $1,000.00 shall be submitted unless it is a final or end of fiscal year billing. All billings shall be labeled either "Progress Bill Number _____", or "Final Billing".

4. Final billing under this contract shall be submitted in a timely manner but not later than six months after completion of the work. Billings for work submitted later than six months after completion of the work will not be paid.

5. Upon receipt of billings for reimbursement for work undertaken by the REQUESTING PARTY on projects funded with Federal monies, the DEPARTMENT will act as billing agent for the REQUESTING PARTY, consolidating said billings with those for its own force account work and presenting these consolidated billings to the FHWA for payment. Upon receipt of reimbursement from the FHWA, the DEPARTMENT will promptly forward to the REQUESTING PARTY its share of said reimbursement.

6. Upon receipt of billings for reimbursement for work undertaken by the REQUESTING PARTY on projects funded with non-Federal monies, the DEPARTMENT will promptly forward to the REQUESTING PARTY reimbursement of eligible costs.

B. General Conditions:

1. Pursuant to the authority granted by law, the REQUESTING PARTY hereby irrevocably pledges a sufficient amount of funds received by it from the Michigan Transportation Fund to meet its obligations as specified in PART I and PART II. If the REQUESTING PARTY shall fail to make any of its required payments when due, as specified herein, the DEPARTMENT shall immediately notify the REQUESTING PARTY and the State Treasurer of the State of Michigan or such other state officer or agency having charge and control over disbursement of the Michigan Transportation Fund, pursuant to law, of the fact of such default and the amount thereof, and, if such default is not cured by payment within ten (10) days, said State Treasurer or other state officer or agency is then authorized and directed to withhold from the first of such monies thereafter allocated by law to the REQUESTING PARTY from the Michigan Transportation Fund sufficient monies to remove the default, and to credit the REQUESTING PARTY with payment thereof, and to notify the REQUESTING PARTY in writing of such fact.

2. Upon completion of all work under this contract and final audit by the DEPARTMENT or the FHWA, the REQUESTING PARTY promises to promptly repay the DEPARTMENT for any disallowed items of costs previously disbursed by the DEPARTMENT. The REQUESTING PARTY pledges its future receipts from the Michigan Transportation Fund for repayment of all disallowed items and, upon failure to make repayment for any disallowed items within ninety (90) days of demand made by the DEPARTMENT, the DEPARTMENT is hereby authorized to withhold an equal amount from the REQUESTING PARTY'S share of any future distribution of Michigan Transportation Funds in settlement of said claim.

SECTION IV

SPECIAL PROGRAM AND PROJECT CONDITIONS

A. Those projects for which the REQUESTING PARTY has been reimbursed with Federal monies for the performance of preliminary engineering must be under construction by the close of the tenth (10th) fiscal year following the fiscal year in which the FHWA and the DEPARTMENT projects agreement covering that work is executed, or the REQUESTING PARTY may be required to repay to the DEPARTMENT, for forwarding to the FHWA, all monies distributed as the FHWA'S contribution to that preliminary engineering.

B. Those projects for which the REQUESTING PARTY has been reimbursed with Federal monies for the acquisition of right-of-way must be under construction by the close of the twentieth (20th) fiscal year following the fiscal year in which the FHWA and the DEPARTMENT projects agreement covering that work is executed, or the REQUESTING PARTY may be required to repay to the DEPARTMENT, for forwarding to the FHWA, all monies distributed as the FHWA'S contribution to that right-of-way acquisition.

C. In connection with the performance of PROJECT work under this contract the parties hereto (hereinafter in Appendix "A" referred to as the "contractor") agree to comply with the State of Michigan provisions for "Prohibition of Discrimination in State Contracts", as set forth in Appendix A, attached hereto and made a part hereof. The parties further covenant that they will comply with the Civil Rights Acts of 1964, being P.L. 88-352, 78 Stat. 241, as amended, being Title 42 U.S.C. Sections 1971, 1975a-1975d, and 2000a-2000h-6 and the Regulations of the United States Department of Transportation (49 C.F.R. Part 21) issued pursuant to said Act, including Appendix "B", attached hereto and made a part hereof, and will require similar covenants on the part of any contractor or subcontractor employed in the performance of this contract.

D. The parties will carry out the applicable requirements of the DEPARTMENT'S Disadvantaged Business Enterprise (DBE) program and 49 CFR, Part 26, including, but not limited to, those requirements set forth in Appendix C.

APPENDIX A
PROHIBITION OF DISCRIMINATION IN STATE CONTRACTS

In connection with the performance of work under this contract; the contractor agrees as follows:

1. In accordance with Act No. 453, Public Acts of 1976, the contractor hereby agrees not to discriminate against an employee or applicant for employment with respect to hire, tenure, terms, conditions, or privileges of employment, or as a matter directly or indirectly related to employment, because of race, color, religion, national origin, age, sex, height, weight, or marital status. Further, in accordance with Act No. 220, Public Acts of 1976 as amended by Act No. 478, Public Acts of 1980 the contractor hereby agrees not to discriminate against an employee or applicant for employment with respect to hire, tenure, terms, conditions, or privileges of employment, or a matter directly or indirectly related to employment, because of a disability that is unrelated to the individual's ability to perform the duties of a particular job or position. A breach of the above covenants shall be regarded as a material breach of this contract.

2. The contractor hereby agrees that any and all subcontracts to this contract, whereby a portion of the work set forth in this contract is to be performed, shall contain a covenant the same as hereinabove set forth in Section 1 of this Appendix.

3. The contractor will take affirmative action to insure that applicants for employment and employees are treated without regard to their race, color, religion, national origin, age, sex, height, weight, marital status or a disability that is unrelated to the individual's ability to perform the duties of a particular job or position. Such action shall include, but not be limited to, the following: employment, upgrading, demotion or transfer, recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.

4. The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, national origin, age, sex, height, weight, marital status or disability that is unrelated to the individual's ability to perform the duties of a particular job or position.

5. The contractor or his collective bargaining representative will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice advising the said labor union or workers' representative of the contractor's commitments under this appendix.

6. The contractor will comply with all relevant published rules, regulations, directives, and orders of the Michigan Civil Rights Commission which may be in effect prior to the taking of bids for any individual state project.

7. The contractor will furnish and file compliance reports within such time and upon such forms as provided by the Michigan Civil Rights Commission, said forms may also elicit information as to the practices, policies, program, and employment statistics of each subcontractor as well as the contractor himself, and said contractor will permit access to his books, records, and accounts by the Michigan Civil Rights Commission and/or its agent, for purposes of investigation to ascertain compliance with this contract and relevant with rules, regulations, and orders of the Michigan Civil Rights Commission.

8. In the event that the Civil Rights Commission finds, after a hearing held pursuant to its rules, that a contractor has not complied with the contractual obligations under this agreement, the Civil Rights Commission may, as part of its order based upon such findings, certify said findings to the Administrative Board of the State of Michigan, which Administrative Board may order the cancellation of the contract found to have been violated and/or declare the contractor ineligible for future contracts with the state and its political and civil subdivisions, departments, and officers, and including the governing boards of institutions of higher education, until the contractor complies with said order of the Civil Rights Commission. Notice of said declaration of future ineligibility may be given to any or all of the persons with whom the contractor is declared ineligible to contract as a contracting party in future contracts. In any case before the Civil Rights Commission in which cancellation of an existing contract is a possibility, the contracting agency shall be notified of such possible remedy and shall be given the option by the Civil Rights Commission to participate in such proceedings.

9. The contractor will include, or incorporate by reference, the provisions of the foregoing paragraphs (1) through (8) in every subcontract or purchase order unless exempted by the rules, regulations or orders of the Michigan Civil Rights Commission, and will provide in every subcontract or purchase order that said provisions will be binding upon each subcontractor or seller.

March, 1998

(Rev. 03/92)

APPENDIX B

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

1. Compliance with Regulations: The contractor shall comply with the Regulations relative to nondiscrimination in Federally assisted programs of the Department of Transportation, Title 49, Code of Federal Regulations, Part 27, as they may be amended from time to time (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.

2. Nondiscrimination: The contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, or natural origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.

3. Solicitations for Subcontracts, Including Procurements of Materials and Equipment: In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin.

4. Information and Reports: The contractor shall provide all information and reports required by the Regulations, or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Michigan Department of Transportation or the Federal Highway Administration to be pertinent to ascertain compliance with such Regulations or directives. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information, the contractor shall so certify to the Michigan Department of Transportation, or the Federal Highway Administration as appropriate, and shall set forth what efforts it has made to obtain the information.

5. Sanctions for Noncompliance: In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, the Michigan Department of Transportation shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:

   (a) Withholding of payments to the contractor under the contract until the contractor complies, and/or

   (b) Cancellation, termination, or suspension of the contract, in whole or in part.

6. Incorporation of Provisions: The contractor shall include the provisions of paragraphs 1 through 6 of every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontract or procurement as the Michigan Department of Transportation or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for non-compliance; provided, however, that in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request the Michigan Department of Transportation to enter into such litigation to protect the interests of the State, and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

APPENDIX C

TO BE INCLUDED IN ALL FINANCIAL ASSISTANCE AGREEMENTS WITH LOCAL AGENCIES

Assurance that Recipients and Contractors Must Make (Excerpts from US DOT Regulation 49 CFR 26.13)

A. Each financial assistance agreement signed with a DOT operating administration (or a primary recipient) must include the following assurance:

> The recipient shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any US DOT-assisted contract or in the administration of its DBE program or the requirements of 49 CFR Part 26. The recipient shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of US DOT-assisted contracts. The recipient's DBE program, as required by 49 CFR Part 26 and as approved by US DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the recipient of its failure to carry out its approved program, the department may impose sanctions as provided for under Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).

B. Each contract MDOT signs with a contractor (and each subcontract the prime contractor signs with a subcontractor) must include the following assurance:

> The contractor, sub recipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of US DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate.

April 4, 2005

TO: John Szerlag, City Manager

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

SUBJECT: **Agenda Item** – Approval of Contract with MDOT for Right-of-Way Acquisition for the Reconstruction and Widening of John R, from Long Lake to Square Lake
Project No. 02.203.5

RECOMMENDATION

Staff recommends that City Council approve the attached contract with the Michigan Department of Transportation for right-of-way acquisition for the reconstruction and widening of John R, from Long Lake to Square Lake. Furthermore, staff recommends that the Mayor and City Clerk be authorized to execute the agreement. The agreement as submitted is based on estimated costs, as is standard with all MDOT agreements, since these agreements are prepared when funding for the project is obligated and long before actual cost are known. The City's reimbursements from MDOT, under the agreement, will be based on the actual cost incurred.

SUMMARY

The scope of the project is for the total removal of John R between Long Lake and Square Lake and the construction of a new five-lane concrete pavement with a center left turn lane. Included in the project will be water main replacement, storm sewer, sidewalks, street lighting and traffic signals. The construction phase is not currently funded. It is common to have the preliminary engineering or design phase and the right-of-way phase funded and underway prior to having the construction phase funded.

The Environmental Assessment for this project has been completed and approved by the Federal Highway Administration. The formal public hearing was held on June 30, 2004.

FUNDING

The estimated cost for the right-of-way phase is $500,000. Of this amount, $400,000 in Transportation Economic Development funds Category "C" are available. The local share of the project, to be paid for by the City, is estimated to be $100,000. Funds for the City of Troy's share are included in the 2004-05 Major Road fund, account number 401479.7989.022035 and in the proposed 2005-06 Major Road fund. No right-of-way expenditures are planned prior to July 1, 2005.

Prepared by: William J. Huotari, Deputy City Engineer
G:\Projects\Projects - 2002\02.203.5 - John R, Long Lake to Square Lake\To CC re MDOT Agreement_ROW.doc

Approval of Contract between City of Troy and Michigan Department of Transportation. – Right-of-Way Acquisition, John R, Long Lake to Square Lake, Project No. 02.203.5

RESOLVED, that the Agreement between the City of Troy and the Michigan Department of Transportation for right-of-way acquisition for John R, Long Lake to Square Lake, Project No. 02.203.5, is hereby approved 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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JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF TRANSPORTATION
LANSING

GLORIA J. JEFF
DIRECTOR

March 29, 2005

Ms. Tonni Bartholomew
Clerk
City of Troy
500 W. Big Beaver Road,
Troy, MI 48084-5285

Dear Ms. Bartholomew:

RE: MDOT Contract No.: 05-5109
Control Section: EDCF 63544
Job Number: 56246

Enclosed is the original and one copy of the above described contract between your organization and the Michigan Department of Transportation (MDOT). Please take time to read and understand this contract. If this contract meets with your approval, please complete the following checklist:

__ **PLEASE DO NOT DATE THE CONTRACTS.** MDOT will date the contracts when they are executed. A contract is not executed unless it has been signed by both parties.

__ **Secure the necessary signatures on all contracts.**

__ **Include a certified resolution.** The resolution should specifically name the officials who are authorized to sign the contracts.

__ **Return all copies of the contracts to my attention of the Department's Design Division, 2nd floor for MDOT execution.**

In order to ensure that the work and payment for this project is not delayed, the agreement needs to be returned within 35 days from the date of this letter.

A copy of the executed contract will be forwarded to you. If you have any questions, please feel free to contact me at (517) 335-2264.

Sincerely,

Jackie Burch

Jackie Burch
Contract Processing Specialist
Design Support Area

RECEIVED
APR 4 2005
ENGINEERING

Enclosure

TED (C)
FED
RIGHT-OF-WAY
MODIFIED PART II

CAB

Control Section	EDCF 63544
Job Number	56246
Project	MG 0563(031)
Federal Item No.	RR 4527
CFDA No.	20.205 (Highway Research Planning & Construction)
Contract No.	05-5109

PART I

THIS CONTRACT, consisting of PART I and PART II (Modified Standard Agreement Provisions), is made and entered into this date of _____, by and between the MICHIGAN DEPARTMENT OF TRANSPORTATION, hereinafter referred to as the "DEPARTMENT"; and the CITY OF TROY, a Michigan municipal corporation, hereinafter referred to as the "REQUESTING PARTY"; for the purpose of fixing the rights and obligations of the parties in agreeing to the acquisition by the REQUESTING PARTY of the right-of-way necessary for the following improvements in the City of Troy, Michigan, which right-of-way acquisition is hereinafter referred to as the "PROJECT":

Acquisition of right-of-way for the concrete reconstruction and widening from two lanes to five lanes work along John R Road from Long Lake Road to Square Lake Road; and all together with necessary related work.

WITNESSETH:

WHEREAS, pursuant to Federal and State law, monies have been provided for the performance of certain improvements on public roads; and

WHEREAS, the PROJECT has been approved for financing in part with funds appropriated to the Transportation Economic Development Fund, hereinafter referred to as "TED FUNDS", pursuant to PA 234 of the Public Acts of 1987, MCL 247.660; and

WHEREAS, it was determined that the PROJECT as described by this contract qualifies for funding pursuant to PA 231, Section 11(3)(c); Public Act of 1987 and categorized as:

C FUNDED PROJECT

WHEREAS, the reference "FHWA" in PART I and PART II refers to the United States Department of Transportation, Federal Highway Administration; and

WHEREAS, the PROJECT, or portions of the PROJECT at the request of the REQUESTING PARTY, are being programmed with the FHWA, for implementation with the use of Federal Funds under the following Federal program(s):

MINIMUM GUARANTEE FUNDS

WHEREAS, the Minimum Guarantee Funds will be used as TED FUNDS Category C; and

WHEREAS, the parties hereto have reached an understanding with each other regarding the performance of the PROJECT work and desire to set forth this understanding in the form of a written contract.

NOW, THEREFORE, in consideration of the premises and of the mutual undertakings of the parties and in conformity with applicable law, it is agreed:

1. The parties hereto shall undertake and complete the PROJECT in accordance with the terms of this contract.

2. The term "PROJECT COST", as herein used, is hereby defined as all the costs necessary for the performance of the PROJECT work, including engineering, appraisals, acquisition, legal, financing, the costs of technical guidance, monitoring, training, and any other costs as may be incurred by the DEPARTMENT as a result of this contract.

3. The DEPARTMENT is authorized by the REQUESTING PARTY to administer on behalf of the REQUESTING PARTY all phases of the PROJECT. The DEPARTMENT, at PROJECT COST, will provide technical guidance to the REQUESTING PARTY, will monitor the performance of the PROJECT work to assure conformance with Federal and state requirements, and will provide such training to the REQUESTING PARTY as is necessary for the performance of the PROJECT work.

Any items of the PROJECT COST incurred by the DEPARTMENT may be charged to the PROJECT.

4. The REQUESTING PARTY will perform or cause to be performed all the PROJECT work. The method of performing the work will be indicated on the work authorization.

5. The PROJECT COST shall be met in part by contributions by the Federal Government and/or TED FUNDS. Federal Minimum Guarantee Funds being used as TED FUNDS Category C shall be applied to the eligible items of the PROJECT COST at a participation ratio equal to 80 percent. The balance of the PROJECT COST, after deduction of Federal Funds and/or TED FUNDS, shall be paid by the REQUESTING PARTY. The PROJECT COST and cost participation are estimated to be as follows:

ESTIMATED COST	Federal Minimum Guarantee Funds Being Used As TED FUNDS	REQUESTING PARTY'S SHARE
$500,000	$400,000	$100,000

Any items of PROJECT COST not reimbursed by Federal Funds and/or TED FUNDS will be the sole responsibility of the REQUESTING PARTY.

6. The DEPARTMENT will issue a separate authorization to the REQUESTING PARTY to proceed with the performance of the PROJECT.

7. The construction of the improvements for which the PROJECT work is being performed and the construction engineering and inspection work related thereto will be covered by a separate contract.

8. The DEPARTMENT'S sole reason for entering into this contract is to enable the REQUESTING PARTY to obtain and use funds provided by the state and/or the Federal Highway Administration pursuant to Title 23 of the United States Code.

9. The performance of the entire PROJECT under this contract, whether Federally funded or not, will be subject to the provisions and requirements of PART II that are applicable to a Federally funded project. In addition, the following provisions will apply:

> All work will be performed in accordance with the Procedure Manual of the DEPARTMENT'S Real Estate Division. Variations from the procedures within the manual will be developed in cooperation with the DEPARTMENT.
>
> Reimbursement for right-of-way acquisition will be governed by FAPG Chapter I, Subchapter H, Part 710, Subpart C, Reimbursement Provisions, and other applicable directives of the FHWA.
>
> Procedures for relocation assistance, if necessary, will conform to the requirements set forth in FAPG Chapter I, Subchapter H, Part 740, and other applicable directives of the FHWA.
>
> Disposal of any right-of-way acquired as the PROJECT will conform to the requirements set forth in FAPG Chapter I, Subchapter H, Part 713, Subpart C, Disposal of Right-of-Way, and other applicable directives of the FHWA.

10. In the event that actual construction of the roadway on the right-of-way being acquired as the PROJECT is not undertaken by the close of the twentieth fiscal year following the fiscal year in which the FHWA and the DEPARTMENT project contract covering the PROJECT work is executed, the REQUESTING PARTY will be required to repay to the DEPARTMENT for forwarding to the FHWA all monies distributed as the FHWA'S contribution to the PROJECT COST.

11. The REQUESTING PARTY agrees that the costs reported to the DEPARTMENT for this contract will represent only those items that are properly chargeable in accordance with this contract. The REQUESTING PARTY also certifies that it has read the contract terms and has made itself aware of the applicable laws, regulations, and terms of this contract that apply to the reporting of costs incurred under the terms of this contract.

12. This contract shall become binding on the parties hereto and of full force and effect upon the signing thereof by the duly authorized officials for the parties hereto and upon the adoption of the necessary resolution approving said contract and authorizing the signatures thereto of the respective officials of the REQUESTING PARTY, a certified copy of which resolution shall be attached to this contract.

IN WITNESS WHEREOF, the parties hereto have caused this contract to be executed the day and year first above written.

CITY OF TROY

By_____
Title:

By_____
Title:

MICHIGAN DEPARTMENT
OF TRANSPORTATION

By_____
Department Director MDOT

LAW APPROVED
3/25/05
ASSISTANT
ATTORNEY
GENERAL

LUCS
REVIEWED
3-22-05
CONTRACT/MAP

PART II
MODIFIED

STANDARD AGREEMENT PROVISIONS

SECTION I COMPLIANCE WITH REGULATIONS AND DIRECTIVES

SECTION II PROJECT ADMINISTRATION AND SUPERVISION

SECTION III ACCOUNTING AND BILLING

SECTION IV SPECIAL PROGRAM AND PROJECT CONDITIONS

SECTION I

COMPLIANCE WITH REGULATIONS AND DIRECTIVES

A. All work shall be performed in accordance with the requirements and procedures of the DEPARTMENT.

B. All work on projects for which reimbursement with Federal funds is requested shall be performed in accordance with the requirements and guidelines set forth in the Directives of the Federal-Aid Policy Guide (FAPG) of the FHWA, as applicable, and as referenced in pertinent sections of Title 23 and Title 49 of the Code of Federal Regulations (CFR), and all supplements and amendments thereto.

C. In conformance with FAPG (23 CFR 630C): Project Agreements, the parties to this contract, on those Federally funded projects which exceed a total cost of $100,000.00 stipulate the following with respect to their specific jurisdictions:

1. That any facility to be utilized in performance under or to benefit from this contract is not listed on the Environmental Protection Agency (EPA) List of Violating Facilities issued pursuant to the requirements of the Federal Clean Air Act, as amended, and the Federal Water Pollution Control Act, as amended.

2. That they each agree to comply with all of the requirements of Section 114 of the Federal Clean Air Act and Section 308 of the Federal Water Pollution Control Act, and all regulations and guidelines issued thereunder.

3. That as a condition of Federal aid pursuant to this contract they shall notify the DEPARTMENT of the receipt of any advice indicating that a facility to be utilized in performance under or to benefit from this contract is under consideration to be listed on the EPA List of Violating Facilities.

D. Ensure that the PROJECT is constructed in accordance with and incorporates all committed environmental impact mitigation measures listed in approved environmental documents unless modified or deleted by approval of the FHWA.

E. All the requirements, guidelines, conditions and restrictions noted in all other pertinent Directives and Instructional Memoranda of the FHWA will apply to this contract and will be adhered to, as applicable, by the parties hereto.

SECTION II

PROJECT ADMINISTRATION AND SUPERVISION

A. The DEPARTMENT shall provide such administrative guidance as it determines is required by the PROJECT in order to facilitate the obtaining of available federal and/or state funds.

B. On those projects funded with Federal monies, the DEPARTMENT shall, as may be required, secure from the FHWA approval of plans and specifications, and such cost estimates for FHWA participation in the PROJECT COST.

C. Should it be necessary or desirable that portions of the work covered by this contract be accomplished by a consulting firm, a railway company, or governmental agency, firm, person, or corporation, under a subcontract with the REQUESTING PARTY at PROJECT expense, such subcontracted arrangements will be covered by formal written agreement between the REQUESTING PARTY and that party.

This formal written agreement shall: include a reference to the specific prime contract to which it pertains; include provisions which clearly set forth the maximum reimbursable and the basis of payment; provide for the maintenance of accounting records in accordance with generally accepted accounting principles, which clearly document the actual cost of the services provided; provide that costs eligible for reimbursement shall be in accordance with clearly defined cost criteria such as 49 CFR Part 18, 48 CFR Part 31, 23 CFR Part 140, OMB Circular A-87, etc. as applicable; provide for access to the department or its representatives to inspect and audit all data and records related to the agreement for a minimum of three years after the department's final payment to the local unit.

All such agreements will be submitted for approval by the DEPARTMENT and, if applicable, by the FHWA prior to execution thereof, except for agreements for amounts less than $100,000 for preliminary engineering and testing services executed under and in accordance with the provisions of the "Small Purchase Procedures" FAPG (23 CFR 172), which do not require prior approval of the DEPARTMENT or the FHWA.

Any such approval by the DEPARTMENT shall in no way be construed as a warranty of the subcontractor's qualifications, financial integrity, or ability to perform the work being subcontracted.

D. No PROJECT work for which reimbursement will be requested by the REQUESTING PARTY is to be subcontracted or performed until the DEPARTMENT gives written notification that such work may commence.

E. The REQUESTING PARTY shall be responsible for the payment of all costs and expenses incurred in the performance of the work it agrees to undertake and perform.

F. The REQUESTING PARTY shall pay directly to the party performing the work all billings for the services performed on the PROJECT which are authorized by or through the REQUESTING PARTY.

G. The REQUESTING PARTY shall submit to the DEPARTMENT all paid billings for which reimbursement is desired in accordance with DEPARTMENT procedures.

H. All work by a consulting firm will be performed in compliance with the applicable provisions of 1980 PA 299, Subsection 201, MCL 339.2001; MSA 18.425(2001), as well as in accordance with the provisions of all previously cited Directives of the FHWA.

I. The project engineer shall be subject to such administrative guidance as may be deemed necessary to ensure compliance with program requirement and, in those instances where a consultant firm is retained to provide engineering and inspection services, the personnel performing those services shall be subject to the same conditions.

J. The DEPARTMENT, in administering the PROJECT in accordance with applicable Federal and State requirements and regulations, neither assumes nor becomes liable for any obligations undertaken or arising between the REQUESTING PARTY and any other party with respect to the PROJECT.

K. In the event it is determined by the DEPARTMENT that there will be either insufficient Federal funds or insufficient time to properly administer such funds for the entire PROJECT or portions thereof, the DEPARTMENT, prior to advertising or issuing authorization for work performance, may cancel the PROJECT, or any portion thereof, and upon written notice to the parties this contract shall be void and of no effect with respect to that canceled portion of the PROJECT. Any PROJECT deposits previously made by the parties on the canceled portions of the PROJECT will be promptly refunded.

L. Those projects funded with Federal monies will be subject to inspection at all times by the DEPARTMENT and the FHWA.

SECTION III

ACCOUNTING AND BILLING

A. Procedures for billing for work undertaken by the REQUESTING PARTY:

1. The REQUESTING PARTY shall establish and maintain accurate records, in accordance with generally accepted accounting principles, of all expenses incurred for which payment is sought or made under this contract, said records to be hereinafter referred to as the "RECORDS". Separate accounts shall be established and maintained for all costs incurred under this contract.

   The REQUESTING PARTY shall maintain the RECORDS for at least three (3) years from the date of final payment of Federal Aid made by the DEPARTMENT under this contract. In the event of a dispute with regard to the allowable expenses or any other issue under this contract, the REQUESTING PARTY shall thereafter continue to maintain the RECORDS at least until that dispute has been finally decided and the time for all available challenges or appeals of that decision has expired.

   The DEPARTMENT, or its representative, may inspect, copy, or audit the RECORDS at any reasonable time after giving reasonable notice.

   If any part of the work is subcontracted, the REQUESTING PARTY shall assure compliance with the above for all subcontracted work.

   In the event that an audit performed by or on behalf of the DEPARTMENT indicates an adjustment to the costs reported under this contract, or questions the allowability of an item of expense, the DEPARTMENT shall promptly submit to the REQUESTING PARTY, a Notice of Audit Results and a copy of the audit report which may supplement or modify any tentative findings verbally communicated to the REQUESTING PARTY at the completion of an audit.

   Within sixty (60) days after the date of the Notice of Audit Results, the REQUESTING PARTY shall: (a) respond in writing to the responsible Bureau or the DEPARTMENT indicating whether or not it concurs with the audit report, (b) clearly explain the nature and basis for any disagreement as to a disallowed item of expense and, (c) submit to the DEPARTMENT a written explanation as to any questioned or no opinion expressed item of expense, hereinafter referred to as the "RESPONSE". The RESPONSE shall be clearly stated and provide any supporting documentation necessary to resolve any disagreement or questioned or no opinion expressed item of expense. Where the documentation is voluminous, the REQUESTING PARTY may supply appropriate excerpts and make alternate arrangements to conveniently and reasonably make that documentation available for review by the DEPARTMENT. The RESPONSE shall refer to and apply the

language of the contract. The REQUESTING PARTY agrees that failure to submit a RESPONSE within the sixty (60) day period constitutes agreement with any disallowance of an item of expense and authorizes the DEPARTMENT to finally disallow any items of questioned or no opinion expressed cost.

The DEPARTMENT shall make its decision with regard to any Notice of Audit Results and RESPONSE within one hundred twenty (120) days after the date of the Notice of Audit Results. If the DEPARTMENT determines that an overpayment has been made to the REQUESTING PARTY, the REQUESTING PARTY shall repay that amount to the DEPARTMENT or reach agreement with the DEPARTMENT on a repayment schedule within thirty (30) days after the date of an invoice from the DEPARTMENT. If the REQUESTING PARTY fails to repay the overpayment or reach agreement with the DEPARTMENT on a repayment schedule within the thirty (30) day period, the REQUESTING PARTY agrees that the DEPARTMENT shall deduct all or a portion of the overpayment from any funds then or thereafter payable by the DEPARTMENT to the REQUESTING PARTY under this contract or any other agreement, or payable to the REQUESTING PARTY under the terms of 1951 PA 51, as applicable. Interest will be assessed on any partial payments or repayment schedules based on the unpaid balance at the end of each month until the balance is paid in full. The assessment of interest will begin thirty (30) days from the date of the invoice. The rate of interest will be based on the Michigan Department of Treasury common cash funds interest earnings. The rate of interest will be reviewed annually by the DEPARTMENT and adjusted as necessary based on the Michigan Department of Treasury common cash funds interest earnings. The REQUESTING PARTY expressly consents to this withholding or offsetting of funds under those circumstances, reserving the right to file a lawsuit in the Court of Claims to contest the DEPARTMENT'S decision only as to any item of expense the disallowance of which was disputed by the REQUESTING PARTY in a timely filed RESPONSE.

The REQUESTING PARTY shall comply with the Single Audit Act of 1984, P.L. 98-502.

The REQUESTING PARTY shall adhere to the following requirements associated with audits of accounts and records:

a. Agencies expending a total of $300,000 or more in federal funds, from one or more funding sources in its fiscal year, shall comply with the requirements of the federal Office of Management and Budget (OMB) Circular A-133, as revised or amended.

The agency shall submit two copies of:

The Reporting Package
The Data Collection Form
The management letter to the agency, if one issued by the audit firm

The OMB Circular A-133 audit must be submitted to the address below in accordance with the time frame established in the circular, as revised or amended.

b. Agencies expending less than $300,000 in federal funds must submit a letter to the Department advising that a circular audit was not required. The letter shall indicate the applicable fiscal year, the amount of federal funds spent, the name(s) of the Department federal programs, and the CFDA grant number(s). This information must also be submitted to the address below.

c. Address: Michigan Department of Transportation
Bureau of Highways Technical Services
425 W. Ottawa, P.O. Box 30050
Lansing, MI 48909

d. Agencies must also comply with applicable State laws and regulations relative to audit requirements.

e. Agencies shall not charge audit costs to Department's federal programs which are not in accordance with the OMB Circular A-133 requirements.

f. All agencies are subject to the federally required monitoring activities, which may include limited scope reviews and other on-site monitoring.

2. Agreed Unit Prices Work - All billings for work undertaken by the REQUESTING PARTY on an agreed unit price basis will be submitted in accordance with the Michigan Department of Transportation Standard Specifications for Construction and pertinent FAPG Directives and Guidelines of the FHWA.

3. Force Account Work and Subcontracted Work - All billings submitted to the DEPARTMENT for Federal reimbursement for items of work performed on a force account basis or by any subcontract with a consulting firm, railway company, governmental agency or other party, under the terms of this contract, shall be prepared in accordance with the provisions of the pertinent FAPG Directives and the procedures of the DEPARTMENT. Progress billings may be submitted monthly during the time work is being performed provided, however, that no bill of a lesser amount than $1,000.00 shall be submitted unless it is a final or end of fiscal year billing. All billings shall be labeled either "Progress Bill Number _____", or "Final Billing".

4. Final billing under this contract shall be submitted in a timely manner but not later than six months after completion of the work. Billings for work submitted later than six months after completion of the work will not be paid.

5. Upon receipt of billings for reimbursement for work undertaken by the REQUESTING PARTY on projects funded with Federal monies, the DEPARTMENT will act as billing agent for the REQUESTING PARTY, consolidating said billings with those for its own force account work and presenting these consolidated billings to the FHWA for payment. Upon receipt of reimbursement from the FHWA, the DEPARTMENT will promptly forward to the REQUESTING PARTY its share of said reimbursement.

6. Upon receipt of billings for reimbursement for work undertaken by the REQUESTING PARTY on projects funded with non-Federal monies, the DEPARTMENT will promptly forward to the REQUESTING PARTY reimbursement of eligible costs.

B. General Conditions:

1. Pursuant to the authority granted by law, the REQUESTING PARTY hereby irrevocably pledges a sufficient amount of funds received by it from the Michigan Transportation Fund to meet its obligations as specified in PART I and PART II. If the REQUESTING PARTY shall fail to make any of its required payments when due, as specified herein, the DEPARTMENT shall immediately notify the REQUESTING PARTY and the State Treasurer of the State of Michigan or such other state officer or agency having charge and control over disbursement of the Michigan Transportation Fund, pursuant to law, of the fact of such default and the amount thereof, and, if such default is not cured by payment within ten (10) days, said State Treasurer or other state officer or agency is then authorized and directed to withhold from the first of such monies thereafter allocated by law to the REQUESTING PARTY from the Michigan Transportation Fund sufficient monies to remove the default, and to credit the REQUESTING PARTY with payment thereof, and to notify the REQUESTING PARTY in writing of such fact.

2. Upon completion of all work under this contract and final audit by the DEPARTMENT or the FHWA, the REQUESTING PARTY promises to promptly repay the DEPARTMENT for any disallowed items of costs previously disbursed by the DEPARTMENT. The REQUESTING PARTY pledges its future receipts from the Michigan Transportation Fund for repayment of all disallowed items and, upon failure to make repayment for any disallowed items within ninety (90) days of demand made by the DEPARTMENT, the DEPARTMENT is hereby authorized to withhold an equal amount from the REQUESTING PARTY'S share of any future distribution of Michigan Transportation Funds in settlement of said claim.

SECTION IV

SPECIAL PROGRAM AND PROJECT CONDITIONS

A. Those projects for which the REQUESTING PARTY has been reimbursed with Federal monies for the performance of preliminary engineering must be under construction by the close of the tenth (10th) fiscal year following the fiscal year in which the FHWA and the DEPARTMENT projects agreement covering that work is executed, or the REQUESTING PARTY may be required to repay to the DEPARTMENT, for forwarding to the FHWA, all monies distributed as the FHWA'S contribution to that preliminary engineering.

B. Those projects for which the REQUESTING PARTY has been reimbursed with Federal monies for the acquisition of right-of-way must be under construction by the close of the twentieth (20th) fiscal year following the fiscal year in which the FHWA and the DEPARTMENT projects agreement covering that work is executed, or the REQUESTING PARTY may be required to repay to the DEPARTMENT, for forwarding to the FHWA, all monies distributed as the FHWA'S contribution to that right-of-way acquisition.

C. In connection with the performance of PROJECT work under this contract the parties hereto (hereinafter in Appendix "A" referred to as the "contractor") agree to comply with the State of Michigan provisions for "Prohibition of Discrimination in State Contracts", as set forth in Appendix A, attached hereto and made a part hereof. The parties further covenant that they will comply with the Civil Rights Acts of 1964, being P.L. 88-352, 78 Stat. 241, as amended, being Title 42 U.S.C. Sections 1971, 1975a-1975d, and 2000a-2000h-6 and the Regulations of the United States Department of Transportation (49 C.F.R. Part 21) issued pursuant to said Act, including Appendix "B", attached hereto and made a part hereof, and will require similar covenants on the part of any contractor or subcontractor employed in the performance of this contract.

D. The parties will carry out the applicable requirements of the DEPARTMENT'S Disadvantaged Business Enterprise (DBE) program and 49 CFR, Part 26, including, but not limited to, those requirements set forth in Appendix C.

APPENDIX A
PROHIBITION OF DISCRIMINATION IN STATE CONTRACTS

In connection with the performance of work under this contract; the contractor agrees as follows:

1. In accordance with Act No. 453, Public Acts of 1976, the contractor hereby agrees not to discriminate against an employee or applicant for employment with respect to hire, tenure, terms, conditions, or privileges of employment, or as a matter directly or indirectly related to employment, because of race, color, religion, national origin, age, sex, height, weight, or marital status. Further, in accordance with Act No. 220, Public Acts of 1976 as amended by Act No. 478, Public Acts of 1980 the contractor hereby agrees not to discriminate against an employee or applicant for employment with respect to hire, tenure, terms, conditions, or privileges of employment, or a matter directly or indirectly related to employment, because of a disability that is unrelated to the individual's ability to perform the duties of a particular job or position. A breach of the above covenants shall be regarded as a material breach of this contract.

2. The contractor hereby agrees that any and all subcontracts to this contract, whereby a portion of the work set forth in this contract is to be performed, shall contain a covenant the same as hereinabove set forth in Section 1 of this Appendix.

3. The contractor will take affirmative action to insure that applicants for employment and employees are treated without regard to their race, color, religion, national origin, age, sex, height, weight, marital status or a disability that is unrelated to the individual's ability to perform the duties of a particular job or position. Such action shall include, but not be limited to, the following: employment, upgrading, demotion or transfer, recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.

4. The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, national origin, age, sex, height, weight, marital status or disability that is unrelated to the individual's ability to perform the duties of a particular job or position.

5. The contractor or his collective bargaining representative will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice advising the said labor union or workers' representative of the contractor's commitments under this appendix.

6. The contractor will comply with all relevant published rules, regulations, directives, and orders of the Michigan Civil Rights Commission which may be in effect prior to the taking of bids for any individual state project.

7. The contractor will furnish and file compliance reports within such time and upon such forms as provided by the Michigan Civil Rights Commission, said forms may also elicit information as to the practices, policies, program, and employment statistics of each subcontractor as well as the contractor himself, and said contractor will permit access to his books, records, and accounts by the Michigan Civil Rights Commission and/or its agent, for purposes of investigation to ascertain compliance with this contract and relevant with rules, regulations, and orders of the Michigan Civil Rights Commission.

8. In the event that the Civil Rights Commission finds, after a hearing held pursuant to its rules, that a contractor has not complied with the contractual obligations under this agreement, the Civil Rights Commission may, as part of its order based upon such findings, certify said findings to the Administrative Board of the State of Michigan, which Administrative Board may order the cancellation of the contract found to have been violated and/or declare the contractor ineligible for future contracts with the state and its political and civil subdivisions, departments, and officers, and including the governing boards of institutions of higher education, until the contractor complies with said order of the Civil Rights Commission. Notice of said declaration of future ineligibility may be given to any or all of the persons with whom the contractor is declared ineligible to contract as a contracting party in future contracts. In any case before the Civil Rights Commission in which cancellation of an existing contract is a possibility, the contracting agency shall be notified of such possible remedy and shall be given the option by the Civil Rights Commission to participate in such proceedings.

9. The contractor will include, or incorporate by reference, the provisions of the foregoing paragraphs (1) through (8) in every subcontract or purchase order unless exempted by the rules, regulations or orders of the Michigan Civil Rights Commission, and will provide in every subcontract or purchase order that said provisions will be binding upon each subcontractor or seller.

March, 1998

(Rev. 03/92)

APPENDIX B

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

1. Compliance with Regulations: The contractor shall comply with the Regulations relative to nondiscrimination in Federally assisted programs of the Department of Transportation, Title 49, Code of Federal Regulations, Part 27, as they may be amended from time to time (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.

2. Nondiscrimination: The contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, or natural origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.

3. Solicitations for Subcontracts, Including Procurements of Materials and Equipment: In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin.

4. Information and Reports: The contractor shall provide all information and reports required by the Regulations, or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Michigan Department of Transportation or the Federal Highway Administration to be pertinent to ascertain compliance with such Regulations or directives. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information, the contractor shall so certify to the Michigan Department of Transportation, or the Federal Highway Administration as appropriate, and shall set forth what efforts it has made to obtain the information.

5. Sanctions for Noncompliance: In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, the Michigan Department of Transportation shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:

   (a) Withholding of payments to the contractor under the contract until the contractor complies, and/or

   (b) Cancellation, termination, or suspension of the contract, in whole or in part.

6. Incorporation of Provisions: The contractor shall include the provisions of paragraphs 1 through 6 of every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontract or procurement as the Michigan Department of Transportation or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for non-compliance; provided, however, that in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request the Michigan Department of Transportation to enter into such litigation to protect the interests of the State, and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

APPENDIX C

TO BE INCLUDED IN ALL FINANCIAL ASSISTANCE AGREEMENTS WITH LOCAL AGENCIES

Assurance that Recipients and Contractors Must Make (Excerpts from US DOT Regulation 49 CFR 26.13)

A. **Each financial assistance agreement signed with a DOT operating administration (or a primary recipient) must include the following assurance:**

> **The recipient shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any US DOT-assisted contract or in the administration of its DBE program or the requirements of 49 CFR Part 26. The recipient shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of US DOT-assisted contracts. The recipient's DBE program, as required by 49 CFR Part 26 and as approved by US DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the recipient of its failure to carry out its approved program, the department may impose sanctions as provided for under Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).**

B. **Each contract MDOT signs with a contractor (and each subcontract the prime contractor signs with a subcontractor) must include the following assurance:**

> **The contractor, sub recipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of US DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate.**

March 7, 2005

TO: John Szerlag, City Manager

FROM: Charles T. Craft, Chief of Police
Jeanette Bennett, Purchasing Director
Gert Paraskevin, Information Technology Director

SUBJECT: **Agenda Item:** Bid Waiver - Purchase of Encoding Hardware and Hard Disc Array for Long-term Archival Storage

RECOMMENDATION

The Police Department recommends the City purchase hardware, licensing, and installation services to connect 13 additional cameras to record all activity in the Lockup Section of the Department from Integrated Media Technologies, Inc. Additionally, the Department recommends the purchase of a 4-Terra Byte RAID-5 hard disc array storage unit for the long-term archival storage of the Lockup Section and Investigation Divisions cameras. The total cost of the project is $36,077.00.

BACKGROUND

The Police Department utilizes a recording system called SecureLink NVRS Classic manufactured by DVTel to digitally record interviews conducted by officers and activity in the Lockup Section. The following chart shows the location and configuration of the hardware.

Location	Number of Cameras	Number of Microphones	Control/Activation
Interview/Suspect	2	2	Manual
Interview/Victim	1	1	Manual
Polygraph	1	1	Manual
Lockup Interview	1	1	Motion
Lockup Breathalyzer	1	1	Motion
Lockup Prisoner Property	1	1	Motion

The backbone of the system is a Dell server. The server has three 200GB hard drives with approximately 570GB dedicated to storing audio and video recordings. System software analysis indicates an average use of 10.3GB/day and 98GB remaining free. The available storage space can vary greatly depending on the number of interviews and activity in the Lockup Section. Because the storage of recordings is based on first in, first out and the drives have not yet reached capacity, retention of recordings is not yet an issue.

This system, including the server and application software and licensing, a workstation, and all installation and programming services, was funded and purchased as part of the police and fire building project. The primary security access system contractor was Dynalectric of Michigan. In turn, they contracted with Integrated Media Technologies, Inc. to provide recording hardware and software for selected cameras.

March 7, 2005

To: John Szerlag, City Manager
Re: Bid Waiver – Purchase Encoding Hardware and Hard Disc Array Storage Unit

BACKGROUND - Continued
It is the Department's recommendation to increase the immediate and long-term storage capability by purchasing the DVTel 4-terabyte RAID-5 hard disc array storage from Integrated Media. It is also the Department's recommendation to increase the number of cameras recorded to the long-term storage medium from 7 to 20. The additional 13 cameras are all in the Lockup Section. The equipment will document and record a subject's incarceration from the sallyport through the booking process into the cell and out of the facility. Often, accusations and subsequent litigation occur many months after a subject's release from the facility. This equipment will reduce our liability substantially. The waiver is requested for the following reasons.

- Integrated Media is the only certified DVTel Dealer in the Detroit area. To qualify as a "certified" dealer, one or more employees must attend and complete the Technical Certification Training. This provides the technical skills necessary to support DVTel systems and is, according to the company, a costly and challenging endeavor.

- The hardware and software purchased will be compatible with our existing equipment and application software. As previously stated, Integrated Media designed, installed, and programmed the DVTel surveillance and recording hardware the department currently uses. By continuing to purchase DVTel hardware and utilize the services and expertise of Integrated Media, conflicting hardware or software issues will not exist. Past history and knowledge of the system is a precursor to the successful integration of this portion of the security plan.

- Last, Integrated Media is very professional and has demonstrated the ability to meet the Department's expectations and needs. This recording system encompasses the most critical areas of the police department's operations. The department would like to limit knowledge and access to a single company.

BUDGET
Funds to purchase the hardware, licensing and installation services are budgeted in the Police Department general equipment account #401315.7978.010. Partial funding of this project will be through the fiscal year 2004-05 Byrne Memorial Formula and Local Law Enforcement Block Grant for $10,000.00.

Prepared by: Wendell Moore, Police Department Research & Technology

March 30, 2005

TO: John Szerlag, City Manager

FROM: Brian Murphy, Assistant City Manager/Services
Mark Stimac, Director of Building and Zoning
Nino Licari, City Assessor
Steven Vandette, City Engineer

SUBJECT: **Agenda Item** – Update of Sanitary Sewer Benefit Fees

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Sewer Benefit Fee Background:

The Sewer Benefit fees, last revised in 1989, are intended to represent the approximate cost of construction of that portion of the sewer benefiting properties within the various Troy zoning districts. Whenever a structure connects to an existing public sewer and the property never participated in any special assessment project for sewer construction, the Sewer Benefit fee is paid. Property owners participating in a special assessment project do not pay this fee.

It has been the City's practice and policy that when an existing on-site sewerage disposal system fails and it cannot be repaired or replaced, a sanitary sewer line is extended to service the subject property. The City last constructed sewers on Larayne Street in 1999 to address a septic failure, and used the Sewer Benefit fee method in lieu of special assessment for the cost of extending the sewer.

Sewer Benefit fees are set by resolution of City Council on a per-zoning classification basis for the five (5) residential zones. Payments are made over a 40-year period for existing structures at 6% interest on the unpaid balance. Vacant lots must pay the Sewer Benefit Fee, in total, at the time of building permit issuance.

Proposed Benefit Fees:

Historically, the Benefit Fee has been calculated by estimating the cost per foot of sewer construction and dividing that in half because the assumption was that one sewer would service properties on both sides of the street. In 1989, half the estimated cost per foot of sewer was $40 and this cost was applied to the minimum lot widths within each zoning district. The current cost per foot of sewer is $50. The proposed fees based on $50 per foot and the current $40/foot rate are shown in the following table.

Single Family Residences

Zone Districts	Min. Lot Size	Existing Fee	Proposed Fee
R-1E	60	$2,400	$3,000
R-1D	75	$3,000	$3,750
R-1C	85	$3,400	$4,250
R-1B	100	$4,000	$5,000
R-1A	120	$4,800	$6,000
All Other Uses and Zones			$50/front foot Minimum $3,000

Recommendation:

We recommend that council approve the suggested resolution adopting the foregoing rates but we do not recommend that these rates be used to construct sewers to address septic system failures or to construct sewers using the Benefit Fee method, such as in the Charnwood Hills area.

There are several reasons why the recommended fees do not work in Charnwood and also do not work in the majority of locations where sewers are missing.

In the Charnwood case, the majority of the lots are much larger than the R-1A district minimum of 120 feet. The average Charnwood lot is approximately 220 feet wide and lot widths range from a handful of cul-de-sac lots at 81-108 feet to the largest lot at 424 feet. This results in considerably more sewer construction and cost to serve a relatively small number of lots. Also, the sewers must also be brought in from adjoining areas, passing properties along the way that already have sewer available. This additional cost is not considered in the Benefit fees calculated on a zoning classification basis.

For example, applying the proposed Sewer Benefit fee of $6,000 for R-1A to all 165 Charnwood lots, and assuming sewers are constructed throughout the entire area, the net loss to the City of Troy due to the foregoing factors would be $1,603,750 in sewer construction costs. Clearly, the proposed Benefit fee of $6,000 vs. the estimated sewer cost of $15,720 per lot, as determined for the defeated special assessment project, does not work.

Additionally, we analyzed all locations throughout Troy where sewers are missing and determined that most properties, sixty-seven percent (67%), are located on major roads where most sewer extensions would serve only one side of the street; this is "single sided" vs. "double sided " which is what is assumed in the Benefit fee calculations. We estimate that applying the proposed Benefit fees to these property locations would result in similar losses to the City when sewers are constructed. Excluding Charnwood, approximately 29,460 feet of sewers need to be constructed to service only 132 lots spread among all zoning districts. Applying the benefit fees to these parcels on a per-zoning basis would produce only $588,000 while resulting in a net loss of nearly $2.4 million dollars.

We are proposing that a new method be used for calculating Benefit fees for any sewer extension constructed by the city. We propose that whenever a sewer is constructed by the City of Troy to address a septic system failure, to construct as part of a major road project or to construct as directed by council using the Benefit Fee method, instead of special assessment, that the Benefit fee be determined on a project-by-project basis. The Benefit fee would be unique to each project and be based on the total cost of the sewer extension divided by the number of properties benefiting from the sewer at the time of construction. This Benefit fee would be established by a resolution of City Council for each sewer project. So for properties where a new sewer is constructed by the City of Troy, each structure at the time of connection would pay the proportionate cost of the sewer construction, effective on the date of adoption of the Sewer Benefit Fee resolution.

For properties that currently have sewer available to them but are not connected, such as when the structure is more than 200 feet from the sewer and connection is not required, these properties would pay the benefit fee based on zoning in lieu of paying the cost of constructing the sewer, which occurred sometime in the past. Also, for sewers constructed after the date Council adopts the Benefit Fee resolution by any entity or agency other than the City of Troy, such as a developer or private party, the Sewer Benefit fee payable by all properties benefiting from the sewer construction would be based on the zoning classification of the property.

Resolution to Revise Sewer Benefit Fees C-9

Resolution #89-648
Moved by Johnson
Supported by Husk

BE IT RESOLVED, that the Sewer Benefit Fees as provided in Chapter 20 of the Code of the City of Troy are hereby revised as recommended in a report from the City Engineer dated June 22, 1989, a copy of which shall be attached to and made a part of the original minutes of this meeting, as follows:

Zone Districts	Min. Lot Size	Existing Fee	Proposed Fee
R-1E	60'	$1,500	$2,400
R-1D	75'	1,875	3,000
R-1C	85'	2,125	3,400
R-1B	100'	2,500	4,000
R-1A	120'	3,000	4,800
All Other Zones		$25/f.f. Minimum $1,500	$40/f.f. Minimum $2,400

BE IT FURTHER RESOLVED, that said revisions shall be effective for installations made on or after January 1, 1990.

Yeas: Doyle, Husk, Johnson, Stine
Absent: Allemon, Pallotta, Schilling

Resolution to Approve Assessor's Plat #1 C-10

No Action was taken.

Resolution to Approve Concept Plan for Beaver Creek Park C-11

James Scott explained the various plans and answered questions for Council.

Resolution #89-649
Moved by Husk
Supported by Stine

RESOLVED, that Concept Plan No.8 for Beaver Creek Park as presented on this date by the firm of James C. Scott & Associates is hereby approved; and

BE IT FURTHER RESOLVED, that the City Manager is hereby authorized to direct preparation of a final concept plan to be used in preparation of construction plans for further review and consideration of this City Council.

Yeas: Doyle, Husk, Johnson, Stine
Absent: Allemon, Pallotta, Schilling

Memorandum

To: John Szerlag, City Manager
From: John M Lamerato, Assistant City Manager/Finance and Administration
Tonni L. Bartholomew, City Clerk
Date: April 13, 2005
Subject: Agenda Item: Council Rules of Procedure Amendment to Accommodate SEMCOG and SOCRRA Member Appointments

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In response to City Council's request to formalize the appointment of the City of Troy's representation to SEMCOG and SOCRRA, the following Council Rules of Procedure amendment has been provided for City Council consideration:

15.1 APPOINTMENT OF CITY OF TROY REPRESENTATION TO SEMCOG AND SOCRRA

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

2. SOCRRA (South Oakland County Resource Recovery Authority) Representation: The Mayor and City Council shall appoint one delegate and one alternate to serve on the SOCRRA Board for a term of one-year expiring on June 15th.

With the adoption of the proposed Rule amendment, the current Troy SEMCOG Representative will continue in that capacity until a new appointment is made at the November 14, 2005 Regular Council Meeting. The current Troy SOCRRA Delegate and Alternate will continue in their capacity until appointments are made at the June 6, 2005.

The ICCA (Intergovernmental Cable Consortium Association), and CMN (Community Media Network) member appointments and terms have not been incorporated into Council's Rules of Procedure. Since the contract between ICCA and CMN are not finalized, these appointments have not been addressed. The City Attorney will bring the proposed appointment process forward as part of the contract settlement.

Memorandum

To: John Szerlag, City Manager
From: John M Lamerato, Assistant City Manager/Finance and Administration
Tonni L. Bartholomew, City Clerk
Date: April 14, 2005
Subject: Agenda Item: FOIA (Freedom of Information Act) / Enhanced Access Policy Proposed Revision

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In response to the increase in labor and material costs, the City Clerk's Office has reviewed and updated the attached City of Troy FOIA (Freedom of Information Act) policy. Copies of a document request form and City of Troy Response form have been included as part of the documentation. While it is not required by Statute that documents be requested on the attached form, the form does assist City staff in identifying and narrowing down searches to the exact document/s requested. Additionally, all written requests for documents identified with the acronym of FOIA or with the words Freedom of Information are processed according to the FOIA policy guidelines and time requirements.

A recommended resolution has been incorporated into and is made part of the policy.

cc: Lori Bluhm, City Attorney

FOIA/ ENHANCED ACCESS POLICY

500 West Big Beaver
Troy, Michigan 48084
(248) 524-3317

RESOLUTION

Moved by:
Seconded by:

WHEREAS, The City of Troy is a public body within the meaning of the Michigan Freedom of Information Act (MFOIA, found in MCL 15.231 et seq.) and the Michigan Enhanced Access Act (MCL 15.441 et seq.);

WHEREAS, The declared public policy of the State of Michigan, as set forth in the MFOIA, is that all persons, except those incarcerated in state or local correctional facilities, are entitled to full and complete information regarding governmental decision-making;

WHEREAS, In its capacity as a public body, the City of Troy creates, possesses and maintains certain records which fit within the definition of the term “public records” as defined in the MFOIA;

WHEREAS, The City of Troy is required by the provisions of the MFOIA to grant requests by persons or corporations desiring to inspect or receive copies of public records when the requested documentation or information is described sufficiently to enable the public body to find the public record, except as provided in MCL 15.243;

WHEREAS, The City of Troy has the ability to provide some “public records” in a requested electronic format, but the cost of producing the requested public records exceeds normal MFOIA production costs and therefore is entitled to be reimbursed to the City; and

WHEREAS, The City of Troy desires to establish procedures, guidelines and fees in accordance with and pursuant to the provisions of MFOIA and the Michigan Enhanced Access Act for application to and for use in connection with requests received by it for the inspection or receipt of copies of public records.

NOW, THEREFORE, BE IT RESOLVED, That the City Clerk is hereby DESIGNATED as the FOIA/ Enhanced Access Act Coordinator for the City of Troy.

BE IT FURTHER RESOLVED, That the attached FOIA/Enhanced Access policy is hereby ADOPTED by the City of Troy.

Yes:
No:

PROCEDURES AND GUIDELINES REGARDING FREEDOM OF INFORMATION ACT AND ENHANCED ACCESS TO PUBLIC RECORD REQUESTS 1

A. DESIGNATED FOIA COORDINATOR 1

B. REQUESTER RESPONSIBILITIES UNDER FOIA/ ENCHANCED ACCESS 1

C. CITY RESPONSIBILITIES UNDER FOIA/ENHANCED ACCESS 2

D. COSTS FOR RESPONDING TO FOIA REQUESTS 3

E. COSTS FOR RESPONDING TO ENHANCED ACCESS REQUESTS 4

F. APPEALS 4

PROCEDURES AND GUIDELINES REGARDING FREEDOM OF INFORMATION ACT AND ENHANCED ACCESS TO PUBLIC RECORD REQUESTS

A person has the right to submit a written request for public record(s) from the City and its departments. The request must sufficiently describe the public record to enable the FOIA Coordinator to identify the requested public record.

A. DESIGNATED FOIA COORDINATOR

The City Clerk is the designated FOIA Coordinator, who will accept and disseminate all non-police written information requests, as outlined in this policy and the MFOIA. The City Clerk shall also accept all subpoenas for records and process the subpoenas in the same manner. The Clerk will immediately forward the written request to the appropriate City Department, in addition to forwarding a copy of the information request to the City Attorney.

The following officers shall be authorized to act as FOIA Coordinator designees: the Deputy City Clerk, the City Attorney, the Assistant City Attorneys, the Police Services Section Lieutenant, the Police Administrative Section Sergeant and the Police Records Supervisor. The FOIA Coordinator and designees shall be responsible to accept and process requests for public records and approve denials in accordance with the MFOIA. The FOIA Coordinator shall also be responsible for keeping a copy of all written requests for one year and one day after the request is made. The FOIA Coordinator shall also be responsible for sending written notices of the ten (10) day extension of response time when a request cannot be completed within the allocated five (5) business days (six (6) days if the request is received by electronic mail or facsimile) statutory time period.

All non-police department requests, after being processed, shall be immediately submitted to the City Attorney's Office. If requested, the City Attorney and his/her designee shall make a final determination regarding release of the requested information shall be made. When information is requested from the Police Department, and upon request, the City Attorney's and or his/her designee shall make the final determination regarding release of the requested Police Department information.

B. REQUESTER RESPONSIBILITIES UNDER FOIA/ ENCHANCED ACCESS

1. The requester of records must submit a written request for public record(s) from the City and its departments. All non-police department requests must be submitted to the FOIA Coordinator. All police department requests must be submitted to the Police Records Supervisor.

2. The written request must sufficiently describe the public record to enable the FOIA Coordinator or designee to identify the requested public record. The FOIA Coordinator or designee may send a notice requesting clarification of the request. Such notice, if sent, shall not be interpreted as a denial of the request.

3. Updates and revisions to the requested information will not be automatically supplied by the City of Troy. A new written request must be made each time supplemental information is requested.

C. CITY RESPONSIBILITIES UNDER FOIA/ENHANCED ACCESS

1. The FOIA Coordinator or designees shall respond to all written requests within five business days, unless a notice of extension has been sent.

2. If the request indicates that the requester desires to inspect public record(s), the FOIA Coordinator will contact the requester to arrange for inspection of non-exempt public record(s) at a reasonable time. The inspection and examination of public record(s) shall be conducted by the requesting person in the presence of an employee of the City of Troy and under conditions as the FOIA Coordinator, or his or her designee, might require in order to protect the City of Troy's public records and prevent excessive and unreasonable interference with the discharge of municipal functions.

3. If the request indicates that the requester wishes to have copies of public record(s) prepared and/or mailed, the FOIA Coordinator shall be responsible for providing copies of non-exempt public record(s), subject to the payment of costs, as outlined below.

4. If requested in writing, the custodian of a public record shall provide a certified copy of a public record.

5. If the written request is denied, the FOIA Coordinator or designee shall issue a written notice denying the request. The notice shall include an explanation as to why the requested public record(s) are exempt from disclosure or an indication that the requested public record does not exist. If a request is made for an existing public record that includes information that is exempt from disclosure under the MFOIA, and information that is not exempt, the FOIA Coordinator or designees must separate the material and make the non-exempt material available for examination and/or copying. Additionally, the FOIA Coordinator or designees shall generally describe the material that had to be separated, unless doing so would reveal the contents of the exempt information and thus, defeat the purpose of the exemption. The labor costs incurred in such procedure shall be treated in accordance with the cost provision, as set forth below.

6. The City of Troy may provide enhanced access for the inspection, copying, or purchasing of select public record(s) that are not confidential or otherwise exempt by law from disclosure. Enhanced access is defined as a public record's immediate availability for public inspection, purchase or copying by digital means. Enhanced access does not include the transfer of ownership of a public record, and the City of Troy has a duty to ensure ownership of information products and City created intellectual property is protected and maintained. In addition, a written disclaimer should explicitly state that the City of Troy, in providing enhanced access, make no warranties of any kind, including, but not limited to warranties of accuracy, fitness for a particular purpose, or of a recipient's right of use, and states that all enhanced access is received "AS IS". Recipients of enhanced access are solely responsible for investigating, resisting, litigating and settling such complaints, including the payment of any damages or costs.

7. Neither the City of Troy nor the FOIA Coordinator are obligated to create a record, list, compilation or summary of information which does not already exist. This exemption includes analyzing, compiling, or summarizing existing information into a new format. In addition, the MFOIA does not impose greater retention of public record responsibilities than what is required under other provisions of the law and/or City Charter.

8. The City of Troy will utilize its best efforts to respond to all requests made pursuant to the MFOIA. However, the City will search only the most likely locations for responsive public record(s). The City of Troy is not required under MFOIA to search each and every record it maintains in order to discover material that might pertain to a specific request.

D. COSTS FOR RESPONDING TO FOIA REQUESTS

Pursuant to the Michigan Freedom of Information Act [MCL 15.243(3)], the City of Troy is entitled to establish a policy seeking reimbursement to the City for the costs incurred in honoring Freedom of Information Act requests when the FOIA results in an unusually high cost to the public body. Due to the large number of FOIA requests the City of Troy receives, the implementation of a cost recovery policy is therefore necessary. The following costs incurred in responding to a FOIA request shall be chargeable to each FOIA requester:

1. Photocopying charges of 32 cents per page, or if the nature of the duplication necessitates duplication by outside sources, the actual cost of employing such outside sources.

2. Labor costs at the hourly wage of the lowest paid employee of the City of Troy capable of retrieving the information necessary to comply with a request incurred in duplication, mailing, search, examination, review and the deletion and separation of exempt and non-exempt information. The City of Troy shall specifically identify the nature of the costs.

3. Actual mailing costs.

4. Actual duplication costs for photographs, videotapes, tape cassettes, maps, plans, or microforms and any other type of medium requested.

6. If a person signs an Affidavit of Indigency, the first $20.00 of the charge is waived. However, the requester is responsible for any costs that exceed $20.00. The requester is also responsible for paying for duplicate copies of requested information that has previously been provided to the requester.

7. If the total estimated cost of a request exceeds $50.00, a deposit equal to one-half of the total estimated cost may be requested prior to completing the request.

8. A requester has two weeks to pay for a FOIA request. Un-claimed FOIA requests will be destroyed if left un-claimed for a period of thirty (30) days. Copies shall be made of the check or money order and receipt, which shall be attached to the original FOIA request.

9. The FOIA Coordinator may waive some or all of the costs of responding to a FOIA request if furnishing copies of the requested document(s) is considered as primarily benefiting the general public.

E. COSTS FOR RESPONDING TO ENHANCED ACCESS REQUESTS

Pursuant to the Michigan Enhanced Access To Public Records Act (MCL 15.232 et seq.), the City of Troy is entitled to establish a policy seeking reimbursement to the City for the costs incurred in responding to enhanced access requests, especially since these requests could result in an unusually high cost to the public body. Therefore, the City of Troy will charge a reasonable fee to recover only the cost of providing the enhanced access information. The reasonable fee shall include, but not be limited to, the direct cost of creating, compiling, storing, maintaining, processing, upgrading, or enhancing information or data in a form available for enhanced access, including the pro-rated cost of computer hardware and software, system development, employee time, and any other actual costs incurred in supplying the information or record in the form requested by the purchaser. When calculating employee time, the actual wage (plus benefits) of the lowest paid employee capable of performing the responsibilities shall be utilized.

F. APPEALS

In accordance with the MFOIA, where a person's request for a public record is denied, in whole or in part, the person shall be entitled to file a written appeal of the decision in accordance with the following process:

1. The requester shall be advised in writing of the right and the procedure for filing a written appeal to the City Manager.

2. The FOIA Coordinator shall immediately, upon receipt, refer all written FOIA appeals to the City Manager. The City Manager shall then review any materials submitted by the appellant, any written comments received from the FOIA Coordinator or designees, and any other information that the City Manager deems necessary.

3. The City Manager has ten days, absent compelling reasons for an extension of time, to take any of the following actions in response to the filing of an appeal of a FOIA request denial:
   A. Reverse the disclosure denial.
   B. Issue a written notice to the requester affirming the disclosure denial.
   C. Reverse the disclosure denial in part and issue a written notice to the requester affirming the denial in part.

CITY OF TROY
MICHIGAN
REQUEST FOR COPIES OF PUBLIC RECORDS

TO THE CITY OF TROY, MICHIGAN:

I HEREBY REQUEST COPY\COPIES OF PUBLIC RECORDS, AS FOLLOWS:

Number of Copies	Description of Public Record

Signature of Applicant

Print Name

Address (Street, City, State and Zip Code)

Phone Number

Date

Dear _____ **Date** _____

Response to your inquiry of _____ **requesting** _____

We have taken action as indicated below. Please note that if your request for information has been denied, we have indicated the appropriate provisions under State Law P.A. 442(1976), which defines such information as exempt.

1	☐	**Requested material attached.**
2	☐	**Extension of 10 days**
3	☐	**Copying costs are estimated to be:**_____
	☐	**Bill enclosed.**
	☐	**You will be billed.**
	☐	**A Good Faith deposit is required at this time. Make check payable to:** City of Troy
4	☐	**The Public Record does not exist as named. We request a conference to clarify the description of the public Record in question as the initial inquiry is insufficient to enable us to identify the record. You may call the City Clerk's Office at (248) 524-3316.**
5A	☐	**Part of the requested material is attached. Material denied is due to exemptions as Public Record as defined by State Law.**
5B	☐	**The requested material is denied in full due to exemption as Public Record as defined by State Law.**

A description of the denied record is attached. Those exemptions in State Law which are applicable to the City of Troy are listed below as enumerated under Section 13, Paragraph 1 of the Act. Check indicates exemption invoked in denial of material. See back of form for specific provisions.

☐	A	☐	D	☐	F	☐	G
☐	H	☐	J	☐	**N**	☐	**other**

SEE REVERSE SIDE FOR A FULL EXPLANATION OF YOUR RIGHT TO SEEK JUDICIAL REVIEW.

Sincerely,

City of Troy Representative

EXEMPTIONS UNDER P.A. 442, SECTION 13, PARAGRAPH 1, AS INDICATED IN ITEM 5 ON THE FRONT OF FORM INCLUDE:

A. Information of a personal nature where the public disclosure of the information would constitute a clearly unwarranted invasion of the individual's privacy.

D. Records or information specifically described and exempted from disclosure by Statute.

E. A public record or information described in this Section which is furnished by the public body originally compiling, preparing or receiving the record or information to a public officer of public body in connections with the performance of the duties of that public officer or public body, if the considerations originally giving rise to the exempt nature of the public record remains applicable.

F. Trade secrets or commercial or financial information voluntarily provided to an agency for use in developing governmental policy if:

i. The information is submitted upon a promise of confidentiality by the public body.
ii. The promise of confidentiality is authorized by the chief administrative officer of the public body or by an elected official at the time the promise is made.
iii. A description of the information is recorded by the public body within a reasonable time after it has been submitted, maintained in a central place within the public body, and made available to a person upon request. This subdivision shall not apply to information submitted as required by law or as a condition of receiving a governmental contract, license, or other benefit.

G. Information or records subject to the Attorney Client Privilege.

I. A bid or proposal by a person to enter into a contract or agreement, until the time for the public opening of bids or proposals, or if a public opening is not to be conducted, until the time for receipt of bids or proposals has expired.

M. Communications and notes within a public body or between public bodies of an advisory nature to the extent that they cover other than purely factual materials and are preliminary to a final agency determination of policy or action.

Other _____

RIGHT TO APPEAL AND JUDICIAL REVIEW

ACT 442, P.A. 1976, SECTION 10 ESTABLISHES THE REQUESTING PERSON'S RIGHT TO JUDICIAL REVIEW IN THE EVENT THAT PUBLIC BODY MAKES A FINAL DETERMINATION TO DENY ALL OR A PORTION OF A REQUEST. THE REQUESTING PERSON MAY COMMENCE AN ACTION IN THE CIRCUIT COURT TO COMPEL DISCLOSURE OF THE PUBLIC RECORDS. AN ACTION UNDER THIS SECTION ARISING FROM THE DENIAL OF AN ORAL REQUEST MAY NOT BE COMMENCED UNLESS THE REQUESTING PERSON CONFIRMS THE ORAL REQUEST IN WRITING NOT LESS THAN 5 DAYS BEFORE THE COMMENCEMENT OF THE ACTION. IF A PERSON ASSERTING THE RIGHT TO INFORMATION UNDER THIS ACT PREVAILS IN ALL OR A PORTION OF THE COURT ACTION, THE COURT SHALL AWARD AN APPROPRIATE AMOUNT TOWARD REASONABLE ATTORNEY'S FEES, COSTS AND DISBURSEMENTS. IN ADDITION, THE COURT MAY AWARD PUNITIVE DAMAGES IN THE AMOUNT OF $500.00 TO THE PERSON SEEKING ACCESS TO THE PUBLIC RECORDS. IN ADDITION TO THE RIGHTS DESCRIBED ABOVE, YOU MAY ALSO FILE A WRITTEN APPEAL OF A DETERMINATION TO DENY ALL OR A PORTION OF A REQUEST BY DIRECTING THE APPEAL TO THE CITY OF TROY CITY MANAGER. SUCH AN APPEAL MUST SPECIFICALLY STATE THE WORD "APPEAL" AND IDENTIFY THE REASON OR REASONS FOR REVERSAL OF THE DISCLOSURE DENIAL.

STATEMENT OF COSTS REGARDING FOIA REQUEST

The City of Troy has incurred the following costs, which it is allowed to recover under the Michigan Freedom of Information Act ("FOIA"), in regard to the FOIA request that you submitted on _____.

1	**Actual mailing costs**	**$**
2	**Actual duplication or publication costs** **_____ pages @ $.32 per page**	**$**
3	**Actual labor costs incurred in duplication or publication _____ x $_____ / Minute**	**$**
4	**Actual labor costs incurred in searching, examining, reviewing, deleting or separating material** **_____ Min x $_____ / Minute**	**$**
5	**Miscellaneous: Records on CD @ $5 per 1,000 records**	**$**
	TOTAL	**$**

Date:

Signature (City of Troy Representative)

DATE: April 11, 2005

TO: John Szerlag, City Manager

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

SUBJECT: Agenda Item
Approval of Subdivision Entrance Sign/Agreement
Cedar Ridge Estates Subdivision

In November of 2001, City Council made revisions to the Sign Ordinance that allowed for the placement of subdivision entranceway signs in the medians of public streets. Those revisions required that in order to place a sign within a median, In this case the proposed sign is not proposed to be placed within the street median but rather in the detention pond parcel located adjacent to the subdivision entrance. Since this detention pond parcel is owned by the City of Troy, we are proposing to use the same procedure to review and approve the sign. That procedure requires that City Council must approve the sign design and materials. It also requires the submission of an agreement for the maintenance and liability for the sign.

At this time we have completed work on a sign proposed by the Cedar Ridge Estates Homeowners Association. Staff has reviewed the design of the sign as well as the language of the agreement and the supporting documentation and recommends approval.

We will be happy to answer any questions that you may have regarding this request.

Reviewed as to form and Legality _____ _____
Lori Grigg-Bluhm, City Attorney Date

RESIDENTIAL DEVELOPMENT SIGN AGREEMENT

This Agreement is entered into on this_____day of_____, 2005, between the City of Troy, a Michigan Municipal Corporation, 500 W. Big Beaver Road, Troy, Michigan 48084 (hereinafter referred to as the "City") and Cedar Ridge Estates Homeowners Association, whose address is P.O. Box 99301, Troy, Michigan 48099, (hereinafter referred to as the "Residential Development").

Recitals

A. The Residential Development desires to erect an identification sign for the residential development pursuant to and in compliance with the City of Troy Code of Ordinances, however, is unable to place a sign on private property and request that the identification sign be place on City of Troy property, specifically property owned by the City for a detention basis. This request is similar to requests made for placement of homeowner association signs in a City owner right-of-way under Chapter 78, Section 7.01.01 (Signs in Right-of-Way). A Sign Permit Application has been submitted to the Building Department and a copy is attached to this Agreement as Exhibit A.

B. The Residential Development is located in the City of Troy, Oakland County, Michigan. The Residential Development is between Big Beaver Road and Wattles Road and John R Road and Dequindre Road. The site for the erection of the sign is located on the detention basin property owned by the City of Troy more particularly described on the attached Exhibit B and Exhibit C. A description of the proposed sign is attached to this Agreement as Exhibit D.

C. Chapter 78, Section 7.01.01. provides that Troy City Council shall approve the design and materials of all residential development identification signs and that an agreement be executed between the City and Residential Development specifying that the Residential Development shall assume liability for the sign and be responsible for its maintenance. This agreement is similar to Section 7.01.01 agreements.

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

1. The Residential Development shall be permitted to erect an identification sign on property owned by the City of Troy for a detention basis at Cedar Knoll Drive and Big Beaver Road as set out in this Agreement.

2. The identification sign shall comply with the plans and specifications attached hereto as Exhibits A, B, C and D and incorporated into this Agreement and any terms and conditions for design and materials established by City Council by Resolution. The installation of the sign includes the installation of up to one cubic yard of mulch or similar fill material around the base of the sign to level out the grade. Any plans and specifications must designate on their face that they have been approved by the Director of Building and Zoning.

3. The Residential Development shall maintain the identification sign in good and safe condition at all times and shall make such repairs as the City may deem reasonably necessary from time to time to keep the sign in good and safe condition. Failure to keep the sign in good and safe condition shall be considered a breach of this Agreement under Paragraph 7.

4. The Residential Development has provided a Certificate of Insurance acceptable to the City demonstrating that general liability coverage is available for claims for personal injury or property damage caused by the sign or attributed to the placement of the identification sign on City property. Such insurance shall be in the amount of $500,000.00 per occurrence and aggregate limit. The Certificate of Insurance shall name the City of Troy as an additional insured. The City reserves the right to modify the insurance requirements as necessary with 30 days notice to the Residential Development. The Residential Development agrees to keep said insurance or a similar policy with the above minimum insurance coverage in effect for the term of this Agreement. The Residential Development shall submit to the City of Troy Risk Management Department on the anniversary date of this Agreement a Certificate of Insurance acceptable to the City demonstrating coverage for the above insurance amounts. Additionally, the City may request a copy of said insurance certificate at any time during this Agreement. Failure to produce a certificate of insurance within fifteen (15) days of a request by the City, or a determination by the City that there is a lapse in coverage, shall be considered a breach of this Agreement under Paragraph 7.

5. The individual executing this Agreement on behalf of the Residential Development represents that he or she has the authority to bind the Residential Development and the individual property owners within the Residential Development to this Agreement and has provided documentation to support his or her representation. If it is determined by the City at any time hereafter that no such authority exists, this Agreement shall be null and void, and the identification sign shall be immediately removed in accordance with Paragraph 7.

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

7. If there is a breach of this Agreement or if the Agreement becomes null and void, the City shall notify the Residential Development that it has thirty (30) days to remove the identification sign. If the Residential Development fails to comply, the City may remove the sign and assess any costs it incurs to the Residential Development. If the Residential Development fails to pay the City's costs for removal within fifteen (15) days from the notification of the costs, the City may exercise any legal remedy to which it is entitled against the Residential Development and/or the individual property owners within the Residential Development including the pro-rata assessment of costs on each individual property owner's tax bill.

8. To the fullest extent permitted by law, the Residential Development agrees to defend, pay on behalf of, indemnify, and hold harmless the City, its elected and appointed officials, employees and volunteers and others working on behalf of the City against any and all claims, demands, suits, or loss, including all costs connected therewith, and for any damages which may be asserted, claimed or recovered against or from the City, its

elected and appointed officials, employees, volunteers or others working on behalf of the City, by reason of personal injury, including bodily injury or death and/or property damage, relating to the erection, maintenance, location and any other aspects of the identification sign.

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

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

WITNESSES:

CITY OF TROY,

_____

_____
Louise E. Shilling, Mayor

_____

_____
Tonni Bartholomew, Clerk

RESIDENTIAL DEVELOPMENT

Cedar Ridge Homeowners Association,

_____

J. Nagabhushanam
By: NAGABHUSHANAM JASTI
Its: President

_____

_____
By:
Its:

City of Troy

SIGN PERMIT APPLICATION

CITY OF TROY
DEPARTMENT OF BUILDING INSPECTIONS
500 W. BIG BEAVER ROAD
TROY, MICHIGAN 48084
Phone: 248-524-3344
Fax: 248-689-3120

SIGN

Date: 11/21/04

Project Information → N.E. CORNER CEDAR KNOLL + E. BIG BEAVER

Job Address: P.O. Box 99361, Troy Suite # _____ Sidwell # 88-20-24-377-057

Property Owner: Cedar Ridge Estates HOA Address: _____ Phone # _____

Type of Sign: ☑ Ground ☐ Wall ☐ Special Event ☐ Sign Renewal Zoning District: R

Sq. Ft. Area of Front of Building Structure: 55 sq ft Land Area (if parcel is vacant): _____

Sign Size: Width ~~120~~ 10' Height ~~60½~~ 5.5' Sq. Ft. Area: 55

Ground Sign: Height from grade to top of sign 60½ Distance from ultimate right-of-way 8½' + 11' - (See request for variance on cover letter)

Are other signs located on property? ☑ No ☐ Yes Type _____ Size _____

Copy on sign: CEDAR RIDGE ESTATES

Illuminated Sign ☐ Yes ☐ No Electrical Connections by: _____

SIGN PERMIT FEE SCHEDULE

Size	Wall Sign Painted on Wall	Wall Sign Structurally Attached	Ground Sign
Under 100 sq. ft.	$ 75.00	$ 100.00	$ 125.00
100 to 199 sq. ft.	$100.00	$ 125.00	$ 150.00
200 to 300 sq. ft	$ 100.00	$150.00	$ 175.00
Special Event		$30.00	

Applicant/Contractor Information

Name: Signs + More Phone: (248) 519-7446 Fax: (248) 519-0502

Address: 5369 Crooks Rd City: Troy State: MI Zip: 48098

Signature of Applicant Larry Foster License # _____

FOR OFFICE USE ONLY:

Variance Granted? ☐ No ☐ Yes Date: _____

Special Stipulations _____

Date approved: _____ Fee: _____ Approved by: _____

Exhibit A

RECEIVED
NOV 22 2004
BUILDING DEPARTMENT

EXHIBIT B

The description of the property is as follows:

Town 2 North, Range 11 East, Section 24 Oakland County Condominium Plan No. 1350, Cedar Ridge Estates, Detention Area, as recorded in Liber 22943, Page 196, Oakland County Records

Cedar Ridge - SIGN PLACEMENT

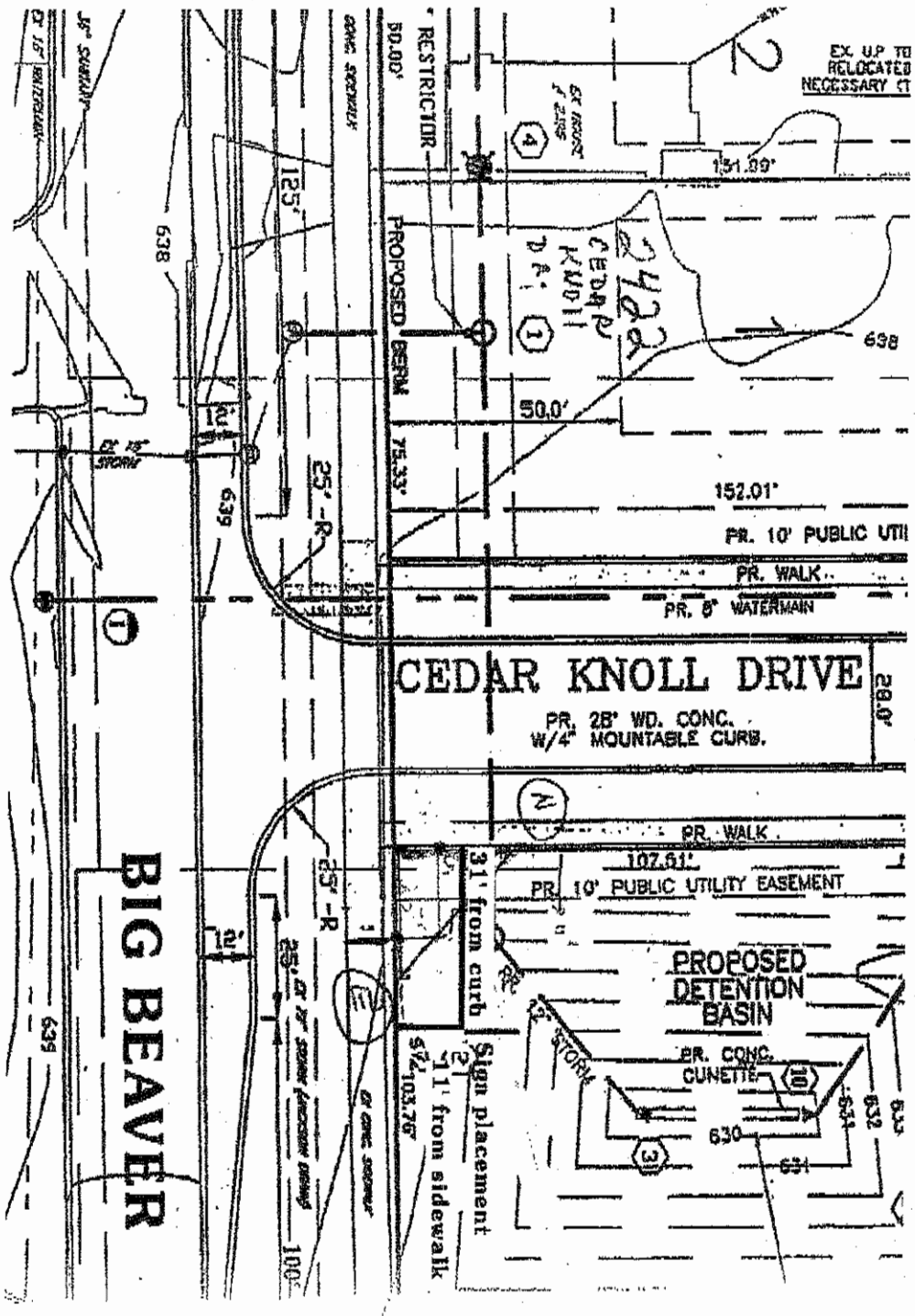
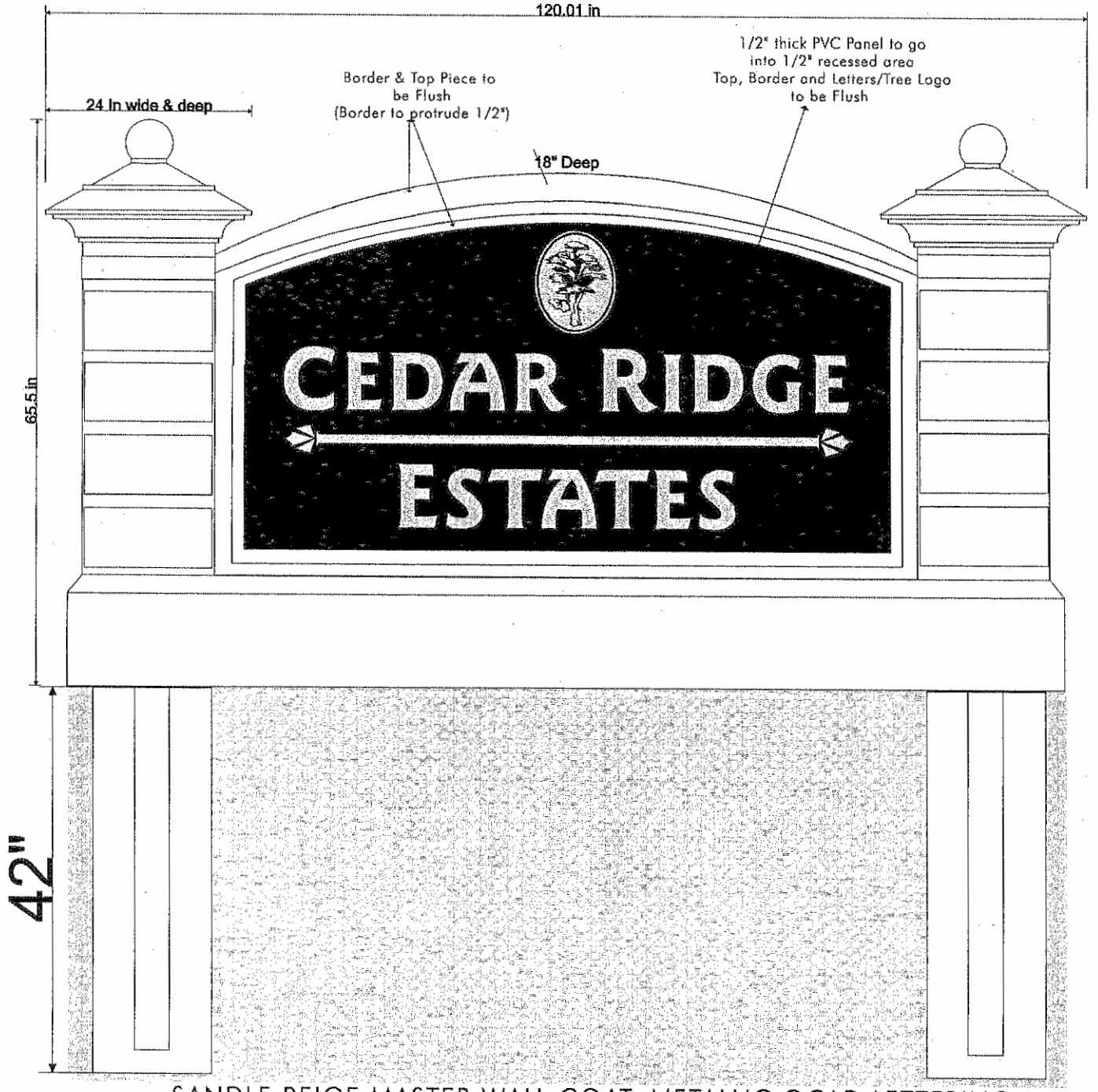
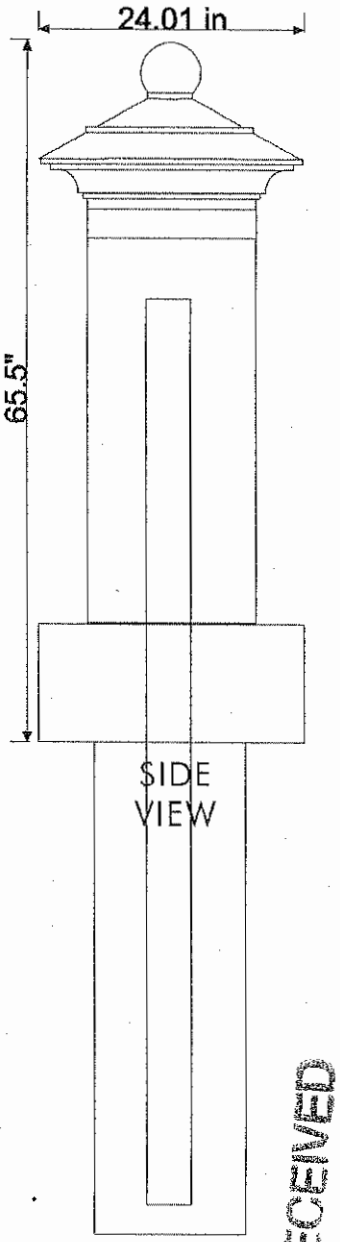


Exhibit C

10'





SANDLE BEIGE MASTER WALL COAT, METALLIC GOLD LETTERING
BOTTLE GREEN PVC PANEL (BACKGROUND)

5.5'

EXHIBIT D

RECEIVED
NOV 22 2004
BUILDING DEPARTMENT

MAR 16 2005 PM 1:26

March 15, 2005

City of Troy
City Attorney's Office

Ms. Susan Lancaster
Assistant City Attorney for Troy
500 W. Big Beaver
Troy, MI – 48084

Re: Cedar Ridge Estates Homeowners Association agreement with City of Troy for installing subdivision sign on City property

Dear Ms. Lancaster,

Homeowners of twenty-one homes, out of the total twenty-seven, in Cedar Ridge Estates subdivision have authorized the President of Homeowner Association to sign an agreement with City of Troy to install the subdivision sign on the detention basin.

Please find enclosed 3 sets of signed agreement, copies of Homeowner Authorization from twenty-one Homeowners and the certificate of insurance.

Please call me @ 248-524-1868, if you need further information.

Thank you.

Sincerely,

J. Nagabhushanam

Nagabhushanam Jasti
President, Cedar Ridge Estates Homeowners Association
P.O. Box 99301
Troy, MI – 48099

Cedar Ridge Estates Homeowner Association
Homeowner Authorization

I, the undersigned, do hereby authorize the President of Cedar Ridge Estates Homeowner Association to sign an agreement with City of Troy to install the subdivision sign on the detention basin. I have read the agreement proposed by City of Troy.

Signature: _____

Name: BALAGURU LAKSHIMIAH

Homeowner of: 2410 CEDAR KNOLL DR

Date: 2/21/2005

Cedar Ridge Estates Homeowner Association
Homeowner Authorization

I, the undersigned, do hereby authorize the President of Cedar Ridge Estates Homeowner Association to sign an agreement with City of Troy to install the subdivision sign on the detention basin. I have read the agreement proposed by City of Troy.

Signature: Punitha

Name: Rajesh and Punita Viakud

Homeowner of: 2398 Cedar Knoll Dr

Date: 2/21/05

Cedar Ridge Estates Homeowner Association
Homeowner Authorization

I, the undersigned, do hereby authorize the President of Cedar Ridge Estates Homeowner Association to sign an agreement with City of Troy to install the subdivision sign on the detention basin. I have read the agreement proposed by City of Troy.

Signature: S. Arotti

Name: ARUNA J SUNKARA

Homeowner of: 2386 Cedar Knoll Dr, TROY, MI-48083

Date: 02/21/05

Cedar Ridge Estates Homeowner Association
Homeowner Authorization

I, the undersigned, do hereby authorize the President of Cedar Ridge Estates Homeowner Association to sign an agreement with City of Troy to install the subdivision sign on the detention basin. I have read the agreement proposed by City of Troy.

Signature: J. Nagabhushanam

Name: NAGABHUSHANAM JASTI

Homeowner of: 2374 CEDAR KNOLL DR

Date: 2/21/05

Cedar Ridge Estates Homeowner Association
Homeowner Authorization

I, the undersigned, do hereby authorize the President of Cedar Ridge Estates Homeowner Association to sign an agreement with City of Troy to install the subdivision sign on the detention basin. I have read the agreement proposed by City of Troy.

Signature: _____

Name: CLARITO VERGARA

Homeowner of: 2362 CEDAR KNOLL DR.

Date: 02-21-05

Cedar Ridge Estates Homeowner Association
Homeowner Authorization

I, the undersigned, do hereby authorize the President of Cedar Ridge Estates Homeowner Association to sign an agreement with City of Troy to install the subdivision sign on the detention basin. I have read the agreement proposed by City of Troy.

Signature: K Sreek

Name: SREEKUMAR KAMBATH

Homeowner of: 2350, CEDAR KNOLL DR

Date: 02/13/2005

Cedar Ridge Estates Homeowner Association
Homeowner Authorization

I, the undersigned, do hereby authorize the President of Cedar Ridge Estates Homeowner Association to sign an agreement with City of Troy to install the subdivision sign on the detention basin. I have read the agreement proposed by City of Troy.

Signature: Shan P. Lau

Name: Shan P. Lau

Homeowner of: 2338 Cedar Knoll Dr.

Date: 2-15-05

Cedar Ridge Estates Homeowner Association
Homeowner Authorization

I, the undersigned, do hereby authorize the President of Cedar Ridge Estates Homeowner Association to sign an agreement with City of Troy to install the subdivision sign on the detention basin. I have read the agreement proposed by City of Troy.

Signature: S. Sandadi

Name: Rajender Sandadi

Homeowner of: 2326 Cedar Knoll Dr. Troy, MI 48083

Date: 2/21/2005

Cedar Ridge Estates Homeowner Association
Homeowner Authorization

I, the undersigned, do hereby authorize the President of Cedar Ridge Estates Homeowner Association to sign an agreement with City of Troy to install the subdivision sign on the detention basin. I have read the agreement proposed by City of Troy.

Signature: _____

Name: Akshaya Ray

Homeowner of: 2314 Cedar Knoll Dr, Troy, MI - 48083

Date: 2/23/05

Cedar Ridge Estates Homeowner Association
Homeowner Authorization

I, the undersigned, do hereby authorize the President of Cedar Ridge Estates Homeowner Association to sign an agreement with City of Troy to install the subdivision sign on the detention basin. I have read the agreement proposed by City of Troy.

Signature: Sailaja Peddi Reddy

Name: SAILAJA PEDDIREDDY

Homeowner of: 2302

Date: 2/21/05

Cedar Ridge Estates Homeowner Association
Homeowner Authorization

I, the undersigned, do hereby authorize the President of Cedar Ridge Estates Homeowner Association to sign an agreement with City of Troy to install the subdivision sign on the detention basin. I have read the agreement proposed by City of Troy.

Signature: _____

Name: Hui Ling Mei

Homeowner of: Jun Ming Huang & Hui Ling Mei (2289)

Date: 2/21/05

Cedar Ridge Estates Homeowner Association
Homeowner Authorization

I, the undersigned, do hereby authorize the President of Cedar Ridge Estates Homeowner Association to sign an agreement with City of Troy to install the subdivision sign on the detention basin. I have read the agreement proposed by City of Troy.

Signature: MRahman

Name: Md H. Rahman

Homeowner of: 2325 Cedar Knoll Dr. (Unit #16)

Date: 2/20/05

Cedar Ridge Estates Homeowner Association
Homeowner Authorization

I, the undersigned, do hereby authorize the President of Cedar Ridge Estates Homeowner Association to sign an agreement with City of Troy to install the subdivision sign on the detention basin. I have read the agreement proposed by City of Troy.

Signature: A. V. Raj Hum

Name: Victor Addepalli

Homeowner of: 2337 Cedar Knoll Dr.

Date: 2/13/2005

Cedar Ridge Estates Homeowner Association
Homeowner Authorization

I, the undersigned, do hereby authorize the President of Cedar Ridge Estates Homeowner Association to sign an agreement with City of Troy to install the subdivision sign on the detention basin. I have read the agreement proposed by City of Troy.

Signature: yu yan Hua

Name: yu YaN HuAN G

Homeowner of: Wen Jin ye, & yu yan Huang (2349)

Date: 2/21/05

Cedar Ridge Estates Homeowner Association
Homeowner Authorization

I, the undersigned, do hereby authorize the President of Cedar Ridge Estates Homeowner Association to sign an agreement with City of Troy to install the subdivision sign on the detention basin. I have read the agreement proposed by City of Troy.

Signature: _____

Name: Kyung Youn Yun

Homeowner of: 2361 Cedar Knoll Dr.

Date: 2/21/05

Cedar Ridge Estates Homeowner Association
Homeowner Authorization

I, the undersigned, do hereby authorize the President of Cedar Ridge Estates Homeowner Association to sign an agreement with City of Troy to install the subdivision sign on the detention basin. I have read the agreement proposed by City of Troy.

Signature: _____

Name: Xinchun Gong

Homeowner of: 2385 Cedar Knoll Dr.

Date: 2/21/2005

Cedar Ridge Estates Homeowner Association
Homeowner Authorization

I, the undersigned, do hereby authorize the President of Cedar Ridge Estates Homeowner Association to sign an agreement with City of Troy to install the subdivision sign on the detention basin. I have read the agreement proposed by City of Troy.

Signature: _____

Name: GOPI CHERIYAM

Homeowner of: 2409 CEDAR KNOLL DR., TROY, MI- 48083

Date: 2/21/05

Cedar Ridge Estates Homeowner Association
Homeowner Authorization

I, the undersigned, do hereby authorize the President of Cedar Ridge Estates Homeowner Association to sign an agreement with City of Troy to install the subdivision sign on the detention basin. I have read the agreement proposed by City of Troy.

Signature: Rekha Pandya

Name: REKHA PANDYA / RAMESH GOPALASWAMY

Homeowner of: 2421, CEDAR KNOLL DRIVE

Date: 2/24/05

Cedar Ridge Estates Homeowner Association
Homeowner Authorization

I, the undersigned, do hereby authorize the President of Cedar Ridge Estates Homeowner Association to sign an agreement with City of Troy to install the subdivision sign on the detention basin. I have read the agreement proposed by City of Troy.

Signature: _____

Name: MARIAMMAL NATARAJAN

Homeowner of: 2433, CEDAR KNOLL DR

Date: 2/24/05

Cedar Ridge Estates Homeowner Association
Homeowner Authorization

I, the undersigned, do hereby authorize the President of Cedar Ridge Estates Homeowner Association to sign an agreement with City of Troy to install the subdivision sign on the detention basin. I have read the agreement proposed by City of Troy.

Signature: Bill O Kelly

Name: MR + MRS Bruce Goldberg

Homeowner of: 2445 Cedar Knoll Drive

Date: 2-21-05

Cedar Ridge Estates Homeowner Association
Homeowner Authorization

I, the undersigned, do hereby authorize the President of Cedar Ridge Estates Homeowner Association to sign an agreement with City of Troy to install the subdivision sign on the detention basin. I have read the agreement proposed by City of Troy.

Signature: _____

Name: ANUPKUMAR DESHMUKH

Homeowner of: 2457 CEDAR KNOLL DR

Date: FEB, 23, 2005

ACORD CERTIFICATE OF LIABILITY INSURANCE

OP ID CA CEDAR-1

DATE (MM/DD/YYYY) 03/30/05

PRODUCER

Emerson-Prew, Inc.
30600 Telegraph, Suite 3110
Birmingham MI 48025
Phone: 248-642-5900 Fax: 248-642-2310

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

INSURED

Cedar Ridge Estates HO Assoc.
P.O.Box 99301
Troy MI 48099

INSURERS AFFORDING COVERAGE		NAIC #
INSURER A:	Cincinnati Insurance Co.	10677
INSURER B:		
INSURER C:		
INSURER D:		
INSURER E:		

COVERAGES

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

INSR LTR	ADD'L INSRD	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS	
A	X	GENERAL LIABILITY X COMMERCIAL GENERAL LIABILITY CLAIMS MADE X OCCUR X Wrongful Acts Lia GEN'L AGGREGATE LIMIT APPLIES PER: POLICY PRO-JECT LOC	CAP5472443	12/07/04	12/07/05	EACH OCCURRENCE	$ 1000000
						DAMAGE TO RENTED PREMISES (Ea occurence)	$ 100000
						MED EXP (Any one person)	$ 5000
						PERSONAL & ADV INJURY	$ 1000000
						GENERAL AGGREGATE	$ 2000000
						PRODUCTS - COMP/OP AGG	$ 2000000
		AUTOMOBILE LIABILITY ANY AUTO ALL OWNED AUTOS SCHEDULED AUTOS HIRED AUTOS NON-OWNED AUTOS				COMBINED SINGLE LIMIT (Ea accident)	$
						BODILY INJURY (Per person)	$
						BODILY INJURY (Per accident)	$
						PROPERTY DAMAGE (Per accident)	$
		GARAGE LIABILITY ANY AUTO				AUTO ONLY - EA ACCIDENT	$
						OTHER THAN AUTO ONLY: EA ACC	$
						AGG	$
		EXCESS/UMBRELLA LIABILITY OCCUR CLAIMS MADE DEDUCTIBLE RETENTION $				EACH OCCURRENCE	$
						AGGREGATE	$
							$
							$
							$
		WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? If yes, describe under SPECIAL PROVISIONS below				WC STATU-TORY LIMITS / OTH-ER	
						E.L. EACH ACCIDENT	$
						E.L. DISEASE - EA EMPLOYEE	$
						E.L. DISEASE - POLICY LIMIT	$
		OTHER					

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS

CERTIFICATE HOLDER IS ADDITIONAL INSURED W/RESPECTS TO GENERAL LIABILITY REGARDING SIGN ON PROPERTY

CERTIFICATE HOLDER

TROYCIT

City of Troy
Attn Susan Lancaster
500 W. Big Beaver Road
Troy MI 48084

CANCELLATION

or materially changed

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ~~DELIVER OR~~ MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, ~~BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.~~

AUTHORIZED REPRESENTATIVE

James Barr

© ACORD CORPORATION 1988

DATE: April 11, 2005

TO: John Szerlag, City Manager

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

SUBJECT: AGENDA ITEM – PLANNING CONSULTANT SERVICES CONTRACT

RECOMMENDATION

City Management is satisfied with the professional community planning services and landscape architecture services provided by Carlisle/Wortman Associates, Inc. City Management recommends approval of the Agreement for Consulting Services including the requested rate increase. The term of the contract shall be for a period of five (5) years from the date of execution. Further, the resolution authorizes the Mayor and City Clerk to execute the Agreement for Consulting Services.

BACKGROUND

On January 8, 2001, City Council authorized the City Manager to engage Carlisle/Wortman Associates, Inc. for Planning Consulting Services. An Agreement for Consulting Services was entered into on August 15, 2001 for a period of two (2) years. The terms of the agreement provide for modification of the conditions and extension of the terms by mutual agreement for both parties. Although the term of the Agreement has expired, Mr. Carlisle has continued to abide by the original terms and conditions of the Agreement.

Carlisle/Wortman Associates, Inc. has submitted an updated Agreement for Consulting Services for City Council approval. Included in the contract is an updated rate schedule. The rates charged by Carlisle/Wortman Associates, Inc. have remained unchanged since entering into the agreement in August of 2001 (see table below). The following shows the Carlisle/Wortman Associates, Inc. 2001 billing rates and the proposed billing rates, with the percentage increases.

COMPARISON OF PROPOSED RATES AND CURRENT RATES
For Carlisle/Wortman Associates, Inc.

Position	**Current Rate (in effect since 01/01)**	**Proposed Rate**	**% Increase**
Principal Planner	$85/hr.	$95/hr.	11.8%
Associate Planner/Landscape Architect	$75/hr.	$80/hr.	6.7%
Planner/Landscape Architect	$65/hr.	$70/hr.	7.7%
Planning Technician	$45/hr.	$50/hr.	11.1%
Secretarial	$40/hr.	$45/hr.	12.5%
Auto CAD/GIS	$25/hr.	$25/hr.	0%
Expenses (photocopies, prints, maps, etc.)	Cost + 20%	Cost + 20%	Depends on Cost

Source: Carlisle/Wortman Associates, Inc.

_____
Reviewed for Form and Legality
Lori Grigg Bluhm, City Attorney

Attachments:
1. Agreement for Consulting Services.
2. Planning Consulting Firms Hourly Rate Comparison.

cc: File/ Planning Consultant
Richard K. Carlisle, Carlisle/Wortman, Inc.

Prepared by: RBS, MFM

G:\Planning Consultant Services 2005\Planning Consultant Services CCMemo 04 18 05.doc

CARLISLE/
WORTMAN
Associates, Inc.

Community Planners Landscape Architects
605 S. Main, Suite 1 Ann Arbor, MI 48104 734-662-2200 *fax* 734-662-1935
6401 Citation Dr., Suite E Clarkston, MI 48346 248-625-8480 *fax* 248-625-8455

AGREEMENT FOR CONSULTING SERVICES

THIS AGREEMENT, Entered into this _____ day of _____, 2005, by the City of Troy hereinafter referred to as the "Client" and Carlisle/Wortman Associates, Inc. hereinafter referred to as the "Consultant."

WHEREAS, The "Client" desires to engage the "Consultant" to provide planning services as set forth herein.

NOW, THEREFORE, In consideration of the foregoing, and of the mutual agreement hereinafter set forth, the parties hereto legally intending to be bound hereby do agree for themselves and their respective successors and assigns as follows:

SECTION 1.0 PLANNING SERVICES

The "Consultant" for his part agrees to provide planning assistance at the request of the Client. Such assistance may include zoning and planning investigations and reports, review of development projects and/or consultation with City staff regarding planning and development programs and policies.

SECTION 2.0 COLLECTION OF DATA

It is understood that the "Consultant" will have the cooperation of the "Client" in the collection of basic data and other information for the above work.

SECTION 3.0 PAYMENT FOR SERVICES

3.1 **Planning Consultation** – At the request of the Client, the Consultant shall perform periodic investigations relative to community planning, zoning, economic development, community development, and other matters.

Such periodic investigations shall be performed as the following rates:

Position	Rate
Principal Planner	$95.00

Associate Planner /Landscape Arch.	$80.00
Community Planner / Landscape Architect	$70.00
Graphics (GIS) Technician	$50.00
Support Staff	$45.00
AutoCAD Operation	$25/hr
Expenses (photocopies, prints, maps, etc.	Cost + 20%

3.2 **Meeting Attendance** – The Consultant shall attend regularly scheduled meetings of the Planning Commission and City Council, as requested by the Client and subject to the availability of the Consultant.

Such meeting attendance shall be performed at the hourly rates set forth in Section 3.1.

3.3 **Development Review** – The Consultant shall coordinate and review land development proposals such as site plans, site condominiums, and special land use as requested by the Client in accordance with the hourly rates set forth in Section 3.1.

3.4 **Special Projects** – Periodically the Consultant may be requested by the Client to perform a project which is beyond the scope of a minor investigation anticipated in Section 3.1. The Client may request the Consultant to provide the Client with an estimate cost of services which may be provided on a cost not-to-exceed or lump sum basis.

3.5 **Terms of Payment** – The Consultant shall present the Client an invoice at the end of each month based on work performed. Invoices shall be paid within thirty (30) days after receipt by the Client.

SECTION 4.0 REPRESENTATION

It is understood and agreed that Richard K. Carlisle AICP, PCP, President, will represent the "Consultant" in all matters pertaining to this Agreement. From time to time, the "Consultant" may employ additional personnel or sub-consultants to assist in the execution of matters pertaining to this contract.

SECTION 5.0 OWNERSHIP OF MATERIALS

All documents or other materials prepared by the "Consultant" under this Agreement shall be considered the property of the "Client".

SECTION 6.0 LIMITATION OF LIABILITY

The "Consultant" agrees, to the fullest extent permitted by law, to indemnify and hold the "Client" harmless from damages and losses arising from the negligent acts, errors or omissions of the "Consultant" in the performance of professional services under this Agreement, to the extent that the "Consultant" is responsible for such damages and losses on a comparative basis of fault and responsibility between the "Consultant" and the "Client". The "Consultant" is not obligated to indemnify the "Client" for the "Client's" own negligence.

SECTION 7.0 TERMS OF AGREEMENT

The term of this Agreement shall be for a period of five (5) years from the date of execution, although the conditions may be modified and terms may be extended by mutual agreement of both parties.

This Agreement may be terminated by either the "Client" or "Consultant" individually or jointly upon ninety (90) days written notice. Compensation during the notice period would be paid by the "Client" to the "Consultant" if services are faithfully rendered to the "Client".

IN WITNESS WHEREOF, the "Consultant" and the "Client" execute this Agreement as of the date first set forth in this Agreement.

WITNESS	CLIENT
_____	_____
	Title:
_____	_____
	Title:
	CONSULTANT
_____	_____
	Richard K. Carlisle, AICP, PCP President Carlisle/Wortman Associates, Inc.
_____	_____
	R. Donald Wortman, RLA, AICP, PCP Vice President Carlisle/Wortman Associates, Inc.

PLANNING CONSULTING FIRMS
HOURLY RATE COMPARISON
(July, 2000 rates)

	Hourly Rate			
Position	**BIRCHLER ARROYO**	**CARLISLE/ WORTMAN**	**LSL**	**McKENNA**
President			$100	$105
Vice/President			$95	$95
Senior Principal	$87		$90	$85
Principal	$81		$85	
Principal Planner/Senior Project Planner	$74	$85	$75	$80
Associate Planner/Project Planner II	$68	$75	$62	$50
Planner/Project Planner I	$60	$65	$52	
Assistant Planner		$45	$45	$45

Source: Memo prepared by City Management, January 2, 2001.

G:\Planning Consultant Services 2005\PLANNING CONSULTANT HOURLY RATES.doc

April 12, 2005

TO: John Szerlag, City Manager

FROM: John M. Lamerato, Assistant City Manager / Finance and Administration
Brian P. Murphy, Assistant City Manager / Services
Doug Smith, Director Real Estate and Development
Gert Paraskevin, Information Technology Director

RE: Agenda Item – Wireless Oakland Pilot Community

RECOMMENDATION

City administration requests approval and authorization to submit a request to Oakland County to become a pilot community for their high-speed wireless Internet initiative: Wireless Oakland. As part of this request, the City would provide access to City owned infrastructure to facilitate building the wireless network in Troy. Oakland County maintains that every community inside its boundaries will eventually have an opportunity to participate in this program. However, the advantages of being a pilot community include the opportunity to provide input into the implementation of this program for our city as well as county wide, an opportunity to test the system first hand and ensure it works for our community, and in the process demonstrate the City's interest in and support of providing free wireless internet access to citizens and visitors to Troy.

BACKGROUND

Oakland County held a Private Sector Summit on March 14, 2005 followed by a Public Sector Summit on March 16, 2005, to explain the Wireless Oakland Program. Attached is the PowerPoint presentation given to the Public Sector that outlines their plan goals, objectives and timeline. One of the key objectives is to provide some level of free high-speed Internet access to everyone in the entire county be it business, resident or visitor. To meet that end the County is offering private industry free access to all existing County owned infrastructure, such as buildings, tornado siren poles, communication towers, traffic signals and unused fiber optic cable. These companies would then affix the necessary hardware to this infrastructure to build a wireless network. In return the County would receive free Internet access and the companies would have an opportunity to implement a business model that includes charging fees for advertising or additional services on top of basic wireless access. The wireless network would be completely owned and operated by the private sector.

Oakland County is planning to release an RFP in April 2005 to solicit private vendors to come up with viable proposals. At the same time they are asking local government to provide a justification to become one of approximately 5 pilot communities. Along with the justification they are asking for a commitment from the chief elected officer(s), a detailed inventory of qualified assets, and facilitated access to those assets.

Support for Troy's participation in this initiative has already begun to surface as evidenced by two attachments: a letter from Walsh College and an article in the Troy Eccentric by County Commissioner Will Molnar.

SUMMARY

The City of Troy is in a good position to be considered as a pilot community. We already have a good inventory of qualified assets in our GIS system. We also have a good mix of residential, commercial, industrial and educational entities, along with the Automation Alley SmartZone. Participating as a pilot community would demonstrate to the people that live in, work in and visit our community, that Troy is in fact a progressive city.

GP

Wireless Oakland:

Building the community and workforce of tomorrow...

Public Sector Summit
March 16, 2005

Oakland County

Opening Remarks

L. Brooks Patterson, County Executive

Oakland County

Wireless Oakland: Project Goals & Benefits

Phil Bertolini, Chief Information Officer

Oakland County

Project Goals

- To blanket Oakland County with **wireless internet service-**portion of service **free**
- To break down the **digital divide** by offering “no-cost” or “low-cost” PCs, wireless technology, and training to underserved populations within Oakland County
- To **enhance** the commercial and residential character of the County by **embracing technology** in county and local planning practices

Oakland County

Project Benefits

- Enhance Oakland County's ability to **attract** and **retain** high-tech and nanotechnology **businesses**
- Enhance Oakland County's **residential character**
- Support a **growing mobile workforce** in public and private sectors

Oakland County

Project Benefits

- Elevate the **technical knowledge** of Oakland County's workforce
- Support the County's continued provision of **eGovernment services** and allow elected officials to "push" digital information to larger constituent groups

Oakland County

Call to Action

- Partners are a key component of this initiative:
  - **Local government**
  - Private industry
  - **Educational community**
  - Automation Alley
  - GLIMA
  - Michigan Broadband Authority
  - Legislature

Oakland County

Intent of Meeting

- Clearly articulate the County's vision
- Open a dialog with future partners
- Clearly articulate pilot community criteria
- NOT to solve technical problems

Oakland County

Wireless Internet Service: Project Overview

Oakland County

Project Overview

- Oakland County will not own or operate wireless network
- Will leverage public assets (infrastructure) already funded by county taxpayers
- Will provide incentive for private sector implementation and partner with technology provider(s) to offer service

Oakland County

Wireless Technologies

Oakland County

Project Boundaries

- County-wide, seamless coverage must be provided
- Free wireless internet service must be provided
- Higher-speed service and other “for fee” services can be offered
- Consumer based technology must be supported
- Access provided via standard “splash screen” that allows private partner(s) to sell advertising and/or “fee services”

Oakland County

Project Governance

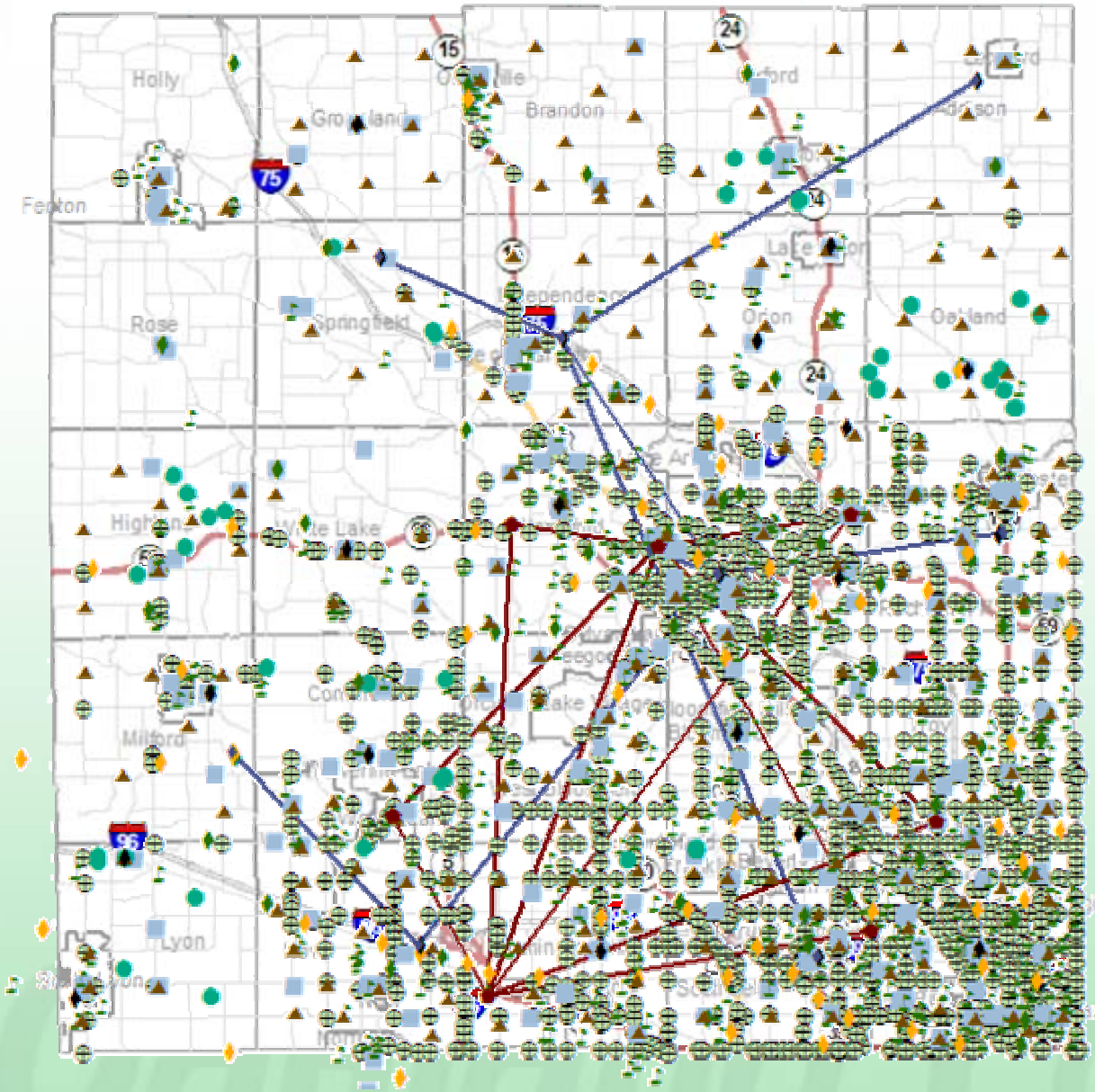
- Advisory committee will be formed
  - Public and private sector participants
- Key governance issues:
  - Quality of service
  - Technology integration
  - Wireless Oakland “splash-screen” content
- Partnership agreements will be required

Oakland County

Public Assets

- Existing Private Sector Partnerships
  - Private Tower Companies
  - Automation Alley
- Physical Infrastructure
- Existing Public Sector Partnerships
  - CVTs, RCOC, OCDC, MBDA

Oakland County



Assets

- Dark fiber network
- Line of sight network
- 23 Government owned towers
- 120 Privately managed towers
- 200 Tornado siren poles
- 350 Public schools
- 325 Buildings & structures
- 1400 Traffic signals

Public Assets - Summary

- Approximately 2400 inventoried to date
  - Worth hundreds of millions of dollars
- Additional assets will be pledged by future partners

Oakland County

Private Partner Criteria

- Creative Solutions
  - Technology and Business Model
- Implementation Methodology
  - Technical Approach and Feasibility
  - Build-out Schedule
- Countywide Service Approach

Oakland County

Private Partner Criteria

- Business Model
  - Public or “Free” Services
  - User Fees and Services
  - Sustainability Plans
- Experience and Corporate Viability

Oakland County

Schedule of Events

- Gather partner feedback in March 2005
- Release RFP in April 2005
- Partner(s) selected in Summer of 2005
- Demonstration project in September 2005
- Pilot projects in Fall of 2005
- Full implementation in 2005 and 2006

Oakland County

Pilot Communities

- Soliciting requests in April of 2005
- What are we expecting?
  - Justification for selection
  - Commitment of Chief Elected Officer
  - Detailed inventory of “qualified assets”
  - Facilitated access to “qualified assets”
- Requests directed to Phil Bertolini
- Pilot selection made at conclusion of RFP review

Oakland County

Closing Comments

- How can you help?
  - Educate your community
  - Inventory “qualified assets”
  - Volunteer to be a pilot
  - Be ready to assist with full implementation

Oakland County

Question / Answer

For more information on Wireless Oakland, visit us on the web: www.co.oakland.mi.us/wireless

WALSH
COLLEGE®
OFFICE OF THE PRESIDENT

PHONE (248) 689-8282
FAX (248) 689-8338
3838 LIVERNOIS ROAD
P.O. BOX 7006
TROY, MI 48007-7006

March 18, 2005

RECEIVED
MAR 21 2005
CITY OF TROY
CITY MANAGER'S OFFICE

Mr. John Szerlag
City Manager
City of Troy
500 W. Big Beaver Rd.
Troy, MI 48084

John

Dear Mr. Szerlag:

Walsh College recently sent representatives to the Wireless Oakland Public Sector Summit headed by L. Brooks Patterson. The wireless initiative was first brought to the public in Patterson's State of the County address in February 2005. Since then, it has begun to take on steam and has generated a good deal of excitement in the community at large.

In the event that the City of Troy was not represented at the summit on March 16, 2005, allow us to share the three main goals of this exciting project:

- To blanket all 910 square miles of Oakland County with wireless Internet service.
- To break down the digital divide by offering "no-cost" or "low-cost" PCs, wireless technology, and training to underserved populations within Oakland County.
- To enhance the commercial and residential character of the County by embracing technology in county and local planning practices.

Oakland County will meet these goals through partnerships with the private and public sectors. The County does not plan to own or operate the wireless network; that task will fall to the multiple private vendors who provide the best proposals. The public sector, mostly municipalities, will be responsible for actively participating in the Wireless Oakland project and providing access to assets that qualify for inclusion as a wireless access point. The County expects the public sector to incur no charge for their participation, barring any costs that may be incurred by providing access to chosen assets. Educational institutions also fall under the public sector and will be asked to assist with community education, training, and the hosting of informational events.

Needless to say, Walsh College sees ample opportunities for our involvement in this project. The community education, training, and involvement benefits that Walsh College could bring as a pilot site would be immeasurable. The City of Troy also stands to benefit a great deal from this program, and could greatly serve its residents by becoming a pilot site. One of the largest benefits that the County is hoping to gain through this project is the attraction and retention of high-tech and nanotechnology

businesses. Clearly, Troy is in a position to offer those companies many benefits that our neighboring municipalities might not be able to.

Phil Bertolini, Oakland County Chief Information Officer, is accepting letters from each town or village detailing the reasons that they should be included in the initial launch of this exciting endeavor. Oakland County has an opportunity to succeed in creating a fully wireless, Internet enabled community where others have failed. The chance for success depends largely on the public sector and Troy is in a position to assist in this endeavor as well as gain an immense benefit.

Our representatives would be pleased to share any other information gained from this summit with you, or you may go directly to the County at http://www.co.oakland.mi.us/wireless/.

Sincerely,

Keith

Keith A. Pretty, J.D.
President

This story first appeared in:

Troy Eccentric

Sunday, March 27, 2005

Columns **Back**

Troy should pursue selection as Wireless Oakland pilot city

By Will Molnar

When I was elected last November, I made a pledge to promote local economic development. Just over a week ago, at the Oakland County commissioners' auditorium in Pontiac, County Executive L. Brooks Patterson rolled out an ambitious new program which promises to do just that. The goal of Wireless Oakland is to blanket the county's 910 square miles with wireless Internet service and provide free high speed Internet access to every resident, business and visitor in the county by the end of 2006.

A veritable "technological cloud" would cover the county. With the right kind of modem (for example, a Blackberry), anyone could access the world-wide Web without having to be connected to a telephone line or cable. "I'm convinced the time is right for the county to go wireless," said Patterson. I'll second that.

Although some cities have already gone wireless, Oakland County is seeking to become the first county in the nation to go wireless. The county plans to partner with the private sector and cities using our existing physical infrastructure. (The county's stated goal is to provide this service at no additional cost to the county. Businesses would be responsible for installing and operating the network.) With an estimated 2,400 towers, government offices, public schools, traffic signals and some 500 miles of fiber-optic lines, the county is providing a very good platform on which private companies can build.

Among the anticipated benefits of Wireless Oakland are a more attractive business climate and greater productivity, the rapid expansion of the county's growing mobile workforce, and better free Internet access for the county's seniors and low income residents. In exchange for use of public assets without charge, private companies are expected to offer a basic level of free service anywhere in the county. Under the county proposal, businesses would be able to sell advertising and charge fees for a faster connection.

Having an educated workforce able to use the latest in technology is central to the county's economic development aims. "The goal is to create the workforce of tomorrow," said Oakland County's Chief Information

Officer Phil Bertolini. "If they never had access to the technology to begin with, how are they going to take advantage of those jobs?"

The county is soliciting proposals from cities who wish to serve as the pilot project(s). In my opinion, Troy would be an excellent place within which to get the project off the ground. I've spoken to City of Troy officials, and they already are working with the county on submission of a proposal.

If Oakland County is the economic engine of the State of Michigan, then Troy, with our thriving business community, is certainly the economic driving force in the county. A casual inventory of our assets, I think, would show that we already have most of the physical assets and communications infrastructure in place to go wireless.

Troy is home to Automation Alley, the consortium of high-technology companies clustered along the I-75 freeway, and the Big Beaver business corridor. Our schools and nearby institutions of higher learning are among the finest to be found anywhere, and the average educational attainment of our residents is among the highest in the county. Competing cities will find that's a tough combination to beat.

The future belongs to those who are prepared to meet it head on. We aren't called the City of Tomorrow ; Today, for nothing. Troy is deserving of selection as one of the Wireless Oakland pilot cities and here's hoping it happens. The item will need to be moved forward first by Troy's City Council.

As we celebrate our 50th birthday this year it would make a nice statement that, while Troy has grown by leaps and bounds, its best days are yet to come.

Will Molnar is an Oakland County Commissioner, representing District 13, which includes part of Troy.

ROUMELL, LANGE & CHOLACK, P.L.C.
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Detroit Office
615 Griswold
7th Floor Ford Building
Detroit, MI 48226-3986

OF COUNSEL
STEVEN H. SCHWARTZ

April 13, 2005

Personal & Confidential
Attorney-Client Privileged

Honorable Louise E. Schilling
Members of City Council
City of Troy
500 W. Big Beaver Rd.
Troy, MI 48084

Re: City Manager Employment Contract

Dear Mayor Schilling and Members of Council:

Enclosed please find the proposed Employment Agreement between the City and the City Manager. With some modifications as described below, this is the same employment contract that was submitted to you for consideration on March 1, 2004 and initially approved. Subsequently, however, there were several votes to reconsider the City Manager Employment Agreement and, ultimately, Resolution #2004-03-162 was "considered" to be the Employment Agreement between the City Manager and the City of Troy.

Changes to the March 1, 2004 Agreement include the revised termination language found in Section 12 ¶2 (a)(2) which was the subject of my correspondence to you dated March 31, 2005. In addition, I would note the following modifications: First, the date of this agreement is set forth in the preamble as April 18, 2005. Section 1 of the document sets forth a period of employment from January 1, 2005 and continuing for an indefinite period. Language has been added to Section 6 (Deferred Compensation) to reflect that, for calendar year 2005, the City Manager has yet to receive a deferred compensation contribution by the City. Finally, the effective date of a salary increase and the amount of increase, if any, is left blank in Section 5 of the Agreement. It is subject to action by the City Council.

With these exceptions, the remainder of the agreement is identical to the one submitted to you on March 1, 2004. If there are any additional matters for which I may be of assistance, please feel free to contact me at your convenience.

Very truly yours,
ROUMELL, LANGE & CHOLACK, P.L.C.

Craig W. Lange

CWL/bml
enclosure

Troy/Letters/Shilling Ltr

EMPLOYMENT AGREEMENT

THIS AGREEMENT, initially made on the 20th day of March 2000, and amended on the 18th day of April, 2005, by and between the City of Troy, Michigan, a municipal corporation, hereinafter referred to as the "City" and John Szerlag, hereinafter referred to as the "Executive".

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

SECTION 1.
PERIOD OF EMPLOYMENT

This Agreement shall be effective as of January 1, 2005, and shall continue for an indefinite period, and may be terminated subject to the provisions of Section 12 of this Agreement.

SECTION 2.
EXECUTIVE'S DUTIES

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

SECTION 3.
OTHER EMPLOYMENT

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

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

SECTION 4.
HOURS OF WORK

The parties realize that the position of City Manager requires the Executive holding such position to work weekends, evenings, and other irregular hours at locations other than the City's administrative offices and during hours that said offices are not open. It is understood and agreed that the Executive shall work whatever hours that may be necessary in order for him to fulfill the requirements of the position of Executive, as described herein and otherwise, but in any event, no less than forty (40) hours per week.

SECTION 5.
EXECUTIVE'S SALARY

The Executive shall receive a salary at an annual rate of $_____ for the period commencing _____, and that salary shall be payable in installations as per the pay plan generally applicable to other City exempt employees. From time to time, the City shall review the Executive's performance. The Executive's annual salary may be adjusted from time to time as determined by resolution of the City Council.

SECTION 6.
DEFERRED COMPENSATION

Prior to termination of this Agreement, and while the Executive remains in the employ of the City as its City Manager, the City of Troy shall contribute $7,500 on or before January 15th of each year to the ICMA Retirement Corporation Deferred Compensation Plan on behalf of the Executive. This provision shall be effective for the calendar year of 2000 and thereafter. For purposes of this amended Agreement, the City acknowledges that the 2005 contributions to the

ICMA Plan has not been made and will be submitted upon execution of this Agreement by the parties.

SECTION 7.
AUTOMOBILE ALLOWANCE

The Executive shall receive an automobile allowance of $425 per month during the time he is actively working during the term of this Agreement as City Manager for the City. This amount shall be increased from time to time to the extent such allowance is increased for other exempt employees within the City. This allowance shall be the total compensation to the Executive for the use of his personal automobile in the course of the City's business and shall be paid in lieu of mileage or any other method of reimbursement. The Executive shall use his vehicle for all City business that he performs. The Executive shall provide proof of insurance to the City and name the City as an additional insured on his automobile insurance policy.

SECTION 8.
OTHER BUSINESS EXPENSE

The City shall reimburse the Executive for all other reasonable employment related expenses, subject to the administrative policies concerning such expenses, as currently exist in the Exempt Employee's Handbook, Revised 2/00, as may be amended and otherwise. Such expenses may include, but are not limited to, the following: air travel, tax and automobile rental, lodging, meals, memberships and subscriptions to the publications of the International City Manager's Association only, registration fees for training programs offered by such organizations, and travel and incidental costs relating to attending such programs or conferences and meetings of such organizations. It is specifically understood that such activities are to be undertaken by the Executive as may be required by the City, and shall be considered part of the

Executives duties. The Executive shall be reimbursed for other such reasonable expenses as the City shall approve by resolution passed by the City Council.

SECTION 9.
VACATION LEAVE

Vacation benefits for the Executive shall be as provided to the City's exempt employees.

SECTION 10.
SICK LEAVE

The Executive shall accumulate sick leave pursuant to the plan for exempt employees as is provided in the Exempt Employee's Handbook, revised 2/00, which may be modified from time to time during the course of this Agreement.

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

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

SECTION 12.
TERMINATION

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

1. In the event the Executive terminates this Agreement, he shall give no less than thirty (30) days prior written notice to the City Clerk and in said notice advise the City of the

date of termination. If the Executive terminates this Agreement, all rights of the Executive to compensation and benefits pursuant to this Agreement shall cease as of the effective date of such termination.

2. In the event the City terminates the Executive's employment under provisions of this Agreement for just cause, all rights of the Executive to compensation and benefits pursuant to this Agreement shall cease as of the effective date of such termination. Just cause shall include, but is not limited to, any of the following:

(a) Fraud, dishonesty, or other intentional misconduct either:

1. in the performance of Executive's duties and responsibilities pursuant to this Agreement, or

2. which has a material adverse impact on the City, its officials, administrators or the Executive.

(b) The use by Executive of alcohol, drugs, or any other intoxicant or controlled substance, in such a manner as to impair his ability to perform his duties and responsibilities pursuant to this Agreement in a competent and diligent manner or in a manner which harms the reputation of the City.

(c) The Executive's arrest and binding over for trial or a plea of guilty or nolo contendere to a crime providing for a term of imprisonment (other than traffic violations and crimes not requiring the knowing involvement of the Executive in the commission thereof).

(d) (i) A pattern of neglect or persistent failure to perform the duties herein contained with respect to duties previously communicated to the Executive in writing by the City Council but only after the Executive has

been provided notice by the City Council of its dissatisfaction with the performance of said duties and Executive has been provided a reasonable opportunity to correct his performance;

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

3. If the City terminates the Executives employment under the provisions of Section 12, paragraph 2, all rights of the Executive to compensation and benefits shall cease as of the effective date of such termination unless a final termination is thereafter made pursuant to the arbitration provisions hereof that the City did not have just cause to terminate the Executive, in which case the provisions of Section 12, Paragraph 4 below shall apply.

4. The City shall also have the right to terminate the Executive's employment without cause. In the event that the City terminates the Executive's employment without just cause, as defined above, and the Executive is willing, able, and ready to perform the duties as City Manager, the City shall pay the Executive one half of his annual salary, not including fringe benefits, as full satisfaction of the City's obligation under this Agreement. The City shall not, however, be required to pay said sum to the Executive until such time that he executes a full and complete release in a form acceptable to the City Attorney.

5. In the event that the City terminates the Executive's employment without just cause, as defined above, and the Executive is willing, able, and ready to perform the duties as City Manager, the Executive, in his sole discretion, may opt to convert one half of his annual salary to the equivalent years of service for his pension, and also receive six months of healthcare coverage, in lieu of the lump such severance benefit, as referenced in Section 12, paragraph 4.

SECTION 13.
ELIGIBILITY FOR BENEFITS AFFORDED OTHER CITY OFFICIALS

Except as otherwise provided in this Agreement, the Executive shall receive the same benefits as provided to the City's exempt employees including: compensatory time, vacation leave, sick leave, Municipal Retirement Fund Contributions, Group Medical Insurance Benefits, life and other insurance, longevity pay, holidays and disability as is described in the City of Troy Exempt Employee's Handbook, revised 2/00, and which may be modified from time to time during the course of this Agreement.

SECTION 14.
ARBITRATION

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

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

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

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

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

SECTION 15.
COMPLETE AGREEMENT

This written Agreement embodies the whole agreement between the parties and there are no inducements, promises, terms, conditions or other obligations in this Agreement. Any amendments to this Agreement shall be in writing and executed by both the City and the Executive.

SECTION 16.
GOVERNING LAW

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

SECTION 17.
SURVIVING PROVISIONS

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

SECTION 18.
REPRESENTATIONS AND WARRANTIES

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

SECTION 19.
WAIVERS

The failure of either party hereto at any time or from time to time to require performance of any of the other party's obligations under this Agreement shall in no manner affect the right to enforce any provision of this Agreement at a subsequent time, and the waiver of any rights arising out of any breach shall not be construed as a waiver of any rights arising out of any subsequent breach.

SECTION 20.
SURVIVAL

If any of the provisions, terms or clauses of this Agreement are declared illegal, unenforceable or ineffective in a legal forum or by the operation of law, those provisions, terms

and clauses shall be deeded severable and all other provisions, terms and clauses shall remain valid and binding.

SECTION 21.
WARRANTIES

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

CITY OF TROY, a Michigan municipal Corporation

_____ By: _____
Witness Louise E. Schilling, Mayor

_____ By: _____
Witness Tonni Bartholomew, City Clerk

EXECUTIVE

_____ By: _____
Witness A. John Szerlag

_____
Witness

ROUMELL, LANGE & CHOLACK, P.L.C.
ATTORNEYS AND COUNSELLORS AT LAW
314 TOWN CENTER DRIVE
TROY, MICHIGAN 48084
Website: lange-cholack.com

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GEORGE T. ROUMELL, JR.
CRAIG W. LANGE
ERIC W. CHOLACK
GREGORY T. SCHULTZ
KELLY A. WALTERS

Detroit Office
615 Griswold
7th Floor Ford Building
Detroit, MI 48226-3986

OF COUNSEL
STEVEN H. SCHWARTZ

April 13, 2005

Personal & Confidential
Attorney-Client Privileged

Honorable Louise E. Schilling
Members of City Council
City of Troy
500 W. Big Beaver Rd.
Troy, MI 48084

Re: City Attorney Employment Contract

Dear Mayor Schilling and Members of Council:

Enclosed please find the proposed Employment Agreement between the City and the City Attorney. This is the same Employment Agreement that was originally approved for Ms. Bluhm on October 15, 2001 with several minor modifications. First, the termination language found in Section 12 of the Agreement has been modified to be consistent with the language now found in the City Manager's proposed Employment Agreement. Secondly, the amount of a salary increase, if any, is left blank in Section 5 of the Agreement. It is subject to action by Council.

The document has been dated April 18, 2005. Section 1 of the document sets forth a period of employment from January 1, 2005 and continuing for an indefinite period. Any salary increase granted will be retroactive to that time unless the Council's resolution provides for a different result.

Please feel free to contact me if you have any other questions.

Very truly yours,
ROUMELL, LANGE & CHOLACK, P.L.C.

Craig W. Lange

CWL/bml
enclosure

Troy/Letters/Shilling Ltr 2

EMPLOYMENT AGREEMENT

THIS AGREEMENT, made on the 15th day of October 2001, and amended on the 18th day of April, 2005, by and between the City of Troy, Michigan, a municipal corporation, hereinafter referred to as the "City" and Lori Grigg Bluhm, hereinafter referred to as the "Attorney".

As the City desires to retain the Attorney as its City Attorney and as the Attorney desires to serve the City as its City Attorney, the City and the Attorney agree as follows:

SECTION 1.
PERIOD OF EMPLOYMENT

This Agreement shall be effective as of January 1, 2005, and shall continue for an indefinite period, and may be terminated subject to the provisions of Section 13 of this Agreement.

SECTION 2.
ATTORNEY'S DUTIES

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

SECTION 3.
OTHER EMPLOYMENT

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

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

SECTION 4.
HOURS OF WORK

The parties realize that the position of City Attorney requires the Attorney holding such position, to work weekends, evenings, and other irregular hours at locations other than the City's administrative offices and during hours that said offices are not open. It is understood and agreed that the Attorney shall work whatever hours that may be necessary in order for her to fulfill the requirements of the position of Attorney, as described herein and otherwise, but in any event, no less than forty (40) hours per week.

SECTION 5.
ATTORNEY'S SALARY

The Attorney shall receive a salary at an annual rate of $_____ for the period commencing January 1, 2005, and that salary shall be payable in installations as per the pay plan generally applicable to other City exempt employees. From time to time, the City shall review the Attorney's performance. The Attorney's annual salary may be adjusted from time to time as determined by resolution of the City Council.

SECTION 6.
DEFERRED COMPENSATION

Prior to termination of this Agreement, and while the Attorney remains in the employ of the City as its City Attorney, the City of Troy shall contribute $3,500 on or before January 15th of each year to the ICMA Retirement Corporation Deferred Compensation Plan on behalf of the Attorney. This provision shall be effective for the calendar year of 2002 and thereafter.

SECTION 7.
AUTOMOBILE ALLOWANCE

The Attorney shall receive an automobile allowance of $425 per month during the time she is actively working during the term of this Agreement as City Attorney for the City. This amount shall be increased from time to time to the extent such allowance is increased for other exempt employees within the City. This allowance shall be the total compensation to the Attorney for the use of her personal automobile in the course of the City's business and shall be paid in lieu of mileage or any other method of reimbursement. The Attorney shall use her vehicle for all City business that she performs. The Attorney shall provide proof of insurance to the City and name the City as an additional insured on her automobile insurance policy.

SECTION 8.
OTHER BUSINESS EXPENSE

The City shall reimburse the Attorney for all other reasonable employment related expenses, subject to the administrative policies concerning such expenses, as currently exist in the Exempt Employee's Handbook, Revised 2/00, as may be amended and otherwise. Such expenses may include, but are not limited to, the following: air travel, tax and automobile rental, lodging, meals, memberships and subscriptions to the publications of the International Municipal Lawyers Association, the Michigan Association of Municipal Attorneys, the State Bar of Michigan and Public Corporations Law Section, the Oakland County Bar Association, registration fees for training programs offered by such organizations, and travel and incidental costs relating to attending such programs or conferences and meetings of such organizations. It is specifically understood that such activities are to be undertaken by the Attorney as may be required by the City, and shall be considered part of the Attorney's duties. The Attorney shall be

reimbursed for other such reasonable expenses as the City shall approve by resolution passed by the City Council.

SECTION 9.
VACATION LEAVE

Vacation benefits for the Attorney shall be as provided to the City's exempt employees.

SECTION 10.
SICK LEAVE

The Attorney shall accumulate sick leave pursuant to the plan for exempt employees as is provided in the Exempt Employee's Handbook, revised 2/00, which may be modified from time to time during the course of this Agreement.

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

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

SECTION 12.
TERMINATION

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

1. In the event the Attorney terminates this Agreement, she shall give no less than thirty (30) days prior written notice to the City Clerk and in said notice advise the City of the

date of termination. If the Attorney terminates this Agreement, all rights of the Attorney to compensation and benefits pursuant to this Agreement shall cease as of the effective date of such termination.

2. In the event the City terminates the Attorney's employment under provisions of this Agreement for just cause, all rights of the Attorney to compensation and benefits pursuant to this Agreement shall cease as of the effective date of such termination. Just cause shall include, but is not limited to, any of the following:

(a) Fraud, dishonesty, or other intentional misconduct either:

1. in the performance of Attorney's duties and responsibilities pursuant to this Agreement, or

2. which has a material adverse impact on the City, its officials, administrators or the Attorney.

(b) The use by Attorney of alcohol, drugs, or any other intoxicant or controlled substance, in such a manner as to impair her ability to perform her duties and responsibilities pursuant to this Agreement in a competent and diligent manner or in a manner which harms the reputation of the City.

(c) The Attorney's arrest and binding over for trial or a plea of guilty or nolo contendere to a crime providing for a term of imprisonment (other than traffic violations and crimes not requiring the knowing involvement of the Attorney in the commission thereof).

(d) (i) A pattern of neglect or persistent failure to perform the duties herein contained with respect to duties previously communicated to the Attorney in writing by the City Council but only after the Attorney has

been provided notice by the City Council of its dissatisfaction with the performance of said duties and Attorney has been provided a reasonable opportunity to correct her performance;

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

3. If the City terminates the Attorney's employment under the provisions of Section 12, paragraph 2, all rights of the Attorney to compensation and benefits shall cease as of the effective date of such termination unless a final termination is thereafter made pursuant to the arbitration provisions hereof that the City did not have just cause to terminate the Attorney, in which case the provisions of Section 12, Paragraph 4 below shall apply.

4. The City shall also have the right to terminate the Attorney's employment without cause. In the event that the City terminates the Attorney's employment without just cause, as defined above, and the Attorney is willing, able, and ready to perform the duties as City Attorney, the City shall pay the Attorney one half of her annual salary, not including fringe benefits, as full satisfaction of the City's obligation under this Agreement. The City shall not, however, be required to pay said sum to the Attorney until such time that she executes a full and complete release in a form acceptable to the City.

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Except as otherwise provided in this Agreement, the Attorney shall receive the same benefits as provided to the City's exempt employees including: compensatory time, vacation leave, sick leave, Municipal Retirement Fund Contributions, Group Medical Insurance Benefits, life and other insurance, holidays and disability as is described in the City of Troy Exempt

Employee's Handbook, revised 2/00, and which may be modified from time to time during the course of this Agreement.

SECTION 14.
ARBITRATION

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

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

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

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

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

SECTION 15.
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This written Agreement embodies the whole agreement between the parties and there are no inducements, promises, terms, conditions or other obligations in this Agreement. Any amendments to this Agreement shall be in writing and executed by both the City and the Attorney.

SECTION 16.
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This Agreement shall be construed and enforced in accordance with the laws of the State of Michigan.

SECTION 17.
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Attorney represents and warrants to the City that she is free to enter into this Agreement and that she has no prior or other obligations or commitments of any kind to anyone that would in any way hinder or interfere with her acceptance of, or the full, uninhibited and faithful performance of, her employment under or the exercise of her best efforts as an employee of the City.

SECTION 19.
WAIVERS

The failure of either party hereto at any time or from time to time to require performance of any of the other party's obligations under this Agreement shall in no manner affect the right to enforce any provision of this Agreement at a subsequent time, and the waiver of any rights arising out of any breach shall not be construed as a waiver of any rights arising out of any subsequent breach.

SECTION 20.
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If any of the provisions, terms or clauses of this Agreement are declared illegal, unenforceable or ineffective in a legal forum or by the operation of law, those provisions, terms and clauses shall be deeded severable and all other provisions, terms and clauses shall remain valid and binding.

SECTION 21.
WARRANTIES

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

CITY OF TROY, a Michigan municipal Corporation

_____ By: _____
Witness Louise E. Schilling, Mayor

_____ By: _____
Witness Tonni Bartholomew, City Clerk

ATTORNEY

_____ By: _____
Witness Lori Grigg Bluhm

_____
Witness

Troy – Employment Agreement (Bluhm)

DATE: April 11, 2005

TO: John Szerlag, City Manager

FROM: Brian Murphy, Assistant City Manager/Services
Douglas J. Smith, Real Estate and Development Director
Steve Vandette, City Engineer
Mark F. Miller, Planning Director

SUBJECT: AGENDA ITEM – PRELIMINARY SITE CONDOMINIUM REVIEW – Oak Forest South Site Condominium, east side of Willow Grove, south of Square Lake Road, Section 11 – R-1C.

RECOMMENDATION

At the March 8, 2005 Regular Meeting, the Planning Commission recommended approval of the Oak Forest South Site Condominium, with the following conditions:

1. Submission of the landscaping information required by the Landscape Analyst in the Planning Department report dated March 3, 2005 (prior to Final Approval).

2. The applicant must receive appropriate permits from the MDEQ prior to dredging, filling, or completing any other improvements within a State-regulated wetland.

3. The applicant must receive appropriate permits from the Oakland County Drain Commissioner and the City of Troy prior to completing any improvements to the Fetterly Drain.

The petitioner can submit landscape information prior to Final Approval. MDEQ permits and permits related to the Fetterly Drain are required prior to Final Approval. City Management concurs with the Planning Commission recommendation and recommends approval of the Oak Forest South Site Condominium.

GENERAL INFORMATION

Name of Owner / Applicant:
The owner and applicant is Dale Garrett of Ladd's Inc.

Location of subject property:
The property is located on the east side of Willow Grove, south of Square Lake Road, in Section 11.

Size of subject parcel:
The parcel is approximately 10.03 acres in area.

Description of proposed development:
The applicant is proposing a 23-unit site condominium. The applicant proposes a layout with a future road stubbing at the northern property line. This layout is consistent with the City 's policy of inter-connection whenever feasible.

The City received a Petition for Temporary Street Barricade signed by 211 residents of the Golf Trail Subdivision (see attached). The petition requests the City place a temporary diagonal (NW to SE) street barricade at Trevino and Willow Grove. The petition requests that the barricade be removed when Oak Forest and Oak Forest South developments are inter-connected by planned stub roads and Willow Grove is black topped. See attached memorandum for City Management's response to the petition.

Current use of subject property:
The property is presently vacant.

Current use of adjacent parcels:
North: Single family residential.

South: Jaycee Park (City of Troy).

East: Single family residential.

West: Single family residential.

Current zoning classification:
The property is currently zoned R-1C One Family Residential.

Zoning classification of adjacent parcels:
North: R-1C One Family Residential.

South: E-P Environmental Protection.

East: R-1C One Family Residential.

West: R-1C One Family Residential.

Future Land Use Designation:

The property is designated on the Future Land Use Plan as Low Density Residential and Open Space.

ANALYSIS

Compliance with area and bulk requirements of the R-1C One Family Residential District:

Lot Area: Minimum lot area in the R-1C district is 10,500 square feet. However, the applicant is utilizing the Lot Averaging Option, which permits a 10 percent reduction in lot area to 9,450 square feet with lot sizes averaging 10,500 square feet.

Lot Width: The minimum required lot width is 85 feet. The applicant has utilized the lot averaging option, which permits a 10 percent reduction in lot widths, to 76.5 feet.

Height: 2 stories or 25 feet.

Setbacks: Front: 30 feet.
Side (least one): 10 feet.
Side (total two): 20 feet.
Rear: 40 feet.

Minimum Floor Area: 1,200 square feet.

Maximum Lot Coverage: 30%.

The applicant meets the area and bulk requirements of the R-1C One Family Residential District.

Off-street parking and loading requirements:
The applicant will be required to provide 2 off-street parking spaces per unit.

Environmental provisions, including Tree Preservation Plan:
A Tree Preservation Plan was submitted as part of the application.

Stormwater detention:
The applicant is proposing two storm water detention basins. One will serve the 9 units on the east side of the drain, one will serve the 14 units on the west side of the drain.

Natural features and floodplains:
The Natural Features Map indicates there are wetlands, woodlands and a drain on the property. The applicant has provided a Preliminary Environmental Impact Statement. The applicant has provided a Wetland Determination Report prepared by Holloway Environmental Planning, Inc., dated December 8, 2004. The applicant has provided a Wetlands Assessment Report prepared by the MDEQ on December 28, 2001. The report indicates that there are a number of wetlands regulated under Part 303 of PA 451 of 1994, however the findings are not binding after October 17, 2004. Any construction activity such as dredging, filling, or draining within a regulated wetland will require a permit from the MDEQ prior to the activity commencing.

Subdivision Control Ordinance, Article IV Design Standards

Blocks: The applicant proposes an approximately 1,100-foot road that ends in a cul-de-sac. A stub road is proposed to the north east of unit 18.

Lots: All units meet the minimum area and bulk requirements of the Zoning Ordinance.

Streets: The paved portion of the street will be 28 feet wide, located within a 60-foot wide public right-of-way.

Sidewalks: The applicant is proposing an 8-foot wide sidewalk along John R and Square Lake Roads. The applicant also proposes a 5-foot wide sidewalk on both sides of the proposed interior roads.

Utilities: The applicant is proposing to extend the sanitary sewer line under the drain to units 9 through 17.

Attachments:
1. Maps.
2. Preliminary Environmental Impact Statement.
3. Petition for Temporary Street Barricade.
4. Memorandum - Oak Forest South Traffic Concerns and Request to Close Trevino at Willow Grove Using Temporary Barricades.
5. Public comment.

cc: Applicant
File/Oak Forest South Site Condominium

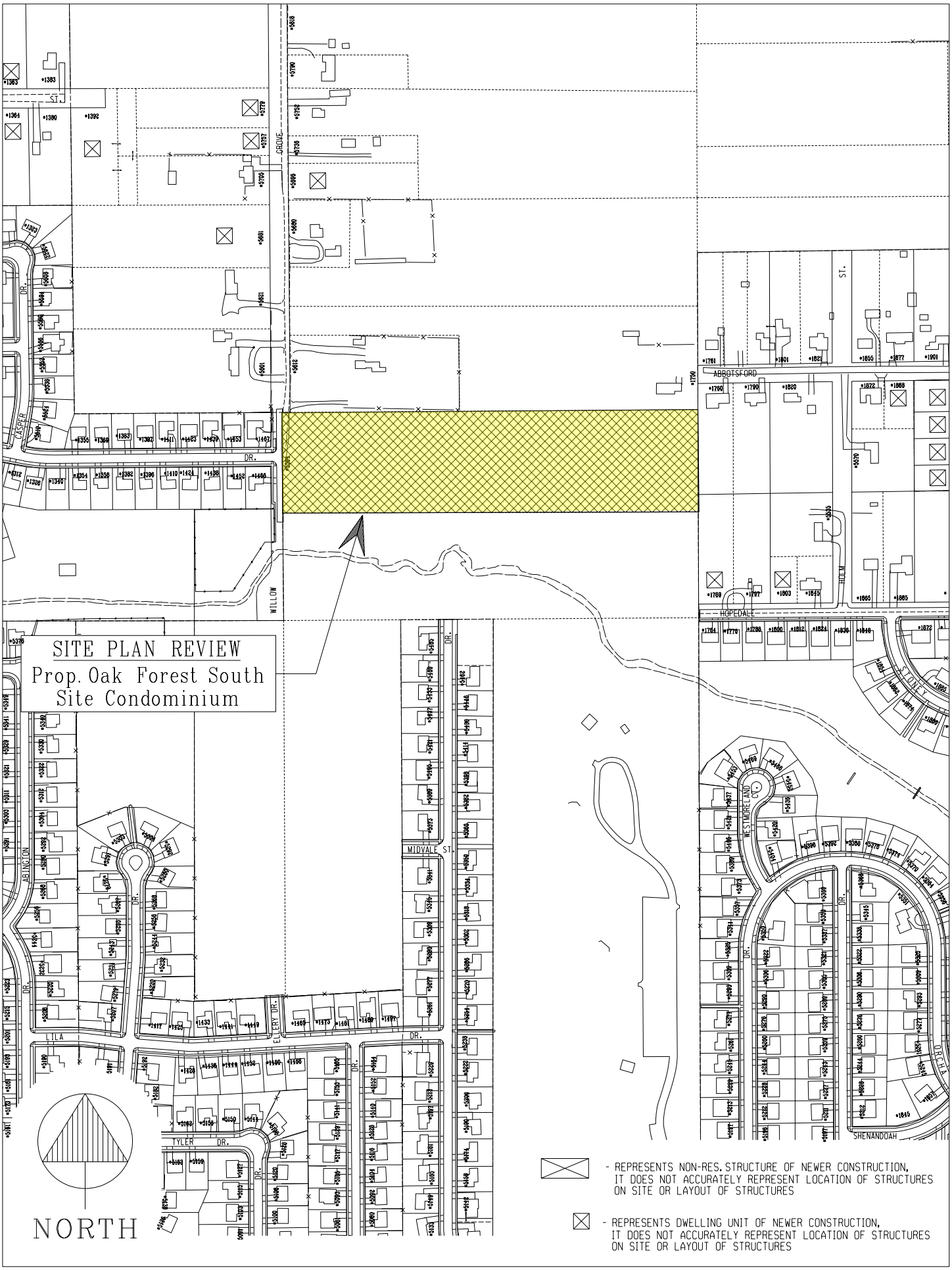
Prepared by RBS/MFM

G:\SUBDIVISIONS & SITE CONDOS\Oak Forest South Site Condominium Sec 11\Prelim CC Approval Oak Forest South Site Condo 04 18 05.doc

CITY OF TROY

PREPARED BY CITY OF TROY PLANNING DEPT.

SITE PLAN REVIEW
PROPOSED OAK FOREST SOUTH
SITE CONDOMINIUM
E SIDE OF WILLOW GROVE, S OF SQUARE LAKE
SEC. 11 (24 UNITS/LOTS)
LARAYNE
WILLOW GROVE
CASPER
TREVINO
ABBOTSFORD
HOLM
VIKING
HOLM
HOPEDALE
STONEYCOVE
ALLISON
SITE PLAN REVIEW
OAK FOREST SOUTH
SITE CONDOMINIUM
N
Feet
0 50 100 200 300 400



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

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

SITE PLAN REVIEW
PROPOSED OAK FOREST SOUTH
SITE CONDOMINIUM
SQUARE LAKE ROAD
SQUARE LAKE RD.
LONG LAKE ROAD
JOHN R. ROAD
R-1C
R-1D
C-F
NORTH

BM #4: NAIL IN SOUTHWEST FACE OF 12" COTTONWOOD, LOCATED ON WEST SIDE OF DRAIN ON NORTH PROPERTY LINE OF THE SITE.

ELEVATION: 660.82 N.G.V.D.

BM #5: ARROW ON HYDRANT AT WEST SIDE OF WILLOW GROVE ROAD APPROXIMATELY 150' NORTH OF TREVINO ROAD

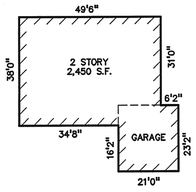
ELEVATION: 671.43

DETENTION BASINS

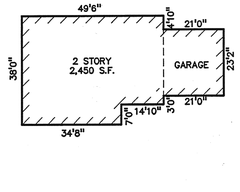
DETENTION BASIN NUMBER	DRAINAGE SHED AREA (ACRES)	VOLUME REQUIRED* (CUBIC FEET)	VOLUME PROVIDED (CUBIC FEET)	DESIGN VOLUME FOR PERMANENT WATER LEVEL FOR WATER QUALITY** (CUBIC FEET)	VOLUME PROVIDED FOR PERMANENT WATER LEVEL FOR WATER QUALITY** (CUBIC FEET)
POND 3	4.9	10,242	11,159	2,845	3,595
POND 4	4.5	9,406	10,060	2,614	2,796

* – MINIMUM VOLUME FOR DETENTION BASINS PER CITY OF TROY REQUIREMENTS USING, "A SIMPLE METHOD FOR RETENTION BASIN DESIGN"

** – MINIMUM PERMANENT WATER VOLUME FOR WATER QUALITY PER MDEQ STORMWATER GUIDELINES, FIRST FLUSH, ½" OF RUNOFF



TYPICAL BUILDING
NOT TO SCALE



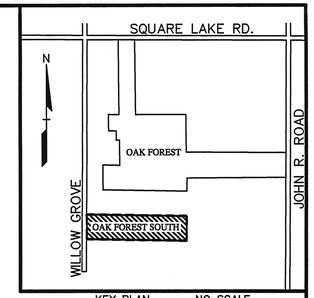
ALTERNATE GARAGE
NOT TO SCALE

N

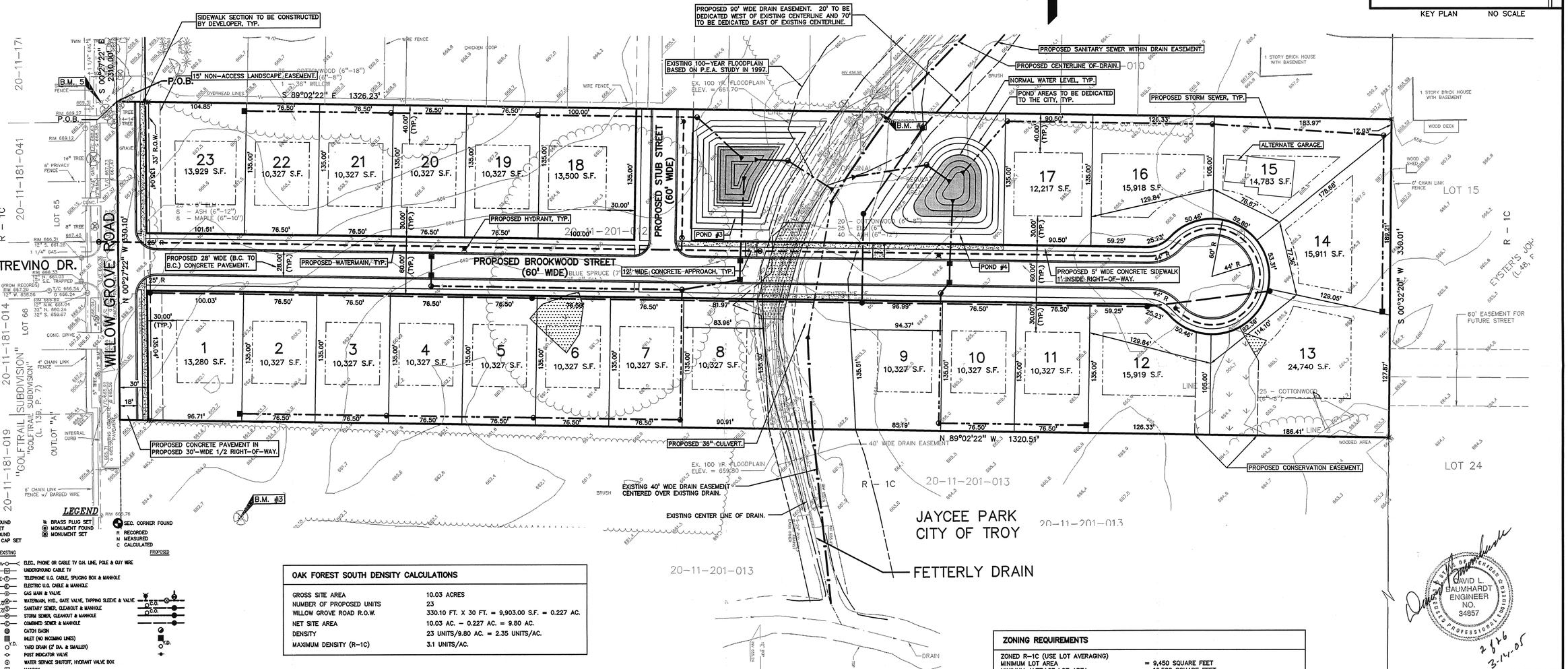
GRAPHIC SCALE

−50 0 25 50 100 200

(IN FEET)
1 inch = 50 ft.



KEY PLAN NO SCALE



LEGEND

- IRON FOUND
- IRON SET
- NAIL FOUND
- NAIL & CAP SET
- BRASS PLUG SET
- MONUMENT FOUND
- MONUMENT SET
- SEC. CORNER FOUND
- R RECORDED
- M MEASURED
- C CALCULATED

EXISTING / PROPOSED

- ELEC., PHONE OR CABLE TV O.H. LINE, POLE & GUY WIRE
- UNDERGROUND CABLE TV
- TELEPHONE U.G. CABLE, SPLICING BOX & MANHOLE
- ELECTRIC U.G. CABLE & MANHOLE
- GAS MAIN & VALVE
- WATERMAIN, HYD., GATE VALVE, TAPPING SLEEVE & VALVE
- SANITARY SEWER, CLEANOUT & MANHOLE
- STORM SEWER, CLEANOUT & MANHOLE
- COMBINED SEWER & MANHOLE
- CATCH BASIN
- INLET (NO INCOMING LINES)
- YARD DRAIN (2' DIA. & SMALLER)
- POST INDICATOR VALVE
- WATER SERVICE SHUTOFF, HYDRANT VALVE BOX
- MAILBOX
- UNIDENTIFIED STRUCTURE
- POINT ELEVATION (AT CROSSING)
- AS BUILT ELEVATION
- CONTOUR LINE
- FENCE
- GUARD RAIL
- STREET LIGHT
- SIGN
- SAND BACKFILL
- CONCRETE
- ASPH. ASPHALT
- WETLAND
- TREE LINE

STANDARD DUTY / HEAVY DUTY / DEEP STRENGTH

FILL / MITIGATION

OAK FOREST SOUTH DENSITY CALCULATIONS

GROSS SITE AREA	10.03 ACRES
NUMBER OF PROPOSED UNITS	23
WILLOW GROVE ROAD R.O.W.	330.10 FT. X 30 FT. = 9,903.00 S.F. = 0.227 AC.
NET SITE AREA	10.03 AC. – 0.227 AC. = 9.80 AC.
DENSITY	23 UNITS/9.80 AC. = 2.35 UNITS/AC.
MAXIMUM DENSITY (R-1C)	3.1 UNITS/AC.

LOT AREAS FOR OAK FOREST SOUTH

LOT NUMBER	LOT AREA (SQUARE FEET)	LOT NUMBER	LOT AREA (SQUARE FEET)
1	13,279.97	13	24,739.94
2	10,327.46	14	15,911.10
3	10,327.46	15	14,782.53
4	10,327.46	16	15,918.72
5	10,327.46	17	12,217.46
6	10,327.46	18	13,499.96
7	10,327.46	19	10,327.47
8	10,327.47	20	10,327.47
9	12,469.87	21	10,327.47
10	10,327.47	22	10,327.47
11	10,327.42	23	13,929.14
12	15,918.71		
TOTAL	286,924.40		
AVERAGE	12,474.97		

ZONING REQUIREMENTS

ZONED R-1C (USE LOT AVERAGING)	
MINIMUM LOT AREA	= 9,450 SQUARE FEET
MINIMUM AVERAGE LOT AREA	= 10,500 SQUARE FEET
MINIMUM LOT WIDTH AT BUILDING SETBACK	= 76.5 FEET (85 FT. + 15 FT. FOR CORNER LOTS)
MINIMUM FRONT SETBACK	= 30 FEET
MINIMUM SIDE SETBACK	= 10 FEET WITH COMBINED MINIMUM OF 20 FEET
MINIMUM REAR SETBACK	= 40 FEET
MINIMUM LOT AREA PROVIDED	= 10,327 SQUARE FEET
AVERAGE LOT AREA PROVIDED	= 12,475 SQUARE FEET

REFERENCE DRAWINGS

WATER MAIN	P.E.A. JOB No. 96012 PLANS CITY OF TROY WATER MAIN EXTENSION PLAN, SHT. 1 of 1, JOB No. 64-35, DATED 7/10/64 CITY OF DETROIT WATER SECTION MAP 19-3 MCS ENGINEERS SANITARY SEWER & WATER MAIN PLAN, SHT. 6 of 28, DWG. #S-72-313, DATED AUGUST 1972
SANITARY SEWER	ZEMET-WOZNIAK SANITARY SEWER & WATER MAIN PLANS FOR HOPEDALE RD. AS-BUILT 10-8-76, SHT. 8 MCS ENGINEERS SANITARY SEWER & WATER MAIN PLAN, SHT. 6 of 28, DWG. #S-72-313, DATED AUGUST 1972 ZEMET-WOZNIAK SANITARY SEWER & WATER MAIN PLANS FOR HOPEDALE RD. AS-BUILT 10-8-76, SHT. 8
STORM SEWER	NO INFORMATION AT TIME OF SURVEY
COMBINED SEWER	NO INFORMATION AT TIME OF SURVEY
ELECTRIC	DETROIT EDISON OUTSIDE SALES MAP'S 1-325-404, 1-325-402, 1-328-404, 1-328-402
TELEPHONE	AMERITECH LOCATION MAP CONSUMERS POWER CO. DISTRIBUTION MAPS 2N-11E-16G & 2N-11E-16B
PETROLEUM	BUCKEYE PIPELINE STATES THEY HAVE NO FACILITIES IN VICINITY TCI CABLEVISION STATES THEY HAVE NO COVERAGE IN VICINITY
FLOOD PLAIN	ZONE "C" ACCORDING TO FLOOD INSURANCE RATE MAP COMMUNITY PANEL No. 260180 0002 D,

OAK FOREST SOUTH CONDOMINIUM

PART OF THE NORTHEAST 1/4 OF SECTION 11, T.2N., R.11E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN, COMMENCING AT THE NORTH 1/4 CORNER OF SECTION 11; THENCE ALONG THE NORTH AND SOUTH 1/4 LINE S 00°27' 22" E, 2310.00 FEET TO THE POINT OF BEGINNING; THENCE S 89°02' 22" E, 1326.23 FEET TO A POINT ON THE WEST LINE OF "EYSTER'S JOHN R. FARMS" (L.48, P.121); THENCE ALONG SAID LINE S 00°32' 20" W, 330.01 FEET; THENCE N 89°02' 22" W, 1320.51 FEET TO A POINT ON THE NORTH AND SOUTH 1/4 LINE; THENCE ALONG SAID LINE N 00°27' 22" W, 330.10 FEET TO THE POINT OF BEGINNING, CONTAINING 10.03 ACRES.

3 WORKING DAYS BEFORE YOU DIG CALL MISS DIG 1-800-482-7171 (TOLL FREE)

CAUTION !!!

THE LOCATIONS AND ELEVATIONS OF EXISTING UNDERGROUND UTILITIES AS SHOWN ON THIS DRAWING ARE ONLY APPROXIMATE. NO GUARANTEE IS EITHER EXPRESSED OR IMPLIED AS TO THE COMPLETENESS OR ACCURACY THEREOF. THE CONTRACTOR SHALL BE EXCLUSIVELY RESPONSIBLE FOR DETERMINING THE EXACT UTILITY LOCATIONS AND ELEVATIONS PRIOR TO THE START OF CONSTRUCTION.

CONSTRUCTION CONTRACTOR AGREES THAT IN ACCORDANCE WITH GENERALLY ACCEPTED CONSTRUCTION PRACTICES, CONSTRUCTION CONTRACTOR WILL BE REQUIRED TO ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR JOB SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THE PROJECT, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY; THAT THIS REQUIREMENT SHALL BE MADE TO APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS, AND CONSTRUCTION CONTRACTOR FURTHER AGREES TO DEFEND, INDEMNIFY AND HOLD DESIGN PROFESSIONAL HARMLESS FROM ANY AND ALL LIABILITY, REAL OR ALLEGED, IN CONNECTION WITH THE PERFORMANCE OF WORK ON THIS PROJECT EXCEPTING LIABILITY ARISING FROM THE SOLE NEGLIGENCE OF THE DESIGN PROFESSIONAL.

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X-REF: WETLAND BASE-F ROTATED 10-22-04.DWG
N:\2000PROJ\2000038\DWG\SITE PLAN\20-01 SITE PLAN.DWG

No.	By	Ck.	Revisions (Description)	Date
3	JRL	DLB	REVISE PER MEETING WITH CLIENT ON 2-10-05	2-10-05
2	JRL	DLB	REVISE PER CLIENT REGARDING PLANNING COMMISSION COMMENTS	2-2-05
1	JRL	DLB	REVISE PER MEETING WITH CLIENT REGARDING CITY COMMENTS	1-5-05

LADD'S, INC.
5877 LIVERNOIS ROAD, SUITE 103
TROY, MICHIGAN

SITE CONDOMINIUM PLAN
OAK FOREST SOUTH

PART OF THE NORTHEAST 1/4 OF SECTION 11
CITY OF TROY, OAKLAND COUNTY, MICHIGAN

DES.	DLB	SUR.	MAD	SCALE	1" = 50'	JOB NO.	2000038
DN.	JRL	P.M.	DLB	DATE	11-17-04	DWG. NO.	SP-1

PROFESSIONAL ENGINEERING ASSOCIATES
2430 Rochester Ct. Suite 100
Troy, MI 48083-1872
(248) 689-9090

DAVID L. BAUMHARDT ENGINEER NO. 34857
REGISTERED PROFESSIONAL ENGINEER
STATE OF MICHIGAN

2 of 6
3-14-05

MAR 15 2005

Oak Forest South Condominium

MAR 15 2005

Part of Section 11, City of Troy
Oakland County, Michigan

07.11.0 PRELIMINARY ENVIRONMENTAL IMPACT STATEMENT

Oak Forest South Subdivision is a proposed single-family residential development in Section 11 that will encompass 10.03 acres and contain 24 lots. The Fetterly Drain, an open ditch, under the jurisdiction of the Oakland County Drain Commissioner, bisects the site in a north/south direction. This site is an area zoned R-1C. The development of the site is scheduled for 2005. The planned development of the proposed subdivision is under the "lot averaging" concept that allows 76.5 feet wide minimum lots with a minimum area of 10,327 square feet and a minimum "average" lot area of 12,175 square feet.

07.20.0 PHYSICAL CONDITIONS

07.20.01	A.	Legal description and survey	- See Site Plan
07.20.02	B.	Location Map	- See Site Plan or Figure 1
07.20.03	C.	General Development Plan	- See Figure 1
07.20.04	D.	Site Conditions	- See Site Plan
07.20.05	E.	There is no limitation applicable to the development of the property as single family residential due to the proximity of airports.	

07.30.0 PROJECT DESCRIPTION

07.30.01	A.	The intended use is for single-family residential lots.
07.30.02	B.	There are 24 lots proposed to be developed in this subdivision.
07.30.03	C.	The total number of residents expected is 24 x 3.75 = 90 persons.
07.30.04	D.	The anticipated vehicular generation is as noted in section 7.41.10A.

07.40.0 PROJECT IMPACT ANALYSIS

07.41.0 IMPACT ANALYSIS: SYSTEMS

07.41.01 A. THOROUGHFARES

Based upon similar studies in the City of Troy, peak hour vehicular movements onto Willow Grove Road through the adjacent proposed development would be as follows:

A.M. PEAK HOUR		P.M. PEAK HOUR	
IN	OUT	IN	OUT
5	14	16	9

07.41.02 B. WATER SERVICE FACILITIES

The site will be served by an existing 12" water main on the west side of Willow Grove Road.

The expected water usage by the subdivision for a maximum daily demand is 250 gallons per capita per day. Total demand:
24 lots x 3.75 persons/lot x 250 = 22,500 gallons per day.

07.41.03 C. WASTE WATER SYSTEMS

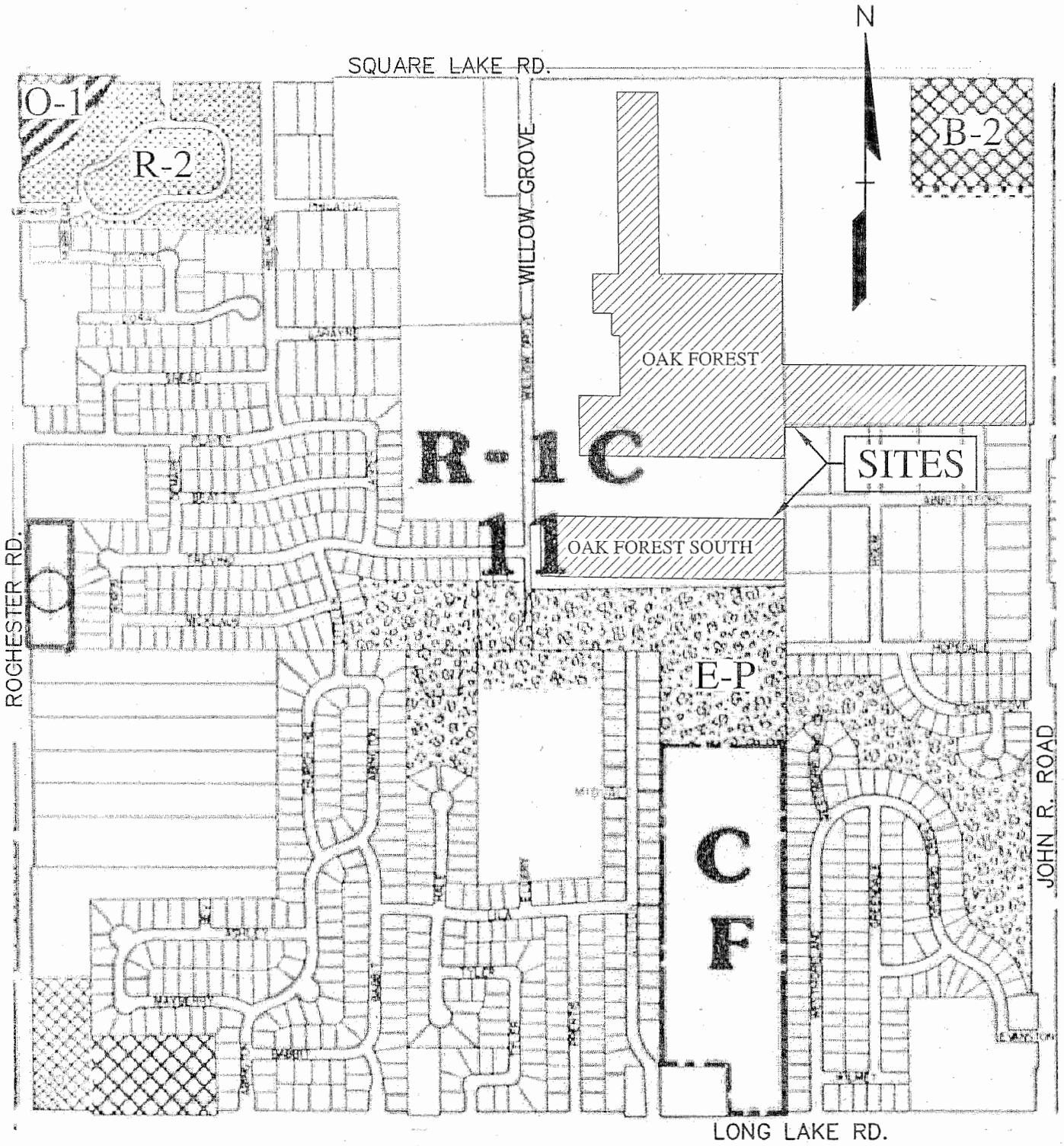
A sanitary sewer that currently ends at the west end of Hopedale Street, approximately 400 feet south of the southeast property corner will serve the development. A northerly extension of this sewer is proposed through the City property to the southeast portion of Oak Forest South Subdivision. The sewer will then extend north across the proposed drive and then west through the entire site.

Average flow: 100 gpcpd x 24 x 3.75 = 9,000 gpd = 0.014 cfs.

Peak flow: 500 gpcpd x 24 x 3.75 = 45,000 gpd = 0.070 cfs.

07.41.04 D. STORM DRAINAGE AND DETENTION

Internal storm sewer systems on either side of the Fetterly Drain will drain the property to detention areas adjacent to the drain that will be sized to accommodate the runoff from this development. Discharge will be by gravity to the proposed Fetterly Drain enclosure that will be constructed prior to this development. The discharge will be limited to the agricultural rate of runoff.



SCALE: 1" = 800'	JOB No: 2000250
DATE: 10-28-04	DWG. No: 1 of 1

LAND USE AND GENERAL DEVELOPMENT PLAN
FIGURE 1

PROFESSIONAL ENGINEERING ASSOCIATES
2430 Rochester Ct. Suite 100
Troy, MI 48083-1872
(248) 689-9090

N:\2000PROJ\200250\DWG\LANDUSE-800SCALE.DWG

(2) 1 of 7

PETITION FOR TEMPORARY STREET BARRICADE

We the undersigned homeowners of Golf Trail Subdivision request the Troy City Council approve a **temporary diagonal (NW to SE) street barricade** at Trevino and Willow Grove to protect the health, safety and welfare of Golf Trail residents from the potential 240 vehicle trips per day generated by the 24 planned units of Oak Forest South site condominiums. The barricade would be removed at such time as Oak Forest (north) and Oak Forest South developments are inter-connected by planned stub roads and Willow Grove has been black-topped.

	Signature	Print Name	Street Address	Date Signed
1	Carol Ann Saionz	CAROL ANN SAIONZ	1423 TREVINO	3-16-05
2	James J. Saionz	JAMES J. SAIONZ	1423 TREVINO	3-16-05
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(40) 2 of 7

PETITION FOR TEMPORARY STREET BARRICADE

We the undersigned homeowners of Golf Trail Subdivision request the Troy City Council approve a **temporary diagonal (NW to SE) street barricade** at Trevino and Willow Grove to protect the health, safety and welfare of Golf Trail residents from the potential 240 vehicle trips per day generated by the 24 planned units of Oak Forest South site condominiums. The barricade would be removed at such time as Oak Forest (north) and Oak Forest South developments are inter-connected by planned stub roads and Willow Grove has been black-topped.

	Signature	Print Name	Street Address	Date Signed
1		Jeffrey Bologna	1410 Trevino	2-24-05
2		James A. Bologna	1410 TREVINO	2-24-05
3	Cecilia Rosier	CECILIA ROSIER	5547 DEMARET	2-24-05
4	Allen Rosen	ALLEN ROSEN	5561 DEMARET	2-24-05
5	Sandra Rosen	SANDRA ROSEN	5561 DEMARET	2-24-05
6	Nim Skinner	NIM SKINNER	1100 TREVINO DR	2-24-05
7	Jane Skinner	Jane Skinner	1100 Trevino Dr	2-24-05
8	Camille Geck	Camille Geck	1183 Player	2-24-05
9	Andrew J. Yetteraty	Andrew J. Yetteraty	1239 PLAYER	2-24-05
10	Karen J. Gard	Karen J. Gard	1113 Player	2-24-05
11	Theresa Slater	THERESA SLATER	1396 TREVINO	2-24-05
12	Jack Kojamanian	JACK KOJAMANIAN	1070 SNEAD	2-24-05
13	Lillian Z. Kojamanian	LILLIAN Z. KOJAMANIAN	1070 SNEAD	2-24-05
14		Victor Pelaurado	1155 Player	2-24-05
15	Thomas P Gumbleton	Thomas P Gumbleton	1291 Trevino DR	2-24-05
16	Greg Faulizert	GREG FAULIZERT	1099 PLAYER DR	2/24/05
17	Deborah Tesch	DEBORAH TESCH	1098 SNEAD DR	2/24/05
18	Mineko Bray	MINEKO BRAY	1202 PLAYER	2/24/05
19	Allan J. Landosky	Allan J. Landosky	1452 Trevino	2/24/05
20	Andrew Slater	ANDREW SLATER	1396 TREVINO	2/24/05
21	Ahmed Khan	AHMED J. KHAN	5575 Demaret	2/24/05
22	Pleabroke Tinkwally	PLEABROKE TINKWALLY	1208 PLAYER	2/24/05
23	Annie D'Amore-Brown	ANNIE D'AMORE-BROWN	1165 Nicklaus	2/24/05
24	Sal Grabarski	Sal Grabarski	5403 Boros	2/24/05
25	Patrice Hughes	Patrice Hughes	1238 Player	2/24/05
26	Lawrence Kasica	LAWRENCE KASICA	1169 NICKLAUS	2/24/05
27		Daniel Gousky	1223 Trevino	2/24/05
28	Diane Landosky	Diane Landosky	1452 Trevino	2-24-05
29	Philip Todor	PHILIP TODOR	1453 TREVINO	2-24-05
30		DREG G. COUSINS	1206 BEATTIE	2-24-05
31	Kenneth Thompkins	Kenneth Thompkins	1199 Trevino	2-24-05
32	Therese Racklyeft	Therese Racklyeft	5448 Littler	2-24-05
33	Ida Edmunds	Ida Edmunds	1304 Player	2-24-05
34	Don Edmunds	Don Edmunds	1304 Player	2-24-05
35	Susan Faubert	SUSAN FAUBERT	1099 Player	2-27-05
36	Satyam	SATYAM VEMPATI	1126 SNEAD	2-27-05
37	Lakshmi Vempati	Lakshmi Vempati	1126 Snead	2-27-05
38	Jack Maloszewski	JACK MALOSZEWSKI	1140 Snead	2-2-05
39	David Lafferty	David Lafferty	1148 Snead	2-26-05
40	Yin Zhang	YIN ZHANG	1191 Player	2-27-05

(4)

PETITION FOR TEMPORARY STREET BARRICADE

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	Signature	Print Name	Street Address	Date Signed
41		Geoffrey Rossi	5566 Casper	2.24.2005
42		BILLIE CALABRO	1204 Trevino	2-24-2005
43		Roger O. Powell	1382 TREVINO	2-24-2005
44		Joanne C. Powell	1382 TREVINO	2-24-2005
45		Kurt David	1113 Trevino	2-24-2005
46		ANNA KOEHLER	1216 TREVINO	2-24-2005
47		Kathleen Breal	5594 Casper	2-24-2005
48		Tim J. Chutis	1091 Snead Dr.	2/24/2005
49		MARIANNE HUESING	1195 SNEAD	2/24/05
50		STANLEY CHAN	5444 Boros Dr.	2/24/05
51		Thomas R. Lamy	5472 Boros	2/24/05
52		MARGARET KASICA	1169 Nicklaus	2/24/05
53		JOE MANENTI	1248 Player	2-24-05
54		Tanya Safsten	1466 Trevino	2-24-05
55		ELENA HAZERGIAN	1186 Beattie	2-27-05
56		SAJID SYED	1186 TREVINO	2-24-05
57		Fenn Jennings	1439 Trevino	2-24-2005
58		Chunhao Lee	1141 Player	2-27-2005
59		Hsinhui Tsai	1141 player	2-27-05
60		MARCEL J GARD	1131 Player	2-28-05
61		ROBERT BRENNER	1056 SNEAD	2-28-05
62		ALANE BRENNER	1056 Snead	2-28-05
63		Mary Gunn	1061 Snead	2-28-05
64		John Blair Clark Jr	1067 Snead	2-28-05
65		Kimberley Clark	1067 Snead	2-28-05
66		James La Bay	1087 Snead	2-28-05
67		Meghan LaBay	1084 Snead	2/28/05
68		Tammie Chutis	1091 Snead	2/28/05
69		DENNIS DE PALMA	1085 SNEAD	2/28/05
70		Eric Thomas	1079 SNEAD	2/28/05
71		INNA THOMAS	1079 SNEAD	2/28/05
72		Albert Ross	1073 SNEAD	2/28/05
73		GLYNDA ROSS	1073 SNEAD	2/28/05
74		ROSA M. ROBERTS	1073 SNEAD	2/28/05
75		Katherine Ochs	1169 Player	2/28/05
76		ROBERT KACHMAN	1281 PLAYER	3-4-05
77		SANDRA LATORRE	1222 PLAYER	3-4-05
78		PAUL LATORRE	1222 PLAYER	3-4-05
79		Eileen Shovlin	1160 Player	3-4-05
80		MOHAMMAD ALI SHARIATI	1127 PLAYER	3-5-05

(33)

4 of 7

PETITION FOR TEMPORARY STREET BARRICADE

We the undersigned homeowners of Golf Trail Subdivision request the Troy City Council approve a **temporary diagonal (NW to SE) street barricade** at Trevino and Willow Grove to protect the health, safety and welfare of Golf Trail residents from the potential 240 vehicle trips per day generated by the 24 planned units of Oak Forest South site condominiums. The barricade would be removed at such time as Oak Forest (north) and Oak Forest South developments are inter-connected by planned stub roads and Willow Grove has been black-topped.

	Signature	Print Name	Street Address	Date Signed
81	Kim Hunt	Kim Hunt	1141 Nicklaus	3-5-05
82	Kay A. Pederson	Kay Pederson	1155 Nicklaus	3-5-05
83	Kathy Pronovich	Kathy Pronovich	1129 Nicklaus	3-5-05
84	Jacklyn Pronovich	Jacklyn Pronovich	" "	"
85	[illegible]	Guy Pronovich	" "	"
86	Jim Pronovich	James Pronovich	" "	"
87	Andrea Ellmaurbach	Andrea Ellmaurbach	1115 Nicklaus	3/5/05
88	Hina Shah	Hina Shah	5459 Boros	3/5/05
89	Nilesh Shah	Nilesh Shah	5459 Boros	3/5/05
90	[illegible]	Ronald Fenk	5417 Boros Dr.	3-5-05
91	Debra Shantry	Debra Shantry	5403 Boros Dr	3-5-05
92	Nancy Mathur	[illegible]	1172 Nicklaus	3-5-05
93	[illegible]	Shilpa Mathur	1172 Nicklaus	3-5-05
94	Elizabeth Leslie	Elizabeth Leslie	1136 Nicklaus	3-5-05
95	Larry Follweiler	Larry Follweiler	1136 Nicklaus	3-5-05
96	Don McEachern	Don McEachern	1192 Nicklaus	3-5-05
97	Maryann Fiellman	Maryann Fiellman	1214 Nicklaus	3-5-05
98	Robert Fiellman	Robert Fiellman	1211 Nicklaus	3-5-05
99	[illegible]	Gregory Kaminski	1221 Nicklaus	3-5-05
100	[illegible]	Dale Zorn	1236 Nicklaus	3-5-05
101	[illegible]	M. Watkins	1213 Nicklaus	3/5/05
102	Judy Laskus	Judy Laskus	1187 Nicklaus	3/5/05
103	Sheryl Vogel	Sheryl Vogel	1201 Nicklaus	3/5/05
104	Jeff Vogel	Jeff Vogel	1201 Nicklaus	3/5/05
105	Kevin Choi	Kevin Choi	1212 Nicklaus	3/5/5
106	Margaret Jeffrey	Margaret Jeffrey	1094 Nicklaus	3/7/05
107	Sue Parks	Sue Parks	1086 Nicklaus	3/8/05
108	Donald Hardlen	Donald Hardlen	1101 Nicklaus	3/13/05
109	Nancy Hardlen	Nancy Hardlen	1101 Nicklaus	3/13/05
110	David A. Pederson	David A. Pederson	1155 Nicklaus	3/13/05
111	Jason D. Bellinger	Jason D. Bellinger	1261 Beattie Dr.	4/4/05
112	~~Tom Greenlees~~			
113	Thomas A Greenlees	Thomas A Greenlees	1154 Snead	4/4/05
114	William J. Swahteck	William J. Swahteck	1262 Player	4/4/05
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(33)

PETITION FOR TEMPORARY STREET BARRICADE

We the undersigned homeowners of Golf Trail Subdivision request the Troy City Council approve a **temporary diagonal (NW to SE) street barricade** at Trevino and Willow Grove to protect the health, safety and welfare of Golf Trail residents from the potential 240 vehicle trips per day generated by the 24 planned units of Oak Forest South site condominiums. The barricade would be removed at such time as Oak Forest (north) and Oak Forest South developments are inter-connected by planned stub roads and Willow Grove has been black-topped.

	Signature	Print Name	Street Address	Date Signed
121		Emily Kirk	1089 Trevino	3/6/05
122		Marylie Bazin	1114 Trevino	3/6/05
123		Constance Bazin	1113 Trevino	3/6/05
124		Philip C. Jelen	1178 Trevino	3/6/05
125		Krystyna Badura	1171 Trevino	3/6/05
126		James Tischler	1235 Trevino	3/6/05
127		Natalie Tischler	1235 Trevino	3/6/05
128		Michael McCormick	1249 Trevino	3/6/05
129		Rick Bosnack	1277 Trevino	3-6-05
130		Wei You	1284 Trevino	3-6-05
131		Margaret McCormick	1249 Trevino	3-6-05
132		Diane Landosky	1452 Trevino	3-6-05
133		Philip Todor	1453 Trevino	3-6-05
134		Pat Todor	1453 Trevino	3-6-05
135		John Mach	1411 Trevino	3-6-05
136		Dan Murphy	1397 Trevino	3-6-05
137		Traci Murphy	1397 Trevino	3-6-05
138		Brian Schulz	1385 Trevino	3-6-05
139		Amy Amod Salomon	1355 Trevino	3-6-05
140		Laura Dettloff	1298 Trevino	3-6-05
141		Ken Dettloff	" "	" "
142		Brian Yochem	1358 Trevino	3-6-05
143		Lynn Yochem	" "	3-6-05
144		Joanne Powell	1382 Trevino	3-6-05
145		Roger O. Powell	1382 Trevino	3-6-05
146		Matthew Powell	1382 Trevino Dr	3-6-05
147		Scott Swiniak	1099 Trevino Dr	3-6-05
148		Trevino Dillard	1263 Trevino Drive	3-6-05
149		Pamela Dillard	1263 Trevino Drive	3-6-05
150		Kristopher K. Hullibarger	1289 Beattie Dr.	3/23/05
151		Cheryl A. Harzog	5431 Boros Dr	4/4/05
152		Malakondaiah Naidu	6538 Casper Dr	4/4/05
153		Edmond Ka	1157 Trevino	4/4/05
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PETITION FOR TEMPORARY STREET BARRICADE

We the undersigned homeowners of Golf Trail Subdivision request the Troy City Council approve a **temporary diagonal (NW to SE) street barricade** at Trevino and Willow Grove to protect the health, safety and welfare of Golf Trail residents from the potential 240 vehicle trips per day generated by the 24 planned units of Oak Forest South site condominiums. The barricade would be removed at such time as Oak Forest (north) and Oak Forest South developments are inter-connected by planned stub roads and Willow Grove has been black-topped.

	Signature	Print Name	Street Address	Date Signed
201	Jane K Egerman	JANE K EGERMAN	1303 BEATTIE	3/2/05
202	Ken Egerman	KEN EGERMAN	1303 BEATTIE	3/2/05
203	Mary Hollberger	MARY HOLLBERGER	1289 BEATTIE	3/02/05
204	Barry Locke	Barry M. Locke	1275 Beattie	5-02/05
205	C. Vanderhoof	C. Vanderhoof	1261 Beattie	5/2/5
206	T. Vanderhoof	Tod Vanderhoof	1261 Beattie	5/2/5
207	Gail Komendera	Gail Komendera	1233 Beattie	3-2-05
208	David Komendera	David Komendera	1233 Beattie	3-2-05
209	John J Berra	JOHN J BERRA	1193 BEATTIE	3-2-05
210	Jean Berra	JEAN BERRA	1193 BEATTIE	3-2-05
211	Edward Exner	EDWARD EXNER	1145 BEATTIE	3-2-05
212	Mark S. King	MARK KING	1144 Beattie	3-2-05
213	Maureen B. King	Maureen King	1144 Beattie	3-2-05
214	Bozena Bozel	Bozena Bozel	1158 Beattie	3-2-05
215	Martha Ruit	Martha Ruit	1192 Beattie	3-2-05
216	Patricia Noble	PATRICIA NOBLE	1220 Beattie	3/2/05
217	[illegible]	CAIUS R. SIRBU	1246 Beattie	3/2/05
218	[illegible]	VIORICA SIRBU	1246 BEATTIE	3/2/05
219	Craig Kumera	CRAIG KUMERA	1260 BEATTIE	3/2/5
220	Min Wu	MIN WU	1274 BEATTIE	3/2/5
221	Donna Curtis	DONNA CURTIS	5589 DEMARET	3/2/5
222	Ronald Curtis	Ronald Curtis	5589 Demaret	3/2/05
223	Kristina Arapi	KRISTINA ARAPI	5533 Demaret	3/3/05
224	Ellen O'Hare	Ellen O'Hare	1172 Beattie	3/3/5
225	Michael J O'Hare	MICHAEL J O'HARE	1172 BEATTIE	3-3-5
226	Hafidh Kamil Osachi	HAFIDH KAMIL OSACHI	1290 PLAYER	3-4-05
227	Nada Shokaji	NADA SHOKAJI	1290 PLAYER	3-4-05
228	Adam Sinutko	ADAM SINUTKO	1288 BEATTIE	3/4/05
229	David L. Grenville	David L. Grenville	1323 Player Dr.	3/5/05
230	Carol J Grenville	Carol J Grenville	1323 Player Dr.	3/5/05
231	Jaime Sinutko	Jaime Sinutko	1288 Beattie	3/5/5
232	Susan E. Creamer	Susan E. Creamer	1247 Beattie	3/5/05
233	Scott Creamer	SCOTT CREAMER	1247 BEATTIE	3/6/05
234	Ronald J. Ruit	Ronald J. Ruit	1192 Beattie	3/6/05
235	Daniel R. Duncan	DANIEL R. DUNCAN	1232 BEATTIE	3/12/05
236	John Chalk	JOHN R. CHALK	1202 NICKLAUS	4/4/05
237	Mary Chalk	MARY CHALK	1202 NICKLAUS	4/4/05
238	Ken Ochs	KEN OCHS	1169 PLAYER	4/4/05
239	Joan Balinger	[illegible]	1354 TREVINO	4/4/05
240	Maria Dye	Maria Dye	5552 Casper	4/4/05

7 of 7

(23)

PETITION FOR TEMPORARY STREET BARRICADE

We the undersigned homeowners of Golf Trail Subdivision request the Troy City Council approve a **temporary diagonal (NW to SE) street barricade** at Trevino and Willow Grove to protect the health, safety and welfare of Golf Trail residents from the potential 240 vehicle trips per day generated by the 24 planned units of Oak Forest South site condominiums. The barricade would be removed at such time as Oak Forest (north) and Oak Forest South developments are inter-connected by planned stub roads and Willow Grove has been black-topped.

	Signature	Print Name	Street Address	Date Signed
301	[illegible]	Trevor McClintock	1057 Snead	3-5-05
302	Laura McClintock	LAURA McCLINTOCK	1057 SNEAD	3-5-05
303	Karima Yatooma	Karima Yatooma	1093 Player	3-5-05
304	Ralph Richards	RALPH RICHARDS	1097 SNEAD	3/5/05
305	[illegible]	PRATAP SAKHARDANDE	1111 SNEAD	3/5/05
306	Marcia Jahn	Marcia Jahn	1153 Snead	3/5/05
307	Kristen Stachura	Kristen Stachura	1167 Snead	3/5/05
308	Mahipal Kakarla	MAHIPAL KAKARLA	1196 SNEAD	3/5/05
309	Lawrence M. Turner	LAWRENCE TURNER	1209 SNEAD	3-5-05
310	[illegible]	Jonathan Turner	1209 Snead	3-5-05
311	Dianne Turner	DIANNE TURNER	1209 SNEAD	3-5-05
312	Brenda Kellett	Brenda Kellett	5782 Wilmore	3-5-05
313	Kevin Curley	Kevin Curley	1210 Snead Dr	3-5-05
314	Karen Curley	KAREN CURLEY	1210 SNEAD DR	3-5-05
315	Elizabeth Curley	Elizabeth Curley	1210 Snead Dr.	3-5-05
316	Robert A. Brent	ROBERT. BRENT	5594 CASPER	3/12/05
317	Dan C. Zitny	DAN ZITNY	5580 CASPER	3-12-05
318	[illegible]	JOEL [illegible]	5552 CASPER	3-12-05
319	Janet Matsura	JANET MATSURA	5510 CASPER	3-12-05
310	[illegible]	JAMAL ALIAH	1253 PLAYER	3-12-05
311	David W. Stickley	David W. Stickley	1139 Snead	3-12-05
312	Linda Bartkowiak	LINDA BARTKOWIAK	1112 Snead	3-12-05
313	Frank Bartkowiak	FRANK BARTKOWIAK	1112 SNEAD	3-12-05
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April 13, 2005

TO: John Szerlag, City Manager

FROM: Brian Murphy, Assistant City Manager / Services
Steve Vandette, City Engineer
Charles Craft, Police Chief
William Nelson, Fire Chief
John Abraham, Deputy City Engineer/Traffic Engineer

SUBJECT: Oak Forest South Traffic Concerns and Request to Close Trevino at Willow Grove Using Temporary Barricades.

This is in response to some traffic concerns raised by the residents of the Golf Trail Subdivision regarding the new Oak Forest South development proposed near the south end of Willow Grove. We have also received a petition from the homeowners in Golf Trail Subdivision requesting to close Trevino at Willow Grove by temporary barricades arranged in a diagonal fashion as shown in the diagram below. The request is that the temporary barricades stay until Willow Grove is paved and the proposed Oak Forest and Oak Forest South developments have interconnection.

The proposed Oak Forest South site condominium is a small residential development that will have 23 units on the proposed Brookwood Street. Per the Institute of Transportation Engineers' Trip Generation Manual, 23 homes may generate around 220 vehicle trips in a day. The Golf Trail homeowners are concerned that all of the 220 trips will "cut-through" streets in their subdivision to access major roads, since Willow Grove is unpaved. The homeowners also feel that if the developer can pave Willow Grove to Square Lake, majority of the traffic from the development may use Willow Grove rather than the existing subdivision streets. Therefore, they request that Trevino be closed off temporarily.

a. In estimating the 220 trips from the new development the manual includes trips by school buses, police patrol, mail service, snow plows, garbage pick-up and other utilities, who may already be using and serving the Golf Trail subdivision streets. The estimated peak hour traffic is around 18 trips in the morning and around 22 in afternoon peak hour from the new development; the remaining trips are spread over the rest of the day. Further, regarding construction traffic, it has been City policy to restrict the use of existing residential streets by heavy construction vehicles.

b. The Golf Trail homeowners consider all traffic from the new development to be "cut-through" traffic. In general, the definition of "cut-through" traffic is: vehicles that traverse residential streets to get from one Major Street to another Major Street to avoid delays due to traffic congestion. Traffic within a residential mile section is still considered "neighborhood traffic", and does not fit the most popular definitions of "cut-through" traffic.

c. Traffic volumes on Golf Trail streets range between 600 and 1600 trips in a day. Traffic volumes on Troy residential streets range between 300 and 5000 trips in a day. The Troy Police Department and City staff take their role in addressing traffic concerns very seriously, yet the ultimate burden of children's safety rests on the motorists and parents in the City of Troy. Thankfully in Troy, largely due to diligent parents & drivers, and effective enforcement of traffic laws, we do not see many pedestrian related crashes. An analysis of all crashes reported in 2003 indicates that out of the total 3196 crashes reported, 6 were pedestrian related. Out of which only one crash occurred on a residential street, and involved a parent backing from their driveway striking their own child. This is not to discount the concerns of the parents in the Golf Trail subdivision, but as information that even though we have residential streets with traffic much higher than the streets in question, traffic crashes involving pedestrians are very few.

d. Ordinances and the development standards do not require the developer to pave an existing street all the way to a major road. Normal process for paving the street is the Special Assessment District, where residents on the street petition and pay for the paving of the street. It should be noted that whenever the street is paved, related utility work would also have to be completed such as sewers. The developer is required to pave their

portion of the existing street frontage, which is currently shown on the development plans. As information, paving Willow Grove with 9 inch asphalt would cost approximately $300,000 (inclusive of engineering design, inspection, paving, drainage work and exclusive of sanitary and storm sewers)

e. It is the Fire Department's position that any kind of closure of Trevino at Willow Grove will affect their response times when attending to emergencies. The closure would result in a single access to homes on Willow Grove, in other words, create a half-mile long dead end street. Presently, fire apparatus responding to homes on Trevino have access from Willow Grove. Any blockage on the street would result in slower response times of emergency vehicles to gain access to anything past the blockage. The closure would also result in single access to the homes on Trevino east of Casper. Once again, any blockage on the existing access points would result in the inability to reach the houses east of the blockage. The Police and EMS also share similar concerns on the potential for delayed response in case of emergencies.

f. The petition proposes to close Trevino off at Willow Grove using temporary barricades. It was suggested that they could be movable, by the petitioner, to address some of the Fire Department concerns. From our experience, if the temporary barricades are movable, they will more likely be moved often than necessary for emergency services. This poses a concern with maintenance of the closure. Therefore if the purpose of the closure is to prevent traffic from entering/exiting Trevino, the barricades have to be somewhat semi-permanent.

g. Even though a temporary barricade is proposed, during winter months, snow will have to be plowed to the barricade on both Trevino and Willow Grove creating large snow accumulation that may make the street impassable at the barricade. This would have the effect of a permanent closure at the end of these streets, heightening the emergency access concerns.

h. Placing a barricade at Trevino may adversely affect all of the 'services' mentioned earlier, such as, school buses, garbage pick-up and other utilities, police patrol, snow plowing, mail service and others.

i. Our Police Department and City staff have worked with the Golf Trail Subdivision on many occasions in the past to enhance residential area traffic safety and will continue to do so.

For the above reasons, City staff recommend that the temporary barricade not be placed at the end of Trevino at Willow Grove. It should also be noted that, all streets in question in the Golf Trail subdivision and Willow Grove are public streets, maintained by public funds, for public use.

JKA
G:\Council Reports & Communications\Oak Forest South.doc

Paula P Bratto

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

Paula P Bratto

From: Don Edmunds [don@edmundsfamily.com]

Sent: Tuesday, February 08, 2005 4:30 PM

To: Vr112987@aol.com; Mark F Miller; Paula P Bratto

Subject: FW: Public meeting reg. Oak Forest South Sbu

Dear Mrs. Rosiek,

Thank you for your comments regarding Oak Forest South and the impact on Golf Trail residents. I am forwarding your comments to the City Planning Director and Planning Commission members.

Sincerely,
Don Edmunds, President
Golf Trail Homeowners Association
1304 Player Drive
Troy, MI 48085
Tel 248-879-8287
Email don@edmundsfamily.com

From: Vr112987@aol.com [mailto:Vr112987@aol.com]
Sent: Monday, February 07, 2005 7:12 PM
To: don@edmundsfamily.com
Subject: Public meeting reg. Oak Forest South Sbu

Dear Mr. Edmunds,

Thank you for your hard work and dedication working for our subdivision to be a better home to live in.

I live at 5547 Demaret Drive and am concerned about the traffic flow entrances and exits when the Oak Forest South sub is built.

I am unable to attend the public meeting on February 8, regarding the concerns the Planning Commission will address. If you can bring my concern to the meeting, please do.

I live on Demaret and the traffic off Player to Demaret is just horrific. The speed limit 25 per hour on these two streets, alone, is hardly driven according to the law . Our children are at danger as are we who even go to our mailboxes to pick up our mail.

The traffic on Rochester Road are driven at expressway speeds. The lineups during heavy volume traffic are miles long bumper to bumper. I speak from driving unto and off Rochester to Player to Demaret. I live behind the church, so I hear traffic speeding from early morning to late night. Please believe me, I live in a home where traffic and night traffic lights are my irritation life in Golf Trail Sub (at the age of 68 years and a widow living alone) .

For safety sake, the City has to require the developer to pave Willow Grove. There has to be a detour in the traffic flow that we are now deluged with. I have to be heard by the City what 48 more cars in a new subdivision and the developer not paving Willow grove will involve for our safety.

Please, use my request as a citizen's concern at the February 8th. meeting.

Again, thank you for your hard work, I really appreciate your efforts.

Sincerely,
Cecilia Rosiek
5547 Demaret Dr.
Troy, Mi 48085
248-879-3475

Paula P Bratto

From: Don Edmunds [don@edmundsfamily.com]
Sent: Tuesday, March 08, 2005 6:47 PM
To: Mark F Miller; Paula P Bratto
Subject: Golf Trail Resident Concerns - Oak Forest South Site Condominiums

March 8, 2005

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

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

Dear Mr. Miller and Members of the Planning Commission,

Golf Trail homeowners object to the the proposed 23-unit Oak Forest South Preliminary Site Condominium Plan Review for the following reasons:

- We share the concerns expressed by Mr. Ullmann and the residents of Willow Grove. Some of the same concerns have been made by members of the Planning Commission. We believe the development of this property is inappropriate due to the significant portion of wetlands and natural features. Even though engineering and permits are addressed during the next phase, there are serious concerns as to whether even sanitary sewer hookup can be achieved since Golf Trail sanitary sewers are not large enough to accommodate Oak Forest South.
- We understand that the City or the Planning Commission cannot ask or require the developer to pave Willow Grove. However, we did request that the developer, Mr. Dale Garrett pay to pave Willow Grove at a February 24 meeting at Troy Union Elementary. Approximately 60 Golf Trail homeowners attended the meeting and nearly 15 additional homeowners sent emails in support of our request to the developer. Even though Mr. Garrett said he would get back to us regarding our request, he has not yet done so.
- At the meeting we asked the developer why he had not chose to use the cluster option to develop the property. His response was that it would not save more than ten percent (10%) of the wetlands. Is this really the case? We would appreciate an answer from the City to this question.
- Mr. Dale Garrett did say at the meeting that construction traffic would be contained to Willow Grove and we request that any approval granted include this specific restriction.
- Golf Trail residents are very concerned about the 184 additional vehicle trips per day that will be essentially borne by Golf Trail streets from Oak Forest South if Willow Grove is not paved. We also believe that the Planning Commission has an obligation to protect the health safety and welfare of all the residents including Golf Trail. The 23 new homes of Oak Forest South would directly benefit by the paving of Willow Grove.
- If Oak Forest South is approved by the Planning Commission, Golf Trail residents will submit petitions to the City Council for a temporary diagonal (NW to SE) street barricade at Trevino and Willow Grove. Most of our homeowners have already signed the petitions. The barricade would be removed whenever Willow Grove was paved and the two Oak Forest subs were connected. We understand that only the City Council can approve the temporary barricade.

Thank you for considering our comments and objections.

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

April 10, 2005

RECEIVED

APR 12 2005

CITY OF TROY
CITY MANAGER'S OFFICE

Mayor Louise E. Schilling
Troy City Hall
500 W Big Beaver
Troy MI 48084

Dear Mayor Schilling,

As one of our elected officials, we implore you to use all your "position power" to stop the trend of rapid and seemingly boundary-less consumption of undeveloped land. Use your role to halt any development plan that substantially clears trees, fills wetland and removes wildlife, such as Oak Forest sub-division.

We have been Troy residents and registered voters for fourteen years. Our commitment to the city is strong and we have just completed a significant investment in our house (of course, with the full disclosure of building permits). Our family appreciates the safety and services of this fine city, and our children benefit from outstanding schools. While we are without regret about our decision to settle in Troy, we are deeply concerned about the above mentioned trend. It is fast deteriorating this city and, if left unchecked, will eventually drive us away.

Please rigorously enforce current ordinances, or create new ones, to protect the little undeveloped land that is left. We want you, within legitimate boundaries of governance, to make it extremely difficult for developers to convert private unused land. If it is true that developers can clear-cut trees with no replanting reciprocation, then we ask you to create updated ordinances that prevent this. If it is true that wet-lands can be filled with only a token reciprocation elsewhere in the state, then we ask to create updated ordinances that prevent this. And if it is true that other cities are tougher on this land consuming behavior, then we ask you to create similar ordinances to make Troy the hardest place in Michigan to clear land.

There really is only one side to be on when it comes to the continued destruction of the earth. Author Daniel Quinn asserts in his philosophical novel titled "Ishmael" that mankind is at war with the earth and we pretend we are winning. The reality instead is that mankind is methodically destroying ourselves by killing off our habitat. We watch, with genuine horror, the clear-cutting of trees and the bulldozing of unspoiled earth to make room for ubiquitous condos, sub-divisions and strip-malls.

We will vote for any proposal, tax increase and politician that sensibly preserves green-space.

Sincerely,

Daniel Goussy

Kathleen Goussy

1223 TREVINO

Paula P Bratto

From: Cynthia A Stewart
Sent: Monday, April 11, 2005 8:37 AM
To: Cristina Broomfield (E-mail); Cynthia A Stewart; Dave Lambert (E-mail 2); David Eisenbacher (E-mail); Jeanne Stine (E-mail); John Szerlag; Louise Schilling (E-mail); Martin Howrylak (E-mail); Robin Beltramini (E-mail)
Cc: Mark F Miller
Subject: FW: Oak Forest South Sub

-----Original Message-----
From: Nilesh [mailto:nshah0123@comcast.net]
Sent: Sunday, April 10, 2005 5:38 PM
To: Louise Schilling; dave@lambert.net; rbeltram@wideopenwest.com
Cc: Cynthia A Stewart; don@edmundsfamily.com; lon_ullmann@yahoo.com; abolling@campbell-ewald.com; kumpulafamily@comcast.net; don@edmundsfamily.com; shearlockssalon@ameritech.net; kgard7@comcast.net; khulliberger@comcast.net; waterchaser2@aol.com; thebigsalmon@wideopenwest.com; gsfaubert@aol.com
Subject: Oak Forest South Sub

Council Members

I am the resident of Golf Trail subdivison. Like most of the resident of this subdivison I do oppose the new development.

One of the concern is loosing the wetlands and making Troy a jungle of houses and at the cost of the natural jungles and trees.

At the same time - more important concern is the increased traffic through the streets of Golf Trail subdivision that would put the kids and residents at increased risk.

We would request atleast to approve temporary diagonal (NW to SE) street barricade at Trevino and Willow Grove till Willow Grove was paved and the two Oak Forest subs were connected.

Nilesh Shah
5459 Boros Dr

Paula P Bratto

From: Mark F Miller
Sent: Monday, April 11, 2005 3:57 PM
To: Paula P Bratto
Subject: FW: Development concerns - Oak Forest & Oak Forest South

-----Original Message-----
From: Cynthia A Stewart
Sent: Monday, April 11, 2005 2:32 PM
To: Brian P Murphy; Mark F Miller
Cc: John Szerlag
Subject: FW: Development concerns - Oak Forest & Oak Forest South

-----Original Message-----
From: Murfey, Dan [mailto:murfeyd@bnpmedia.com]
Sent: Monday, April 11, 2005 1:59 PM
To: Louise Schilling; dave@lambert.net; rbeltram@wideopenwest.com; talk2cristina@aol.com; david@eisenbacher.org; Mfhowryl@umich.edu; stinejm@wwnet.net
Cc: Cynthia A Stewart; lon_ullmann@yahoo.com; Ann Bollinger; Craig Kumpula; JoAnn Bologna; Karen J. Gard; Kris Hulliberger; Margaret Kasica; Ron & Michelle Spisak; Susan Faubert; don@edmundsfamily.com; The Murfeys
Subject: Development concerns - Oak Forest & Oak Forest South

Dear Members of the Troy City Council:

Thank you for your service to the residents of our fine city. The reason for my email is to bring to your attention concerns that my family and I have regarding two proposed developments - Oak Forest and Oak Forest South.

My family lives in the far east end of the Golf Trails subdivision at 1397 Trevino Drive. The Planning Commission recently voted to approve two developments in some nearby property on the south side of Square Lake, east of Willow Grove and west of John R. For details, please see meeting minutes from March 8, items no. 5 & 6 on pages 3 to 9 of the pdf, found here http://www.ci.troy.mi.us/committees/minutes/Planning20050308.pdf. Specifically, please read the comments from Planning Commission member, Mr. Wright. He lived in the Golf Trails sub for years and likely has more knowledge of this property than anyone else on the planning commission. Please note that Mr. Wright voted against approving the development.

Most reasons I am against the developments are highlighted in the meeting minutes (wetlands, flooding issues, potential liability to the city, etc). I expect you will hear from others with valid arguments concerning those points.

However, the issue that concerns me most is safety. Particularly, the safety of the children in our subdivision. This issue is paramount. My two children are ages 3 1/2 years and 21 months, with a third baby due to arrive this fall. There are many other young families in the neighborhood. Seeing those kids playing in the neighborhood is one of the reasons we moved into Golf Trails last summer. The nearly 200 estimated added vehicle trips per day that the development will send through our streets scares me. And here are many reasons why...

According to a study conducted by Connecticut SAFE KIDS, pedestrian injury is the second leading cause of unintentional injury-related death among children ages 5 to 14. Motor vehicle crashes account for approximately 80 percent of all childhood pedestrian deaths with children ages 5 - 9 at highest risk. Children are especially vulnerable to pedestrian death because they face traffic threats that exceed their cognitive, developmental, behavioral, physical and sensory abilities. Speed also plays a critical role in pedestrian injury.

According to a study conducted by RoSPA, The Royal Society for the Prevention of Accidents (UK):
- When hit by a car at 40mph, 9 out of 10 pedestrians will be killed
- When hit by a car at 30mph, about half of pedestrians will be killed
- When hit by a car at 20mph, 9 out of 10 pedestrians will **survive**.

This was conducted in the UK, where average car size is considerably smaller than here in metro Detroit. One can only assume

the fatality rates would be higher with SUVs and trucks that dominate our roads. We must take measures to keep cars in our neighborhoods rolling at SAFE speeds.

With the current proposed Oak Forest South development, Trevino Drive would be extended straight through Willow Grove. According to a 1999 study conducted by the National SAFE KIDS Campaign and Fed Ex:
- 47% of observed motorists do not obey stop signs in residential areas or school zones.
- More telling, is that with children pedestrians present, nearly 1 in 3 cars still do not stop.
- 24% do not stop even when pedestrians are crossing the street.
- 7.3% do not slow down.

Currently Trevino ends at Willow Grove so cars that do not stop at least have to slow down for the turn. Extend Trevino and cars no longer need to slow down. At 185 extra cars per day, that means 13 to 14 people per day entering Oak Forest South will not even slow down for the stop sign at Willow Grove.

Jon Osterberg, spokesman for PEMCO Insurance, concluded from a PEMCO-conducted study, "higher-income people tend to speed more." The Oak Forest developments are targeting higher-income people. I don't intend to single out anyone. However, if facts show that higher income people tend to speed more and they'll be speeding by my house and my children, then I think it is fair to mention in order that safeguards are put in place to protect the children.

Combine all the above with the fact that homes on Trevino are not set back very far from the road, children do wind up on the street occasionally chasing basketballs, riding bikes, etc; and the result is danger for kids.

The final goal listed on the city's mission statement page (http://www.ci.troy.mi.us/managers/MissionVisVal.asp) is to "protect life and property." Therefore, I ask that you, members of the Troy City Council, do not approve the proposed Oak Forest developments as they have been approved by the Planning Commission. Please consider alternate plans. Consider paving Willow Grove where homes are set further back from the road to provide an alternate exit for Oak Forest South residents. Consider blocking Trevino at its end to send Oak Forest South traffic out via Willow Grove.

Consider larger measures that can positively effect the city for years to come:
- Consider an ordinance that would require the replacement of trees when they're torn down during development (see city of Novi).
- Consider a long-term plan to protect some of the remaining green space in the city before it has all disappeared. While development is great, smart-development is critical for the long-term success of suburbs like Troy. And making green space an integral part of the long-term development plan will make Troy a desirable location to live and work for years to come. Many studies demonstrate that parks, greenways and trails increase nearby property values, thus increasing local tax revenues. Such increased revenues often offset acquisition costs. Please consider making the property east of Willow Grove, west of John R and south of Square Lake part of this long-term plan.

In closing, thank you for taking the time to read my concerns. Thank you for serving the city of Troy. And I ask respectfully that you vote **against** the Oak Forest and Oak Forest South proposed developments.

Kind regards,

Dan Murfey
1397 Trevino Drive
Troy MI 48085

Paula P Bratto

From: Cynthia A Stewart
Sent: Tuesday, April 12, 2005 7:52 AM
To: Cristina Broomfield (E-mail); Cynthia A Stewart; Dave Lambert (E-mail 2); David Eisenbacher (E-mail); Jeanne Stine (E-mail); John Szerlag; Louise Schilling (E-mail); Martin Howrylak (E-mail); Robin Beltramini (E-mail)
Cc: Brian P Murphy; Mark F Miller
Subject: FW: Golf Trail Homeowner's Objection: Oak Forest South Side Condos

-----Original Message-----
From: John Shea [mailto:belvedere01@yahoo.com]
Sent: Tuesday, April 12, 2005 12:05 AM
To: INVALID_ADDRESS@.SYNTAX-ERROR
Cc: Cynthia A Stewart; lon_ullmann@yahoo.com; don@edmundsfamily.com
Subject: Golf Trail Homeowner's Objection: Oak Forest South Side Condos

April 11, 2005

Dear Mayor Schilling and Troy City Council Members:

I am a home owner in the Golf Trail subdivision (address, 1142 Trevino Dr., off Demaret.) As you continue deliberations for the Oak Forest South Side condo proposal, I respectfully ask you to find the following:
* Reject the proposal outright, both to protect the environment and to protect the lots of existing homes that will almost certainly take on too much water if the condos are built to current plans.

Should you find other arguments more compelling and you do decide to allow the new condos, I then ask you to consider the following:
* Put a temporary diagonal street barricade at the east end of Trevino at Willow Grove;
* Insist that the developer use only Willow Grove for construction vehicles
* Put pressure on the developer to pave Willow Grove so that our children within Golf Trail aren't put at further risk due to an additional 184 vehicle trips per day.

In more detail:
WHY THE PROPOSAL SHOULD BE REJECTED It is my understanding from the Troy Wildlife & Wetlands Coalition that if the condos are built, it will be the end of the largest woodland and wetland complex in Troy.
Further, if this project is built as proposed, there will be filling of high risk floodplains, filling of lots on site to raise their grade with the likelihood of flooding neighboring homes and properties. I have lived on Trevino Dr. for three years now. Every spring, the lowest part of my yard is ALWAYS flooded from excess water. I can't take on any more water without experiencing substantial damage. I am afraid of what these new condos would do to my home.
THE ISSUE WITH WILLOW GROVE
Willow Grove needs to be paved. It's a mess. You can't drive down the street without hitting a big pothole that will tear up your car's alignment. (It is so bad, in fact, you can hardly walk down it without twisting an ankle.) It is my understanding than more than 60 Golf Trail homeowners met the with developer, Dale Garrett, on Feb. 24, to ask him to consider paving the road. It is my understanding he said he would consider it. As of Sunday, we have still not heard from Mr. Garrett. From his silence on this issue, it is obvious he does not want to pave the road. He wants you to approve the project without having to go to this expense.
The dilemma is this: If he doesn't pave the road, all these new condo residents will not want to drive down it. They will drive through Golf Trail streets, instead. We estimate there would be 184 vehicle trips per day through our streets if Willow Grove isn't paved. I really object to this. Our streets right now are quite and safe. If we have all these extra vehicle trips per day, our streets will be neither. We have too many kids in our subdivision. Our kids and their parents shouldn't have to put up with this additional risk because the developer is too cheap to do what needs to be done. Of all the many potential problems with this development, I worry about this one the most.

If the board wants to approve this project, can't you make passage contingent upon him paving the road? I understand you can't order this done once you've approved the project ... but can't you withhold approval until it's done?
I fully support Don Edmunds, Lon Ullmann, and our other Golf Trail board members in our opposition to this proposed development. I hope you'll take my views into account. If you have any questions, feel free to e-mail or call me (248.879.0092)
Respectfully,

John Shea
1142 Trevino
Troy

Do you Yahoo!?
Yahoo! Small Business - Try our new resources site!
http://smallbusiness.yahoo.com/resources/

Paula P Bratto

From: Cynthia A Stewart
Sent: Tuesday, April 12, 2005 7:51 AM
To: John Szerlag; Brian P Murphy; Mark F Miller
Subject: FW: Developement of Oak Forest South Subdivision

-----Original Message-----
From: Don Edmunds [mailto:don@edmundsfamily.com]
Sent: Monday, April 11, 2005 10:43 PM
To: Louise Schilling; dave@lambert.net; rbeltram@wideopenwest.com; talk2cristina@aol.com; david@eisenbacher.org; Mfhowryl@umich.edu; stinejm@wwnet.net
Cc: Cynthia A Stewart
Subject: FW: Developement of Oak Forest South Subdivision

From: JohnC66455@aol.com [mailto:JohnC66455@aol.com]
Sent: Monday, April 11, 2005 10:26 PM
To: don@edmundsfamily.com
Cc: lon_ullman@yahoo.com
Subject: Developement of Oak Forest South Subdivision

Members of the City Council

As a resident of Troy and Golf Trails subdivision I am very distressed that some developer would be allowed to develop the Oak Forest subdivision located at John R and Square Lake road. This property has substantial wet lands with 5000 hardwood trees that would be removed.It would also threaten the existence of the Blue Heron rookery that is near by .Building on this property would cause flooding to near by properties
Changes need to be made to our ineffective Ordinance and other Ordinances that would protect the wet lands. Troy has recently been designated Tree City USA yet we would allow 5000 trees to be removed. And besides that we are having to remove thousands of trees through out our city.
Finally if this development is allowed to be built and the only exit from that subdivision is through Golf Trails this would make our subdivision unsafe.It would cause an increase of traffic through our streets .Especially Player and Trevino that outlet to Rochester Road.
There fore I am for the City Council to authorize the installation of a temporary street barricade at the east end of Trevino at Willow Grove if this plan is approved. Thank You.

JOHN CHALK
1202 Nicklaus Dr.
Troy, Mi. 48085

Mark F Miller

From: Cynthia A Stewart
Sent: Wednesday, April 13, 2005 7:48 AM
To: John Szerlag
Cc: Brian P Murphy; Mark F Miller
Subject: FW: Oak Forest South Subdivision

-----Original Message-----
From: a4dbfamily [mailto:a4dbfamily@comcast.net]
Sent: Tuesday, April 12, 2005 8:23 PM
To: Louise Schilling; dave@lambert.net; rbeltram@wideopenwest.com; talk2cristina@aol.com; david@eisenbacher.org; Mfhowryl@umich.edu; stinejm@wwnet.net
Cc: Cynthia A Stewart; don@edmundsfamily.com
Subject: Oak Forest South Subdivision

To the members of Troy City Council:

We understand that the approval for Oak Forest South and Oak Forest North Subdivisions is on your agenda for April 18th, 2005. I am a Golf Trail resident opposed to these proposed site condominium plans.

We are opposed for many reasons, primarily the impact on the dwindling amount of remaining wetlands in Troy. We are very concerned that this proposed development will not only impact the wildlife in the area, but will also reduce the natural presence of trees, grasses and the small amount of remaining undeveloped property in Troy.

We understand that a legislative solution is required to resolve the permit and planning issues involved in reviewing this project and similar ones. However, we would anticipate a great deal of flooding of basements from this development, as well as disruption to traffic flows.

We are also very concerned about the impact on traffic, as well as safety issues. We anticipate a great deal of additional traffic through Golf Trail streets, especially given the unwillingness of the developer to pave Willow Grove. Our children enjoy playing hockey and other sports on the streets of Golf Trail and will be in danger with the additional 184 daily trips anticipated.

As you know, Golf Trail residents plan to submit the petitions signed by over 200 Golf Trail residents to request that the City Council authorize the installation of a temporary diagonal (NW to SE) street barricade at the east end of Trevino at Willow Grove. The barricade would be removed when Willow Grove is paved and the two Oak Forest subs are connected.

We are hopeful that the Council will consider the comments and concerns of Golf Trail residents in evaluating these proposals.

Thank you for your time and consideration.

Arnold R. D'Amore-Braver and Andrea D'Amore-Braver

Oak Forest South
S.C.

January 10, 2005

To: Members of the Planning Commission

I am writing to you because of a concern I have in regard to the proposed Oak forest development. I write this not as someone that doesn't want a development in my backyard, but rather as someone that is concerned about the effects of this development on my property, my neighbors properties, the properties of potential buyers in this development and all the taxpayers in Troy.

The land we live on is low lying, wet with little or no drainage. You don't need to be a wetland consultant or scientist to know we live in a swamp. Willow grove does not have ditches because ditches need an outlet and Willow Grove is high on both ends with water lying in the middle. The drainage to the West was eliminated over 30 years ago when Golf Trail subdivision builders raised the grade by filling at least 2' and filling in the drainage ditch and blocking my field tile. The reason I know it is 2' is because at the back of my property there is a vertical bank 2' high with a backyard drain - for subdivision. My drainage was illegally destroyed. When I questioned what went on here a young engineer at the City of Troy told me we were a developing community and they couldn't be concerned about drainage on adjoining properties. He cared not for my problems. The result of this was a property that formerly could be plowed in May and planted for a large garden. Today it is mid July before one can venture out on a tractor. The land has gone from a grassy field to a swamp. It is a restoration that the U.S. Fish and Wildlife Service do all the time - if asked by property owners. I didn't volunteer; I was drafted to "restore" my wetland.

In 1987 illegal filling occurred at the end of Willow Grove. The peat moss was sold off the property on the east side of Willow Grove and replaced by fill dirt. The owner on the west side filled the marsh and eliminated all drainage from my property and the other properties on west side of Willow Grove. Our land became even wetter.

Three years ago a house was constructed at Square Lake and Willow Grove. 30 pipes - read wells - were placed and pumping began to "dry out" the site. Everything around here including the street flooded. Every neighbor on the street noticed and commented that things were even wetter than before.

Enclosed you will find a list of "hydric" or saturated soils. According to the Oakland County Soil Book and the Department of Environmental Quality all soils in this drainage area are hydric. The enclosed exhibit A verifies this. These soils have water tables that from October or November to June have water tables that vary from 1-2 ft. below ground level to at or above the surface. As my neighbor on the east side of Willow Grove can testify the water table is at or near the surface in the wettest months of the year. Right now the water is lying in my yard. Soil borings done by Mr. Garret in the end of

September when it is dry show water levels as close as 6" below the surface.

The potential for water problems and flooding are acute. These wetlands are natural retention areas that have been functioning here since glaciers passed through. Now we are proposing removing 1,000,000 cubic feet of water storage area for basements and sewers. The remaining land will be compressed by heavy equipment and space between particles will be reduced or eliminated. All trees and vegetation will be removed eliminating water removal by evapotranspiration.

Detention or storage area is very limited by these high water tables. Detention pond levels shown on plans show 2' of storage area while in actuality there will be .5 to at best 1.7 feet according to borings. My pond is full and the detentions ponds will be full as well, at times. Careful and realistic calculations are necessary before this project proceeds. Exhibit B shows that water pits dug by the Department of Environmental Quality in July 2000 during the drought. Water levels varied from 2 areas with water at the surface (in July) to pit levels of saturation of 6 inches, 8 inches, 10 inches, 10 inches and 13 inches. Believing there will be 2' of storage area is unduly optimistic based on experience and observation here.

The Oakland County Drain Commission has insisted since 1998 that the Fetterly Drain must be improved to develop around it. See exhibit C. The widening and deepening of the Fetterly Drain, called in-line detention, is not allowed by the Department of Environmental Quality or the Oakland County Drain Commission because it doesn't work. Mr. Garret doesn't have access to all parts of the Fetterly Drain as the existing easements are for maintenance only. The construction easement expired in 1946.

Backyard drains cannot drain adjoining wetlands. The eastern section of Oak Forest is dead flat as is the land adjoining it. The grading plan shows raising the grade of the Garret property, which will stop north-south flow of water and divert water onto adjoining property - both are in violation of Troy ordinances.

As Mark Miller points out if Mr. Garret meets <u>all</u> requirements and ordinances he must be allowed to develop. The operative word is <u>all</u> ordinances especially those dealing with detention and potential diversion. There is an obligation for you to protect the property rights of adjoining property owners as well. We should not need to hire counsel after damage is done to correct problems caused by poor planning. If the City of Troy approves this project they become responsible if problems occur as well.

We need to move slowly and with great caution to ensure all parties are protected as this project moves forward. It is sad that my experience causes me to not trust or depend on our engineering department and that is why I am asking you to require Mr. Garret to demonstrate the water carrying capacity of this land and to address all the issues before any approvals are given.

Lon M. Ullmann

MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY, LAND AND WATER MANAGEMENT DIVISION

PART 303 - DATA REPORT

This form is required pursuant to Part 303, Wetland Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended.

Applicant Walker Square Inc. DEQ File # 00-63-0006WA
Address 4086 Rochester Rd., Suite 202, Troy, MI 48098 Wetland Area # A
T 2N R 11E Section: 11 Sheet 1 of
Tax Identification #: 20-11-201-018-015, 012 ½, 20-11-226-006, 007 Date 7/18/00
Reviewer: Level III

IN-OFFICE:

a. Y (Y/N) Is any portion of the area mapped as wetland on NWI or MIRIS maps?
b. Y (Y/N) Is any portion of the area, mapped as a hydric soil or non-hydric soil with hydric soil inclusions on the county soil survey map? If yes, list hydric soil(s) and/or hydric soil inclusions: Brookston's Colwood loams all soils are hydric
Dixboro loamy fine sand w/ colwood inclusions
Gilford sandy loam
→ Selfridge loamy sand w/ Granby soils

FIELD REVIEW:

c. Y (Y/N) Do normal circumstances exist on site? If no, describe:
N (Y/N) Is the site significantly disturbed? If yes, describe:
N (Y/N) Is there a potential Problem Area? If yes, describe:
d. Y (Y/N) Is the area wetland?
1. Y Visible signs of hydrology or ____ hydric soil characteristics
2. Y Predominance of wetland vegetation
e. Y (Y/N) Is the area regulated pursuant to Part 303
1. ____ the area is contiguous to the Great Lakes or Lake St. Clair, an inland lake or pond, or a river or stream. (Waterbody is over 1 acre of permanent open-water. Watercourse has defined banks, bottom, and at least an occurrence of flow)
a. ____ wetland connected to an inland lake or pond, a river or stream, one of the Great Lakes, or Lake St. Clair.
b. Y wetland within 500 feet of an inland lake, pond, river or stream
c. ____ wetland within 1000 feet of the Great Lakes or Lake St. Clair
d. ____ Two or more areas of wetland separated only by barriers, such as dikes, roads, berms, or other similar features, but with any of the wetland areas contiguous. Explain:
2. ____ the entire wetland complex is five acres or larger in size and is in a county with a population of 1000,000 or greater. Size based on:
3. ____ the department has determined that protection of the area is essential to the preservation of the natural resources of the state from pollution, impairment, or destruction and the department has notified the owner

Comments:
w/in 500ft of tributary of Gibson Drain

INSTRUCTIONS:

Fill out all pertinent information on the following worksheets to substantiate your review. Not all of the following sheets or items need to be completed to make an appropriate review of an area. Additional worksheets can be used where there is more than one wetland area within a review area and/or where variability of the site necessitates such use. Identify the number of worksheets used for each review area, regardless of whether individual wetland areas are recorded jointly or individually.

#4

To: James C. Bacon Jr., City Manager

From: John Szerlag, Assistant City Manger, Services
Rick Augustine, Parks and Recreation Director RA
Charles R. Barnes, Interpretive Programs Manager CRB
Susan L. Raymer, Naturalist SLR

Subject: Report, heron rookery, section 11

Report: Section 11 - Great Blue Heron Rookery

Summary Recommendations: Following the U.S. Fish and Wildlife Service's recommendation of preserving a zone of approximately 810 feet around the heronry, the amount of recommended land would be around fifty acres. Since the 810 foot radius extends to the existing buildings and across Square Lake and John R Roads, staff would suggest the buffer zone be extended south to make up the difference, since there is potential heronry habitat in that direction.

Supporting Information

General Site Description:
Field Date: June 26, 1998

Location: The heronry (rookery) is located in the state of Michigan, Oakland County, City of Troy, Section 11, northeast quarter.

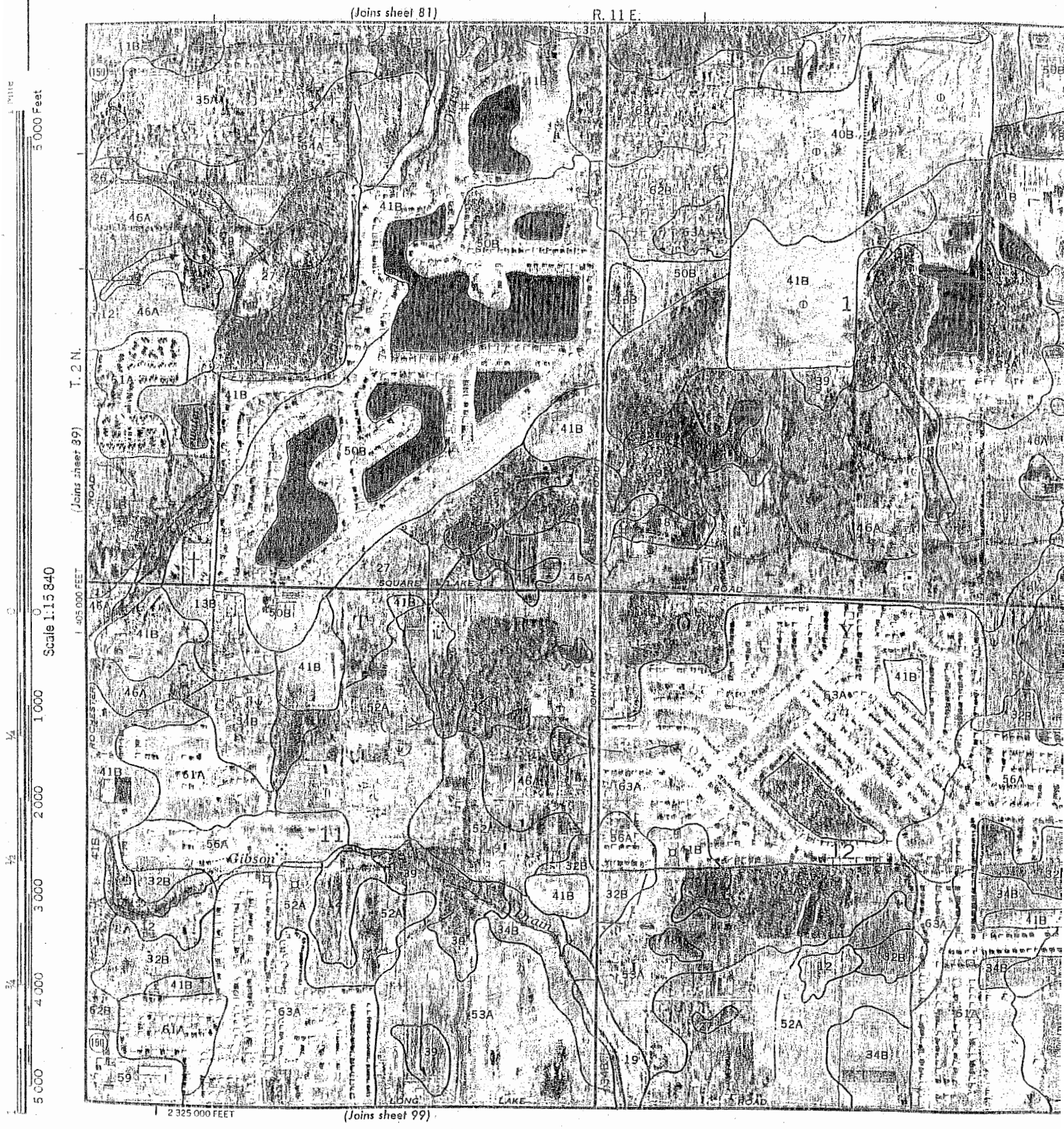
Land Description: The area around the heronry is bounded on the north and east by commercial development and Square Lake and John R Roads. There are residential homes on the southeast, along Abottsford and on the west along Willow Grove Road.

To the south and west are mixtures of young and older forest communities. The older forest stands are climax mixtures of oak/hickory and beech/sugar maple and other species. Diverse stands of ferns and wildflowers comprise the forest floor in many areas. Scattered through this area are impoundments of standing water and there is evidence of seasonal standing water throughout much of the area up to about 8 inches.

By the soil classifications, this area was originally wetlands; before the installation of the Fetterly Drain and are wetlands today.

Heronry Description: The heronry contains 24 nests and has fledged approximately 53 young (Campbell, personal communications). The area occupied by the heronry is approximately 300 feet E to W and 150 feet N to S for an estimated total area of 1.03 acres. The nests are located in dead American elms (*Ulmus americana*) where there is standing water, small impoundments and areas of emergent aquatic vegetation. Elms likely died of Dutch elm disease.

Natural History Of The Great Blue Heron (*Ardea herodias*):
Description: A large bird, 39 - 52 inches tall depending on the posture. They are grayish blue with a black and white crown, long legs and beak. Wing span reaches six feet.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12

soil is well suited to use as cropland, pasture, and woodland. It is fairly suited to most recreation uses.

This soil is poorly suited to building site development because of wetness and generally is not suited to use as septic tank absorption fields because of wetness and moderately slow permeability. If this soil is used as a site for buildings, surface or subsurface drainage is needed to lower the water table and well compacted fill is needed to raise the site. Sanitary facilities should be connected to public sewers and sewage treatment facilities.

If this soil is used as cropland, the main management concerns are removing excess water and maintaining good tilth. Surface and subsurface drains help to overcome wetness. Conservation tillage, which does not invert the soil and leaves all or part of the crop residue on the surface, helps to reduce compaction and maintain good tilth.

This soil is in capability subclass IIw and Michigan soil management group 2.5b.

12—Brookston and Colwood loams. This map unit consists of nearly level, very poorly drained soils in broad, flat areas and in drainageways. These soils are subject to frequent ponding. Areas are irregular in shape and are 2 to 200 acres or more in size. In many areas of this map unit, the Brookston soil is the only major soil. In other areas the Colwood soil is the only major soil. Both soils are present in some areas.

Typically, the surface layer of the Brookston soil is very dark gray loam about 11 inches thick. The subsurface layer is very dark gray, mottled, friable loam about 5 inches thick. The mottled subsoil is about 20 inches thick. In the upper part it is grayish brown, firm clay loam; in the middle part it is grayish brown, friable clay loam; and in the lower part it is grayish brown, firm silty clay loam. The substratum to a depth of about 60 inches is mottled gray, calcareous loam. In some places the surface layer is lighter in color and is less than 10 inches thick.

Typically, the surface layer of the Colwood soil is very dark brown loam about 11 inches thick. The mottled, friable subsoil is about 26 inches thick. In the upper part it is dark grayish brown loam, in the middle part it is light olive gray loam and silty clay loam, and in the lower part it is light brownish gray silt loam. The substratum to a depth of about 60 inches is gray, mottled, calcareous, stratified silt loam and very fine sand. In some places the surface layer is lighter in color and is less than 10 inches thick.

Included in mapping are small areas of Sebewa and Gilford soils that are more droughty than the Brookston soil and are on landscape positions similar to those of the Brookston soil. Also included are small areas of somewhat poorly drained Capac, Kibbie, Melamora, and Selfridge soils that are on low knolls and ridges. The included soils make up 5 to 15 percent of the map unit.

Permeability is moderate in the Brookston and Colwood soils, and available water capacity is high. Runoff is very slow or ponded. Both soils have a high water table that is at or above the surface from October to May.

In most areas these soils are used as woodland or pasture or are idle land. In a few areas they are used for crops. They are well suited to use as cropland and pasture if excess water is removed. They are poorly suited to use as woodland or pasture and to recreation uses because of wetness.

These soils are poorly suited to building site development and generally are not suited to use as septic tank absorption fields because of wetness. They should not be used as sites for buildings with basements. If they are used as sites for buildings without basements, the use of surface or subsurface drainage to lower the water table and the use of well compacted fill to raise the site help to overcome the wetness limitation. Sanitary facilities should be connected to public sewers and sewage treatment facilities.

If these soils are used as cropland, the main management concerns are removing excess water and maintaining good tilth. Surface and subsurface drains help to overcome wetness. Tilling only when the soils are not wet and using tillage practices that do not invert the soil and that leave all or part of the crop residue on the surface help to improve tilth.

If these soils are used as woodland, the major limitation is wetness. The main management concerns are equipment restrictions, seedling mortality, and windthrow. The use of heavy equipment for planting, tending, and harvesting trees is restricted during wet periods. Woodland operations should be timed to seasons of the year when the soils are relatively dry or frozen. Seedling loss can be high because of wetness. In some areas special site preparation, such as bedding, helps to reduce seedling mortality. The use of harvesting methods that do not leave trees standing alone or widely spaced helps to control windthrow.

These soils are in capability subclass IIw and Michigan soil management groups 2.5c and 2.5c-s.

13B—Oshtemo-Boyer loamy sands, 0 to 6 percent slopes. This complex consists of nearly level and undulating, well drained soils that are on broad knolls and ridges. Slopes are smooth and convex and are less than 100 feet long. Areas of this complex are irregular in shape and are 2 to 320 acres in size. The Oshtemo soil makes up 40 to 55 percent of the complex, and the Boyer soil makes up about 30 to 40 percent. The areas of these soils are so intermingled or are so small that it was not practical to separate them at the scale of mapping used.

Typically, the Oshtemo soil has a surface layer of dark brown loamy sand about 7 inches thick. The subsurface layer is yellowish brown loamy sand about 9 inches thick. The subsoil is about 37 inches thick. The upper part is reddish brown, friable sandy loam; and the lower part is yellowish brown, very friable loamy sand. The

convex and are less than 75 feet long. Areas are irregular in shape and are 2 to 100 acres in size.

Typically, the surface layer is very dark grayish brown sandy loam about 9 inches thick. The subsurface layer consists of grayish brown and pale brown sandy loam and is about 19 inches thick. The subsoil is grayish brown, mottled, firm clay loam and is about 8 inches thick. The substratum to a depth of about 60 inches is grayish brown, mottled, calcareous loam. In the southern part of the county, this soil has a clayey substratum.

Included in mapping are small areas of Dixboro and Selfridge soils that are on landscape positions similar to those of the Metamora soil. The Dixboro and Selfridge soils are more droughty. Also included are small areas of the very poorly drained Brookston, Colwood, Thomas, Houghton, and Adrian soils that are in depressions and drainageways. The included soils make up 2 to 10 percent of this map unit.

Permeability is moderately rapid in the surface soil and moderately slow in the subsoil and substratum. The available water capacity is high. Runoff is slow. The seasonal high water table is at a depth of 1/2 foot to 2 feet from November through May. The shrink-swell potential is moderate.

In most areas this soil is used as pasture or woodland or is idle land. In a few areas it is used for crops. This soil is well suited to use as cropland, pasture, and woodland. It is fairly suited to most recreation uses.

This soil is poorly suited to building site development because of wetness and is poorly suited to use as septic tank absorption fields because of wetness and moderately slow permeability. If this soil is used as a site for buildings, the use of surface or subsurface drainage to lower the water table and the use of well compacted fill to raise the site help to overcome the wetness limitation. For septic tank absorption fields, special construction, such as filling or mounding the absorption field site with suitable soil material, may be needed to raise the field above the water table.

If this soil is used as cropland, the main management concerns are removing excess water and maintaining soil tilth. Surface and subsurface drains help to overcome wetness. Conservation tillage, which does not invert the soil and leaves all or part of the crop residue on the surface, helps to reduce compaction and maintain good soil tilth. Also, keeping tillage operations to a minimum helps to maintain good tilth.

This soil is in capability subclass IIw and Michigan soil management group 3/2b.

38—Napoleon muck. This nearly level, very poorly drained soil is on lowlands. It is subject to ponding. Areas are irregular in shape and are 3 to 40 acres in size.

Typically, the surface layer of the Napoleon soil is black muck about 10 inches thick. The material below that, to a depth of 60 inches, is dark reddish brown mucky peat in the upper 38 inches and very dark gray muck in the lower 12 inches. In some places the material below a depth of 40 inches is sandy or loamy.

Permeability is moderate or moderately rapid. The available water capacity is high. Runoff is very slow. The high water table is near or above the surface from September to June.

In most areas this soil is covered by brush. It is poorly suited to woodland use, to use as habitat for openland wildlife, and to recreation uses. Generally it is not suited to use as pasture and cropland. It is not suited to use as a site for buildings and to use as septic tank absorption fields. The hazard of ponding is the main limitation of this soil for most uses.

If outlets are available, this soil can be drained and used for specialty crops such as blueberries.

This soil is in capability subclass VIw and Michigan soil management group Mc-a.

39—Granby loamy sand. This nearly level, poorly drained soil is in broad, flat areas and drainageways and is subject to frequent ponding. Areas are irregular in shape and are 2 to 60 acres in size.

Typically, the surface layer is black loamy sand about 11 inches thick. The subsoil is mottled and is about 27 inches thick. In the upper part it is dark gray, very friable loamy sand; and in the lower part it is gray, loose sand. The substratum to a depth of about 60 inches is light gray, mottled sand. In some places loamy or clayey material is at a depth below 40 inches. In some places the surface layer is muck less than 16 inches thick.

Included in mapping are small areas of poorly drained Sebewa soils and very poorly drained Gilford soils that are on landscape positions similar to those of the Granby soil. The Sebewa and Gilford soils are less droughty than the Granby soil. Also included are small areas of the somewhat poorly drained Tedrow, Thetford, and Wasepi soils that are on low knolls. The included soils make up 1 to 10 percent of the map unit.

Permeability is rapid in this Granby soil, and the available water capacity is low. Runoff is very slow or ponded. The high water table is at or above the surface from November through June.

In most areas this soil is used as woodland or pasture or is idle land. This soil is fairly suited to use as pasture or cropland and poorly suited to woodland use and to recreation uses.

This soil is poorly suited to building site development because of wetness. It should not be used as a site for buildings with basements. If this soil is used as a site for buildings without basements, the use of surface or subsurface drainage to lower the water table and the use of well compacted fill to raise the site help to overcome the wetness limitation. This soil is generally not suited to use as septic tank absorption fields because of its wetness and poor filtering capacity. Sanitary facilities should be connected to public sewers and sewage treatment facilities.

If this soil is used as cropland, the management concerns are removing excess water and maintaining

od soil tilth. If drained, this soil is droughty and subject soil blowing. The use of cover crops, green manure, d crop residue and the use of conservation tillage, ich does not invert the soil and leaves all or part of e crop residue on the surface, help to conserve isture, maintain good soil tilth, and control soil wing.

If this soil is used as woodland, the major nagement concerns are equipment limitations, edling mortality, and windthrow. The use of heavy uipment for planting, tending, and harvesting trees is stricted during wet periods. Woodland operations can timed to seasons of the year when the soil is atively dry or frozen. Seedling loss will be high cause of wetness. Special site preparation, such as dding, can be used in some areas to help reduce edling loss. The use of harvest methods that do not ive trees standing alone or widely spaced helps to event windthrow.

This soil is in capability subclass IVw and Michigan soil nagement group 5c.

40B—Udorthents, loamy, undulating. This map unit nsists of moderately well drained or well drained soils at have been so altered that classification at the series vel is not feasible. These soils range in texture from ndy loam to clay loam. They make up areas of 3 to 75 res. In some areas, soil material has been excavated. other areas, the soils have been covered by fill aterial.

ncluded in mapping are strongly sloping to very steep ils along the outer edges of the mapped areas. These ils are more erodible. In a few areas the soils are ndy or clayey or have organic material below 5 feet. e included soils make up 2 to 15 percent of this map it.

Permeability, reaction, and available water capacity are riable. Surface runoff is slow to medium. The high ter table is at a depth of 2 to more than 5 feet. The il material generally is very low in content of organic atter.

n most areas the soils are idle land. In a few areas ey are used for pasture or for recreation uses. These ls generally are poorly suited to cropland use. Onsite aluation is needed to determine their suitability for odland, pasture, and recreation uses and for building e development.

These soils are not assigned to interpretive groupings.

40C—Udorthents, loamy, rolling. This map unit nsists of moderately well drained or well drained soils at have been so altered that classification at the series el is not feasible. These soils range in texture from ndy loam to clay loam. They make up areas of 3 to 75 res. In most areas, soil material has been excavated. a few areas, the soils have been covered by fill aterial.

ncluded in mapping are gently sloping or undulating ls. Included also are a few areas of sandy or clayey soils. The included soils make up 4 to 10 percent of this map unit.

Permeability, reaction, and available water capacity are variable. Surface runoff is medium to rapid. The soil material generally is very low in organic matter content.

In most areas these soils are idle land. In a few areas they are used for pasture or for recreation uses. These soils are poorly suited to cropland use. Onsite evaluation is needed to determine their suitability for woodland, pasture, and recreation uses and for building site development.

These soils are not assigned to interpretive groupings.

41B—Aquents, sandy and loamy, undulating. This map unit consists of somewhat poorly drained and poorly drained soils that have been so altered that classification at the series level is not feasible. These soils range in texture from sand to clay loam. They make up areas of 3 to 50 acres. In most areas, these soils have been covered by fill material. In a few areas, soil material has been excavated.

Included in mapping are moderately sloping to very steep soils along the outer edges of the mapped areas. They are more erodible. Included also are a few areas of marl or clay and some areas where organic material is below 2 to 4 feet or the fill material is a mixture of organic and mineral materials. The included soils make up 5 to 20 percent of this map unit.

The high water table is at a depth of 2 feet to near the surface from October to May. Permeability, reaction, and available water capacity are variable. Surface runoff is slow to ponded. The soil material is generally very low in organic matter content.

In most areas these soils are idle land. In a few areas they are used for urban development, pasture, or recreation uses. These soils generally are poorly suited to cropland use. Onsite evaluation is needed to determine their suitability for woodland, pasture, and recreation uses and for building site development.

These soils are not assigned to interpretive groupings.

42—Pits. This map unit consists of areas that have been excavated for sand or for sand and gravel. Areas range from 3 to 120 acres.

Included in mapping are some strongly sloping to steep soils that are subject to erosion. Also included are a few areas of Aquents and Udipsamments that have not been excavated and some pond areas.

The high water table ranges from near the surface to more than 5 feet in depth. Surface runoff is medium to ponded.

Most areas are used as wildlife habitat or are still being mined.

This miscellaneous area is not assigned to interpretive groupings.

43—Sloan-Marlette association. This association consists of nearly level, very poorly drained Sloan soils

45C—Arkport loamy fine sand, 6 to 12 percent slopes. This moderately sloping or gently rolling, well drained soil is on knolls and ridgetops. Most areas of this soil are dissected by shallow drainageways. Slopes are smooth and convex and are generally less than 100 feet long. Areas are irregular in shape and are 2 to 150 acres in size.

Typically, the surface layer is dark grayish brown loamy fine sand about 8 inches thick. The subsurface layer is yellowish brown loamy fine sand about 11 inches thick. The next layer consists of light yellowish brown, very friable loamy fine sand and thin strata of dark brown very fine sandy loam, and it is about 20 inches thick. The next layer to a depth of about 60 inches consists of very pale brown and brownish yellow, very friable loamy very fine sand and thin strata of yellowish brown very fine sandy loam. In places the subsoil has a higher clay content, and in places there is gravelly sand below 50 inches.

Included in mapping are small areas of the somewhat poorly drained Dixboro soils and the well drained Spinks soils. The Spinks soils are more droughty than the Arkport soil and generally are on landscape positions similar to those of the Arkport soil. The Dixboro soils are in narrow drainageways and on foot slopes. Also included are small areas of the very poorly drained Gilford and Thomas soils that are in small depressions. The included soils make up 3 to 10 percent of the map unit.

Permeability is moderately rapid in this Arkport soil. The available water capacity is moderate. Runoff is medium.

In most areas this soil is used as pasture or woodland or is idle land. In a few areas it is used as cropland. This soil is well suited to use as pasture and woodland. It is fairly suited to cropland use and to recreation uses.

This soil is suited to building site development and to use as septic tank absorption fields, but slope is a limitation. For buildings, land shaping and installing retaining walls help to overcome the slope limitation. For septic tank absorption fields, installing the absorption field on the contour can overcome this limitation.

If this soil is used as cropland, the major management concerns are controlling soil blowing, overcoming droughtiness, and maintaining organic matter content. Cover crops, such as rye, protect fields from soil blowing. Contour tillage helps to slow runoff. The use of grasses and legumes in the crop rotation and the use of conservation tillage, which does not invert the soil and leaves all or part of the crop residue on the surface, can help to maintain the content of organic matter and overcome droughtiness.

If this soil is used as woodland, the major management concern is seedling mortality. Special site preparation, such as furrowing, helps to overcome this problem in some areas.

This soil is in capability subclass IIIe and Michigan soil management group 3a-s.

45D—Arkport loamy fine sand, 12 to 25 percent slopes. This moderately sloping to very hilly, well drained soil is on knolls, side slopes, and ridgetops. Some areas of this soil are dissected by shallow drainageways. Slopes are smooth and convex and are commonly less than 100 feet long. Areas are irregular in shape and are 2 to 150 acres in size.

Typically, the surface layer is brown loamy fine sand about 7 inches thick. The subsurface layer is yellowish brown loamy fine sand about 15 inches thick. The next layer consists of yellowish brown, very friable loamy fine sand and thin strata of brown, friable very fine sandy loam; and it is about 21 inches thick. The next layer to a depth of about 60 inches is very pale brown and yellowish brown, friable very fine sandy loam. In places the subsoil has a higher clay content. In some places gravelly sand is below 50 inches.

Included in mapping are small areas of the well drained Spinks soils. The Spinks soils are more droughty than the Arkport soil and generally are on landscape positions similar to those of the Arkport soil. These included soils make up 3 to 8 percent of the map unit.

Permeability is moderately rapid in this Arkport soil, and the available water capacity is moderate. Runoff is medium to rapid.

In most areas this soil is used as woodland or pasture or is idle land. This soil is fairly suited to woodland use. It is poorly suited to use as pasture and to recreation uses. This soil generally is not suitable for building site development and for use as septic tank absorption fields because of slope.

If this soil is used as woodland, the major management concerns are equipment limitations and seedling mortality. Some seedling loss can be expected during dry summer months. Special site preparation, such as furrowing, helps to overcome the seedling mortality problem. Normal planting and logging equipment can be used, but careful planning of roads, landings, and skid trails is necessary.

This soil is in capability subclass IVe and Michigan soil management group 3a-s.

46A—Dixboro loamy fine sand, 0 to 3 percent slopes. This somewhat poorly drained soil is on broad, nearly level areas or low knolls. Slopes are slightly convex and are generally less than 50 feet long. Areas are irregular in shape and are 2 to 100 acres in size.

Typically, the surface layer is very dark grayish brown loamy fine sand about 8 inches thick. The subsurface layer is pale brown loamy very fine sand about 8 inches thick. The subsoil is strong brown, mottled, friable very fine sandy loam about 19 inches thick. The substratum to a depth of about 60 inches is grayish brown, mottled, calcareous, stratified very fine sand, loamy very fine sand, and very fine sandy loam. In some places the surface layer is lighter colored. In some places the subsoil contains thin layers of gravelly sand or contains thin strata with more clay.

inches thick. The subsoil is dark brown, firm gravelly sandy clay loam and is about 13 inches thick. The substratum to a depth of about 60 inches is brown, calcareous gravelly sand.

Typically, the Riddles soil has a surface layer of dark grayish brown sandy loam about 9 inches thick. The subsurface layer is brown sandy loam about 7 inches thick. The subsoil is sandy clay loam about 35 inches thick. In the upper part it is yellowish brown and friable; in the middle part it is dark yellowish brown and firm; and in the lower part it is yellowish brown and friable. The substratum to a depth of about 60 inches is brown, calcareous sandy loam.

Included in mapping are small areas of well drained Boyer soils that are on landscape positions similar to those of the Fox or Riddles soils. These Boyer soils are more droughty than the Fox or Riddles soils. Also included are the somewhat poorly drained Capac, Matherton, and Metamora soils in drainageways and on low knolls and ridges at lower elevations and the poorly drained Sebewa soils and very poorly drained Thomas soils in small depressions or narrow drainageways. The included soils make up 8 to 20 percent of the complex.

Permeability is moderate in the subsoil and rapid in the substratum in the Fox soil. It is moderate in the Riddles soil. The available water capacity is moderate in the Fox soil and high in the Riddles soil. Runoff is slow. The shrink-swell potential is moderate.

In most areas these soils are used as woodland or pasture or are idle land. In a few areas they are used as cropland. These soils are fairly suited to cropland use and to recreation uses. They are well suited to use as pasture and woodland.

These soils are suited to building site development, but slope is a limitation. Land shaping and installing retaining walls help to overcome the slope limitation for buildings. These soils are suited to use as septic tank absorption fields, but slope is a limitation. Land shaping and installing the absorption field across the slope help to overcome this limitation. Poor filtering capacity is an additional limitation to the use of the Fox soil as septic tank absorption fields. The effluent drains satisfactorily, but there is a hazard of ground water pollution.

If these soils are used as cropland, the major management concerns are controlling runoff and erosion, maintaining organic matter content, and keeping the soil in good tilth. Contour tillage helps to reduce erosion and runoff. Crop residue and green manure help to maintain the organic matter content and improve the tilth of the soil.

These soils are in capability subclass IIIe and Michigan soil management groups 3/5a and 2.5a.

48—Gilford sandy loam. This nearly level, very poorly drained soil is in broad, flat areas and in drainageways. It is subject to frequent ponding. Areas are irregular in shape and range in size from 2 to 100 acres or more.

Typically, the surface layer is very dark brown sandy loam about 11 inches thick. The subsoil is friable sandy loam and is about 27 inches thick. In the upper part it is dark gray, and in the lower part it is gray and mottled. The substratum to a depth of about 60 inches is gray, calcareous gravelly sand. In some areas, the surface layer is thinner, or the subsoil consists of alternate layers of sand, loamy sand, and sandy loam.

Included in mapping are small areas of the very poorly drained Houghton and Adrian soils that are in small depressions. The Houghton and Adrian soils are less stable than the Gilford soil. Also included are small areas of the somewhat poorly drained Wasepi soils that are on low knolls. The included soils make up 2 to 8 percent of this map unit.

Permeability is moderately rapid in the subsoil of this Gilford soil and very rapid in the substratum. The available water capacity is low. Runoff is very slow or ponded. The high water table is at or above the surface from December to May.

In most areas this soil is used as woodland or pasture or is idle land. This soil is well suited to use as cropland and pasture. It is poorly suited to woodland use and to recreation uses.

This soil is poorly suited to building site development because of wetness and generally is not suited to use as septic tank absorption fields because of wetness and poor filtering capacity. It should not be used as a site for buildings with basements. If the soil is used as a site for buildings without basements, the use of surface or subsurface drainage to lower the water table and the use of well compacted fill to raise the site help to overcome the wetness limitation. Sanitary facilities should be connected to public sewers and sewage treatment facilities.

If this soil is used as cropland, the main management concerns are removing excess water and maintaining good tilth. Surface and subsurface drains help to overcome the wetness limitation. Tilling when the soil is not wet and using conservation tillage, which does not invert the soil and leaves all or part of the crop residue on the surface, help to improve tilth.

If this soil is used as woodland, the major management concerns are equipment limitations, seedling mortality, and windthrow. The use of heavy equipment for planting, tending, and harvesting trees is restricted during wet periods. Woodland operations can be timed to seasons of the year when the soil is relatively dry or frozen. Seedling loss will be high because of wetness. Special site preparation, such as bedding, can be used in some areas to help reduce the loss of seedlings. The use of harvest methods that do not leave trees standing alone or widely spaced helps to prevent windthrow.

This soil is in capability subclass IIIw and Michigan soil management group 4c.

49—Cohoctah fine sandy loam. This nearly level, poorly drained or very poorly drained soil is on flood plains and is subject to frequent flooding. Areas are

This soil is in capability subclass IIIs and Michigan soil management group Ga.

51C—Leoni gravelly sandy loam, 6 to 12 percent slopes. This moderately sloping or gently rolling, well drained soil is on knolls and ridges. Slopes are smooth and convex and are less than 100 feet long. Areas are irregular in shape and are 5 to 70 acres in size.

Typically, the surface layer is brown gravelly sandy loam about 7 inches thick. The subsoil is friable and is about 37 inches thick. In the upper part it is yellowish brown gravelly sandy clay loam, and in the lower part it is dark yellowish brown gravelly sandy clay loam. The substratum to a depth of about 60 inches is light yellowish brown gravelly sand. In some places the soil is severely eroded.

Included in mapping are small areas of the very poorly drained Gilford, Thomas, and Houghton soils and the poorly drained Sebewa soils that are in depressions. These soils make up 2 to 8 percent of the map unit.

Permeability is moderate in the subsoil of this Leoni soil and moderately rapid or rapid in the substratum. The available water capacity is low. Runoff is medium to rapid. The shrink-swell potential is moderate.

In most areas this soil is used as woodland or pasture or is idle land. In a few areas it is used as cropland. This soil is well suited to woodland use. It is fairly suited to cropland use and poorly suited to recreation uses.

This soil is suited to building site development, but slope and cobbles are limitations to this use. Land forming and installing retaining walls can help to overcome the slope limitation. The cobbles may have to be removed. This soil is suited to septic tank absorption fields, but slope is a limitation. Land shaping and installing the absorption field across the slope help to overcome the slope limitation for septic tank absorption fields.

If this soil is used as cropland, the major management concerns are overcoming droughtiness, controlling runoff and erosion, maintaining the organic matter content, and keeping the soil in good tilth. The use of conservation tillage, which does not invert the soil and leaves all or part of the crop residue on the surface, helps to conserve moisture. Practices that help prevent erosion and runoff are the use of a crop rotation that includes hay, the use of cover crops and grassed waterways, and the use of conservation tillage. Crop residue and green manure help to maintain the organic matter content and improve the tilth of the soil.

This soil is in capability subclass IIIe and Michigan soil management group Ga.

52A—Selfridge loamy sand, 0 to 3 percent slopes. This nearly level, somewhat poorly drained soil is on broad, flat areas or low knolls. Slopes are slightly convex and are less than 50 feet long. Areas are irregular in shape and are 2 to 80 acres in size.

Typically, the surface layer is very dark grayish brown loamy sand about 9 inches thick. The subsurface layer is brown loamy sand or light yellowish brown sand about 23 inches thick. The subsoil is brown, mottled, friable loam about 9 inches thick. The substratum to a depth of about 60 inches is grayish brown, mottled, calcareous loam. In the southern part of the county, this soil is clayey below a depth of 40 inches.

Included in mapping are small areas of Capac and Metamora soils on landscape positions similar to those of the Selfridge soil. These soils are not as droughty as the Selfridge soil. Also included are small areas of the very poorly drained Brookston, Houghton, and Thomas soils that are in depressions and drainageways and small areas of the well drained Metea soils that are on higher knolls and ridges. The included soils make up 5 to 10 percent of the map unit.

Permeability is rapid in the sandy surface soil and moderately slow in the loamy subsoil and substratum. The available water capacity is moderate. Runoff is slow. The seasonal high water table is at a depth of 1 to 2 feet from November through May.

In most areas this soil is used as woodland or pasture or is idle land. In a few areas it is used as cropland. This soil is well suited to use as pasture. It is fairly suited to use as cropland and woodland and to recreation uses.

This soil is poorly suited to building site development because of wetness and is poorly suited to use as septic tank absorption fields because of wetness and moderately slow permeability. If the soil is used as a site for buildings, the use of surface or subsurface drains to lower the water table and the use of well compacted fill to raise the site can help to overcome the wetness limitation. For septic tank absorption fields, special construction, such as filling or mounding the absorption field site with suitable soil material, may be needed to raise the field above the water table and into more permeable soil material.

If this soil is used as cropland, the major management concerns are wetness, water erosion and soil blowing, droughtiness, and organic matter content. Subsurface drainage helps to reduce the wetness limitation. Cover crops, such as rye, protect fields from water erosion and soil blowing. The use of conservation tillage, which does not invert the soil and leaves all or part of the crop residue on the surface, helps to conserve moisture. The use of crop rotations that include grasses and legumes and the use of crop residue management can help to maintain organic matter content.

If this soil is used as woodland, the major management concern is seedling mortality. Some seedling loss can be expected due to droughtiness during dry summer months. Exposing soil just prior to the production of the seed crop can help desirable tree seedlings become established quickly and get a head start on competing vegetation.

This soil is in capability subclass IIIw and Michigan soil management group 4/2b.

53A—Tedrow loamy sand, 0 to 3 percent slopes. This nearly level, somewhat poorly drained soil is on

LOG OF HAND AUGER BORINGS

PEA JOB NO. 96075G & 94158G

HAB NO.	DEPTH	SAMPLE NO.	SOIL DESCRIPTION	REMARKS
HAB #1	0' to 4.0'	1-D at 2.0'	Very Stiff Mottled Brown/Gray SILTY CLAY with Trace of Gravel	Dry at completion *4,500 psf at 1.5' *7,000 psf at 3.0'
HAB #2	0' to 1.7'		TOPSOIL: Very Soft Dark Brown SILTY CLAY	Water at 1.7 feet
	1.7' to 2.5'		Stiff Brown/Gray SILTY CLAY with Trace of Gravel	3,000 psf
	2.5 to 4.0'	1-D at 3.0'	Very Stiff Brown/Gray SILTY CLAY with Trace of Gravel	6,000 psf
HAB #3	0' to .4'		TOPSOIL: Very Soft Dark Brown SILTY CLAY	Water at 1.5 feet
	0.4' to 2.0'	1-D at 1.5'	Very Soft Brown/Gray SILTY CLAY with Some Roots	5,000 psf
	2.0' to 3.7'	2-D at 2.5'	Very Stiff Mottled Brown/Gray SILTY CLAY	Refusal on cobble at 3.7 feet
HAB #4	0' to 0.5'		Soft Dark Brown SILTY CLAY (Topsoil)	Water at 0.5 feet
	0.5' to 4.7'	1-D at 3.0'	Very Stiff Mottled Brown/Gray SILTY CLAY	6,000 psf
HAB #5	0' to 1.0'		TOPSOIL: Very Soft Dark Brown SILTY CLAY	Water at 1.0 feet
	1.0' to 6.0	1-D at 4.0'	Very Stiff Gray SANDY CLAY	4,000 to 6,000 psf
HAB #6	0' to 0.7'		TOPSOIL: Very Soft Dark Brown SILTY CLAY	Water at 0.7 feet
	0.7' to 1.5'	1-D at 1.0'	Medium Gray SANDY SILTY CLAY	3,500 psf
	1.5' to 6.5'	2-D at 3.5'	Stiff Gray SANDY CLAY	

NOTES:

1. Hand auger borings drilled adjacent to stream flow with 2-1/2-inch diameter hand augers.
2. Visual soil classification only.
3. *PP - Pocket Penetrometer Value in pounds per square foot (psf).

DRILLED BY: Doug Gucwa DATE: 9/25/96 SHEET NO. 1

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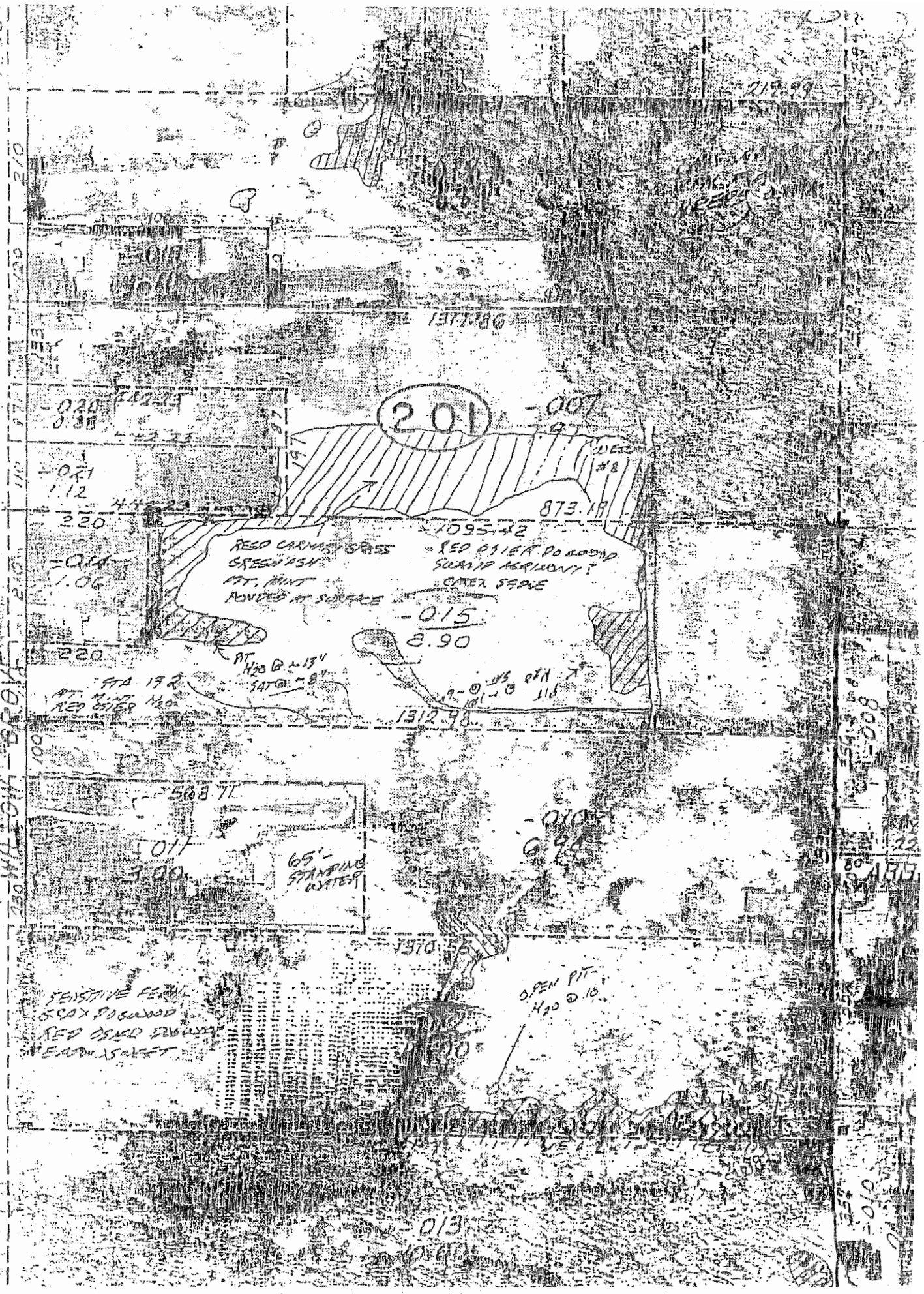
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POOLED AT SURFACE
RED OSIER DOGWOOD
SUMAC ASPIRONY?
CAREX SEDGE
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PT
H2O @ ~13"
SAT @ ~8"
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-010
65'-
STANDING
WATER
OPEN PIT
H2O @ 10'
-013

July 10, 1998

Attachment C

TO: The Honorable Mayor and City Council

FROM: James C. Bacon, Jr., City Manager B
John Szerlag, Assistant City Manager/Services JS

SUBJECT: Fetterly Drain Issues

Questions about the Fetterly Drain have been raised primarily in two arenas: engineering and environmental. Both of these arenas are underpinned by financial considerations. At this point in time, there are things we know about this issue and things we don't know. Let's start with things we know.

From an engineering perspective, we know that:

1. The drainage district for the Fetterly Drain includes approximately 310 acres, of which approximately 175 acres are undeveloped. The Fetterly Drain does not currently have sufficient capacity to handle a ten-year storm event within the channel or the existing 40-foot wide easement.

2. The scope of work currently proposed will cover the entire 3,730 linear feet of the Fetterly Drain. The southern 1,280 linear feet will be enclosed with a 42-inch diameter pipe, with a swale over the pipe. The northern 2,450 linear feet will consist of a swale over a 21-inch diameter pipe enclosure. Improving the drain in this fashion means that there will be a ten-year storm capacity at full development within the district.

3. The benefits realized by performing only a drain clean-out are limited. Most importantly, a clean-out of the drain will not provide the ten-year storm capacity.

4. We cannot have an open drain improvement within the existing 40 foot easement because the cross-section's steep side slopes would be dangerous, would be difficult to maintain, and soils are not conducive to supporting steep side slopes (i.e. 1:1, 1:2).

5. An open drain improvement project would require adding up to 60 feet of easement width.

From an environmental perspective, we know that:

1. A heron rookery is located within the drainage district.

2. Rookeries should have an area of isolation.

3. The U.S. Fish and Wildlife Services recommends an isolation zone of approximately 810 feet around the rookery. Thus, the amount of recommended area to remain

DATE: April 11, 2005

TO: John Szerlag, City Manager

FROM: Brian Murphy, Assistant City Manager/Services
Douglas J. Smith, Real Estate and Development Director
Steve Vandette, City Engineer
Mark F. Miller, Planning Director

SUBJECT: AGENDA ITEM – PRELIMINARY SITE CONDOMINIUM REVIEW – Oak Forest Site Condominium, south side of Square Lake Road, between Willow Grove and John R Road, section 11 – R-1C

RECOMMENDATION

At the March 8, 2005 Regular Meeting, the Planning Commission recommended approval of the Oak Forest Site Condominium, with the following conditions:

1. Submission of the landscaping information required by the Landscape Analyst in the Planning Department report dated March 3, 2005.

2. The applicant must receive appropriate permits from the MDEQ prior to dredging, filling, or completing any other improvements within a State-regulated wetland.

3. The applicant must receive appropriate permits from the Oakland County Drain Commissioner and the City of Troy prior to completing any improvements to the Fetterly Drain.

4. Clarification of ownership of proposed open space that includes the proposed wetlands mitigation areas.

5. Changing what is marked as the walking easement to a dedicated walkway.

The petitioner can submit the additional landscaping information prior to Final Approval. The plans were revised to show a 12-foot wide public walkway. While the open space will most likely be General Common Area, this should be clarified by the petitioner. City Management concurs with the Planning Commission recommendation and recommends approval of the Oak Forest Site Condominium.

GENERAL INFORMATION

Name of Owner / Applicant:
The owner and applicant is Dale Garrett of Ladd's Inc.

Location of subject property:
The property is located on the south side of Square Lake Road, between Willow Grove and John R Road, in section 11.

Size of subject parcel:
The parcel is approximately 38.4 acres in area. It has access to both Square Lake Road and John R Road.

Description of proposed development:
The applicant is proposing a 76-unit site condominium, with access to both Square Lake Road and John R Road. Two stub streets to the north on the east side of the Fetterly Drain and one stub street to the south on the west side of the Fetterly Drain are also proposed.

Current use of subject property:
Two single-family homes presently sit on the property.

Current use of adjacent parcels:
North: Single family residential and vacant.

South: Single family residential and vacant.

East: Single family residential and vacant.

West: Single family residential and vacant.

Current zoning classification:
The property is currently zoned R-1C One Family Residential.

Zoning classification of adjacent parcels:
North: R-1C One Family Residential.

South: R-1C One Family Residential.

East: R-1C One Family Residential.

West: R-1C One Family Residential.

Future Land Use Designation:
The property is designated on the Future Land Use Plan as Low Density Residential and Open Space.

ANALYSIS

Compliance with area and bulk requirements of the R-1C One Family Residential District:

Lot Area: Minimum lot area in the R-1C district is 10,500 square feet. However, the applicant is utilizing the Lot Averaging Option, which permits a 10 percent reduction in lot area to 9,450 square feet.

Lot Width: The minimum required lot width is 85 feet. The applicant has utilized the lot averaging option, which permits a 10 percent reduction in lot widths, to 76.5 feet.

Height: 2 stories or 25 feet.

Setbacks: Front: 30 feet.
Side (least one): 10 feet.
Side (total two): 20 feet.
Rear: 40 feet.

Minimum Floor Area: 1,200 square feet.

Maximum Lot Coverage: 30%.

The applicant meets the area and bulk requirements of the R-1C One Family Residential District.

Off-street parking and loading requirements:
The applicant will be required to provide 2 off-street parking spaces per unit.

Environmental provisions, including Tree Preservation Plan:
A Tree Preservation Plan was submitted as part of the application.

Stormwater detention:
The applicant is proposing two storm water detention basins. One will serve the 38 units on the east side of the drain, one will serve the 38 units on the west side of the drain.

Natural features and floodplains:
The Natural Features Map indicates there are wetlands, woodlands and a drain on the property. The applicant has provided a Preliminary Environmental Impact Statement. The applicant has provided a Wetland Determination Report prepared by Holloway Environmental Planning, Inc., dated December 8, 2004. The applicant has provided a Wetlands Assessment Report prepared by the MDEQ on December 28, 2001. The report indicates that there are a number of wetlands regulated under Part 303 of PA 451 of 1994, however the findings are

not binding after October 17, 2004. Any construction activity such as dredging, filling, or draining within a regulated wetland will require a permit from the MDEQ prior to the activity commencing.

Subdivision Control Ordinance, Article IV Design Standards

Lots: All units meet the minimum area and bulk requirements of the Zoning Ordinance.

Streets: The proposed development has direct vehicular access to both John R and Square Lake Roads. The paved portion of all proposed streets will be 28 feet wide, located within a 60-foot wide public right-of-way.

The applicant has provided two future connections to the north and one to the south.

Sidewalks: The applicant is proposing sidewalks on both sides of the proposed streets. In addition, a 12-foot wide pedestrian connection is provided to the south, between units 30 and 31.

Utilities: The parcel is served by public water and sewer.

Attachments:

1. Maps.
2. Preliminary Environmental Impact Statement.
3. Public comment.

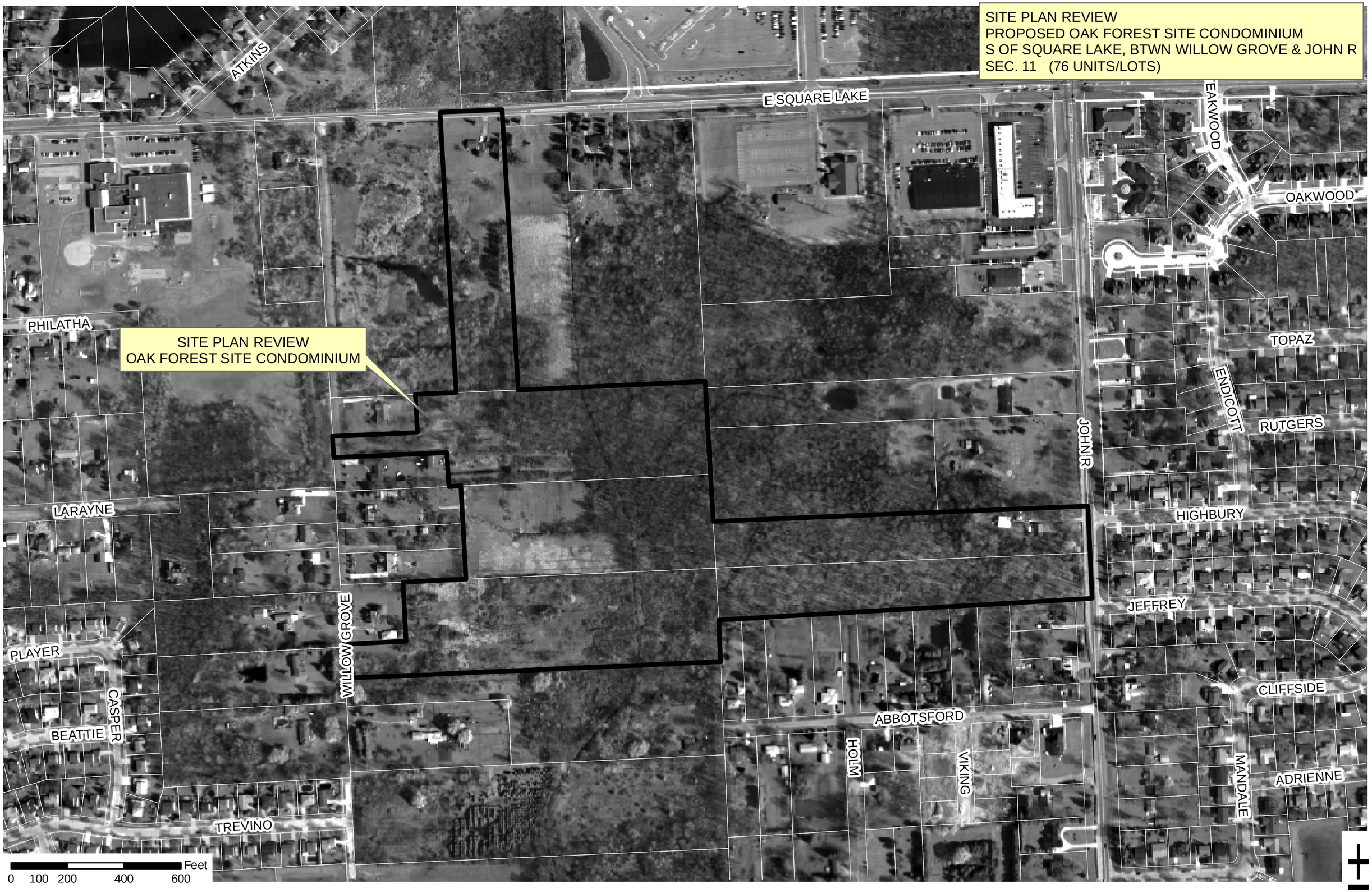
cc: Applicant
File/Oak Forest Site Condominium

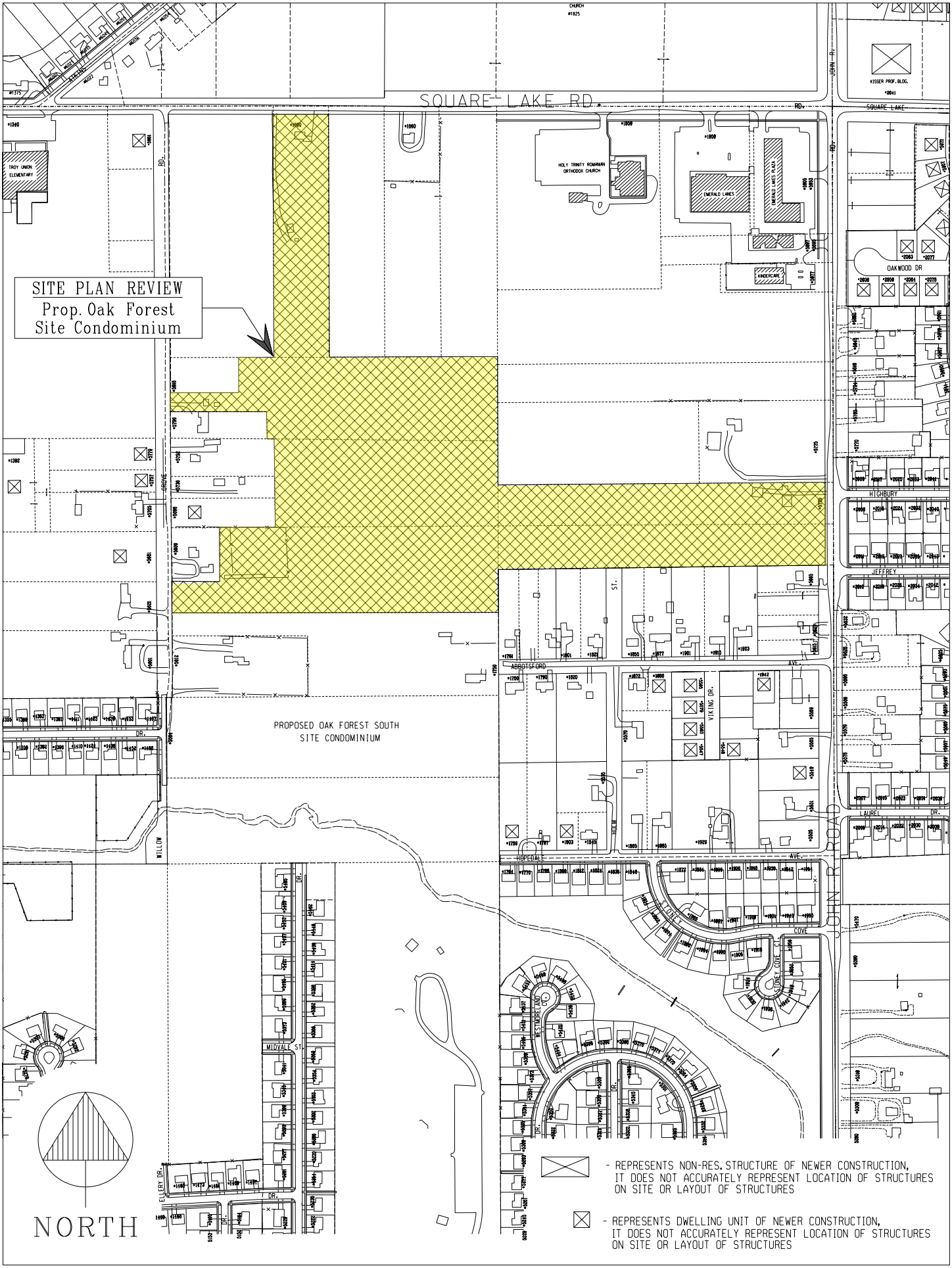
Prepared by RBS/MFM

G:\SUBDIVISIONS & SITE CONDOS\Oak Forest Site Condo Sec 11\Prelim CC Approval Oak Forest Site Condo 04 18 05.doc

CITY OF TROY

PREPARED BY CITY OF TROY PLANNING DEPT.


SITE PLAN REVIEW
PROPOSED OAK FOREST SITE CONDOMINIUM
S OF SQUARE LAKE, BTWN WILLOW GROVE & JOHN R
SEC. 11 (76 UNITS/LOTS)
SITE PLAN REVIEW
OAK FOREST SITE CONDOMINIUM
ATKINS
E SQUARE LAKE
OAKWOOD
OAKWOOD
PHILATHA
TOPAZ
ENDICOTT
RUTGERS
JOHN R
LARAYNE
HIGHBURY
JEFFREY
WILLOW GROVE
PLAYER
CASPER
BEATTIE
CLIFFSIDE
ABBOTSFORD
HOLM
VIKING
MANDALE
ADRIENNE
TREVINO
Feet
0 100 200 400 600


SITE PLAN REVIEW
Prop. Oak Forest
Site Condominium
SQUARE LAKE RD.
TROY UNION ELEMENTARY
HOLY TRINITY ROMANIAN ORTHODOX CHURCH
EMERALD LAKES
EMERALD LAKES PLAY
KINDERCARE
KISSER PROF. BLDG.
OAKWOOD DR
HIGHBURY
JEFFREY
ABBOTSFORD AVE.
VIKING DR.
LAUREL DR.
HOPEDALE AVE.
COVE
WESTMORELAND COVE
DR.
MIDVALE ST.
ELLERY DR.
WILLOW
GROVE
JOHN R. RD.
PROPOSED OAK FOREST SOUTH
SITE CONDOMINIUM
NORTH
- REPRESENTS NON-RES. STRUCTURE OF NEWER CONSTRUCTION, IT DOES NOT ACCURATELY REPRESENT LOCATION OF STRUCTURES ON SITE OR LAYOUT OF STRUCTURES
- REPRESENTS DWELLING UNIT OF NEWER CONSTRUCTION, IT DOES NOT ACCURATELY REPRESENT LOCATION OF STRUCTURES ON SITE OR LAYOUT OF STRUCTURES

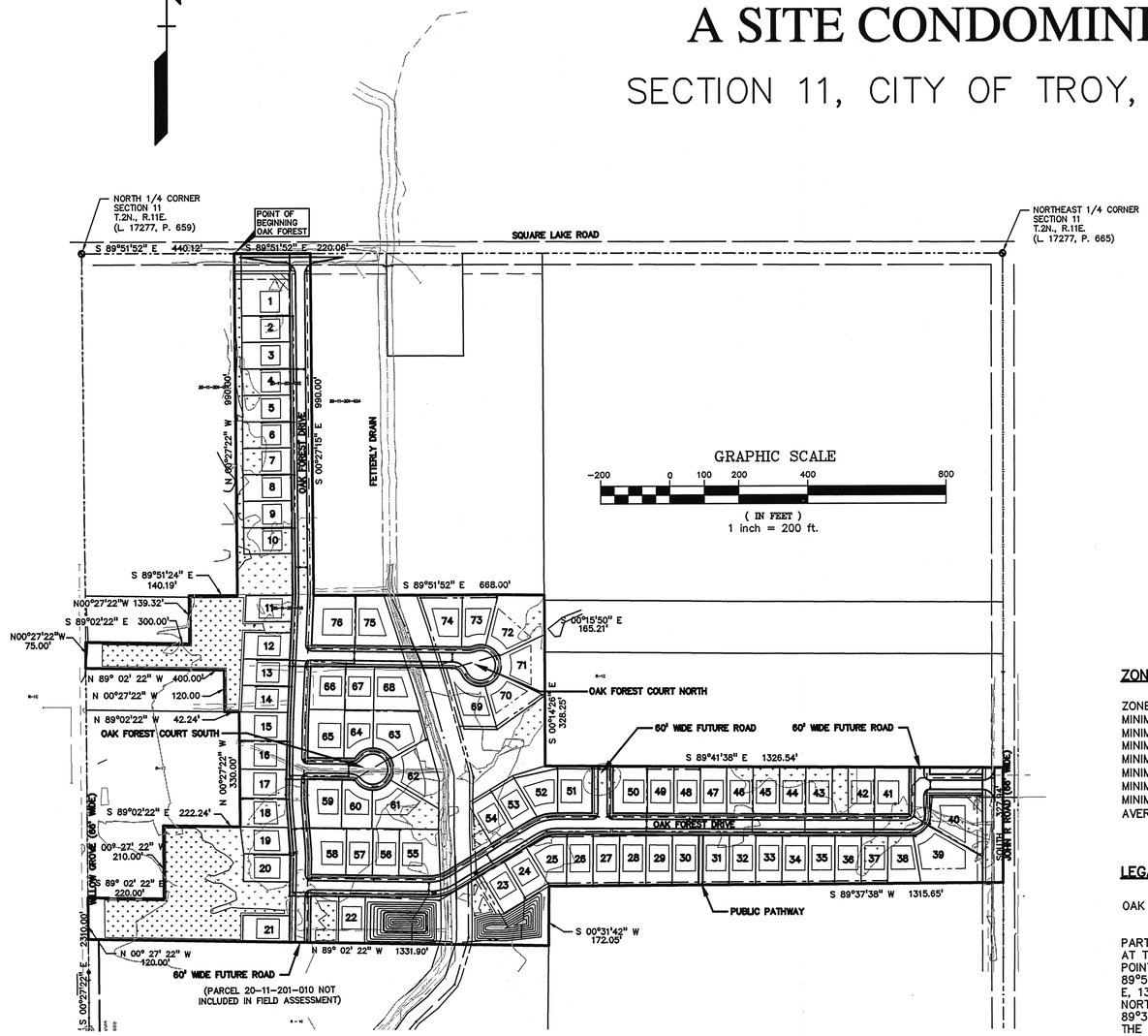
SITE PLAN REVIEW
PROPOSED OAK FOREST
SITE CONDOMINIUM
R-1D
R-1C
C-F
SQUARE LAKE ROAD
JOHN R ROAD
NORTH
CJ-#1
LAKES DR.
THREE
BALKER
CRESCENT WAY
PEBBLE
SANDY POINT
EMERALD LAKE
LAKESIDE DR.
SAXONY DR.
NORMANDY DR.
SMITHFIELD
BRITTANY TRIE DR.
DEVONN DR.
TUSCANY DR.
PHILATHA ST.
GROVE
OAKWOOD DR
TOPAZ DR.
RUTGERS
ELLIS DR.
HIGHBURY
ENGLECOT
JEFFREY
CLIFFSIDE
ADRIENNE
MICHELE
ASTER
LAUREL DR.
MANDALE
HILLANE
BEATTIE
CARDER
LITTLER
ABBOTSFORD
VIKING DR.
HOLM
HOPEDALE
STONEY
COVE
LITTLE COVE CT.
WESTMORELAND CT.
WESTMORELAND
GREENDALE
WILMET DR.
ORCHARD
CREST
SHENANDOAH
EVANSTON
MIDVALE ST.
ELLERY DR.
LILA
TYLER DR.
HALE
CHURCH HILL
ARLINGTON
BABBITT
CANADA
PRENTIS
ALLISON
BAY DR.
DRAKE
TUCKER
OYSTER DRIVE
STANDISH DRIVE
RADCLIFFE DR.

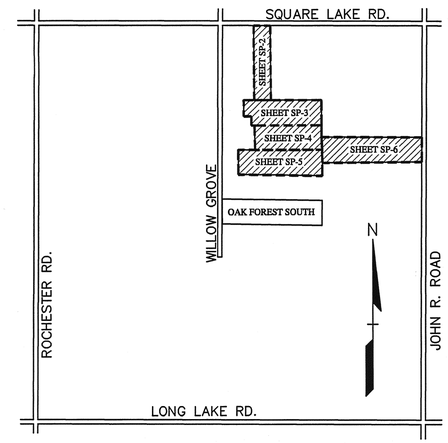
SITE PLAN DRAWINGS FOR

OAK FOREST

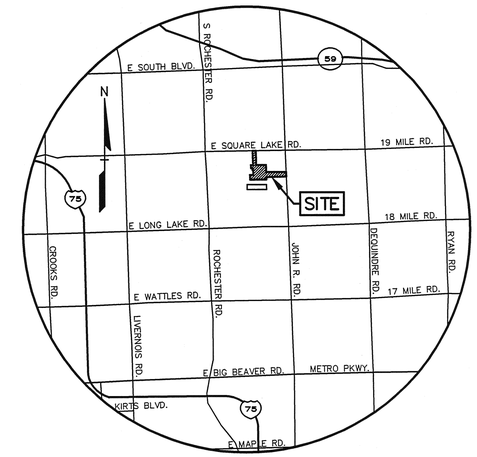
A SITE CONDOMINIUM DEVELOPMENT

SECTION 11, CITY OF TROY, OAKLAND COUNTY, MICHIGAN





KEY PLAN
NOT TO SCALE



LOCATION MAP
NOT TO SCALE

ZONING REQUIREMENTS

ZONED R-1C (USE LOT AVERAGING)

MINIMUM LOT AREA	= 9,450 SQUARE FEET
MINIMUM AVERAGE LOT AREA	= 10,500 SQUARE FEET
MINIMUM LOT WIDTH AT BUILDING SETBACK	= 76.5 FEET (85 FT. + 15 FT. FOR CORNER LOTS)
MINIMUM FRONT SETBACK	= 30 FEET
MINIMUM SIDE SETBACK	= 10 FEET WITH COMBINED MINIMUM OF 20 FEET
MINIMUM REAR SETBACK	= 40 FEET
MINIMUM LOT AREA PROVIDED	= 9,937 SQUARE FEET
AVERAGE LOT AREA PROVIDED	= 12,327 SQUARE FEET

DEVELOPER:

LADD'S, INC.
5877 LIVERNOIS ROAD, SUITE 103
TROY, MI 48098
CONTACT: DALE GARRETT
PHONE: (248) 828-1726
FAX: (248) 828-3573

LEGAL DESCRIPTIONS:

OAK FOREST CONDOMINIUM

PART OF THE NORTHEAST 1/4 OF SECTION 11, T. 2 N., R. 11 E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN, COMMENCING AT THE NORTH 1/4 CORNER OF SECTION 11; THENCE ALONG THE NORTH SECTION LINE S 89°51'52" E, 440.12 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING S 89°51'52" E, 220.06 FEET; THENCE S 00°27'15" E, 990.00 FEET; THENCE S 89°51'52" E. 668.00 FEET; THENCE S 00°15'50" E, 165.26 FEET; THENCE S 00°14'26" E, 328.26 FEET; THENCE S 89°41'38" E, 1326.54 FEET TO A POINT ON THE EAST LINE OF SECTION 11; THENCE ALONG SAID LINE SOUTH, 327.94 FEET TO THE NORTHEAST CORNER OF "EYSTER'S JOHN R FARMS" (L. 48, P. 121); THENCE ALONG THE NORTH LINE OF SAID SUBDIVISION S 89°37'38" W, 1315.65 FEET TO A CONCRETE MONUMENT AT THE NORTHWEST CORNER OF SAID SUBDIVISION; THENCE ALONG THE WEST SUBDIVISION LINE AS MONUMENTED; S 00°31'42" W, 172.05 FEET; THENCE N 89°02'22" W, 1331.90 FEET TO THE NORTH AND SOUTH 1/4 LINE OF SECTION 11; THENCE N 00°27'22" W, 120.00 FEET ALONG SAID LINE; THENCE S 89°02'22" E, 220.00 FEET; THENCE N 00°27'22" W, 210.00 FEET; THENCE S 89°02'22" E, 222.24 FEET; THENCE N 00°27'22" W, 330.00 FEET; THENCE N 89°02'22" W, 42.24 FEET; THENCE N 00°27'22" W, 120.00 FEET; THENCE N 89°02'22" W, 400.00 FEET TO SAID 1/4 LINE; THENCE N 00°27'22" W, 75.00 FEET ALONG SAID LINE; THENCE S 89°02'22" E, 300.00 FEET; THENCE N 00°27'22" W, 139.32 FEET; THENCE S 89°51'52" E, 140.19 FEET N 00°27'22" W, 990.00 FEET TO THE POINT OF BEGINNING, CONTAINING 39.23 ACRES

INDEX OF DRAWINGS

SP-1	GENERAL SITE PLAN
SP-2	PRELIMINARY SITE PLAN
SP-3	PRELIMINARY SITE PLAN
SP-4	PRELIMINARY SITE PLAN
SP-5	PRELIMINARY SITE PLAN
SP-6	PRELIMINARY SITE PLAN

RECEIVED
MAR 15 2005
PLANNING DEPT.

PRINT DATE
MAR 14 2005

NUMBER OF UNITS PROPOSED	
DEVELOPMENT	NUMBER OF UNITS
OAK FOREST SITE CONDOMINIUMS	76

DALE L. BURKHARDT
ENGINEER
NO. 34857
3-14-05
24 of 26

TWST ANGLE 00°00'00"
X-REF: WETLAND BASE F-ROTATED 10-22-04.DWG
N:\2000PROJ\2000250\DWG\SITE PLAN\SP01-COVER.DWG
TOPO ROTATED TO MATCH BOUNDARY 00°27'22" BASE POINT N10000,E10000

No.	By	Ck.	Revisions (Description)	Date
4	JRL	DLB	REVISE PUBLIC PATHWAY CALLOUT	3-14-05
3	JRL	DLB	REVISE PER MEETING WITH CLIENT ON 2-10-05	2-10-05
2	JRL	DLB	REVISE PER CLIENT REGARDING PLANNING COMMISSION COMMENTS	2-2-05
1	JRL	DLB	REVISE PER MEETING WITH CLIENT REGARDING CITY COMMENTS	1-5-05

LADD'S, INC.
5877 LIVERNOIS ROAD STE. 103
TROY, MICHIGAN 48098

GENERAL PLAN
OAK FOREST SITE CONDOMINIUM
PART OF THE NORTHEAST 1/4 OF SECTION 11
CITY OF TROY, OAKLAND COUNTY, MICHIGAN

DES.	DLB	SUR.	MAD	SCALE	1" = 200'	JOB NO.	2000250
DN.	JRL	P.M.	DLB	DATE	10-29-04	DWG. NO.	SP-1

PEA
PROFESSIONAL ENGINEERING ASSOCIATES
2430 Rochester Ct. Suite 100
Troy, MI 48083-1872
(248) 689-9090

Preliminary Environmental Impact Statement
Oak Forest Site Condominium

MAR 15 2005

November 18, 2004

Part of the Northeast Quarter of Section 11
City of Troy, Oakland County, Michigan

The proposed single-family residential development located south of Square Lake Road and west of John R Road comprises 38.11 acres and 76 units. The Fetterly Drain, an open ditch under the jurisdiction of the Oakland County Drain Commissioner, bisects the site from north to south. This proposed development is consistent with the current R-1C zoning of the area. The development of the site is scheduled for 2005. The development uses the "lot averaging" concept, which allows lots 76.5 feet wide with a minimum area of 9,450 square feet provided the average lot area is at least 10,500 square feet.

A. PHYSICAL CONDITIONS

1. Legal description and survey - See Site Plan or Boundary Survey
2. Location Map - See Site Plan or Figure 1
3. General Development Plan - See Figure 1
4. Site Conditions - See Site Plan
5. There is no limitation applicable to the development of the property as single family residential due to the proximity of airports.

B. PROJECT DESCRIPTION

1. The intended use is single family residential.
2. 76 residential units are proposed.
3. The total number of residents expected is 76 x 3.75 = 266 persons.
4. The anticipated vehicular generation is as noted below under thoroughfares.

C. IMPACT ANALYSIS: SYSTEMS

1. THOROUGHFARES

Based upon similar studies in the City of Troy, peak hour vehicular movements at John R Road and Square Lake Road adjacent to the proposed development are anticipated to be as tabulated below. Intersection improvements and turning lanes will be in accordance with the requirements of the City of Troy traffic engineer.

ROAD	A.M. PEAK HOUR		P.M. PEAK HOUR	
	IN	OUT	IN	OUT
John R	9	21	25	14
Square Lake	8	20	23	14

2. WATER SERVICE FACILITIES

Oak Forest will be served by existing 12" water mains on the south side of Square Lake Road and the west side of John R Road. The water main will be looped through the proposed development to service the lots along the connecting streets. Lots on the cul-de-sacs will be served with dead end sections connected to the loop. The expected water usage for a maximum daily demand of 250 gallons per capita per day is:

Total demand: 76 lots x 3.75 persons/lot x 250 = 71,250 gallons per day

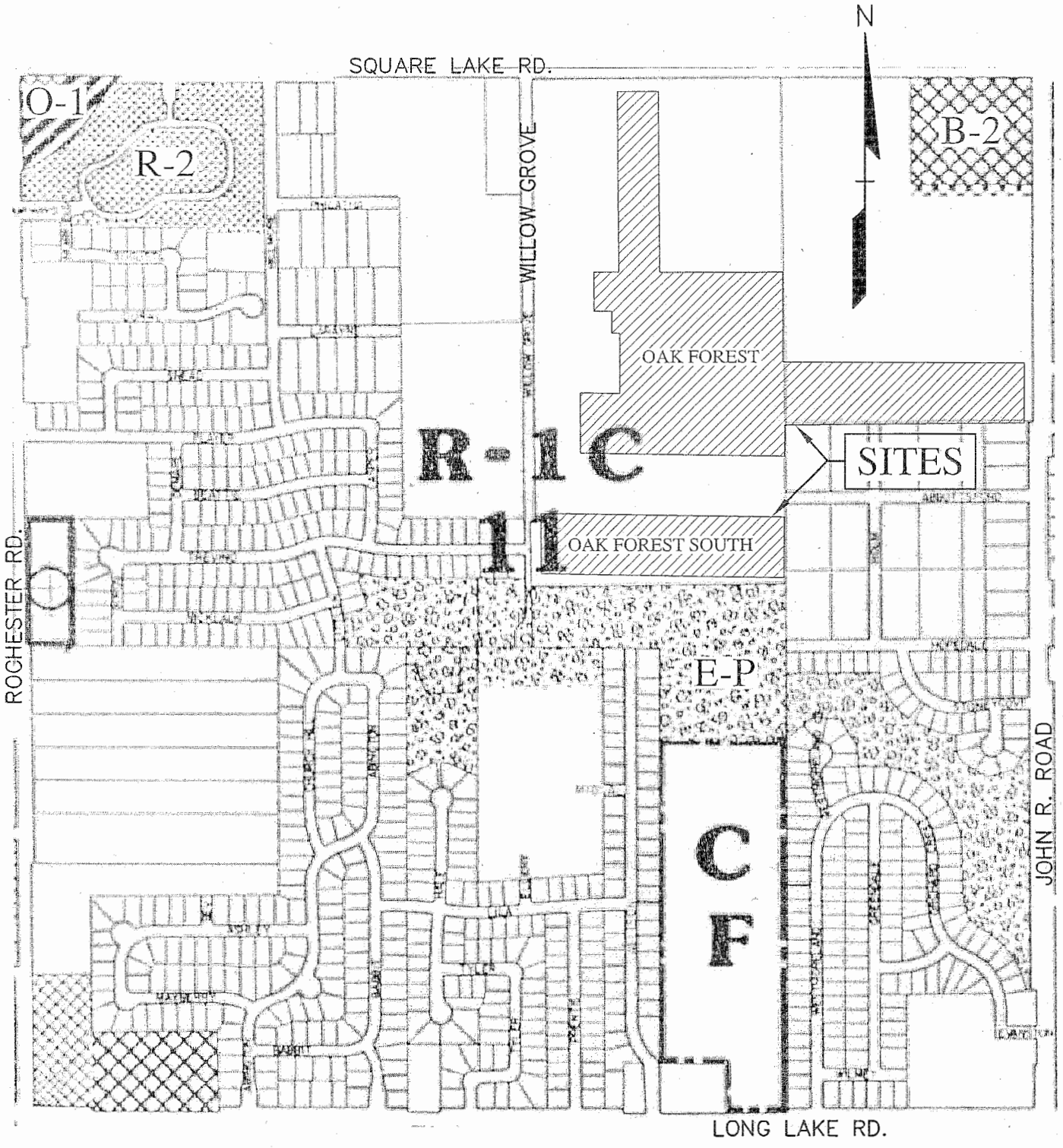
3. WASTE WATER SYSTEMS

An existing 15" sewer on the east side of John R Road will serve the 76 units in Oak Forest. This sewer will be extended across John R. Road and west into the development. The expected sewer demand is:

Average flow: 100 gpcpd x 76 x 3.75 = 28,500gpd = 0.044 cfs.
Peak flow: 500 gpcpd x 76 x 3.75 = 142,500 gpd = 0.22 cfs.

4. STORM DRAINAGE AND DETENTION

Enclosed storm sewer systems will drain the development to one of the two detention areas proposed adjacent to the Fetterly Drain. Construction of an improved open channel is proposed prior to this development that will allow gravity discharge to the Fetterly Drain. The discharge rate will be limited in accordance with the City of Troy detention requirements



SCALE: 1" = 800'	JOB No: 2000250
DATE: 10-28-04	DWG. No: 1 of 1

LAND USE AND GENERAL DEVELOPMENT PLAN
FIGURE 1

PROFESSIONAL ENGINEERING ASSOCIATES
2430 Rochester Ct. Suite 100
Troy, MI 48083-1872
(248) 689-9090

N:\2000PROJ\200250\DWG\LANDUSE-800SCALE.DWG

Mark F Miller

From: Cynthia A Stewart
Sent: Wednesday, April 13, 2005 7:48 AM
To: John Szerlag
Cc: Brian P Murphy; Mark F Miller
Subject: FW: Oak Forest South Subdivision

-----Original Message-----
From: a4dbfamily [mailto:a4dbfamily@comcast.net]
Sent: Tuesday, April 12, 2005 8:23 PM
To: Louise Schilling; dave@lambert.net; rbeltram@wideopenwest.com; talk2cristina@aol.com; david@eisenbacher.org; Mfhowryl@umich.edu; stinejm@wwnet.net
Cc: Cynthia A Stewart; don@edmundsfamily.com
Subject: Oak Forest South Subdivision

To the members of Troy City Council:

We understand that the approval for Oak Forest South and Oak Forest North Subdivisions is on your agenda for April 18th, 2005. I am a Golf Trail resident opposed to these proposed site condominium plans.

We are opposed for many reasons, primarily the impact on the dwindling amount of remaining wetlands in Troy. We are very concerned that this proposed development will not only impact the wildlife in the area, but will also reduce the natural presence of trees, grasses and the small amount of remaining undeveloped property in Troy.

We understand that a legislative solution is required to resolve the permit and planning issues involved in reviewing this project and similar ones. However, we would anticipate a great deal of flooding of basements from this development, as well as disruption to traffic flows.

We are also very concerned about the impact on traffic, as well as safety issues. We anticipate a great deal of additional traffic through Golf Trail streets, especially given the unwillingness of the developer to pave Willow Grove. Our children enjoy playing hockey and other sports on the streets of Golf Trail and will be in danger with the additional 184 daily trips anticipated.

As you know, Golf Trail residents plan to submit the petitions signed by over 200 Golf Trail residents to request that the City Council authorize the installation of a temporary diagonal (NW to SE) street barricade at the east end of Trevino at Willow Grove. The barricade would be removed when Willow Grove is paved and the two Oak Forest subs are connected.

We are hopeful that the Council will consider the comments and concerns of Golf Trail residents in evaluating these proposals.

Thank you for your time and consideration.

Arnold R. D'Amore-Braver and Andrea D'Amore-Braver

Paula P Bratto

From: Cynthia A Stewart
Sent: Tuesday, April 12, 2005 7:51 AM
To: John Szerlag; Brian P Murphy; Mark F Miller
Subject: FW: Oak Forest sudivision

-----Original Message-----
From: JohnC66455@aol.com [mailto:JohnC66455@aol.com]
Sent: Monday, April 11, 2005 10:43 PM
To: Louise Schilling; dave@lambert.net; rbeltram@wideopenwest.com; talk2cristina@aol.com; david@eisenbacher.org; Mfhowryl@umich.edu; stinejm@wwnet.net
Cc: Cynthia A Stewart
Subject: Oak Forest sudivision

Members of the City Council

As a resident of Troy and Golf Trails subdivision I am very distressed that some developer would be allowed to develop the Oak Forest subdivision located at John R and Square Lake road. This property has substantial wet lands with 5000 hardwood trees that would be removed.It would also threaten the existence of the Blue Heron rookery that is near by .Building on this property would cause flooding to near by properties
Changes need to be made to our ineffective Ordinance and other Ordinances that would protect the wet lands. Troy has recently been designated Tree City USA yet we would allow 5000 trees to be removed. And besides that we are having to remove thousands of trees through out our city.
Finally if this development is allowed to be built and the only exit from that subdivision is through Golf Trails this would make our subdivision unsafe.It would cause an increase of traffic through our streets .Especially Player and Trevino that outlet to Rochester Road.
There fore I am for the City Council to authorize the installation of a temporary street barricade at the east end of Trevino at Willow Grove if this plan is approved. Thank You.

JOHN CHALK
1202 Nicklaus Dr.
Troy, Mi. 48085

Paula P Bratto

From: Mark F Miller
Sent: Monday, April 11, 2005 3:57 PM
To: Paula P Bratto
Subject: FW: Development concerns - Oak Forest & Oak Forest South

-----Original Message-----
From: Cynthia A Stewart
Sent: Monday, April 11, 2005 2:32 PM
To: Brian P Murphy; Mark F Miller
Cc: John Szerlag
Subject: FW: Development concerns - Oak Forest & Oak Forest South

-----Original Message-----
From: Murfey, Dan [mailto:murfeyd@bnpmedia.com]
Sent: Monday, April 11, 2005 1:59 PM
To: Louise Schilling; dave@lambert.net; rbeltram@wideopenwest.com; talk2cristina@aol.com; david@eisenbacher.org; Mfhowryl@umich.edu; stinejm@wwnet.net
Cc: Cynthia A Stewart; lon_ullmann@yahoo.com; Ann Bollinger; Craig Kumpula; JoAnn Bologna; Karen J. Gard; Kris Hulliberger; Margaret Kasica; Ron & Michelle Spisak; Susan Faubert; don@edmundsfamily.com; The Murfeys
Subject: Development concerns - Oak Forest & Oak Forest South

Dear Members of the Troy City Council:

Thank you for your service to the residents of our fine city. The reason for my email is to bring to your attention concerns that my family and I have regarding two proposed developments - Oak Forest and Oak Forest South.

My family lives in the far east end of the Golf Trails subdivision at 1397 Trevino Drive. The Planning Commission recently voted to approve two developments in some nearby property on the south side of Square Lake, east of Willow Grove and west of John R. For details, please see meeting minutes from March 8, items no. 5 & 6 on pages 3 to 9 of the pdf, found here http://www.ci.troy.mi.us/committees/minutes/Planning20050308.pdf. Specifically, please read the comments from Planning Commission member, Mr. Wright. He lived in the Golf Trails sub for years and likely has more knowledge of this property than anyone else on the planning commission. Please note that Mr. Wright voted against approving the development.

Most reasons I am against the developments are highlighted in the meeting minutes (wetlands, flooding issues, potential liability to the city, etc). I expect you will hear from others with valid arguments concerning those points.

However, the issue that concerns me most is safety. Particularly, the safety of the children in our subdivision. This issue is paramount. My two children are ages 3 1/2 years and 21 months, with a third baby due to arrive this fall. There are many other young families in the neighborhood. Seeing those kids playing in the neighborhood is one of the reasons we moved into Golf Trails last summer. The nearly 200 estimated added vehicle trips per day that the development will send through our streets scares me. And here are many reasons why...

According to a study conducted by Connecticut SAFE KIDS, pedestrian injury is the second leading cause of unintentional injury-related death among children ages 5 to 14. Motor vehicle crashes account for approximately 80 percent of all childhood pedestrian deaths with children ages 5 - 9 at highest risk. Children are especially vulnerable to pedestrian death because they face traffic threats that exceed their cognitive, developmental, behavioral, physical and sensory abilities. Speed also plays a critical role in pedestrian injury.

According to a study conducted by RoSPA, The Royal Society for the Prevention of Accidents (UK):
- When hit by a car at 40mph, 9 out of 10 pedestrians will be killed
- When hit by a car at 30mph, about half of pedestrians will be killed
- When hit by a car at 20mph, 9 out of 10 pedestrians will **survive**.

This was conducted in the UK, where average car size is considerably smaller than here in metro Detroit. One can only assume

the fatality rates would be higher with SUVs and trucks that dominate our roads. We must take measures to keep cars in our neighborhoods rolling at SAFE speeds.

With the current proposed Oak Forest South development, Trevino Drive would be extended straight through Willow Grove. According to a 1999 study conducted by the National SAFE KIDS Campaign and Fed Ex:
- 47% of observed motorists do not obey stop signs in residential areas or school zones.
- More telling, is that with children pedestrians present, nearly 1 in 3 cars still do not stop.
- 24% do not stop even when pedestrians are crossing the street.
- 7.3% do not slow down.

Currently Trevino ends at Willow Grove so cars that do not stop at least have to slow down for the turn. Extend Trevino and cars no longer need to slow down. At 185 extra cars per day, that means 13 to 14 people per day entering Oak Forest South will not even slow down for the stop sign at Willow Grove.

Jon Osterberg, spokesman for PEMCO Insurance, concluded from a PEMCO-conducted study, "higher-income people tend to speed more." The Oak Forest developments are targeting higher-income people. I don't intend to single out anyone. However, if facts show that higher income people tend to speed more and they'll be speeding by my house and my children, then I think it is fair to mention in order that safeguards are put in place to protect the children.

Combine all the above with the fact that homes on Trevino are not set back very far from the road, children do wind up on the street occasionally chasing basketballs, riding bikes, etc; and the result is danger for kids.

The final goal listed on the city's mission statement page (http://www.ci.troy.mi.us/managers/MissionVisVal.asp) is to "protect life and property." Therefore, I ask that you, members of the Troy City Council, do not approve the proposed Oak Forest developments as they have been approved by the Planning Commission. Please consider alternate plans. Consider paving Willow Grove where homes are set further back from the road to provide an alternate exit for Oak Forest South residents. Consider blocking Trevino at its end to send Oak Forest South traffic out via Willow Grove.

Consider larger measures that can positively effect the city for years to come:
- Consider an ordinance that would require the replacement of trees when they're torn down during development (see city of Novi).
- Consider a long-term plan to protect some of the remaining green space in the city before it has all disappeared. While development is great, smart-development is critical for the long-term success of suburbs like Troy. And making green space an integral part of the long-term development plan will make Troy a desirable location to live and work for years to come. Many studies demonstrate that parks, greenways and trails increase nearby property values, thus increasing local tax revenues. Such increased revenues often offset acquisition costs. Please consider making the property east of Willow Grove, west of John R and south of Square Lake part of this long-term plan.

In closing, thank you for taking the time to read my concerns. Thank you for serving the city of Troy. And I ask respectfully that you vote **against** the Oak Forest and Oak Forest South proposed developments.

Kind regards,

Dan Murfey
1397 Trevino Drive
Troy MI 48085

Paula P Bratto

From: Cynthia A Stewart
Sent: Monday, April 11, 2005 8:38 AM
To: Mark F Miller; John Szerlag; Brian P Murphy
Subject: FW: halt development plans on wetlands and tree-covered lots

-----Original Message-----
From: Dan and Kathleen G. [mailto:danandkathleen@wideopenwest.com]
Sent: Sunday, April 10, 2005 9:45 PM
To: Louise Schilling; Dave Lambert; rbeltram@wideopenwest.com; talk2cristina@aol.com; david@eisenbacher.org; Mfhowryl@umich.edu; stinejm@wwnet.net
Cc: Cynthia A Stewart; lon_ullmann@yahoo.com; 'Ann Bollinger'; Craig Kumpula; 'Don Edmunds'; 'JoAnn Bologna'; 'Karen J. Gard'; Kris Hulliberger; Margaret Kasica; 'Ron & Michelle Spisak'; Dan and Kathleen G.
Subject: halt development plans on wetlands and tree-covered lots

Dear Councilwoman Beltramini, Councilwoman Broomfield, Councilman Eisenbacher, Councilman Howrylak, Councilman Lambert, Mayor Schilling and Councilwoman Stine:

As our elected officials, we implore you to use all your "position power" to stop the trend of rapid and seemingly boundary-less consumption of undeveloped land. Use your role to halt any development plan that substantially clears trees, fills wetland and removes wildlife, such as Oak Forest sub-divisions.

We have been Troy residents and registered voters for fourteen years. Our commitment to the city is strong and we have just completed a significant investment in our house (of course, with the full disclosure of building permits). Our family appreciates the safety and services of this fine city, and our children benefit from outstanding schools. While we are without regret about our decision to settle in Troy, we are deeply concerned about the above mentioned trend. It is fast deteriorating this city and, if left unchecked, will eventually drive us away.

Please rigorously enforce current ordinances, or create new ones, to protect the little undeveloped land that is left. We want you, within legitimate boundaries of governance, to make it extremely difficult for developers to convert private unused land. If it is true that developers can clear-cut trees with no replanting reciprocation, then we ask you to create updated ordinances that prevent this. If it is true that wet-lands can be filled with only a token reciprocation elsewhere in the state, then we ask to create updated ordinances that prevent this. And if it is true that other cities are tougher on this land consuming behavior, then we ask you to create similar ordinances to make Troy the hardest place in Michigan to clear land.

There really is only one side to be on when it comes to the continued destruction of the earth. Author Daniel Quinn asserts in his philosophical novel titled "Ishmael" that mankind is at war with the earth and we pretend we are winning. The reality instead is that mankind is methodically destroying ourselves by killing off our habitat. We watch, with genuine horror, the clear-cutting of trees and the bulldozing of unspoiled earth to make room for ubiquitous condos, sub-divisions and strip-malls.

We will vote for any proposal, tax increase and politician that sensibly preserves green-space.

Sincerely,

Daniel & Kathleen Goussy

1223 Trevino, Troy

(signed letters to follow)

April 10, 2005

RECEIVED

APR 12 2005

CITY OF TROY
CITY MANAGER'S OFFICE

Mayor Louise E. Schilling
Troy City Hall
500 W Big Beaver
Troy MI 48084

Dear Mayor Schilling,

As one of our elected officials, we implore you to use all your "position power" to stop the trend of rapid and seemingly boundary-less consumption of undeveloped land. Use your role to halt any development plan that substantially clears trees, fills wetland and removes wildlife, such as Oak Forest sub-division.

We have been Troy residents and registered voters for fourteen years. Our commitment to the city is strong and we have just completed a significant investment in our house (of course, with the full disclosure of building permits). Our family appreciates the safety and services of this fine city, and our children benefit from outstanding schools. While we are without regret about our decision to settle in Troy, we are deeply concerned about the above mentioned trend. It is fast deteriorating this city and, if left unchecked, will eventually drive us away.

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We will vote for any proposal, tax increase and politician that sensibly preserves green-space.

Sincerely,

Daniel Goussy

Kathleen Goussy

1223 TREVINO

March 8, 2005

To The Planning Commssion:

Since the Planning Commission meeting of January 11, 2005, several new items have occurred or come to our attention. As you are aware our biggest concern is water and its displacement onto neighboring properties in violation of Troy Ordinances and Federal Law.

According to a Professional Engineers there will be over 39,000 cubic yards of fill generated by basement excavation alone – enough to raise the grade of every lot by one foot or more. This does not include fill generated by excavation of the Fetterly Drain and detention ponds. According to the developer this dirt will be graded onto the lots.

The latest grading plans have lost the elevations and contour lines the previous set had. Why? How are we to know what the final grades will be?

Professional Engineering Associates (PEA) depicts 664.2 as the floodplain level. The West side of the Fetterly Drain by the detention had an elevation of 660 but the grading plan shows that area at 664. Can and/or should we in these circumstances allow filling and diversion of water?

The detention ponds are in the floodplain or floodway. DEQ personnel dug a pit where the west side detention pond is located and showed saturated soils at 6" and the plans show the water level of the detention pond at the bottom. Mr. Garret's borings show water levels of .5'- 1.7' in 5 of 6 borings. Why?

The level of the Fetterly Drain is shown as 1.5' lower than the outlet of the Drain. Why is the Fetterly Drain being restricted to a 36' culvert in three places, a drastic reduction of area and why isn't there a section plan of the Fetterly Drain changes?

Lon Ullmann

LON ULLMANN

What is the connecting point for the sewers of Oak Forest South? The Willow Grove Sewers are too high, the Golf Trail sewers too small and the Abbotsford sewer too high for the front portion of this project.

The sewers for Oak Forest run almost one mile and will they work after crossing under the Fetterly Drain with their minimum 30' of fill?

While I understand that many of these questions are for the Engineers, I believe you need to know the answers to these questions now to make an informed decision. If you do approve this now, I respectfully request that you review all engineering decisions before a final plat approval is made.

Oak Forest S.C.

January 10, 2005

To: Members of the Planning Commission

I am writing to you because of a concern I have in regard to the proposed Oak forest development. I write this not as someone that doesn't want a development in my backyard, but rather as someone that is concerned about the effects of this development on my property, my neighbors properties, the properties of potential buyers in this development and all the taxpayers in Troy.

The land we live on is low lying, wet with little or no drainage. You don't need to be a wetland consultant or scientist to know we live in a swamp. Willow grove does not have ditches because ditches need an outlet and Willow Grove is high on both ends with water lying in the middle. The drainage to the West was eliminated over 30 years ago when Golf Trail subdivision builders raised the grade by filling at least 2' and filling in the drainage ditch and blocking my field tile. The reason I know it is 2' is because at the back of my property there is a vertical bank 2' high with a backyard drain - for subdivision. My drainage was illegally destroyed. When I questioned what went on here a young engineer at the City of Troy told me we were a developing community and they couldn't be concerned about drainage on adjoining properties. He cared not for my problems. The result of this was a property that formerly could be plowed in May and planted for a large garden. Today it is mid July before one can venture out on a tractor. The land has gone from a grassy field to a swamp. It is a restoration that the U.S. Fish and Wildlife Service do all the time - if asked by property owners. I didn't volunteer; I was drafted to "restore" my wetland.

In 1987 illegal filling occurred at the end of Willow Grove. The peat moss was sold off the property on the east side of Willow Grove and replaced by fill dirt. The owner on the west side filled the marsh and eliminated all drainage from my property and the other properties on west side of Willow Grove. Our land became even wetter.

Three years ago a house was constructed at Square Lake and Willow Grove. 30 pipes - read wells - were placed and pumping began to "dry out" the site. Everything around here including the street flooded. Every neighbor on the street noticed and commented that things were even wetter than before.

Enclosed you will find a list of "hydric" or saturated soils. According to the Oakland County Soil Book and the Department of Environmental Quality all soils in this drainage area are hydric. The enclosed exhibit A verifies this. These soils have water tables that from October or November to June have water tables that vary from 1-2 ft. below ground level to at or above the surface. As my neighbor on the east side of Willow Grove can testify the water table is at or near the surface in the wettest months of the year. Right now the water is lying in my yard. Soil borings done by Mr. Garret in the end of

September when it is dry show water levels as close as 6" below the surface.

The potential for water problems and flooding are acute. These wetlands are natural retention areas that have been functioning here since glaciers passed through. Now we are proposing removing 1,000,000 cubic feet of water storage area for basements and sewers. The remaining land will be compressed by heavy equipment and space between particles will be reduced or eliminated. All trees and vegetation will be removed eliminating water removal by evapotranspiration.

Detention or storage area is very limited by these high water tables. Detention pond levels shown on plans show 2' of storage area while in actuality there will be .5 to at best 1.7 feet according to borings. My pond is full and the detentions ponds will be full as well, at times. Careful and realistic calculations are necessary before this project proceeds. Exhibit B shows that water pits dug by the Department of Environmental Quality in July 2000 during the drought. Water levels varied from 2 areas with water at the surface (in July) to pit levels of saturation of 6 inches, 8 inches, 10 inches, 10 inches and 13 inches. Believing there will be 2' of storage area is unduly optimistic based on experience and observation here.

The Oakland County Drain Commission has insisted since 1998 that the Fetterly Drain must be improved to develop around it. See exhibit C. The widening and deepening of the Fetterly Drain, called in-line detention, is not allowed by the Department of Environmental Quality or the Oakland County Drain Commission because it doesn't work. Mr. Garret doesn't have access to all parts of the Fetterly Drain as the existing easements are for maintenance only. The construction easement expired in 1946.

Backyard drains cannot drain adjoining wetlands. The eastern section of Oak Forest is dead flat as is the land adjoining it. The grading plan shows raising the grade of the Garret property, which will stop north-south flow of water and divert water onto adjoining property - both are in violation of Troy ordinances.

As Mark Miller points out if Mr. Garret meets <u>all</u> requirements and ordinances he must be allowed to develop. The operative word is <u>all</u> ordinances especially those dealing with detention and potential diversion. There is an obligation for you to protect the property rights of adjoining property owners as well. We should not need to hire counsel after damage is done to correct problems caused by poor planning. If the City of Troy approves this project they become responsible if problems occur as well.

We need to move slowly and with great caution to ensure all parties are protected as this project moves forward. It is sad that my experience causes me to not trust or depend on our engineering department and that is why I am asking you to require Mr. Garret to demonstrate the water carrying capacity of this land and to address all the issues before any approvals are given.

Lon M. Ullmann

MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY, LAND AND WATER MANAGEMENT DIVISION

PART 303 - DATA REPORT F M

This information is required pursuant to Part 303, Wetland Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended.

Applicant Walter Square Inc. DEQ File # 00-63-0006WA
Address 4086 Rochester Rd., Suite 202, Troy, MI 48098 Wetland Area # A
T 2N R 11E Section: 11 Sheet 1 of
Tax Identification #: 20-11-201-018, 015, 012 & 20-11-226-006, 007 Date 7/18/00
Reviewer: Level III

IN-OFFICE:

a. Y (Y/N) Is any portion of the area mapped as wetland on NWI or MIRIS maps?
b. Y (Y/N) Is any portion of the area, mapped as a hydric soil or non-hydric soil with hydric soil inclusions on the county soil survey map? If yes, list hydric soil(s) and/or hydric soil inclusions: Brookston & Colwood loams all soils are hydric
Dixboro loamy fine sand w/ colwood inclusions
Gilford sandy loam
→ Selfridge loamy sand w/ Granby soils

FIELD REVIEW:

c. Y (Y/N) Do normal circumstances exist on site? If no, describe:
N (Y/N) Is the site significantly disturbed? If yes, describe:
N (Y/N) Is there a potential Problem Area? If yes, describe:
d. Y (Y/N) Is the area wetland?
1. Y Visible signs of hydrology or ____ hydric soil characteristics
2. Y Predominance of wetland vegetation
e. Y (Y/N) Is the area regulated pursuant to Part 303
1. ____ the area is contiguous to the Great Lakes or Lake St. Clair, an inland lake or pond, or a river or stream. (Waterbody is over 1 acre of permanent open-water. Watercourse has defined banks, bottom, and at least an occurrence of flow)
a. ____ wetland connected to an inland lake or pond, a river or stream, one of the Great Lakes, or Lake St. Clair.
b. Y wetland within 500 feet of an inland lake, pond, river or stream
c. ____ wetland within 1000 feet of the Great Lakes or Lake St. Clair
d. ____ Two or more areas of wetland separated only by barriers, such as dikes, roads, berms, or other similar features, but with any of the wetland areas contiguous. Explain:
2. ____ the entire wetland complex is five acres or larger in size and is in a county with a population of 1000,000 or greater. Size based on:
3. ____ the department has determined that protection of the area is essential to the preservation of the natural resources of the state from pollution, impairment, or destruction and the department has notified the owner

Comments:
w/in 100ft of tributary of Gibson Drain

INSTRUCTIONS:

Fill out all pertinent information on the following worksheets to substantiate your review. Not all of the following sheets or items need to be completed to make an appropriate review of an area. Additional worksheets can be used where there is more than one wetland area within a review area and/or where variability of the site necessitates such use. Identify the number of worksheets used for each review area, regardless of whether individual wetland areas are recorded jointly or individually.

#4

To: James C. Bacon Jr., City Manager

From: John Szerlag, Assistant City Manger, Services
Rick Augustine, Parks and Recreation Director
Charles R. Barnes, Interpretive Programs Manager
Susan L. Raymer, Naturalist

Subject: Report, heron rookery, section 11

Report: Section 11 - Great Blue Heron Rookery

Summary Recommendations: Following the U.S. Fish and Wildlife Service's recommendation of preserving a zone of approximately 810 feet around the heronry, the amount of recommended land would be around fifty acres. Since the 810 foot radius extends to the existing buildings and across Square Lake and John R Roads, staff would suggest the buffer zone be extended south to make up the difference, since there is potential heronry habitat in that direction.

Supporting Information

General Site Description:
Field Date: June 26, 1998

Location: The heronry (rookery) is located in the state of Michigan, Oakland County, City of Troy, Section 11, northeast quarter.

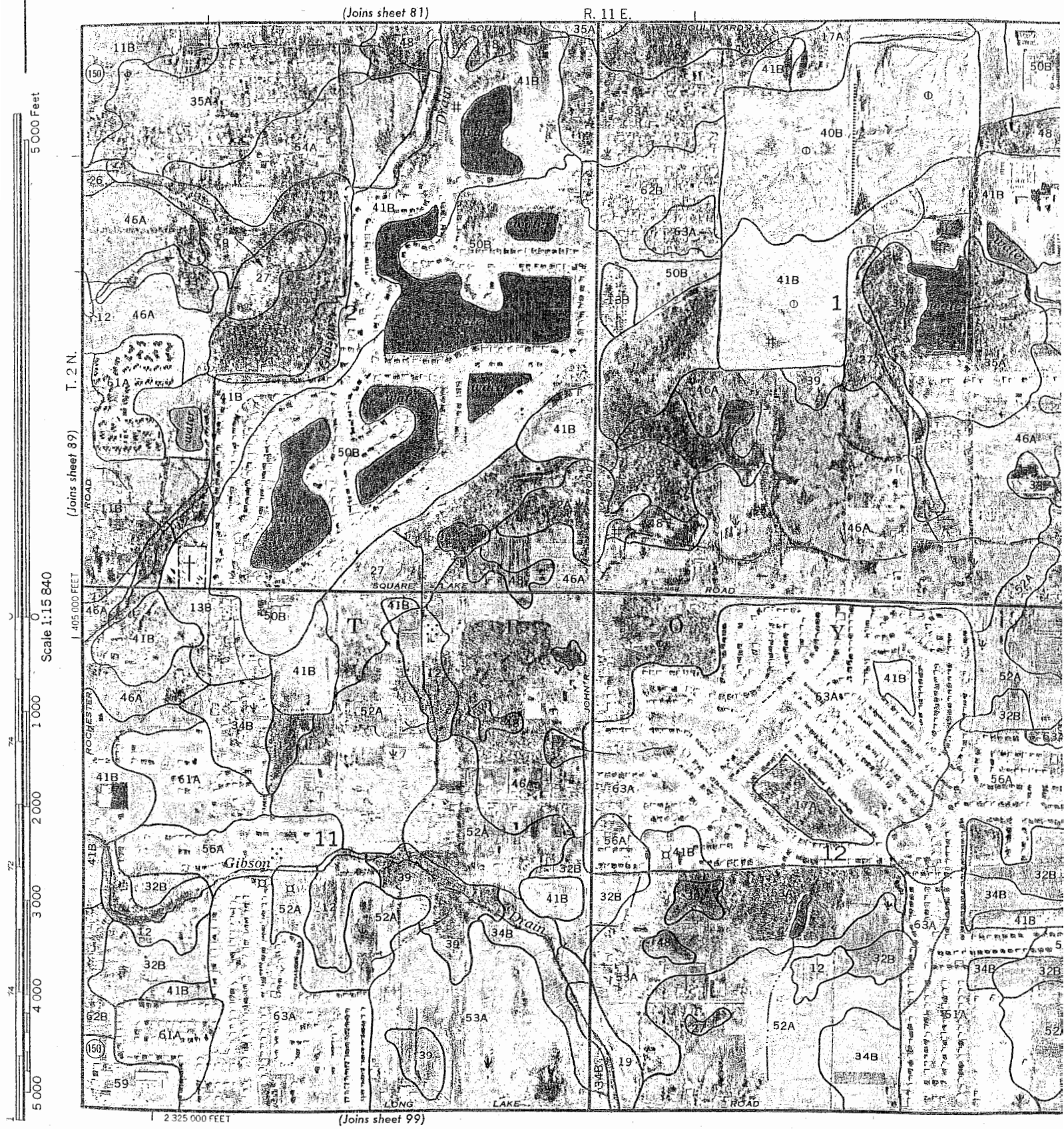
Land Description: The area around the heronry is bounded on the north and east by commercial development and Square Lake and John R Roads. There are residential homes on the southeast, along Abottsford and on the west along Willow Grove Road.

To the south and west are mixtures of young and older forest communities. The older forest stands are climax mixtures of oak/hickory and beech/sugar maple and other species. Diverse stands of ferns and wildflowers comprise the forest floor in many areas. Scattered through this area are impoundments of standing water and there is evidence of seasonal standing water throughout much of the area up to about 8 inches.

By the soil classifications, this area was originally wetlands; before the installation of the Fetterly Drain and are wetlands today.

Heronry Description: The heronry contains 24 nests and has fledged approximately 53 young (Campbell, personal communications). The area occupied by the heronry is approximately 300 feet E to W and 150 feet N to S for an estimated total area of 1.03 acres. The nests are located in dead American elms (*Ulmus americana*) where there is standing water, small impoundments and areas of emergent aquatic vegetation. Elms likely died of Dutch elm disease.

Natural History Of The Great Blue Heron (*Ardea herodias*):
Description: A large bird, 39 - 52 inches tall depending on the posture. They are grayish blue with a black and white crown, long legs and beak. Wing span reaches six feet.


N
(Joins sheet 81)
R. 11 E.
T. 2 N.
(Joins sheet 89)
(Joins sheet 99)
Scale 1:15 840
5 000 Feet
405 000 FEET
2 325 000 FEET
SQUARE LAKE ROAD
JOHNTR ROAD
ROCHESTER ROAD
LONG LAKE ROAD
Gibson Drain
Gibson
T O Y
1
2
11
12
water

soil is well suited to use as cropland, pasture, and woodland. It is fairly suited to most recreation uses.

This soil is poorly suited to building site development because of wetness and generally is not suited to use as septic tank absorption fields because of wetness and moderately slow permeability. If this soil is used as a site for buildings, surface or subsurface drainage is needed to lower the water table and well compacted fill is needed to raise the site. Sanitary facilities should be connected to public sewers and sewage treatment facilities.

If this soil is used as cropland, the main management concerns are removing excess water and maintaining good tilth. Surface and subsurface drains help to overcome wetness. Conservation tillage, which does not invert the soil and leaves all or part of the crop residue on the surface, helps to reduce compaction and maintain good tilth.

This soil is in capability subclass IIw and Michigan soil management group 2.5b.

12—Brookston and Colwood loams. This map unit consists of nearly level, very poorly drained soils in broad, flat areas and in drainageways. These soils are subject to frequent ponding. Areas are irregular in shape and are 2 to 200 acres or more in size. In many areas of this map unit, the Brookston soil is the only major soil. In other areas the Colwood soil is the only major soil. Both soils are present in some areas.

Typically, the surface layer of the Brookston soil is very dark gray loam about 11 inches thick. The subsurface layer is very dark gray, mottled, friable loam about 5 inches thick. The mottled subsoil is about 20 inches thick. In the upper part it is grayish brown, firm clay loam; in the middle part it is grayish brown, friable clay loam; and in the lower part it is grayish brown, firm silty clay loam. The substratum to a depth of about 60 inches is mottled gray, calcareous loam. In some places the surface layer is lighter in color and is less than 10 inches thick.

Typically, the surface layer of the Colwood soil is very dark brown loam about 11 inches thick. The mottled, friable subsoil is about 26 inches thick. In the upper part it is dark grayish brown loam, in the middle part it is light olive gray loam and silty clay loam, and in the lower part it is light brownish gray silt loam. The substratum to a depth of about 60 inches is gray, mottled, calcareous, stratified silt loam and very fine sand. In some places the surface layer is lighter in color and is less than 10 inches thick.

Included in mapping are small areas of Sebewa and Gilford soils that are more droughty than the Brookston soil and are on landscape positions similar to those of the Brookston soil. Also included are small areas of somewhat poorly drained Capac, Kibbie, Metamora, and Selfridge soils that are on low knolls and ridges. The included soils make up 5 to 15 percent of the map unit.

Permeability is moderate in the Brookston and Colwood soils, and available water capacity is high. Runoff is very slow or ponded. Both soils have a high water table that is at or above the surface from October to May.

In most areas these soils are used as woodland or pasture or are idle land. In a few areas they are used for crops. They are well suited to use as cropland and pasture if excess water is removed. They are poorly suited to use as woodland or pasture and to recreation uses because of wetness.

These soils are poorly suited to building site development and generally are not suited to use as septic tank absorption fields because of wetness. They should not be used as sites for buildings with basements. If they are used as sites for buildings without basements, the use of surface or subsurface drainage to lower the water table and the use of well compacted fill to raise the site help to overcome the wetness limitation. Sanitary facilities should be connected to public sewers and sewage treatment facilities.

If these soils are used as cropland, the main management concerns are removing excess water and maintaining good tilth. Surface and subsurface drains help to overcome wetness. Tilling only when the soils are not wet and using tillage practices that do not invert the soil and that leave all or part of the crop residue on the surface help to improve tilth.

If these soils are used as woodland, the major limitation is wetness. The main management concerns are equipment restrictions, seedling mortality, and windthrow. The use of heavy equipment for planting, tending, and harvesting trees is restricted during wet periods. Woodland operations should be timed to seasons of the year when the soils are relatively dry or frozen. Seedling loss can be high because of wetness. In some areas special site preparation, such as bedding, helps to reduce seedling mortality. The use of harvesting methods that do not leave trees standing alone or widely spaced helps to control windthrow.

These soils are in capability subclass IIw and Michigan soil management groups 2.5c and 2.5c-s.

13B—Oshtemo-Boyer loamy sands, 0 to 6 percent slopes. This complex consists of nearly level and undulating, well drained soils that are on broad knolls and ridges. Slopes are smooth and convex and are less than 100 feet long. Areas of this complex are irregular in shape and are 2 to 320 acres in size. The Oshtemo soil makes up 40 to 55 percent of the complex, and the Boyer soil makes up about 30 to 40 percent. The areas of these soils are so intermingled or are so small that it was not practical to separate them at the scale of mapping used.

Typically, the Oshtemo soil has a surface layer of dark brown loamy sand about 7 inches thick. The subsurface layer is yellowish brown loamy sand about 9 inches thick. The subsoil is about 37 inches thick. The upper part is reddish brown, friable sandy loam; and the lower part is yellowish brown, very friable loamy sand. The

convex and are less than 75 feet long. Areas are irregular in shape and are 2 to 100 acres in size.

Typically, the surface layer is very dark grayish brown sandy loam about 9 inches thick. The subsurface layer consists of grayish brown and pale brown sandy loam and is about 19 inches thick. The subsoil is grayish brown, mottled, firm clay loam and is about 8 inches thick. The substratum to a depth of about 60 inches is grayish brown, mottled, calcareous loam. In the southern part of the county, this soil has a clayey substratum.

Included in mapping are small areas of Dixboro and Selfridge soils that are on landscape positions similar to those of the Metamora soil. The Dixboro and Selfridge soils are more droughty. Also included are small areas of the very poorly drained Brookston, Colwood, Thomas, Houghton, and Adrian soils that are in depressions and drainageways. The included soils make up 2 to 10 percent of this map unit.

Permeability is moderately rapid in the surface soil and moderately slow in the subsoil and substratum. The available water capacity is high. Runoff is slow. The seasonal high water table is at a depth of 1/2 foot to 2 feet from November through May. The shrink-swell potential is moderate.

In most areas this soil is used as pasture or woodland or is idle land. In a few areas it is used for crops. This soil is well suited to use as cropland, pasture, and woodland. It is fairly suited to most recreation uses.

This soil is poorly suited to building site development because of wetness and is poorly suited to use as septic tank absorption fields because of wetness and moderately slow permeability. If this soil is used as a site for buildings, the use of surface or subsurface drainage to lower the water table and the use of well compacted fill to raise the site help to overcome the wetness limitation. For septic tank absorption fields, special construction, such as filling or mounding the absorption field site with suitable soil material, may be needed to raise the field above the water table.

If this soil is used as cropland, the main management concerns are removing excess water and maintaining soil tilth. Surface and subsurface drains help to overcome wetness. Conservation tillage, which does not invert the soil and leaves all or part of the crop residue on the surface, helps to reduce compaction and maintain good soil tilth. Also, keeping tillage operations to a minimum helps to maintain good tilth.

This soil is in capability subclass IIw and Michigan soil management group 3/2b.

38—Napoleon muck. This nearly level, very poorly drained soil is on lowlands. It is subject to ponding. Areas are irregular in shape and are 3 to 40 acres in size.

Typically, the surface layer of the Napoleon soil is black muck about 10 inches thick. The material below that, to a depth of 60 inches, is dark reddish brown mucky peat in the upper 38 inches and very dark gray muck in the lower 12 inches. In some places the material below a depth of 40 inches is sandy or loamy.

Permeability is moderate or moderately rapid. The available water capacity is high. Runoff is very slow. The high water table is near or above the surface from September to June.

In most areas this soil is covered by brush. It is poorly suited to woodland use, to use as habitat for openland wildlife, and to recreation uses. Generally it is not suited to use as pasture and cropland. It is not suited to use as a site for buildings and to use as septic tank absorption fields. The hazard of ponding is the main limitation of this soil for most uses.

If outlets are available, this soil can be drained and used for specialty crops such as blueberries.

This soil is in capability subclass VIw and Michigan soil management group Mc-a.

39—Granby loamy sand. This nearly level, poorly drained soil is in broad, flat areas and drainageways and is subject to frequent ponding. Areas are irregular in shape and are 2 to 60 acres in size.

Typically, the surface layer is black loamy sand about 11 inches thick. The subsoil is mottled and is about 27 inches thick. In the upper part it is dark gray, very friable loamy sand; and in the lower part it is gray, loose sand. The substratum to a depth of about 60 inches is light gray, mottled sand. In some places loamy or clayey material is at a depth below 40 inches. In some places the surface layer is muck less than 16 inches thick.

Included in mapping are small areas of poorly drained Sebewa soils and very poorly drained Gilford soils that are on landscape positions similar to those of the Granby soil. The Sebewa and Gilford soils are less droughty than the Granby soil. Also included are small areas of the somewhat poorly drained Tedrow, Thetford, and Wasepi soils that are on low knolls. The included soils make up 1 to 10 percent of the map unit.

Permeability is rapid in this Granby soil, and the available water capacity is low. Runoff is very slow or ponded. The high water table is at or above the surface from November through June.

In most areas this soil is used as woodland or pasture or is idle land. This soil is fairly suited to use as pasture or cropland and poorly suited to woodland use and to recreation uses.

This soil is poorly suited to building site development because of wetness. It should not be used as a site for buildings with basements. If this soil is used as a site for buildings without basements, the use of surface or subsurface drainage to lower the water table and the use of well compacted fill to raise the site help to overcome the wetness limitation. This soil is generally not suited to use as septic tank absorption fields because of its wetness and poor filtering capacity. Sanitary facilities should be connected to public sewers and sewage treatment facilities.

If this soil is used as cropland, the management concerns are removing excess water and maintaining

od soil tilth. If drained, this soil is droughty and subject soil blowing. The use of cover crops, green manure, d crop residue and the use of conservation tillage, ich does not invert the soil and leaves all or part of crop residue on the surface, help to conserve isture, maintain good soil tilth, and control soil wing.

If this soil is used as woodland, the major nagement concerns are equipment limitations, edling mortality, and windthrow. The use of heavy uipment for planting, tending, and harvesting trees is stricted during wet periods. Woodland operations can timed to seasons of the year when the soil is atively dry or frozen. Seedling loss will be high cause of wetness. Special site preparation, such as dding, can be used in some areas to help reduce edling loss. The use of harvest methods that do not ve trees standing alone or widely spaced helps to event windthrow.

This soil is in capability subclass IVw and Michigan soil nagement group 5c.

40B—Udorthents, loamy, undulating. This map unit nsists of moderately well drained or well drained soils at have been so altered that classification at the series el is not feasible. These soils range in texture from ndy loam to clay loam. They make up areas of 3 to 75 res. In some areas, soil material has been excavated. other areas, the soils have been covered by fill aterial.

Included in mapping are strongly sloping to very steep ils along the outer edges of the mapped areas. These ils are more erodible. In a few areas the soils are ndy or clayey or have organic material below 5 feet. e included soils make up 2 to 15 percent of this map it.

Permeability, reaction, and available water capacity are riable. Surface runoff is slow to medium. The high ter table is at a depth of 2 to more than 5 feet. The il material generally is very low in content of organic atter.

In most areas the soils are idle land. In a few areas ey are used for pasture or for recreation uses. These ils generally are poorly suited to cropland use. Onsite aluation is needed to determine their suitability for odland, pasture, and recreation uses and for building e development.

These soils are not assigned to interpretive groupings.

40C—Udorthents, loamy, rolling. This map unit nsists of moderately well drained or well drained soils at have been so altered that classification at the series el is not feasible. These soils range in texture from ndy loam to clay loam. They make up areas of 3 to 75 res. In most areas, soil material has been excavated. a few areas, the soils have been covered by fill aterial.

ncluded in mapping are gently sloping or undulating ls. Included also are a few areas of sandy or clayey soils. The included soils make up 4 to 10 percent of this map unit.

Permeability, reaction, and available water capacity are variable. Surface runoff is medium to rapid. The soil material generally is very low in organic matter content.

In most areas these soils are idle land. In a few areas they are used for pasture or for recreation uses. These soils are poorly suited to cropland use. Onsite evaluation is needed to determine their suitability for woodland, pasture, and recreation uses and for building site development.

These soils are not assigned to interpretive groupings.

41B—Aquents, sandy and loamy, undulating. This map unit consists of somewhat poorly drained and poorly drained soils that have been so altered that classification at the series level is not feasible. These soils range in texture from sand to clay loam. They make up areas of 3 to 50 acres. In most areas, these soils have been covered by fill material. In a few areas, soil material has been excavated.

Included in mapping are moderately sloping to very steep soils along the outer edges of the mapped areas. They are more erodible. Included also are a few areas of marl or clay and some areas where organic material is below 2 to 4 feet or the fill material is a mixture of organic and mineral materials. The included soils make up 5 to 20 percent of this map unit.

The high water table is at a depth of 2 feet to near the surface from October to May. Permeability, reaction, and available water capacity are variable. Surface runoff is slow to ponded. The soil material is generally very low in organic matter content.

In most areas these soils are idle land. In a few areas they are used for urban development, pasture, or recreation uses. These soils generally are poorly suited to cropland use. Onsite evaluation is needed to determine their suitability for woodland, pasture, and recreation uses and for building site development.

These soils are not assigned to interpretive groupings.

42—Pits. This map unit consists of areas that have been excavated for sand or for sand and gravel. Areas range from 3 to 120 acres.

Included in mapping are some strongly sloping to steep soils that are subject to erosion. Also included are a few areas of Aquents and Udipsamments that have not been excavated and some pond areas.

The high water table ranges from near the surface to more than 5 feet in depth. Surface runoff is medium to ponded.

Most areas are used as wildlife habitat or are still being mined.

This miscellaneous area is not assigned to interpretive groupings.

43—Sloan-Marlette association. This association consists of nearly level, very poorly drained Sloan soils

45C—Arkport loamy fine sand, 6 to 12 percent slopes. This moderately sloping or gently rolling, well drained soil is on knolls and ridgetops. Most areas of this soil are dissected by shallow drainageways. Slopes are smooth and convex and are generally less than 100 feet long. Areas are irregular in shape and are 2 to 150 acres in size.

Typically, the surface layer is dark grayish brown loamy fine sand about 8 inches thick. The subsurface layer is yellowish brown loamy fine sand about 11 inches thick. The next layer consists of light yellowish brown, very friable loamy fine sand and thin strata of dark brown very fine sandy loam, and it is about 20 inches thick. The next layer to a depth of about 60 inches consists of very pale brown and brownish yellow, very friable loamy very fine sand and thin strata of yellowish brown very fine sandy loam. In places the subsoil has a higher clay content, and in places there is gravelly sand below 50 inches.

Included in mapping are small areas of the somewhat poorly drained Dixboro soils and the well drained Spinks soils. The Spinks soils are more droughty than the Arkport soil and generally are on landscape positions similar to those of the Arkport soil. The Dixboro soils are in narrow drainageways and on foot slopes. Also included are small areas of the very poorly drained Gilford and Thomas soils that are in small depressions. The included soils make up 3 to 10 percent of the map unit.

Permeability is moderately rapid in this Arkport soil. The available water capacity is moderate. Runoff is medium.

In most areas this soil is used as pasture or woodland or is idle land. In a few areas it is used as cropland. This soil is well suited to use as pasture and woodland. It is fairly suited to cropland use and to recreation uses.

This soil is suited to building site development and to use as septic tank absorption fields, but slope is a limitation. For buildings, land shaping and installing retaining walls help to overcome the slope limitation. For septic tank absorption fields, installing the absorption field on the contour can overcome this limitation.

If this soil is used as cropland, the major management concerns are controlling soil blowing, overcoming droughtiness, and maintaining organic matter content. Cover crops, such as rye, protect fields from soil blowing. Contour tillage helps to slow runoff. The use of grasses and legumes in the crop rotation and the use of conservation tillage, which does not invert the soil and leaves all or part of the crop residue on the surface, can help to maintain the content of organic matter and overcome droughtiness.

If this soil is used as woodland, the major management concern is seedling mortality. Special site preparation, such as furrowing, helps to overcome this problem in some areas.

This soil is in capability subclass IIIe and Michigan soil management group 3a-s.

45D—Arkport loamy fine sand, 12 to 25 percent slopes. This moderately sloping to very hilly, well drained soil is on knolls, side slopes, and ridgetops. Some areas of this soil are dissected by shallow drainageways. Slopes are smooth and convex and are commonly less than 100 feet long. Areas are irregular in shape and are 2 to 150 acres in size.

Typically, the surface layer is brown loamy fine sand about 7 inches thick. The subsurface layer is yellowish brown loamy fine sand about 15 inches thick. The next layer consists of yellowish brown, very friable loamy fine sand and thin strata of brown, friable very fine sandy loam; and it is about 21 inches thick. The next layer to a depth of about 60 inches is very pale brown and yellowish brown, friable very fine sandy loam. In places the subsoil has a higher clay content. In some places gravelly sand is below 50 inches.

Included in mapping are small areas of the well drained Spinks soils. The Spinks soils are more droughty than the Arkport soil and generally are on landscape positions similar to those of the Arkport soil. These included soils make up 3 to 8 percent of the map unit.

Permeability is moderately rapid in this Arkport soil, and the available water capacity is moderate. Runoff is medium to rapid.

In most areas this soil is used as woodland or pasture or is idle land. This soil is fairly suited to woodland use. It is poorly suited to use as pasture and to recreation uses. This soil generally is not suitable for building site development and for use as septic tank absorption fields because of slope.

If this soil is used as woodland, the major management concerns are equipment limitations and seedling mortality. Some seedling loss can be expected during dry summer months. Special site preparation, such as furrowing, helps to overcome the seedling mortality problem. Normal planting and logging equipment can be used, but careful planning of roads, landings, and skid trails is necessary.

This soil is in capability subclass IVe and Michigan soil management group 3a-s.

46A—Dixboro loamy fine sand, 0 to 3 percent slopes. This somewhat poorly drained soil is on broad, nearly level areas or low knolls. Slopes are slightly convex and are generally less than 50 feet long. Areas are irregular in shape and are 2 to 100 acres in size.

Typically, the surface layer is very dark grayish brown loamy fine sand about 8 inches thick. The subsurface layer is pale brown loamy very fine sand about 8 inches thick. The subsoil is strong brown, mottled, friable very fine sandy loam about 19 inches thick. The substratum to a depth of about 60 inches is grayish brown, mottled, calcareous, stratified very fine sand, loamy very fine sand, and very fine sandy loam. In some places the surface layer is lighter colored. In some places the subsoil contains thin layers of gravelly sand or contains thin strata with more clay.

inches thick. The subsoil is dark brown, firm gravelly sandy clay loam and is about 13 inches thick. The substratum to a depth of about 60 inches is brown, calcareous gravelly sand.

Typically, the Riddles soil has a surface layer of dark grayish brown sandy loam about 9 inches thick. The subsurface layer is brown sandy loam about 7 inches thick. The subsoil is sandy clay loam about 35 inches thick. In the upper part it is yellowish brown and friable; in the middle part it is dark yellowish brown and firm; and in the lower part it is yellowish brown and friable. The substratum to a depth of about 60 inches is brown, calcareous sandy loam.

Included in mapping are small areas of well drained Boyer soils that are on landscape positions similar to those of the Fox or Riddles soils. These Boyer soils are more droughty than the Fox or Riddles soils. Also included are the somewhat poorly drained Capac, Matherton, and Metamora soils in drainageways and on low knolls and ridges at lower elevations and the poorly drained Sebewa soils and very poorly drained Thomas soils in small depressions or narrow drainageways. The included soils make up 8 to 20 percent of the complex.

Permeability is moderate in the subsoil and rapid in the substratum in the Fox soil. It is moderate in the Riddles soil. The available water capacity is moderate in the Fox soil and high in the Riddles soil. Runoff is slow. The shrink-swell potential is moderate.

In most areas these soils are used as woodland or pasture or are idle land. In a few areas they are used as cropland. These soils are fairly suited to cropland use and to recreation uses. They are well suited to use as pasture and woodland.

These soils are suited to building site development, but slope is a limitation. Land shaping and installing retaining walls help to overcome the slope limitation for buildings. These soils are suited to use as septic tank absorption fields, but slope is a limitation. Land shaping and installing the absorption field across the slope help to overcome this limitation. Poor filtering capacity is an additional limitation to the use of the Fox soil as septic tank absorption fields. The effluent drains satisfactorily, but there is a hazard of ground water pollution.

If these soils are used as cropland, the major management concerns are controlling runoff and erosion, maintaining organic matter content, and keeping the soil in good tilth. Contour tillage helps to reduce erosion and runoff. Crop residue and green manure help to maintain the organic matter content and improve the tilth of the soil.

These soils are in capability subclass IIIe and Michigan soil management groups 3/5a and 2.5a.

48—Gilford sandy loam. This nearly level, very poorly drained soil is in broad, flat areas and in drainageways. It is subject to frequent ponding. Areas are irregular in shape and range in size from 2 to 100 acres or more.

Typically, the surface layer is very dark brown sandy loam about 11 inches thick. The subsoil is friable sandy loam and is about 27 inches thick. In the upper part it is dark gray, and in the lower part it is gray and mottled. The substratum to a depth of about 60 inches is gray, calcareous gravelly sand. In some areas, the surface layer is thinner, or the subsoil consists of alternate layers of sand, loamy sand, and sandy loam.

Included in mapping are small areas of the very poorly drained Houghton and Adrian soils that are in small depressions. The Houghton and Adrian soils are less stable than the Gilford soil. Also included are small areas of the somewhat poorly drained Wasepi soils that are on low knolls. The included soils make up 2 to 8 percent of this map unit.

Permeability is moderately rapid in the subsoil of this Gilford soil and very rapid in the substratum. The available water capacity is low. Runoff is very slow or ponded. The high water table is at or above the surface from December to May.

In most areas this soil is used as woodland or pasture or is idle land. This soil is well suited to use as cropland and pasture. It is poorly suited to woodland use and to recreation uses.

This soil is poorly suited to building site development because of wetness and generally is not suited to use as septic tank absorption fields because of wetness and poor filtering capacity. It should not be used as a site for buildings with basements. If the soil is used as a site for buildings without basements, the use of surface or subsurface drainage to lower the water table and the use of well compacted fill to raise the site help to overcome the wetness limitation. Sanitary facilities should be connected to public sewers and sewage treatment facilities.

If this soil is used as cropland, the main management concerns are removing excess water and maintaining good tilth. Surface and subsurface drains help to overcome the wetness limitation. Tilling when the soil is not wet and using conservation tillage, which does not invert the soil and leaves all or part of the crop residue on the surface, help to improve tilth.

If this soil is used as woodland, the major management concerns are equipment limitations, seedling mortality, and windthrow. The use of heavy equipment for planting, tending, and harvesting trees is restricted during wet periods. Woodland operations can be timed to seasons of the year when the soil is relatively dry or frozen. Seedling loss will be high because of wetness. Special site preparation, such as bedding, can be used in some areas to help reduce the loss of seedlings. The use of harvest methods that do not leave trees standing alone or widely spaced helps to prevent windthrow.

This soil is in capability subclass IIIw and Michigan soil management group 4c.

49—Cohoctah fine sandy loam. This nearly level, poorly drained or very poorly drained soil is on flood plains and is subject to frequent flooding. Areas are

This soil is in capability subclass IIIs and Michigan soil management group Ga.

51C—Leoni gravelly sandy loam, 6 to 12 percent slopes. This moderately sloping or gently rolling, well drained soil is on knolls and ridges. Slopes are smooth and convex and are less than 100 feet long. Areas are irregular in shape and are 5 to 70 acres in size.

Typically, the surface layer is brown gravelly sandy loam about 7 inches thick. The subsoil is friable and is about 37 inches thick. In the upper part it is yellowish brown gravelly sandy clay loam, and in the lower part it is dark yellowish brown gravelly sandy clay loam. The substratum to a depth of about 60 inches is light yellowish brown gravelly sand. In some places the soil is severely eroded.

Included in mapping are small areas of the very poorly drained Gilford, Thomas, and Houghton soils and the poorly drained Sebewa soils that are in depressions. These soils make up 2 to 8 percent of the map unit.

Permeability is moderate in the subsoil of this Leoni soil and moderately rapid or rapid in the substratum. The available water capacity is low. Runoff is medium to rapid. The shrink-swell potential is moderate.

In most areas this soil is used as woodland or pasture or is idle land. In a few areas it is used as cropland. This soil is well suited to woodland use. It is fairly suited to cropland use and poorly suited to recreation uses.

This soil is suited to building site development, but slope and cobbles are limitations to this use. Land forming and installing retaining walls can help to overcome the slope limitation. The cobbles may have to be removed. This soil is suited to septic tank absorption fields, but slope is a limitation. Land shaping and installing the absorption field across the slope help to overcome the slope limitation for septic tank absorption fields.

If this soil is used as cropland, the major management concerns are overcoming droughtiness, controlling runoff and erosion, maintaining the organic matter content, and keeping the soil in good tilth. The use of conservation tillage, which does not invert the soil and leaves all or part of the crop residue on the surface, helps to conserve moisture. Practices that help prevent erosion and runoff are the use of a crop rotation that includes hay, the use of cover crops and grassed waterways, and the use of conservation tillage. Crop residue and green manure help to maintain the organic matter content and improve the tilth of the soil.

This soil is in capability subclass IIIe and Michigan soil management group Ga.

52A—Selfridge loamy sand, 0 to 3 percent slopes. This nearly level, somewhat poorly drained soil is on broad, flat areas or low knolls. Slopes are slightly convex and are less than 50 feet long. Areas are irregular in shape and are 2 to 80 acres in size.

Typically, the surface layer is very dark grayish brown loamy sand about 9 inches thick. The subsurface layer is brown loamy sand or light yellowish brown sand about 23 inches thick. The subsoil is brown, mottled, friable loam about 9 inches thick. The substratum to a depth of about 60 inches is grayish brown, mottled, calcareous loam. In the southern part of the county, this soil is clayey below a depth of 40 inches.

Included in mapping are small areas of Capac and Metamora soils on landscape positions similar to those of the Selfridge soil. These soils are not as droughty as the Selfridge soil. Also included are small areas of the very poorly drained Brookston, Houghton, and Thomas soils that are in depressions and drainageways and small areas of the well drained Metea soils that are on higher knolls and ridges. The included soils make up 5 to 10 percent of the map unit.

Permeability is rapid in the sandy surface soil and moderately slow in the loamy subsoil and substratum. The available water capacity is moderate. Runoff is slow. The seasonal high water table is at a depth of 1 to 2 feet from November through May.

In most areas this soil is used as woodland or pasture or is idle land. In a few areas it is used as cropland. This soil is well suited to use as pasture. It is fairly suited to use as cropland and woodland and to recreation uses.

This soil is poorly suited to building site development because of wetness and is poorly suited to use as septic tank absorption fields because of wetness and moderately slow permeability. If the soil is used as a site for buildings, the use of surface or subsurface drains to lower the water table and the use of well compacted fill to raise the site can help to overcome the wetness limitation. For septic tank absorption fields, special construction, such as filling or mounding the absorption field site with suitable soil material, may be needed to raise the field above the water table and into more permeable soil material.

If this soil is used as cropland, the major management concerns are wetness, water erosion and soil blowing, droughtiness, and organic matter content. Subsurface drainage helps to reduce the wetness limitation. Cover crops, such as rye, protect fields from water erosion and soil blowing. The use of conservation tillage, which does not invert the soil and leaves all or part of the crop residue on the surface, helps to conserve moisture. The use of crop rotations that include grasses and legumes and the use of crop residue management can help to maintain organic matter content.

If this soil is used as woodland, the major management concern is seedling mortality. Some seedling loss can be expected due to droughtiness during dry summer months. Exposing soil just prior to the production of the seed crop can help desirable tree seedlings become established quickly and get a head start on competing vegetation.

This soil is in capability subclass IIIw and Michigan soil management group 4/2b.

53A—Tedrow loamy sand, 0 to 3 percent slopes. This nearly level, somewhat poorly drained soil is on

LOG OF HAND AUGER BORINGS

PEA JOB NO. 96075G & 94158G

HAB NO.	DEPTH	SAMPLE NO.	SOIL DESCRIPTION	REMARKS
HAB #1	0' to 4.0'	1-D at 2.0'	Very Stiff Mottled Brown/Gray SILTY CLAY with Trace of Gravel	Dry at completion *4,500 psf at 1.5' *7,000 psf at 3.0'
HAB #2	0' to 1.7'		TOPSOIL: Very Soft Dark Brown SILTY CLAY	Water at 1.7 feet
	1.7' to 2.5'		Stiff Brown/Gray SILTY CLAY with Trace of Gravel	3,000 psf
	~~2.5 to 4.0'~~	~~1-D at 3.0'~~	~~Very Stiff Brown/Gray SILTY CLAY with Trace of Gravel~~	6,000 psf
HAB #3	0' to .4'		TOPSOIL: Very Soft Dark Brown SILTY CLAY	Water at 1.5 feet
	0.4' to 2.0'	1-D at 1.5'	Very Soft Brown/Gray SILTY CLAY with Some Roots	5,000 psf
	2.0' to 3.7'	2-D at 2.5'	Very Stiff Mottled Brown/Gray SILTY CLAY	Refusal on cobble at 3.7 feet
HAB #4	0' to 0.5'		Soft Dark Brown SILTY CLAY (Topsoil)	Water at 0.5 feet
	0.5' to 4.7'	1-D at 3.0'	Very Stiff Mottled Brown/Gray SILTY CLAY	6,000 psf
HAB #5	0' to 1.0'		TOPSOIL: Very Soft Dark Brown SILTY CLAY	Water at 1.0 feet
	1.0' to 6.0	1-D at 4.0'	Very Stiff Gray SANDY CLAY	4,000 to 6,000 psf
HAB #6	0' to 0.7'		TOPSOIL: Very Soft Dark Brown SILTY CLAY	Water at 0.7 feet
	0.7' to 1.5'	1-D at 1.0'	Medium Gray SANDY SILTY CLAY	3,500 psf
	1.5' to 6.5'	2-D at 3.5'	Stiff Gray SANDY CLAY	

NOTES:

1. Hand auger borings drilled adjacent to stream flow with 2-1/2-inch diameter hand augers.
2. Visual soil classification only.
3. *PP - Pocket Penetrometer Value in pounds per square foot (psf).

DRILLED BY: Doug Gucwa DATE: 9/25/96 SHEET NO. 1

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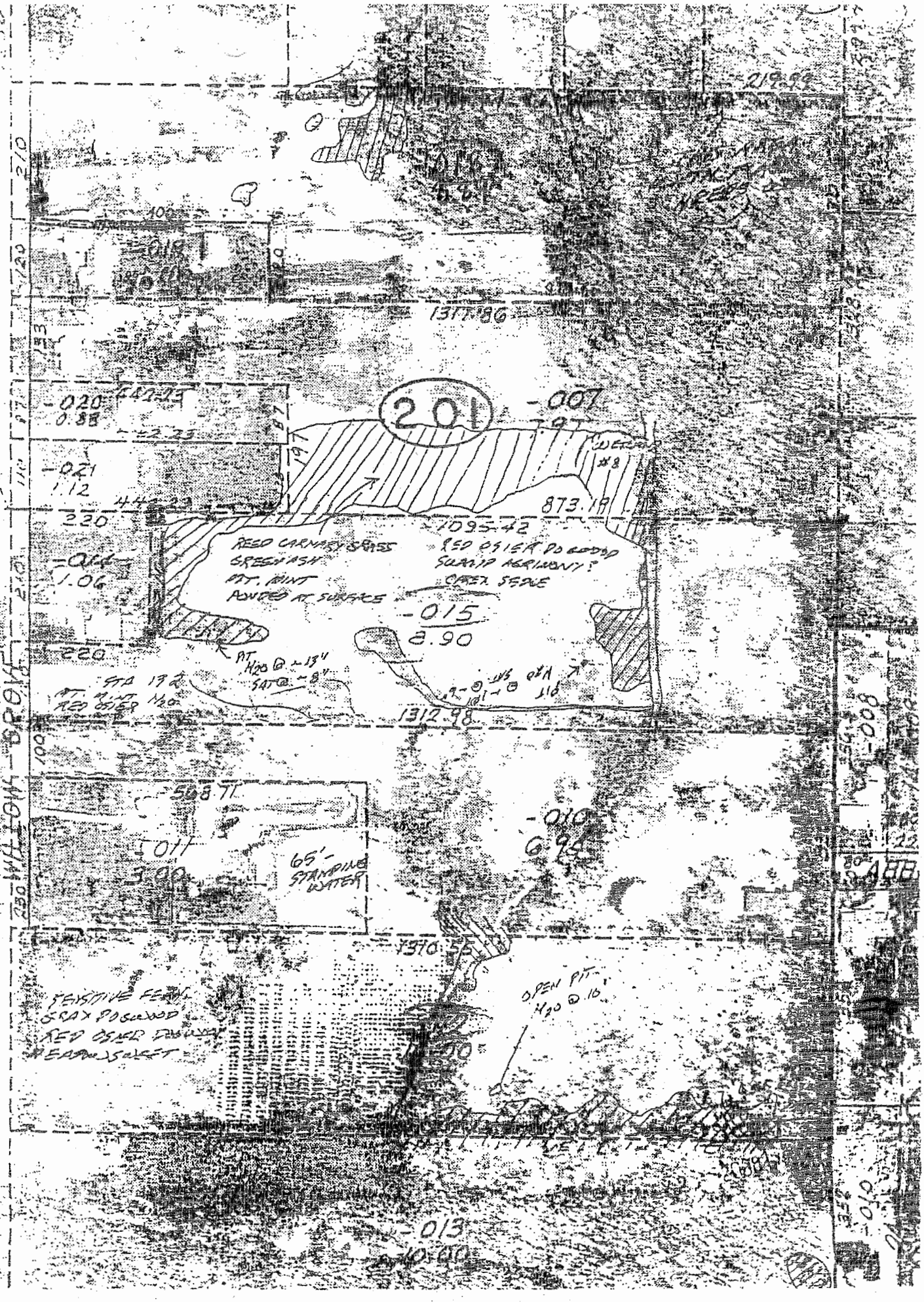
201
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-013
10.60
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1310.55
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568.71
RED CARNAGE GRASS
GREENASH
PAT. PINT
POWDER AT SURFACE
RED OSIER DOGWOOD
SUMAP AGRIMONY?
CREEK SEDGE
PT. PINT
RED OSIER
65' STANDING WATER
OPEN PIT
SENSITIVE FERN
GRAY DOGWOOD
RED OSIER DOGWOOD
MEADOWSWEET

July 10, 1998

Attachment C

TO: The Honorable Mayor and City Council

FROM: James C. Bacon, Jr., City Manager JB
John Szerlag, Assistant City Manager/Services JS

SUBJECT: Fetterly Drain Issues

Questions about the Fetterly Drain have been raised primarily in two arenas: engineering and environmental. Both of these arenas are underpinned by financial considerations. At this point in time, there are things we know about this issue and things we don't know. Let's start with things we know.

From an engineering perspective, we know that:

1. The drainage district for the Fetterly Drain includes approximately 310 acres, of which approximately 175 acres are undeveloped. The Fetterly Drain does not currently have sufficient capacity to handle a ten-year storm event within the channel or the existing 40-foot wide easement.

2. The scope of work currently proposed will cover the entire 3,730 linear feet of the Fetterly Drain. The southern 1,280 linear feet will be enclosed with a 42-inch diameter pipe, with a swale over the pipe. The northern 2,450 linear feet will consist of a swale over a 21-inch diameter pipe enclosure. Improving the drain in this fashion means that there will be a ten-year storm capacity at full development within the district.

3. The benefits realized by performing only a drain clean-out are limited. Most importantly, a clean-out of the drain will not provide the ten-year storm capacity.

4. We cannot have an open drain improvement within the existing 40 foot easement because the cross-section's steep side slopes would be dangerous, would be difficult to maintain, and soils are not conducive to supporting steep side slopes (i.e. 1:1, 1:2).

5. An open drain improvement project would require adding up to 60 feet of easement width.

From an environmental perspective, we know that:

1. A heron rookery is located within the drainage district.

2. Rookeries should have an area of isolation.

3. The U.S. Fish and Wildlife Services recommends an isolation zone of approximately 810 feet around the rookery. Thus, the amount of recommended area to remain

April 13, 2005

To: John Szerlag, City Manager

From: Brian Murphy, Assistant City Manager/Services
Mark Stimac, Building and Zoning Director
Carol K. Anderson, Parks and Recreation Director

Subject: Agenda Item: Limited Public Forum - Selection Process

Recommendation
City management requests approval of the selection process for applications, rules and procedure for the Limited Public Forum.

Background
Attached please find a final draft of the application, procedure and rules for limited public forums. The application, procedure/rules includes the selection process allowing for time, manner and place.

Council needs to consider one of the following options:
A) Those wishing to be considered for any date through May 8, 2005 must complete the designated public forum and lottery applications (Exhibit A) and submit to Parks and Recreation no later than 4 pm April 21, 2005. All applications after April 21, 2005 and at least two weeks in advance will be considered on a first come first served basis.

B) Requests will be accepted and approved on a first come first served basis. All written requests received after April 4, 2005 will be considered in the order received.

C) Completed applications will be accepted beginning at noon, April 19th on a first come first served basis.

Prepared by: Carol K. Anderson

Parks & Recreation Department
3179 Livernois, Troy, 48083
248.524.3484

Office Use Only
Taken by:_____Date:_____
Number in Parking Lot:_____
Location:_____
Fee Paid:_____

DESIGNATED LIMITED PUBLIC FORUM APPLICATION

Name of Individual/
Company/Group:_____

Address:_____

Date of Function:_____ Number of Users:_____Time of Use*: Begin:_____ End:_____

Location (attached schematic shows available
sites):_____

Please read these carefully before completing your application. The undersigned hereby verifies that he/she:

1. Has the authority to sign this application for the above named organization, group or company.
2. Has read the rules and regulations on the back of this form and agree to abide by all rules stated therein.
3. Will perform the necessary clean up of the area following its use.
4. Understands the approval of this application may include non-content based additional requirements and/or limitations based on time, place, and manner criteria.
5. Agrees to stay within the boundaries of the reserved area and to limit gathering to this area.
6. Has read and understand that permits are subject to all policies, rules and regulations as listed on the back of this form.
7. Understands that failure to comply with all policies, rules and regulations herein stated or falsification of any information called for in this application will be grounds for denial of this or any future permits.
8. Understands that the City does not intend to provide any service associated with the forum. In cases where the forum requires City staff to perform work that would not be required if the Applicant's requested use did not take place, the applicant will be charged the costs associated with the work. The labor performed by staff will be at the discretion of the City Manager and/or designee and the applicant may not be notified of the requirement for services prior to the service being performed. Should there be any costs incurred by the City, the applicant will be invoiced for additional costs within 30 days of the Applicant's use of the forum.

Please print/type name of contact person: _____

Address:_____City/Zip:_____Phone:_____

Name of alternate contact person:_____

Address:_____City/Zip:_____Phone:_____

The Applicant agrees to defend, indemnify and hold the City of Troy, its officers, officials, agents and employees, harmless from and against all claims arising by reason of injury or death of any person or damage to property arising out of or incidental to its use, except to the extent caused by the gross negligence or willful misconduct of the City, its agents and employees. The City shall provide the Applicant with notice of any claim which the City believes is covered by this agreement, and the Applicant shall timely appear in and defend all suits brought upon such claim and shall pay all incident costs and expenses, but the City shall have the right, at its option, to participate in the defense of any suit without relieving the Applicant of any of its obligations.

I hereby apply for approval of the use of this Limited Public Forum, and affirm the above understandings and agree for myself and any others working with me that we will comply with the City's Rules, the terms of the Written Confirmation of Approval and all other City requirements, ordinances and other laws that apply to this use.

_____ _____
Date Signature of Applicant

RETURN THIS APPLICATION to the Parks and Recreation Department, 3179 Livernois. Applications are accepted on a first come, first served basis, but not longer than 364 days in advance. Applications must be made a minimum of two weeks in advance.

Confirmation of Approval
Approved by:_____Date approved:_____

Location: Circle one City Hall Lawn Reflective Head Parking lot North of Community Center

A limited public forum is designed to allow a place for members of the public to express free speech. In no way should the content of the forum be interpreted as approved or endorsed by City staff, City Council or residents.

Applicants wishing to have a limited public forum should read and be familiar with these procedures and rules as follows:

Procedures for reserving Designated Limited Public Forum Area:

1. Obtain permits at the Parks and Recreation office in the Troy Community Center, 3179 Livernois, Monday-Friday from 8:00 am to 10:00 pm and Saturday 9:00 am to noon (closed Saturdays July & Aug)
2. A forty dollar ($40.00) reservation fee must accompany each application.
3. Proof of residency, employment, or membership in a sponsoring Troy organization must be furnished upon request.
4. Applications must be submitted two weeks in advance.

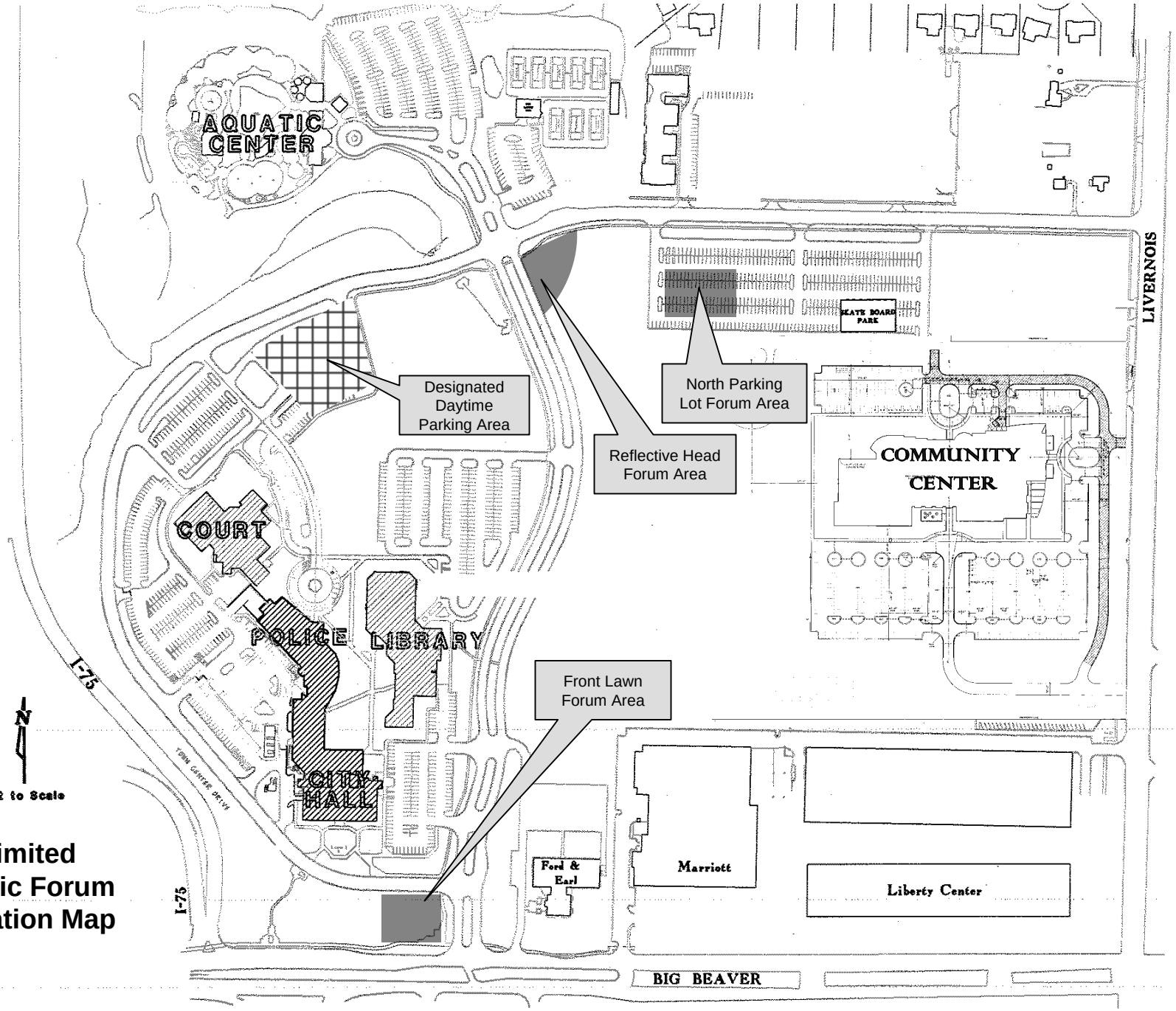
Rules Governing Designated Limited Public Forum Area:

1. Reservation must be made in person at the Parks and Recreation office during regular office hours. No phone reservations are accepted.
2. 75% of the group must be Troy residents, work in Troy for the company having the function, or be a bonafide member of the sponsoring Troy organization. A roster of those attending may be required.
3. All vehicles must be confined to parking areas. If using Reflective Head or City Hall lawn area during regular business hours, all cars must be parked in the lot east of the 52-4 District Court or the lot north of the Community Center on Troy Center Dr (see attached schematic).
4. Permits must be retained at all times by Applicant and presented upon request.
5. The permit is good for the listed reservation time only. (There are no rain dates.)
6. Applicant's use of the forum is limited to the areas as identified on attached schematic drawing.
7. No refunds are granted for permit fees.
8. The Applicant is responsible for leaving the area clean and orderly.
9. Nothing shall be placed in or on the ground including tents, displays, ground signs, etc., without written authorization.
10. Use of the limited public forum is limited to durations of not more than two hours.
11. No amplified live music or bands are permitted. Sound systems and speakers are allowed with written authorization ONLY.
12. Use of the limited public forum may take place from dawn to dusk.
13. No sound shall be emitted by the participants exceeding 65 decibels, measured at a distance of 15' from the boundaries of designated forum area.
14. There shall be no open flames or pyrotechnics as part of any use of the limited public forum.
15. There shall be no profanity, pornography, or obscenity during the use of the limited public forum.

Available locations for public forums (see map)

1. Lawn area south of City Hall
2. Area surrounding/adjacent to the Reflective Head
3. Parking lot north of Community Center

Requests for use of a limited public forum are taken on a first come, first served basis. When more than one request is made for the same date, there will be 30 minutes between the uses of the limited public forum.



Limited Public Forum Location Map

Exhibit A

LOTTERY APPLICATION: Limited Public Forum

Please complete this form if the desired date is any date April 25th through May 8, 2005 inclusive.

The following individual, business, or organization, having read the Designated Public Forum Application and Rules and Procedures, hereby submits this application for possible selection in the lottery for the dates April 25th-May8th inclusive. I (We) understand that a representative must be in attendance at the lottery drawing to make a selection of a site and date group if this application is selected. I (We) understand that the failure to have a representative in attendance will be grounds for disqualification of my (our) application.

The lottery will be held on April 22nd at 10am at the Community Center.

2005

Applicant's Legal Name: _____

Business, Civic Group or non-profit represented _____

Phone: _____

Address: _____

City, State, Zip _____

Name of Authorized Designee: _____

Date group desired: _____

The application and lottery application must be submitted by April 21st at 4pm.

2005

CELEBRATING 50 YEARS 1955-2005 City of Troy

500 West Big Beaver
Troy, Michigan 48084
www.troymi.gov

Area code (248)

Assessing 524-3311
Bldg. Inspections 524-3344
Bldg. Maintenance 524-3368
City Clerk 524-3316
City Manager 524-3330
Community Affairs 524-1147
Engineering 524-3383
Finance 524-3411
Fire-Administration 524-3419
Human Resources 524-3339
Information Services 619-7279
Law 524-3320
Library 524-3545
Parks & Recreation 524-3484
Planning 524-3364
Police-Administration 524-3443
Public Works 524-3370
Purchasing 524-3338
Real Estate & Development 524-3498
Treasurer 524-3334
General Information 524-3300

April 7, 2005

Mr. Edward D. Barlow, Jr., Futurist
CREATING THE FUTURE, INC.
2907 Division Street, #108
St. Joseph, MI 49085

Regarding: Proposal for Recalibration of Troy Futures Community Report

Dear Ed:

I've enjoyed speaking with you after all these years and am happy to know that you are doing well. As we discussed, enclosed is a copy of the Troy Futures Community Report which you facilitated for us back in 1992-93. The thematic areas along with their corresponding mission contained in the report follow:

Community – The Troy community exemplifies its slogan, "City of Tomorrow…Today" through vibrant community spirit, commitment to action and leading edge services.

Human Services – To ensure and promote the care and well-being of the citizens of Troy.

Leisure and Culture – For the community of Troy to enhance its cultural and recreational offerings.

Preservation and Beautification – Create an atmosphere which produces an urbanized setting of human dimension for the future. This vision blends the elements of preservation, esthetics and education to make it attainable. Through combining the fundamental ingredients of neighborhoods, open spaces, urban forest, focal points and roadways, a visual master plan is charted addressing beauty and the preservation of places with meaningful character. While important in themselves, it is recognized that these objectives can be accomplished only by motivational alliances. The driving mechanism depends on the cooperation of public and private sectors, volunteers, generational connectedness and diversified ethnic inclusion.

Mr. Edward D. Barlow, Jr., Futurist
CREATING THE FUTURE, INC.
April 7, 2005

Lifelong Learning – Encourage and enable all individuals in the community to become lifelong learners, thereby empowering them to meet the challenges of an ever-changing world.

Economic Vitality – Maintain the economic balance that Troy enjoys today. Create an environment that encourages retention and growth by managing the future through redevelopment, innovation and the adoption of appropriate technology.

Regional Cooperation/Infrastructure – To maintain and enhance the developing character of Troy through strengthened infrastructure and related services in cooperation with the region's communities.

Ed, appropriate staff members are reviewing desired outcomes and action strategies so we can see how we've faired over the years. And we'll forward their responses to you during the week of April 18, 2005.

As we also discussed, I'd like to have your proposal for a recalibration of our community visioning to present to Council at their meeting of May 9, 2005.

Please note that in tandem with staff's update, we'll also be including the results of the ICMA citizen survey, which is literally hot off the press. So too, I'll be including goals and objectives adopted by the Troy City Council.

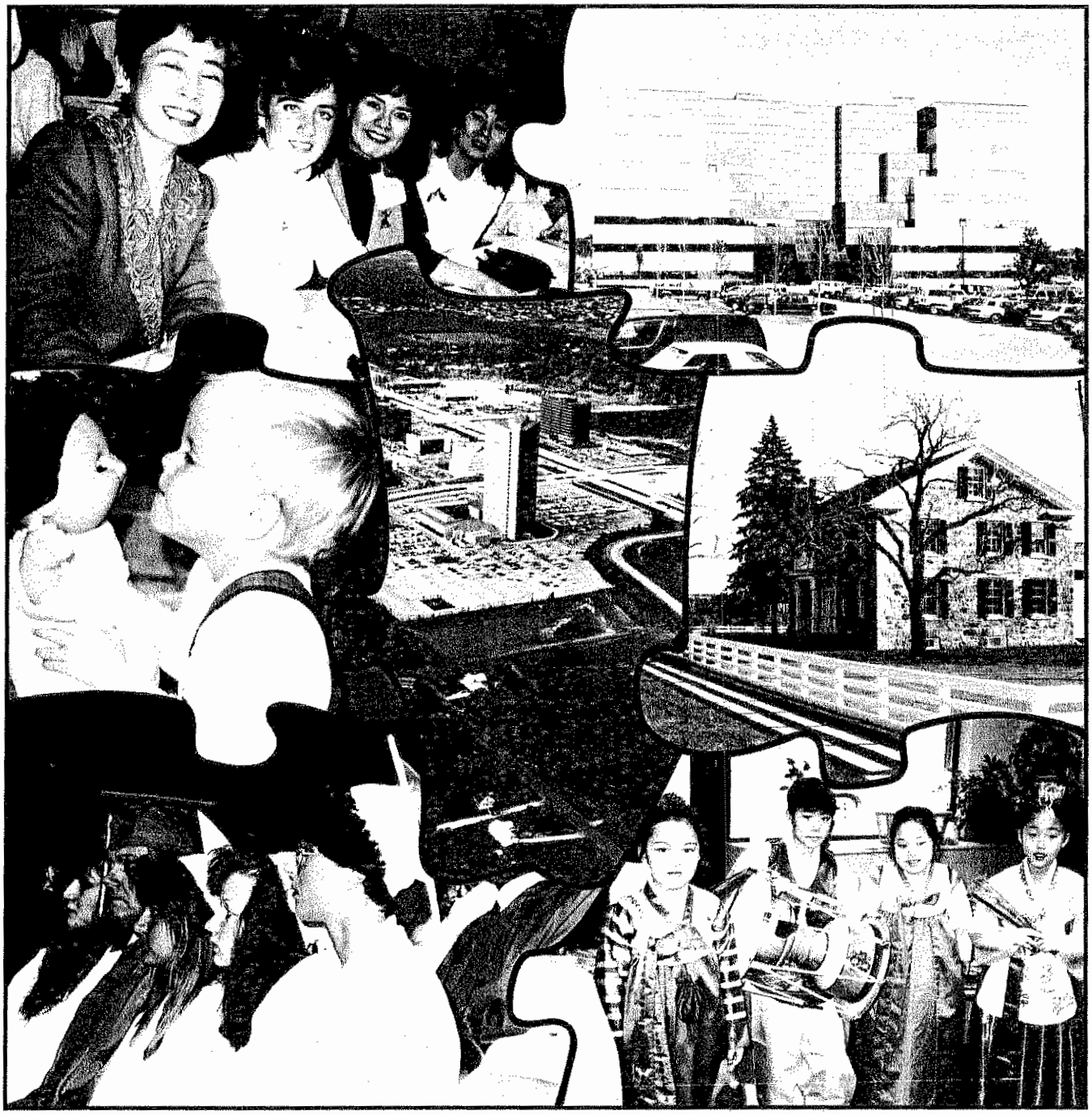
Very truly yours,

John Szerlag,
City Manager

JS/mr\AGENDA ITEMS\2005\04.18.05 – Letter to Futurist Ed Barlow

c: The Honorable Mayor and City Council Members
Laura Fitzpatrick, Assistant to the City Manager
John M. Lamerato, Assistant City Manager/Finance & Administration
Brian P. Murphy, Assistant City Manager/Services
Department Directors

TROY FUTURES COMMUNITY



REPORT

"Progress through Partnership"

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INTRODUCTION

May 1993

The challenge of today is to plan for tomorrow.

In Troy, when the challenge was issued, the response was astonishing. More than 400 persons responded to our invitation to help plan the community's future. We gathered in the Standard Federal headquarters on February 27, 1992 to learn about the futuring process and determine how each person could help shape the community's future.

That initial meeting set the tone for a community effort filled with eagerness, enthusiasm and commitment. The second meeting held on March 21, 1992 at Larson Middle School drew more than 240 people for an all-day planning session at which task forces set their own agendas, with some meeting as often as weekly.

The task forces addressed:

- The Community
- Human Services
- Leisure and Culture
- Preservation and Beautification
- Lifelong Learning
- Economic Vitality
- Regional Cooperation and Infrastructure

Each task force took stock of the city's present situation and weighed anticipated trends. How can the community respond to such trends as the two-income family, the aging of its population, or the technological advancements of the new "information age," they asked.

How can Troy nurture a sense of community and at the same time encourage and lead efforts to develop regional responses to regional concerns? How can an effective transportation system and further residential and commercial development co-exist with a community emphasis on nature, beauty and aesthetics?

After a year-long effort involving countless hours of brainstorming, researching and negotiating, the seven Futures Task Forces agreed on goals and developed the strategies needed to achieve them.

(continued)

P U R P O S E

Futures are many. The major institutions of the community (businesses, City and schools) have a future. Neighborhoods, ethnic groups, churches, families and even individual citizens will be in the future. Each of them as individuals and all of them together can have a profound effect on their futures.

In the day-to-day operations of these community groups it becomes absolutely essential to broaden the scope of participation through open and inclusive process. This inclusive process permits utilization of tremendous human resources for the long-term good of the community. This is essential in our democratic society.

Forces for change are experienced in the daily lives of all. These forces for change can have a significant influence on our daily lives. Some emanate from global causes, some national, some regional and some from local causes.

We are frequently confronted by negative forces for change while those which are good and positive are often overlooked. The Troy Futures' project permitted frank and open discussion of forces of change in the Troy community both positive and negative. The seven Task Forces of the Troy Futures' program completed an environmental scan to identify forces for change which then permitted them to develop views of possible futures along with intervention strategies to achieve desired outcomes and community imperatives.

Achieving shared visions throughout the community is essential. The great cities of the world were achieved historically by visionary leadership of one or two great persons. William Penn laid out the City of Philadelphia and Pierre L'Efant designed Washington, D.C., for George Washington. Napoleon III reconstructed Paris with its wide boulevards and many magnificent buildings in the mid-1800's.

The 20th Century and more and more as we look toward the 21st Century requires pluralistic decision making in democratic systems governing our communities. Moreover, informed leaders and citizens today realize that they must not only envision the future for the physical aspects of community but they must also address those human aspects which affect the daily lives of inhabitants.

Therefore, the futuring process offers the opportunity to share visions of direction among community leaders and their constituent groups. In months which will follow it is expected that the emerging leadership from the futures effort will call on business leaders, City leaders, leaders of educational institutions, neighborhoods, churches and others to examine and set into process actions to adapt or adopt suggested strategies. Indeed additional partnership efforts will be essential to achieve the shared vision.

The Futures Program takes us toward the 21st Century with challenging imperatives. The Troy Community and the host region will move into un-mapped territory of the future. Troy citizens understand the necessity of examining, reexamining and altering course. We must explore and colonize the future. It should be expected that this important process will be repeated again and again in the future and new imperatives will become apparent.

Frank Gerstenecker
City Manager

City of Troy

April 27, 1993

The Troy Futures program, very simply stated, was a year-long effort by a group of citizens to achieve a "preferred future" for the Troy community.

However, let us examine it more closely. Our futuring was really a labor of love, of commitment, of hard work and dedication. It was a pioneering effort by serious and sincere residents from various and diverse backgrounds who were willing to be challenged; whose curiosity, need for achievement, and work ethic bring us this completed document. Within these pages will be found their vision, their hopes and dreams, and their ambitions wrapped up in their personal commitment to a worthy cause for a flourishing Troy tomorrow. The words and ideas expressed here will capture the imagination of future Troy generations. They shall stand as a reminder of what is and what is to be. We have just to open our eyes and see.

In its completion it establishes a new mission for us as business and community residents, yet, we will come to learn there is no completion as the future is always present. It would behoove us then, to come often to revisit, to study, to alter, if necessary, the "Vision" as we mature.

Since cities are the cornerstones of America, we must work to keep our City secure philosophically, and physically. To that end action strategies have been suggested for possible implementation in order to pursue the dynamics of "The Vision."

We appreciate that Troy is a unique community. It is blessed with a caring, concerned, involved, enthusiastic and industrious citizenry. It is from this base that the Future Visions Task Force volunteers emerged. We thank them all and, through them, we extend best wishes for every success for our Troy Community's achievements for the 21st Century.

Jeanne M. Stine
Mayor

500 W. BIG BEAVER ROAD TROY, MICHIGAN 48084

Bldg. Inspections	524-3344	Dept. of Public Works	524-3370	Library	524-3545	Purchasing	524-3338
City Assessor	524-3311	Engineering	524-3383	Museum	524-3570	Recreation (Parks)	524-3484
City Attorney	524-3320	Finance	524-3411	Personnel	524-3339	Traffic Engineer	524-3379
City Clerk	524-3316	Fire	524-3419	Planning	524-3364	Treasurer	524-3334
City Manager	524-3330	Information	524-3300	Police Dept.	524-3443		

COMMUNITY LIFECYCLES

Communities such as Troy are becoming increasingly aware of the fact that their future holds influences and conditions very different from their past. Recognizing this now, and preparing for the necessary adjustment, is seen as the best way to shape, rather than become a victim of, their evolution.

Communities, as organizations, go through lifecycles. They are started for a reason, which is in response to taking advantage of, or protecting oneself from, conditions that exist at the time. Policies and procedures, systems, programs and services, are developed and implemented. All too often, however, adequate attention is not given to the changing nature of the world, and approaches which worked once, become ineffective.

Astute communities, aware of the continuously changing nature of the world around them, are tapping the expertise of their citizens and various constituencies to assess their possible futures and develop appropriate responses to them.

The effort put forth by the City of Troy's futuring process participants has been extraordinary. The extensive amount of time put forth to discover the world of tomorrow within which Troy will find itself has led to the development of a vision and preferred future for the community. Their efforts have mobilized a special energy directed towards creating a positive future.

As was well stated in the famous tale of Alice In Wonderland, "If you don't know where you're going, any place will do." "Any place" is not Troy's destiny. It has defined and will realize its own preferred future.

Edward D. Barlow, Jr.
Futurist

A BRIGHT FUTURE BUILT UPON A STRONG PAST

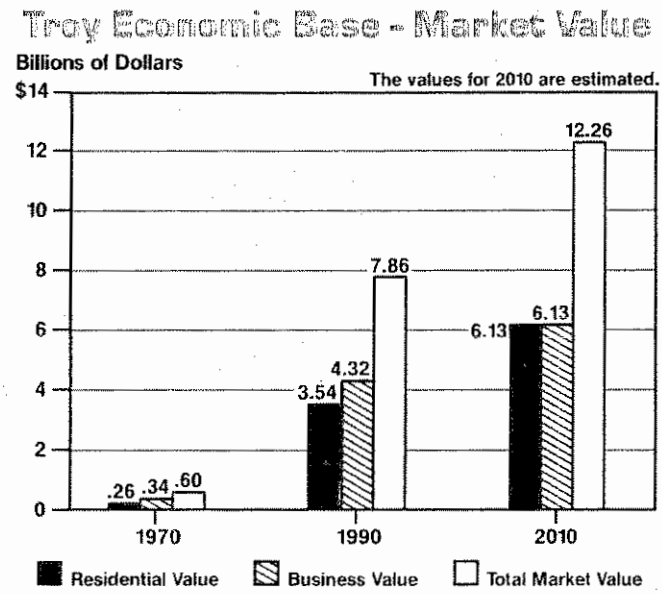
Troy is no stranger at looking toward the future.

Since it incorporated as a city in 1955 and adopted the motto "The City of Tomorrow," Troy has guided its growth using a Master Land Use Plan and supporting documents such as a parks and recreation plan and a thoroughfare plan.

It planned for balanced land use and, thus, balanced property taxes to support city services and schools without placing undue pressure on either the residential or commercial segments of the city. It also provided the infrastructure to support steady growth — roads, utilities, water and sewer, and other building blocks upon which the community could develop.

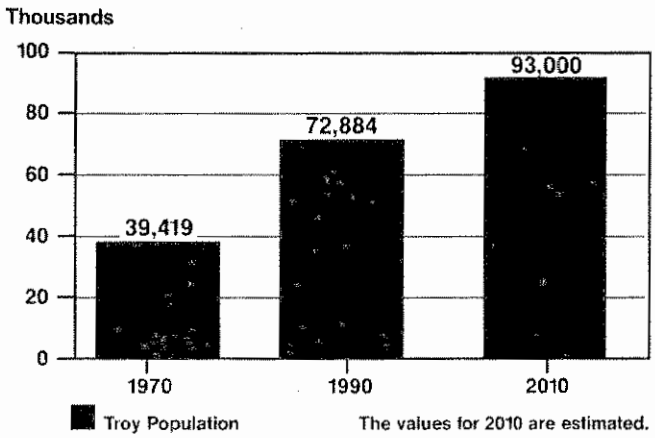
It made quality a priority long before it was fashionable, resulting in attractive developments that house many national and international headquarters.

In just 20 years, the city experienced phenomenal growth in every facet of its existence — and steady growth is expected to continue through the next 20 years. Consider these statistics:



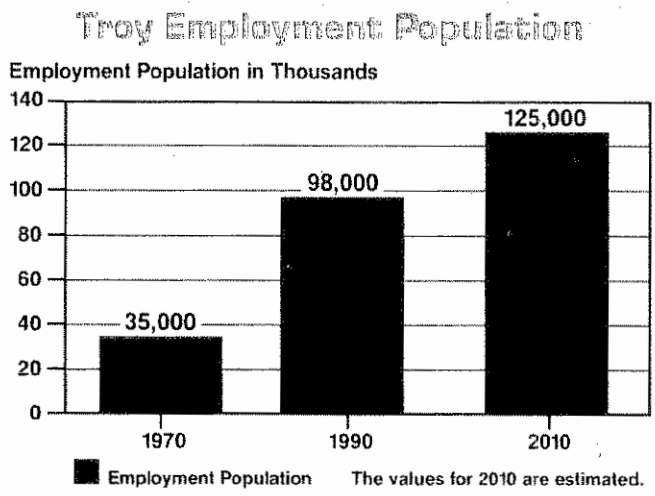
- The most staggering growth has been in the Troy property values. Between 1970 and 1990, the city's total value increased 1,210 percent from $600 million to $7.86 billion. The 1990 ratio of 45 percent residential to 55 percent commercial/industrial development reflects the city's dedication to balanced land use.

  By 2010, the ratio of residential to commercial is expected to be 50-50 with the total reaching $12.26 billion. If the projection holds true, the city's total value will have increased 1,943 percent in 40 years.

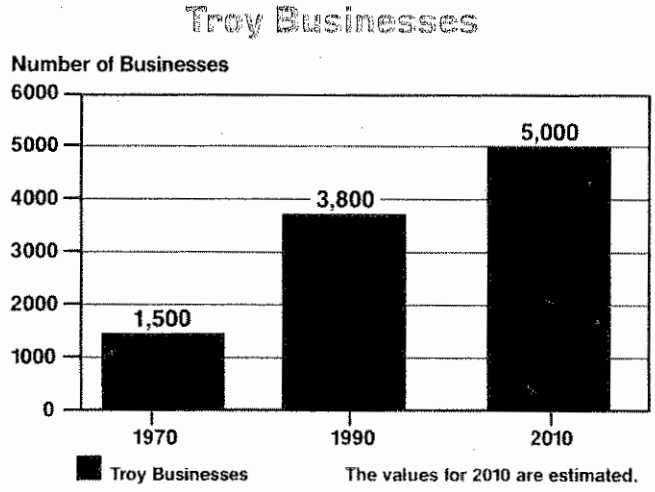


- Between 1970 and 1990, the city's population grew 85 percent, from 39,419 to 72,884. It is expected to increase to 93,000 residents by 2010.

- The community's employment population has increased at an even more rapid rate. The number of employees in 1970 more than doubled in 20 years, increasing from 35,000 to 98,000, a growth of 180 percent. The employment population is expected to reach 125,000 by 2010.



- The number of businesses increased from 1,500 in 1970 to 3,800 in 1990. This growth reflects the establishment of businesses of all types and sizes, including the international headquarters of several major corporations. By the year 2010, Troy is expected to be home to 5,000 businesses.



The growth pattern isn't accidental. The community's development has been carefully guided by conscientious city officials and citizens.

As a result, the Troy Futures Task Forces started with a legacy: They could look to the future with the strength that comes from a rich past and a well planned present.

The Troy community of the future will build upon the strengths present in the city today. Already a vibrant community, it will continue to build a sense of identity, fueled by civic pride and determination. Residents will be drawn together through neighborhood activities as well as community initiatives.

The richness of Troy's ethnic diversity will be valued. Education and cultural activities will improve understanding. Schools will promote multicultural education.

The community will be at the vanguard of information technology and the educational community will be integral players in the efforts to address social change.

COMMUNITY MISSION:

The Troy community exemplifies its slogan ***"City of Tomorrow . . . Today"*** through vibrant community spirit, commitment to action and leading edge services.

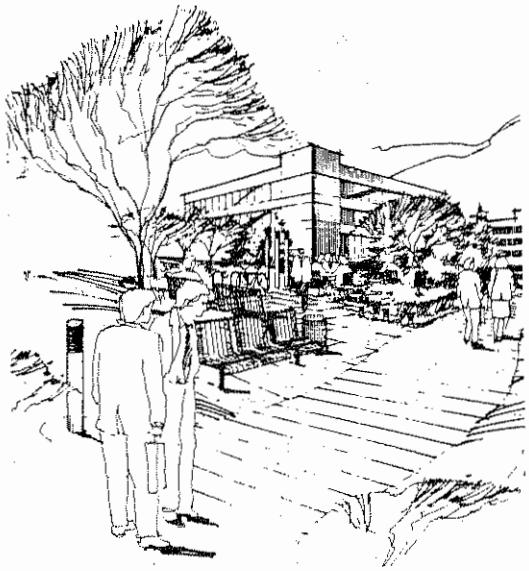
Desired Outcome & Community Imperative:

Neighborliness and Sense of Identity

The citizens of Troy have a sense of identity with their city, neighborliness prevails, a city center exists, and youths and adults know their neighbors and work together on community activities.

Action Strategies:

- Develop a city center atmosphere in the Civic Center/Big Beaver corridor; encourage people to walk between buildings and provide focal point areas



- Encourage neighborhood and community activities
- Establish comparative culture programs to improve knowledge of and level of understanding among all residents
- Promote self-help and neighbor cooperation in property clean up, maintenance and beautification activities and in resolution of problems
- Promote programs employing youths in both community and neighborhood maintenance activities
- Emphasize community benefits of property maintenance
- Encourage activities involving both youths and adults

- Encourage communication between neighbors to provide a safer environment
- Promote volunteerism in the city
- Promote the community's concern for, and success with, cleanliness
- Promote neighborhood programs that encourage seniors and other residents to socialize
- Promote involvement of short-term residents in the community
- Support and expand newcomer services and programs

Desired Outcome and Community Imperative:

Business and Community Cooperation

Through cooperation between business and the community, Troy will continue to be an attractive location for corporate

headquarters, upscale shopping, and other business enterprises, and will provide additional opportunities for its citizens.

Action Strategies:

- Establish a business/school/city joint venture to identify common services, avoid duplication, identify common goals and share information

- Recruit task teams to make recommendations regarding community use of business facilities, business support of cultural institutions and events, and joint business/civic support of facilities for public use
- Develop a business study/promotion group
- Improve communications regarding business promotions
- Support home-based work that conforms to city codes and regulations
- Encourage high technology industries
- Encourage community leaders to become "public relations representatives" for high tech industries in Troy
- Promote Troy's youth programs and opportunities, as well as academic and community success of Troy youth
- Encourage Troy business leaders to employ Troy teens
- Establish a business and planning group composed of seniors to generate ideas for employment and volunteer opportunities for senior citizens

Desired Outcome and Community Imperative:

Improved Communication Systems

Troy will create a state-of-the-art communication system that will integrate the needs of home, business, government and education and constantly expose its citizens to leading applications of information technology. This system will increase citizen awareness and involvement in the community.

Action Strategies:

- Establish a full-time communication/public relations position on the city staff
- Expand the responsibilities and focus of the Troy Cable Commission to become a Troy Communication Advisory Committee
- Encourage the Troy Communication Advisory Committee to consider:
  - Utilizing the existing cable TV system to establish interactive programming
  - Taking an aggressive approach to improving media coverage of Troy

  - Utilizing cable television to improve coverage of Troy civic meetings and activities
  - Pursuing a partnership with a high tech company to create a model futuristic communication system

- Establishing a town hall meeting for identification and discussion of common interests and concerns; consider televising the meeting on the cable system

- Create a Troy Communication Plan which encourages use of cable television, newsletters, press releases and electronic information delivery systems

- Develop a new city logo combining emphasis on the past and future, possibly through a city-wide contest

- Advance the goals and strategies of the futures committees and promote program plans

- Educate citizens on the functions of government and the duties of citizens

- Publish a monthly city newsletter

Desired Outcome & Community Imperative:

Harmony Within the Diverse Community

The Troy community will take pride in its rich ethnic diversity and will create an educated and harmonious environment which promotes sharing of ethnicity and cultures.

Action Strategies:

- Advocate acceptance of a multicultural perspective to the citizenry

- Arrange for the provision of multicultural education

- Insure that public employment, including the city and the schools, reflects the diversity of the community

- Insure equal access for all citizens to all systems in the community

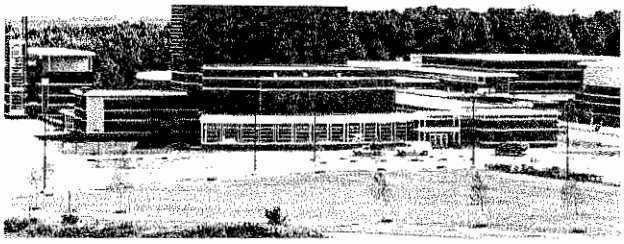
- Provide opportunities for ethnic/cultural activities

- Promote regular public programming to present the issues and cultures of the diverse ethnic community

- Educate non-native individuals how to function in the various community systems, especially the new immigrants

- Utilize non-judicial dispute resolution systems, when necessary, relying on self-help rather than the judicial system

- Provide support systems to maintain ethnicity and culture



Desired Outcome & Community Imperative:
Expand the Role of Schools in the Community

Troy schools will take a proactive approach in helping to address changes in society and in the education community.

Action Strategies:

- Establish a task force to determine how schools can accommodate working parents and supplement traditional family roles
- Maximize the availability of school facilities for community programs
- Encourage parents and senior citizens to volunteer in schools

- Consider the family structure in school programming and scheduling
- Promote transportation safety and other subjects related to substance abuse
- Coordinate school, church and private programs on substance abuse

- Encourage participation of teachers and students regarding common community goals and objectives
- Include multicultural perspectives in areas of curriculum such as history, political science, the arts, sciences, and humanities
- Offer classes and activities on understanding different cultures for all ages
- Include ethnic representatives in a process to review and develop appropriate multicultural materials

Desired Outcome & Community Imperative:
Opportunities for Teenagers

Anticipating an increase in the number of teenagers, the community will provide resources and activities designed specifically for this age group.

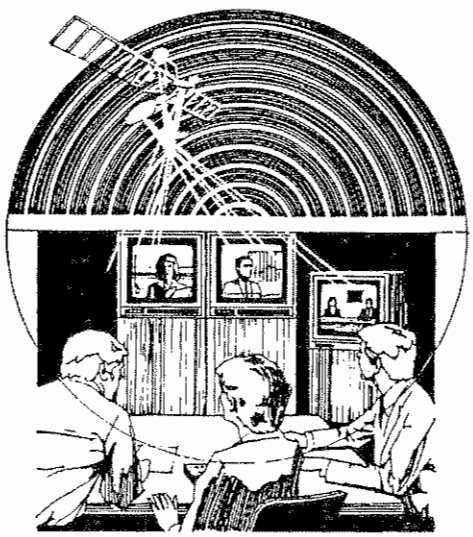
Action Strategies:

- Provide increased technology to facilitate the teaching capacity of schools, such as videotaped courses

- Establish programs to build on positive peer pressure
- Provide workshops for teens to work on teenage issues
- Provide a means to communicate needs of teenagers to civic and business leaders
- Increase the use of school facilities and the number of programs aimed specifically at teenagers
- Coordinate programs of city, schools, churches and volunteer groups to make programs available for teenagers
- Promote city youth programs and opportunities

Desired Outcome & Community Imperative:
Contemporary Information Resources

Leading edge information opportunities will be available to the entire Troy community, resulting in residents reaping the benefits of technology and remaining highly employable.



Action Strategies:

- Provide an Information Age Resource Center, possibly through the Technology Commission identified in the Lifelong Learning report, to promote awareness, experimentation and practical use of information age tools and resources. This center will:
  - Provide services such as computer-based, self- study courses, access to computer bulletin boards, video conferencing, interactive learning centers, and interactive programs with citizens of other countries/states
- Form a task force representative of the primary beneficiary groups to further refine this idea

Desired Outcome & Community Imperative:
Pedestrian Safety

The community is committed to providing for pedestrian safety.

Action Strategies:

- Determine if pedestrian right of way enforcement is feasible, looking to California for ideas
- Improve visibility at intersections
- Encourage curvilinear street pattern to safely reduce traffic speed
- Increase maintenance of roads to facilitate control of motor vehicles and bikes

- Locate pedestrian and recreation areas a safe distance away from main roads
- Increase the police presence in residential areas through traditional and non-traditional methods (foot patrols, etc.)
- Increase citizen support activities for security services

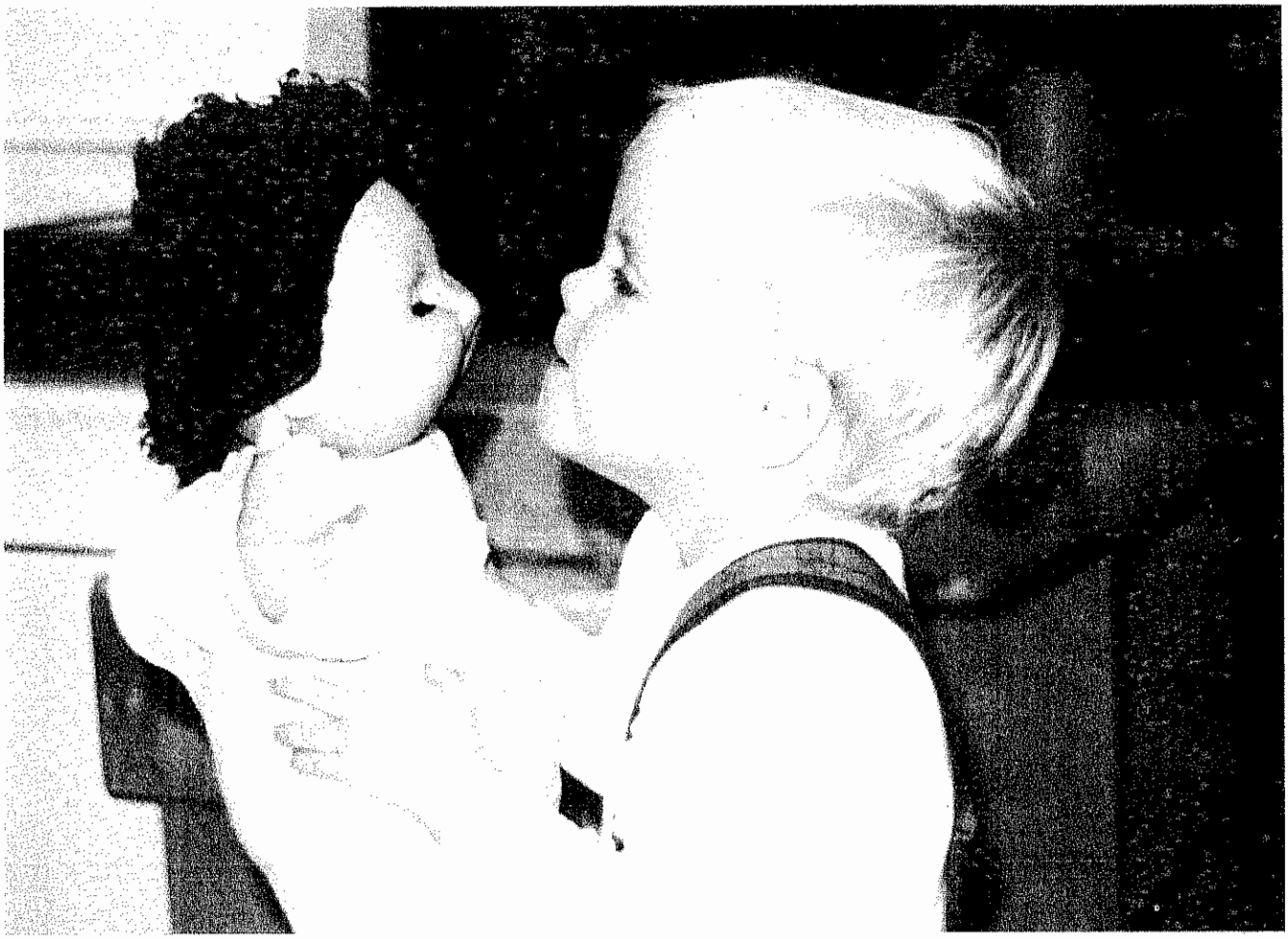
Desired Outcome & Community Imperative:
Optimum Land Use

Through effective planning, Troy will optimize land use for the remaining undeveloped areas of the city.

Action Strategies:

- Determine the future land needs for public property, facilities and services
- Support low density residential use as the major land use in the city, while recognizing that some development flexibility may be necessary for remnant parcels
- Provide for non-residential structures/ buildings that are adaptable to changing requirements
- Provide for increased development of service businesses
- Update construction codes for changes such as increased storage area needs and increased power supply needs
- Project the needs and potential for commercial, office and industrial areas for full development
- Examine community needs, versus business needs with regard to land use

HUMAN SERVICES



Human services, the providing of basic needs and support services, will become more critical as socio-economic conditions in the country, and the community, change. The shift from an industrial to an Information Age economy may displace workers, causing joblessness and the need for retraining. The aging of the population will prompt demands for improved health care and support services. Family pressures and the growth of non-traditional families will create renewed emphasis on family values.

As the need for human services grows, government funding is expected to decrease. Creative ways of providing these services will be required, including working with the private sector and encouraging volunteerism and wellness education. Better coordination of services on a regional basis will improve access for those in need

COMMUNITY MISSION:

To insure and promote the care and well-being of the citizens of Troy.

Desired Outcome & Community Imperative:
Available Human Services

Creative ways of providing human services will assure availability of these services to all who need them.

Action Strategies:

- Encourage volunteerism
- Urge the private sector to become involved
- Use sliding fee scales to help service delivery agencies to be more self-supporting
- Promote family/neighborhood values to supplement services
- Develop health promotion activities in areas of nutrition, hygiene, physical fitness, stress relief, and lifestyle
- Use computer and telecommunication technologies to improve the communication and coordination of human services through the establishment of a "Help Line" referral system
- Enhance existing human service delivery programs with more dollars, more staff and more up-to-date equipment and facilities

Desired Outcome & Community Imperative:
Services for Elderly

The projected growth in the number of older Americans provides an opportunity to benefit from their knowledge and experience, but also creates a need for more support services.

Action Strategies:

- Promote volunteerism in order to benefit from the wisdom and experience of older residents
- Explore creative ways of easing the property tax burden, such as providing tax rebates in exchange for volunteer community service
- Provide incentives to encourage private development of elder care facilities (Refer to Regional Cooperation/Infrastructure report)
- Improve recreation and walking facilities (refer to Leisure and Culture report)
- Improve maintenance and clearing of walkways
- Provide sidewalk ramps at street intersections
- Increase penalties for crimes against senior citizens

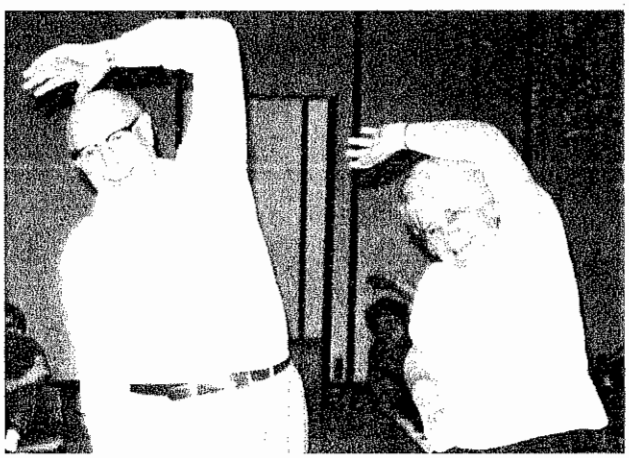
- Make shopping facilities "user friendly" for the elderly
- Initiate programs to bring recognition for senior citizens
- Expand home- and community-based activities for seniors with an emphasis on wellness education
- Promote coordination of senior citizen programs to improve quality, including a biannual needs assessment

Desired Outcome & Community Imperative:
Appropriate Health Services

All residents will have access to appropriate health care services.

Action Strategies:

- Support efforts to establish universal health care insurance
- Establish local testing and treatment programs
- Provide assisted living within congregate housing
- Establish wellness education programs to promote interest in a healthier lifestyle



- Establish rehabilitation programs including counseling centers and a crisis center
- Support efforts to increase independent living for the physically and mentally challenged through hospices, group homes, day care, nursing homes and outpatient hospital care

- Improve awareness of the requirements in laws designed to assist persons who are physically or mentally impaired
- Insure that care givers have appropriate training and education

Desired Outcome & Community Imperative:
A Safe Environment

To enhance the quality of life, Troy will work with other communities in the creation of a safe environment.

Action Strategies:

- Identify and address the causes of crime
- Provide family services, especially counseling
- Encourage adult mentoring of youth
- Promote methods and activities for enhancing self-esteem

- Enhance support for victims of violent crime

- Establish regional coordination of crime prevention and management
- Involve community in problem solving
- Continue to develop a system for regional response to emergency situations
- Develop alternative options in order to improve social and vocational skills
- Establish consortiums of business, industry and government to address societal problems

Desired Outcome & Community Imperative:
Community Support for the Unemployed

The community will provide support for those who are unemployed, homeless or impoverished.

Action Strategies:

- Promote and support the efforts of charitable organizations to provide basic needs — food, shelter, clothing, health care
- Encourage business and industry participation in counseling, job training or retraining, and placement programs
- Provide transportation to and from counseling, training and placement sessions (Refer to Regional Cooperation/ Infrastructure report)

Desired Outcome & Community Imperative:
Emphasis on Family Values

The community will support efforts to increase cohesiveness within families and to improve family values and attitudes.

Action Strategies:

- Provide education classes on parenting
- Encourage parental involvement in education

- Encourage businesses to adopt flexible hours, job share programs and family leaves
- Encourage businesses to provide child care programs

- Encourage adults to be role models with positive values and attitudes

- Promote and encourage responsibility, pride and respect as motivating factors in the educational process by all concerned with the education of our youth

Desired Outcome 8: Community Imperative:

Family Support Services

As life expectancy increases and the definition of the family changes, the Troy community will provide appropriate support services.

Action Strategies:

- Determine the adult and child care support services needed within the community and how to fulfill those needs

- Revise zoning policies, if necessary, to encourage cooperative arrangements between residents, employers, employees and service providers to meet the community's adult and child care needs

- Develop a community wellness plan

Recreational and cultural activities will draw the community together. The community will provide adequate open spaces, bike paths and walking paths to encourage citizen interaction. Recreational activities will expand beyond the traditional offerings to encourage participation from new segments of the community.

Through collaborative efforts, the city will offer a broad range of visual and performing arts and exhibits of interest to citizens of all ages. A truly community effort, the cultural activities will enrich the lives of its residents and become a source of pride for the community.

The quest for knowledge will focus more attention on the library where technologically advanced services will serve residents and businesses alike. Networking will allow access to greater resources in a cost-effective manner.

COMMUNITY MISSION:

For the community of Troy to enhance it cultural and recreational offerings.

Desired Outcome & Community Imperative:
Adequate Open Space and Facilities

Troy will acquire the open space necessary to provide appropriate land and facilities to meet the cultural and recreational needs of the community.

Action Strategies:

- Determine future needs for land, facilities and programs; acquire land and facilities as needed
- Encourage private ownership and partnership with the city

- Develop multipurpose athletic fields to gain flexibility in using the present resources
- Establish a cultural arts/activities center with adequate facilities for music, dance, theater and the visual arts
- Explore the feasibility of providing:
  - An outdoor, artificial ice skating rink with a warming building
  - Model airplane flying on undeveloped land
  - Indoor soccer field
  - Rollerblade/skateboard area
  - Lighted, nine-hole executive golf course
- Explore the feasibility of developing a lake or pond as a public beach for swimming and other recreational activities
- Form an alliance with hotels for the use of their pools and communicate this opportunity to the public
- Improve parking for the civic center

Desired Outcome & Community Imperative:
Building a Sense of Community

Troy will increase the quality of life and bring a sense of community to the city through recreational and cultural activities.

Action Strategies:

- Provide bicycle and walking paths to and through neighborhoods and parks; pursue financing alternatives for these paths
- Interconnect with other cities through such means as bike paths along I-75
- Connect sidewalks throughout the city
- Work with local health care professionals to establish fitness courses in safe environments and to promote health and wellness
- Design recreational activities to meet the needs of the diverse population, with special consideration given to the unique needs of teenagers and the elderly

- Offer programs that promote quality family time and build a sense of community
- Consider alternate forms of leisure and entertainment, such as coffee houses

- Coordinate and communicate the various cultural and recreational activities in the city

- Encourage citizen participation representing all ages and cultures in decision making on leisure and cultural activities
- Establish collaborative relations between the city, commerce and cultural interests
- Urge the formation of a private foundation to obtain funding for a cultural arts/activity center
- Consolidate the current city-wide endeavors in the arts into a new entity (commission)
- Expand the community center to serve citizens of all ages
- Provide community bulletin boards to promote activities and events
- Increase interaction between seniors and youths
- Train teens for recreational leadership and encourage them to head programs

Desired Outcome & Community Imperative:

An Arts Advocate

To establish an active voice for the arts in Troy, to serve as an arts advocate for civic, private and business interests and to represent Troy regionally and statewide in art endeavors.

Action Strategies:

- Develop the civic center campus as a cultural center
- Expand visual and performing arts and exhibits to include:
  - Innovative multi-media programming
  - A civic band and other musical activities (soloists, ensembles)
  - Additional free concerts and art shows
  - Resident theater
- Augment enrichment classes with more in-depth instruction
- Support artist-in-residence and art apprentice programs in the schools

- Establish a role for the arts on the local cable television channel
- Encourage institutions of higher education to offer cultural activities in the city

Desired Outcome & Community Imperative:

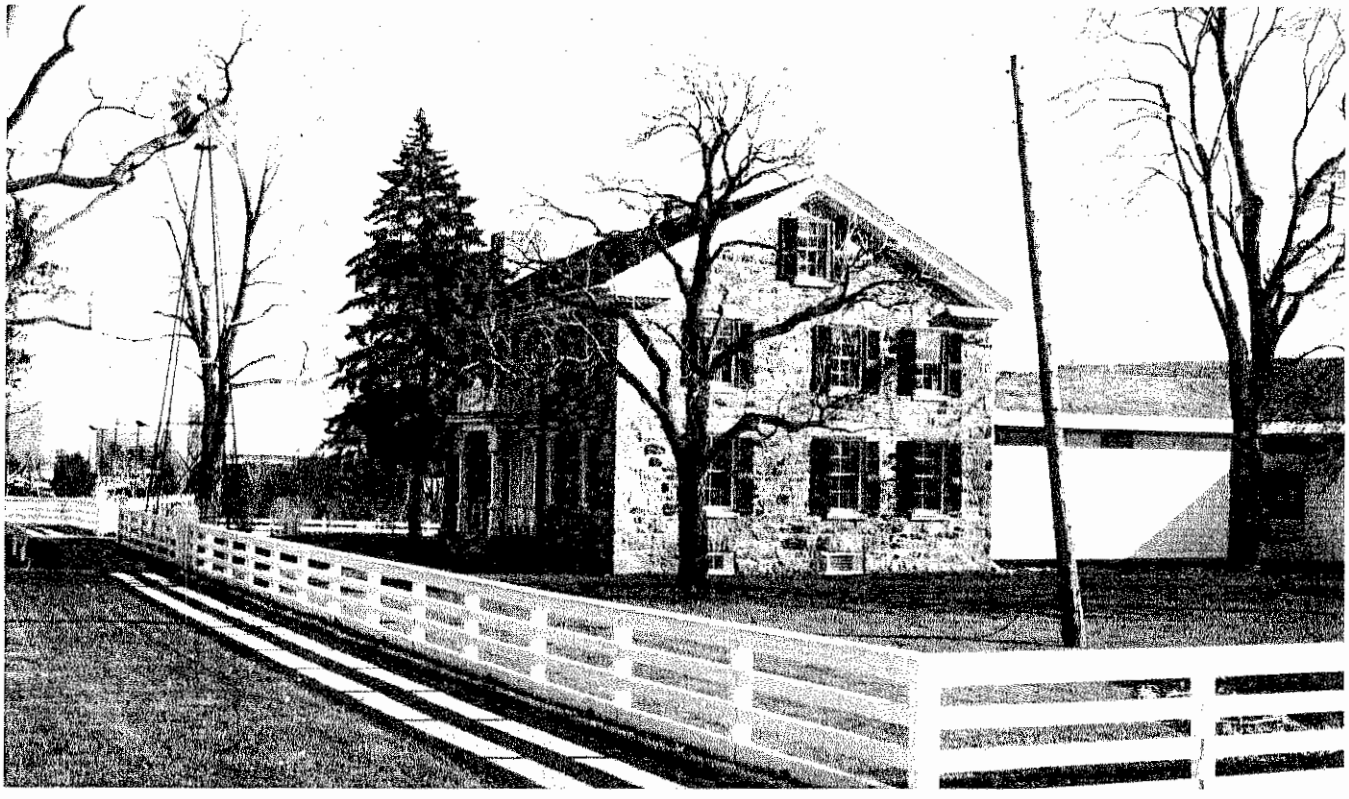
Valued Library Resources

The Troy Public Library will continue to be a valuable community resource and will change as needed to incorporate new technology and meet the needs of the community.

Action Strategies:

- Provide the necessary financial support to insure that the library meets the needs of various groups within the community, including ethnic groups, the aging population, and teenagers
- Provide technologically advanced services
- Encourage the participation of multicultural groups in establishing collections
- Maintain the home delivery service
- Provide materials in a variety of media, including print, audio visual, electronic formats and on-line and compact disk databases
- Provide adequate space for resources and study areas
- Make available special devices for persons with disabilities
- Expand networking with educational institutions and other types of libraries
- Provide services to persons working from home offices, including dial access to library information and home deliveries of information
- Establish neighborhood library facilities
- Expand library hours to serve its constituency
- Provide trained personnel to help library users to obtain and interpret information
- Join information networks as a cost-effective means of expanding access to information
- Support the efforts by the Friends of Troy Public Library to meet the library's needs

PRESERVATION & BEAUTIFICATION



Historical preservation and beautification efforts will be integrated into ongoing planning processes. The preservation of historic places will become a community effort and awareness of the city's heritage will increase.

Troy's urban setting will become more aesthetically pleasing through a renewed emphasis on the visual elements: trees, landscaping, open spaces, scenic roadways and paths, parks and attractive focal points. Restrained use of signage will be encouraged. Focal areas will be identified and improved visually.

COMMUNITY MISSION:

Create an atmosphere which produces an urbanized setting of human dimension for the future. This vision blends the elements of preservation, aesthetics and education to make it attainable.

Through combining the fundamental ingredients of neighborhoods, open spaces, urban forest, focal points and roadways, a visual master plan is charted addressing beauty and the preservation of places with meaningful character. While important in themselves, it is recognized that these objectives can be accomplished only by motivational alliances. The driving mechanism depends on the cooperation of public and private sectors, volunteers, generational connectedness and diversified ethnic inclusion.

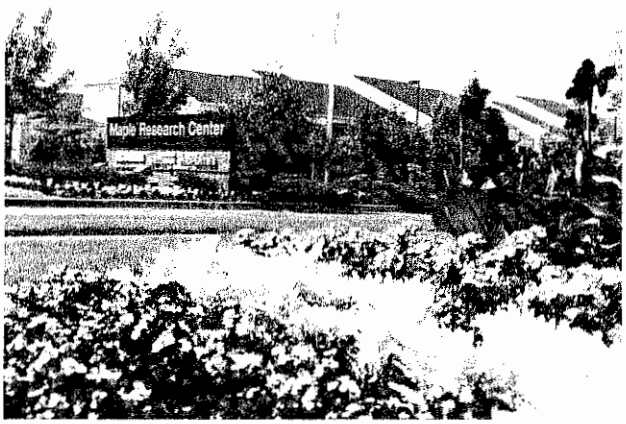
Desired Outcome & Community Imperative:

Ongoing Aesthetic and Historic Preservation

Troy will create an atmosphere which makes aesthetic and historic preservation a normal part of the planning process.

Action Strategies:

- Incorporate beautification and adaptive reuse considerations in the plan review process
- Encourage alternatives to overhead utility lines
- Reevaluate continually the engineering and landscape design standards for new and changing uses of property
- Include aesthetic considerations in all development and redevelopment in the city



- Strengthen and enforce existing landscape standards
- Provide incentives for property upgrades, such as tax abatements
- Allow free market pressures to act as a stimulant for aesthetic and adaptive reuse improvements

Desired Outcome & Community Imperative:

Aesthetically-Pleasing Residential Areas

Troy will promote preservation and aesthetic improvement of its residential neighborhoods.

Action Strategies:

- Enforce existing codes related to home maintenance
- Initiate home inspections at time of resale, including rental properties
- Support homeowner beautification activities
- Provide incentives for property upgrades
- Increase attention to declining neighborhoods in terms of code enforcement, street sweeping and related activities
- Recognize the beautification efforts of residents and/or homeowner associations

Desired Outcome & Community Imperative:

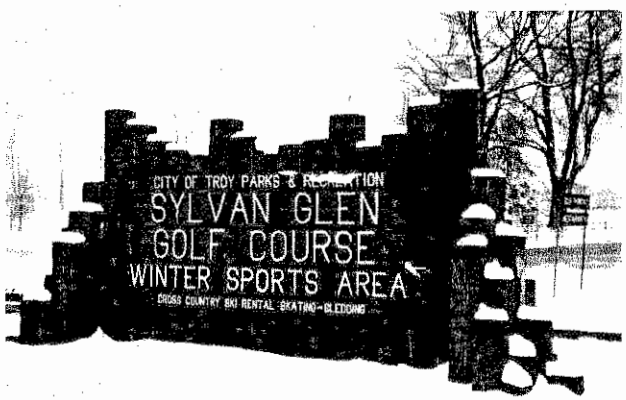
Attractive City Focal Points

Troy will improve the aesthetics of focal points within the city.

Action Strategies:

- Focus improvements on these areas:
  - Retention basins
  - Gateways
  - Stream road crossing
  - Open spaces/common areas
  - Residential street islands
  - Major street medians
  - Off ramps
  - Hotel locales
  - Subdivision entrances
  - Historic venues

- Buildings/structures
- Utilitarian facilities such as pumping stations and parking lots



- Replace green metal signs municipal boundary signs at important entry points with more attractive signs
- Determine primary and secondary access points
- Develop signage standards for each type of access

Desired Outcome & Community Imperative:
Parkway Road System

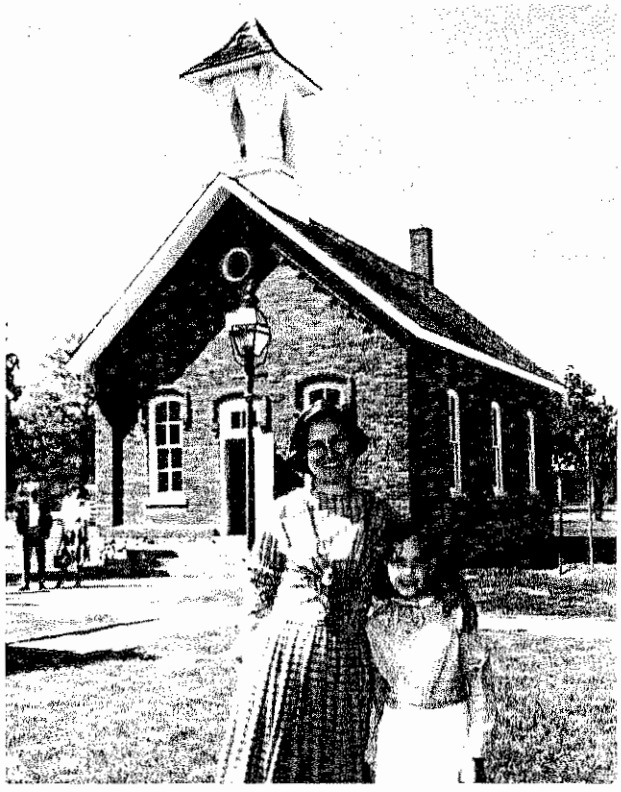
Troy will formulate and implement a plan for a parkway road system which provides for noise reductions, visually-pleasing settings, safety and interconnection with focal points.

Action Strategies:

- Develop a special master plan for the I-75 corridor to address screening, signage, planting and upkeep
- Dissuade attempts to weaken the sign ordinance
- Dedicate more efforts to street sweeping, litter control and snow removal
- Preserve designated scenic roads
- Designate other appropriate roadways as scenic
- Establish rules for properties along major roadways to provide consistency and encourage good maintenance
- Consider aesthetics and human needs when building roads

Desired Outcome & Community Imperative:
Attractive Public Lands and Properties

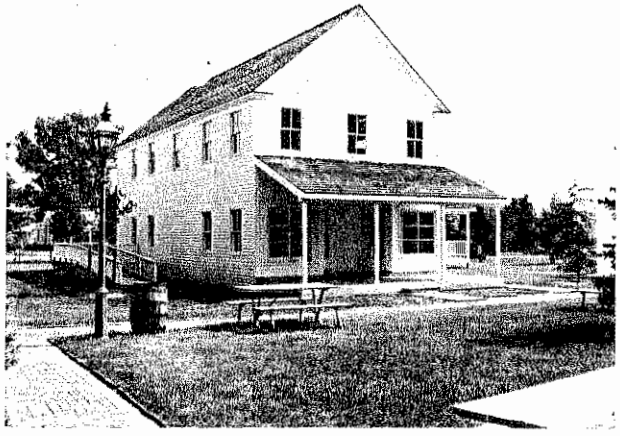
Troy will encourage beautification efforts aimed at its historical areas, parks, schools and right of ways, thereby encouraging further enjoyment of these areas.



Action Strategies:

- Create botanical/memorial gardens in municipal cemeteries
- Educate the public about the history of municipal cemeteries

- Design City of Troy historical markers
- Expand the Troy Museum, possibly by acquiring adjacent property
- Encourage the placement of site amenities such as plantings, kiosks and trash receptacles
- Designate a municipal department to monitor and improve the maintenance of county, state and federal property within the city
- Designate projects that could be completed as community service initiatives by volunteer organizations
- Develop a volunteer network for maintaining municipal botanical gardens



- Encourage adaptive reuse of buildings and sites that are of an architectural, aesthetic, historic or otherwise distinctive significance
- Develop a master plan for historical preservation that would include sites and structures that are not currently designated for preservation
- Seek a possible civic reuse of the old Troy High School property

Desired Outcome & Community Imperative:
An Urban Forest

Recognizing that trees are an important resource in an urban environment, Troy will encourage the development and management of an urban forest.

Action Strategies:

- Develop a comprehensive tree planting program that encourages planting along local and major streets, public properties, public/ private areas and residential areas.
- Offer low cost residential tree sales
- Educate citizens on the benefits and management of an urban forest
- Advise homeowners of proper tree maintenance
- Develop a comprehensive management program to incorporate proper varietal selection, cultivation, pruning, pest control and protection
- Coordinate urban forest harvesting and preservation with related municipal improvement projects

Desired Outcome & Community Imperative:
Visual Master Plan

In order to have a unified aesthetic impact throughout the community, Troy will establish a visual master plan.

Action Strategies:

- Create a visual master plan that would encompass aesthetic improvements to private and public properties and all roadways
- Allow free market pressures to encourage aesthetic improvements to public and private properties
- Improve and enforce zoning ordinances as well as engineering and landscape design standards
- Inventory the existing visual environment as a starting point for making improvements
- Upgrade the aesthetic impact in the I-75 corridor

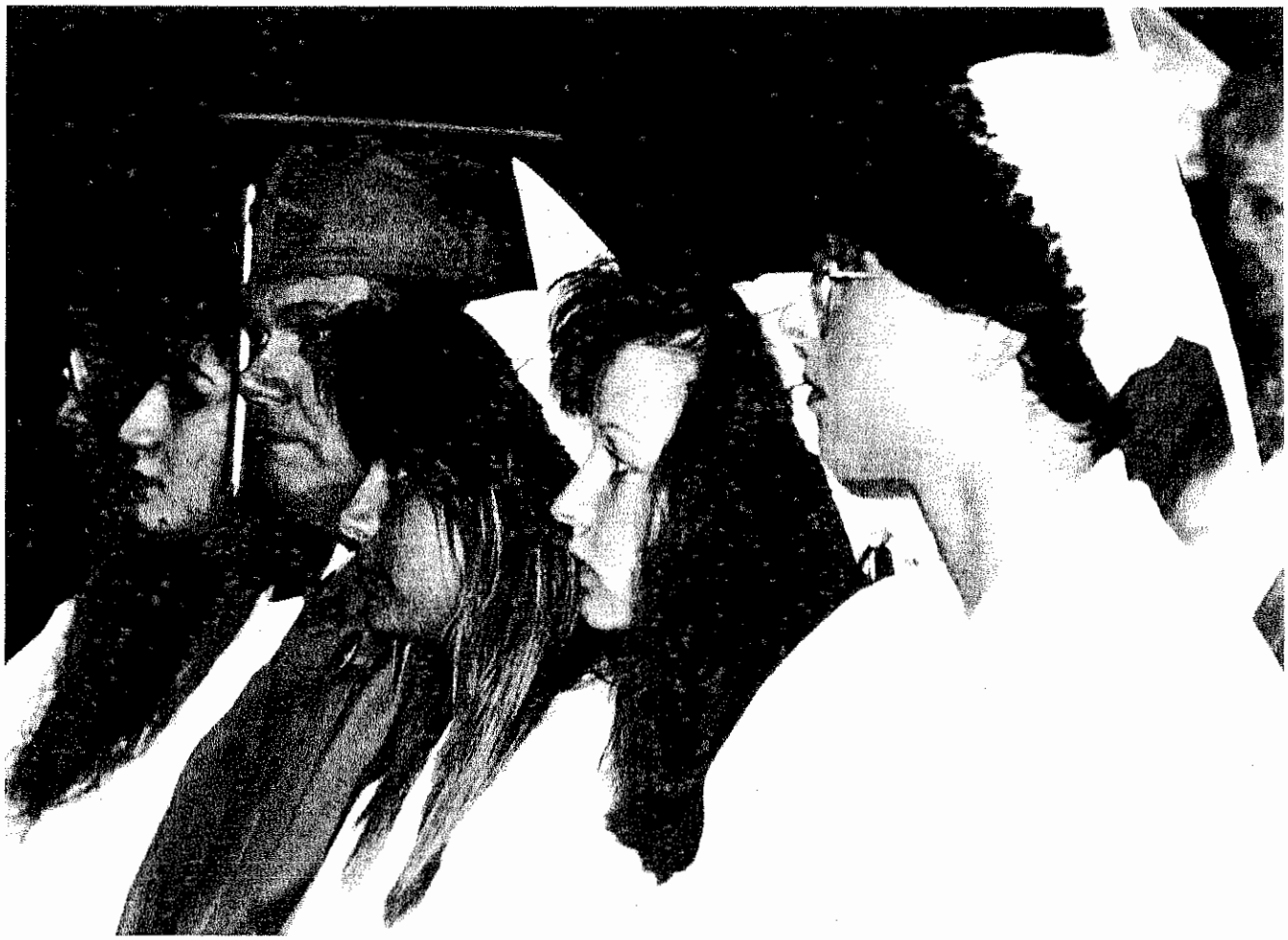
Desired Outcome & Community Imperative:
Citizen Awareness

Troy will educate its citizens about the community's rich historical heritage and its beautification efforts.

Action Strategies:

- Promote a cooperative effort between homeowner associations, businesses, real estate sales persons and welcoming organizations to educate new residents regarding historical preservation and city beautification
- Develop guidelines for implementation of an education program
- Upgrade the tree sale program to provide improved selection and to increase the awareness of residents

- Establish an awareness program through the schools
- Develop a listing of all possible volunteer projects
- Make court system aware of community service projects that would be appropriate for persons on probation
- Promote beautification and preservation through floats and displays in the annual Troy Daze city festival
- Create an awards program to increase awareness and recognition
- Expand and promote museum programs
- Consider using cemeteries for history lessons



The rapid change brought on by computers and technology as well as the demands of the global economy will change the role of education. Once seen as a short-term experience, education will become a lifelong process through which people continually update and expand their knowledge and skills.

To keep abreast of change, the community will provide a means for establishing education priorities, integrating and accessing technology resources, coordinating education and training, and providing support for those in transition. The community will also be responsible for improving the quality of education as well as for insuring equal access to education opportunities.

COMMUNITY MISSION:

It is our mission to encourage and enable all individuals in the community to become lifelong learners, thereby empowering them to meet the challenges of an ever-changing world.

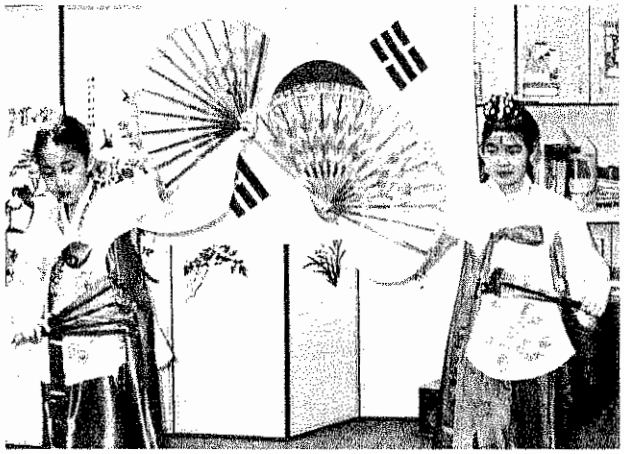
Desired Outcome & Community Imperative:

Quality Education

The Troy community will provide quality, cost-effective education at all levels. Through coordinated efforts, providers will use technologically up-to-date methods of delivery and will increase awareness within the community of available education and training opportunities.

Action Strategies:

- Create a Troy Educational Council to:
  - Involve the community in establishing education priorities and resource allocations
  - Coordinate resources for alternate methods of delivering education opportunities, such as cable, library, interactive computers and television
  - Encourage coordinated curriculum and outcomes-based education in private and public education and business
  - Centralize information on education and training opportunities, perhaps through the Information Age Resource Center suggested by the Community committee
  - Develop more business/school partnerships



Desired Outcome & Community Imperative:

Effective Social Support Systems

The Troy community will provide education and support mechanisms to enable its citizenry to deal effectively with complexities in life and lifestyles.

Action Strategies:

- Create a Community Resource Team to coordinate education and professional assistance with crisis/conflict resolution, family stress management, and related areas
- Expand library resources related to personal and professional global lifestyles and cultural diversity
- Develop lifestyle programs with global perspectives for all residents
- Improve residents' awareness of social and educational resources

Desired Outcome & Community Imperative:

Equal Education Opportunities

The Troy community will support all efforts to provide equal education opportunities.

Action Strategies:

- Encourage the development of fair and reliable means for evaluating student progress

- Increase the residents' awareness of political action that the Troy community can take relative to education and governmental issues
- Initiate discussions on the feasibility of consolidating the seven school districts within Troy into one district with boundaries contiguous to city boundaries and take the appropriate steps to achieve the desired outcome
- Obtain funding to support lifelong learning programs
- Establish a network of communities to share information and improve lifelong learning programs
- Support equitable funding of education systems

Desired Outcome & Community Imperative:

Enhanced Learning Through Technology

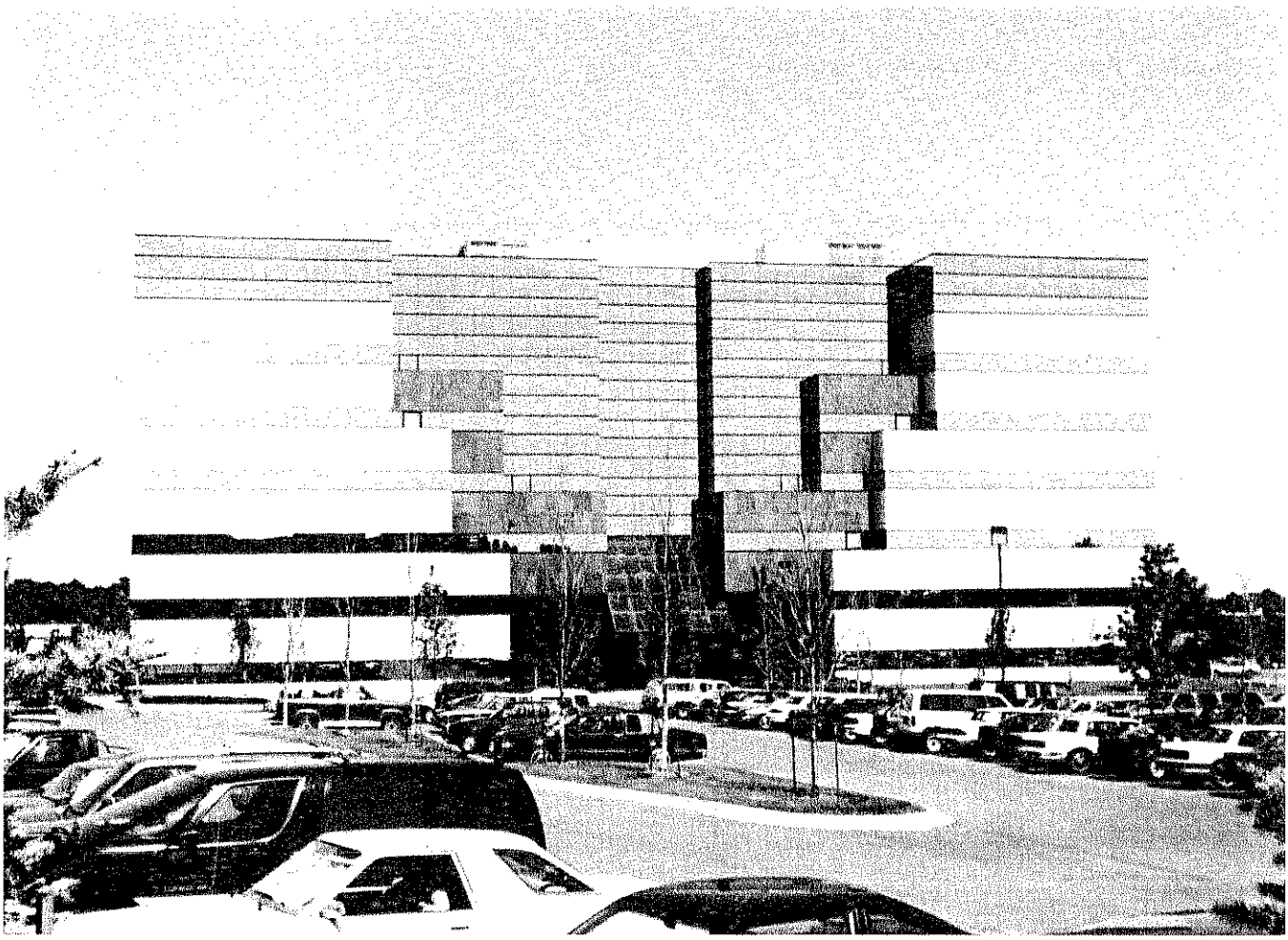
Through advances in technology, people will have ready access to information.

Action Strategies:

- Create a Technology Commission comprised of representatives from the city, educational institutions, leaders from information and communication industries, businesses, and the residential community to:
  - Assess technology needs
  - Develop and implement a plan to meet technology needs
  - Evaluate the feasibility of city ownership/management of technology (voice, video, data) on a city or regional basis

  - Integrate all technology resources within the community
  - Evaluate and support the technology related suggestions of other futures committees
- Provide access to global information using current technology
- Provide dial access to library resources and to the National Research and Education Network
- Provide adequate funding to maintain and update technology hardware and software
- Provide user training that will enable people to gain, maintain and update skills
- Require computer skills for graduation from high school
- Train city employees in high technology areas which would facilitate cost effectiveness
- Expand programs related to occupational change, retraining and adult continuing education

ECONOMIC VITALITY



Through foresight and good planning, Troy presently enjoys a vital economic balance, a healthy mix of residential, commercial and industrial development. The challenge of the future will be to maintain that balance — and to reach out to businesses and provide community support where needed.

While most of Troy's growth to date has been in new development, the city will reach a saturation point in the future, turning community efforts to redevelopment of some areas. The recycling of existing structures will present a new challenge as the community strives to maximize its economic strength.

Information technology will change the way business is conducted in the future — and will create opportunities for improving communication between businesses, government and the community at large.

COMMUNITY MISSION:

Maintain the economic balance that Troy enjoys today. Create an environment that encourages retention and growth by managing the future through redevelopment, innovation and the adoption of appropriate technology.

Desired Outcome & Community Imperative:

Reduced Business Costs

To keep businesses competitive, the community will find creative ways to reduce costs and preserve employment opportunities.

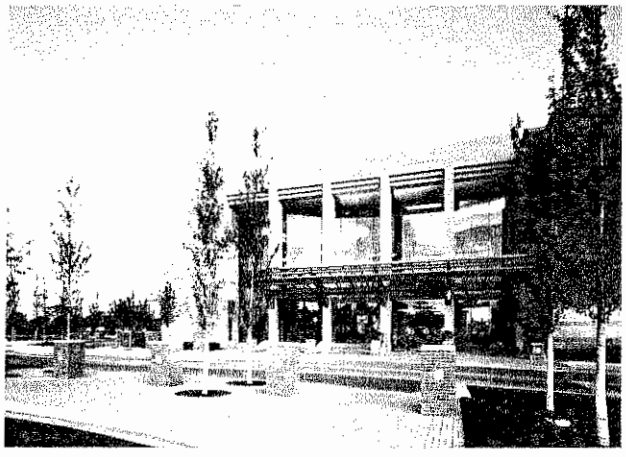
Action Strategies:

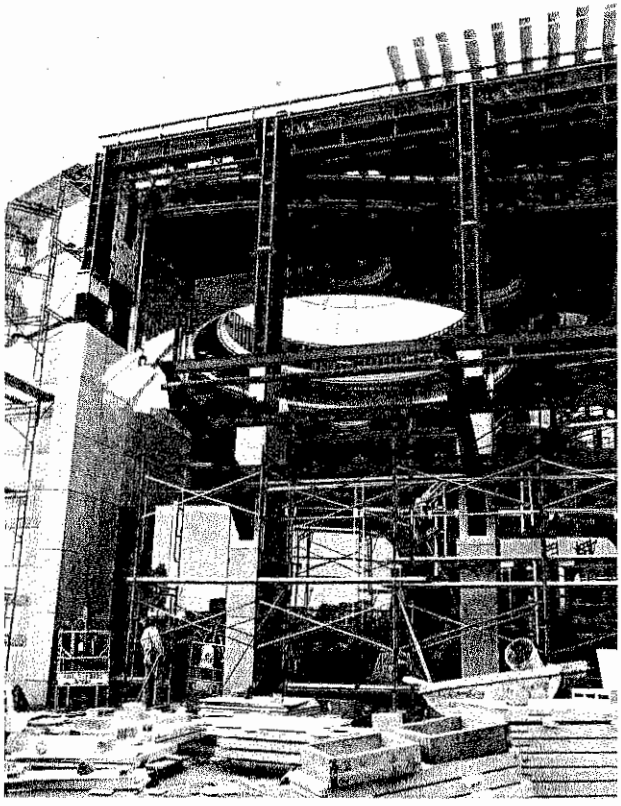
- Promote the creation of a Job Bank/ Education Center that will help businesses to hire and train local residents
- Create a local health insurance pool open to the residents and employees of local companies
- Work with local health care providers to determine ways to contain costs
- Adapt business improvement processes for government and schools
- Establish an educational process in conjunction with businesses that results in business literacy and practical business skills

Desired Outcome & Community Imperative:

Redevelopment

As Troy's expansion period ends, the redevelopment of older non-residential structures will become a pressing need in order to maximize economic strength, jobs and resources.





Action Strategies:

- Offer incentives for redevelopment, including:
  - Promoting the recycling of existing structures
  - Creating awards to publicize redevelopment
  - Evaluating zoning to achieve greater flexibility
  - Using economic incentives to encourage reinvestment and business retention

Desired Outcome & Community Imperative:

Regional Cooperation

Regional cooperation will enhance service delivery and address common interests that transcend political boundaries. Troy has the opportunity to provide leadership and regional cooperation to better manage growth and change.

Action Strategies:

- Explore a partnership or cooperation with Detroit and other surrounding communities
- Establish a business conference center and supporting facilities in Troy to support the businesses in the region
- Promote county and regional land use and zoning laws

Desired Outcome & Community Imperative:
City and Business Planning

Improved planning and communication between government and business will strengthen the economy of Troy.

Action Strategies:

- Maintain a permanent business planning department to implement these recommendations and promote better planning and communication with local businesses
- Provide ongoing programs and information on economic trends and job opportunities on a local, regional, national and global basis
- Continue to develop the city's Geographic Information System (G.I.S.) that networks data between building, assessing, engineering, planning and water/sewer departments
- Improve the marketing of Troy with brochures, videos and trade/business conferences

- Consider a joint marketing budget between the city and chamber of commerce

Desired Outcome & Community Imperative:
Information Infrastructure

Information and communication technology will help businesses survive amid intense competition. For the health of the business community, organizations must adapt to the new technology.

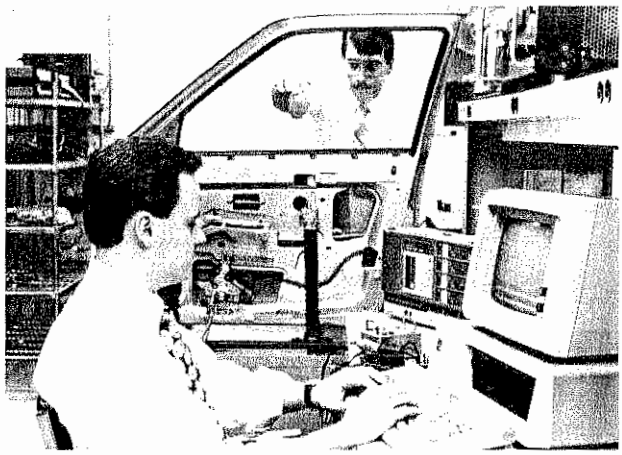
Action Strategies:

- Maximize the linkage of business, government, educational institutions and homes via a communications infrastructure
- Provide facilitators (including retirees) to assist in using the communications and information infrastructure
- Expand the information data base to the community for the community

Desired Outcome & Community Imperative:

Nurturing High Technology Business

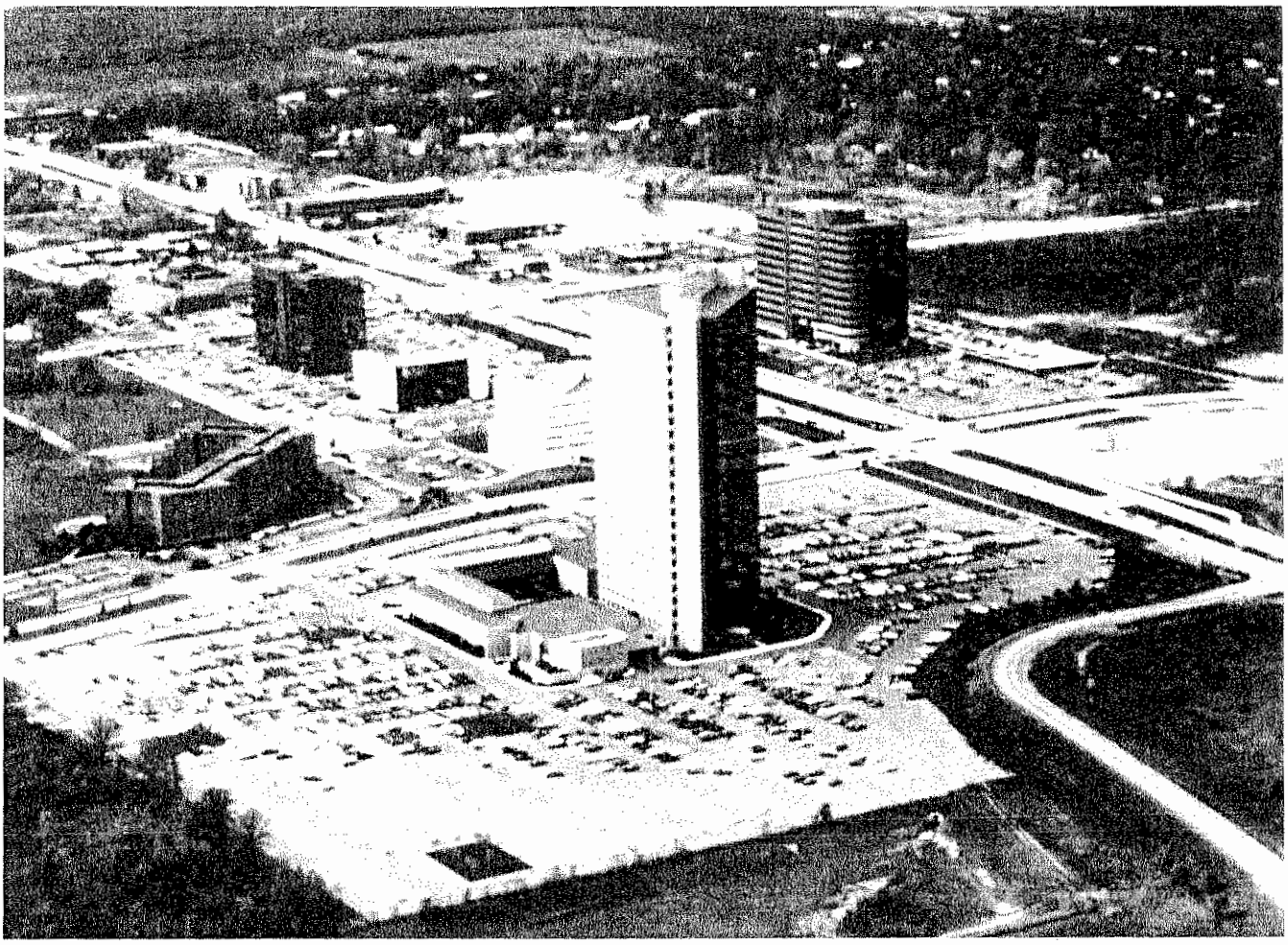
As employment shifts from manufacturing to high technology and engineering, the Troy community should assist in providing a smooth transition for businesses and individuals.



Action Strategies:

- Promote the development of a teleconferencing center in Troy for business use, perhaps in conjunction with educational institutions
- Offer education and training in high tech communication
- Maximize the linkage of business and governments via the communications and information infrastructure, for the exchange of information

REGIONAL COOPERATION/ INFRASTRUCTURE



As the city and the areas around it mature, the aging of its infrastructure will be addressed through cooperative regional initiatives. Creative approaches will be needed to fund the maintenance and improvements to roads, water and sewer systems and other infrastructure throughout the region. Managed growth will encourage regeneration of central cities and a decrease in urban sprawl.

Concern for the aging population will promote strategies for providing affordable housing and alternative methods of transportation. Efforts to reduce traffic congestion through staggered work schedules, at-home work, and increased use of bikes and buses will be encouraged.

COMMUNITY MISSION:

To maintain and enhance the developing character of Troy through strengthened infrastructure and related services in cooperation with the region's communities.

Infrastructure consists of all those physical systems which make for the smooth operation of modern communities, including roads, transportation and traffic control systems; utilities; telephone, computer and other communication systems; water and sewer, air pollution control, and waste management systems, etc. Many parts of the infrastructure are managed and maintained by cities or other levels of government; many public services are related to infrastructure. Most parts of the infrastructure do not stop at city borders, but flow throughout large geographical regions.

Desired Outcome & Community Imperative:

Regional Cooperation to Manage Growth

On a regional basis, orderly outward growth will be balanced with regeneration of the center.

Action Strategies:

- Work with adjacent communities to:
  - Eliminate tax abatements that encourage urban sprawl
  - Offer incentives for redevelopment of urban areas
  - Offer incentives for reusing current facilities/buildings
  - Promote the establishment of a forum for review of developments that impact multiple communities (Refer to the Human Services report)

Desired Outcome & Community Imperative:

Improved Infrastructure

Adequate planning and funding will ensure the development and maintenance of a good infrastructure throughout the region.

Action Strategies:

- Consider funding possibilities such as user fees for maintenance and improvements to roads, water and sewer systems and other infrastructure
- Increase the state gas tax
- Convert to a life-cycle bidding process for building and maintenance of infrastructure
- Consider design-build for infrastructure, including providing long-term warranties for work
- Streamline the local, state and federal approval process for infrastructure planning and right-of-way acquisition
- Consider advanced right-of-way acquisition

Desired Outcome & Community Imperative:

Excellent Traffic Flow

Troy will maintain an efficient road system which provides good traffic flow between neighborhoods, schools and community facilities.

Action Strategies:

- Promote awareness of the benefits of connecting roads between residential areas
- Widen roads
- Provide improved road maintenance
- Encourage improved maintenance of properties adjoining major roads
- Provide efficient access to major thoroughfares
- Identify ways to buffer residential areas from increased traffic and noise
- Provide better signs at entry points, street intersections and civic facilities

Desired Outcome & Community Imperative:

Alternative Methods of Transportation

Adequate alternative transportation modes will be available.

Action Strategies:

- Provide shuttle services to concentrated business areas through business owners' associations
- Provide a community bus service available to all
- Provide reliable, efficient movement to major transportation hubs
- Consider establishing monorail on major north/south and east/west thoroughfares
- Increase sidewalks and bike paths throughout the city for alternative travel
- Consider privatization of the public and school transit system
- Investigate the possible integration of the school bus system with the public bus system
- Increase awareness of private and public transportation services available in Troy

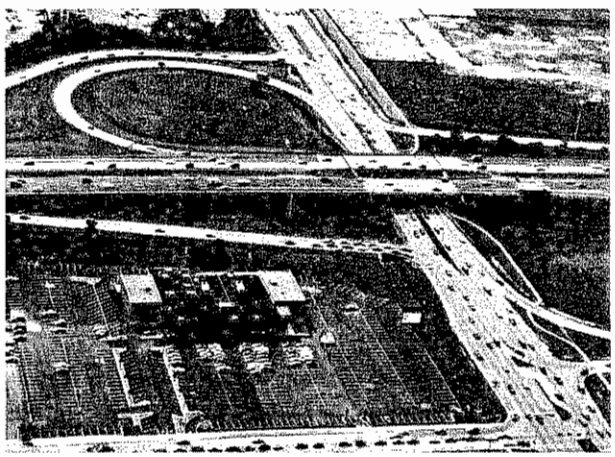
Desired Outcome & Community Imperative:

Reduced Traffic Congestion

Rush hour traffic will be reduced; fewer vehicles will be on the road at any one time.

Action Strategies:

- Encourage car and van pooling; encourage employers to sponsor car and van pooling programs
- Encourage employers to allow work at home
- Encourage employers to stagger working hours and use flex time
- Promote alternate work and school schedules
- Encourage greater use of biking, buses and walking
- Encourage high-occupancy vehicles
- Expand the use of the Intelligent Vehicle Highway System



Desired Outcome 6
Community Imperative:
Traffic Safety

Vehicle safety will be promoted and the number of traffic accidents will decrease.

Action Strategies:

- Establish guidelines for use of mobile communications equipment while driving or walking
- Encourage residents to report traffic safety problems and violations

- Enforce traffic laws and safe speeds
- Encourage off-street parking in residential areas
- Examine and enforce codes with respect to driveway clearances and corner clearances

Desired Outcome 6
Community Imperative:
Affordable Housing for the Aging Population

As housing costs rise, affordable housing will be available for the aging population.

Action Strategies:

- Support alternative methods of taxation to reduce reliance on property taxes
- Review zoning requirements and consider allowing smaller lots for homes
- Consider innovative residential uses in commercial districts
- Allow the building of "granny flats" over garages
- Reevaluate regulations
- Encourage conversion of schools, stores, etc. to housing
- Encourage the use of small, three- to five-acre plots for moderately-priced, medium-density, multiple housing
- Consider manufactured housing
- Develop a plan to communicate these new concepts

Desired Outcome 6
Community Imperative:
Adequate Transportation for People Unable to Drive

A transportation system will meet the needs of those who are unable to drive, and liability exposure will be reduced for the providers of specialized transportation.

Action Strategies:

- Support regional special transportation systems like SMART
- Encourage volunteer drivers
- Establish liability limits and eliminate contingency fees related to this type of specialized transportation
- Form a group of teens and seniors to study and recommend transportation systems that satisfy their needs

Desired Outcome & Community Imperative:
Cost-effective Public Services

Efficient and cost-effective city services will be provided throughout the region.

Action Strategies:

- Consider the life-cycle bidding process for infrastructure
- Promote city manager system of government in the region
- Use Total Quality Management techniques that focus on customer, or citizen, satisfaction
- Lead efforts to promote regional cooperation in providing services efficiently
- Apply high-tech methods where appropriate
- Work with adjacent communities to privatize public services where appropriate and cost effective
- Identify public services that can be done by volunteers

Desired Outcome & Community Imperative:
An Effective Communication Infrastructure

Effective communication technology will be available to all in the community.

Action Strategies:

- Stay abreast of technical innovations for improved communications, for example through a public/private partnership with a high-tech, communications-related company
- Install 24-hour community electronic information services

Desired Outcome & Community Imperative:
Clean Air, Water and Soil

There will be consolidated, reasonable and adequately funded environmental regulations in the region.

Action Strategies:

- Expedite local, state and federal decision making by consolidating environmental agencies to avoid conflict
- Urge the development and adoption of model regulations to achieve uniformity among communities

Futures Task Forces Committee

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Dr. Robert Arking
Ms. Marsha Baergen
Pastor Tom Barbret
Ms. Harriet F. Barnard

Judge Norman R. Barnard
Mr. Dick Beaubien
Mr. Richard C. Belloli
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Ms. Alicia Worthley

Futures Advisory Committee

Mr. J. Howard Adams
Ms. Andrea Arends
Pastor Tom Barbret
Judge Norman R. Barnard

Mr. Garry Carley
Mr. Richard E. Doyle
Dr. Barbara Fowler
Ms. Gayla Houser

Mr. John Labriola
Mr. Pat McTigue
Ms. Barbara Palazzolo
Mr. Ed Powers

Ms. Mary Ann Solberg
Mr. David Spencer
Mr. Ken Strobel
Pastor George VanderWeit

Acknowledgements

Ed Barlow, Futurist
Kathy Moran, Writer
Kent Nickol, Graphics Design

Troy Chamber of Commerce, Photos
Troy School District, Photos
Troy-Somerset Gazette, Photos

Notes

TROY, MICHIGAN
1993

City of Troy
500 West Big Beaver Road
Troy, Michigan 48084
Telephone (313) 524-3330
Fax (313) 524-0851

Memorandum

To: John Szerlag, City Manager

From: John M. Lamerato, Assistant City Manager/Finance and Administration
Tonni L. Bartholomew, City Clerk

Date: April 13, 2005

Re: Agenda Submittal: Charter Revisions – 2005 Proposed Charter Committee Referrals

---

The following submittals are general housekeeping items tied to the Election Consolidation Legislation Implementation process. Additionally, there is a recommendation that Charter Sections 7.5 and 7.5.5 be renumbered to realign them to Section 3.4 and to title Section 7.5.5. The following proposed changes to the Charter implement the odd-year November cycle and provide for the staggering of terms:

Section 3.4 – Revised to incorporate Section 7.5, extend the Mayor's and Council Member's term length from three (3) to four (4) years, and to change the term ending time from 8:00 PM to 7:30 PM. The proposed time change is to eliminate the two meeting times on the Monday following the election.

Section 3.4 – Elective Officers and Terms of Office:
The elective officers of the City shall be the six (6) members of Council and the Mayor all of whom shall be nominated and elected from the city at large for the terms provided herein. City Council Members and the Mayor shall be elected for terms of four (4) years and shall serve until 7:30 PM on the first Monday following the regular election of the fourth year of their term.

Section 3.4.1 – Revised to realign Section 7.5.5 – "Elective Officers Term Limitations" to fall under Section 3.4 Elective Officers Terms of Office and to provide for a title for the section. Additionally, language is included to incorporate a provision for a term less than two (2) years and one (1) month to be exempt from term limitation.

Section 3.4.1 – Elective Officers Term Limitations
An elected member of the City Council shall not serve more than three terms as Councilperson. The Mayor shall not serve more than two terms as Mayor. Any service greater than two (2) years plus one (1) month shall constitute a term. This

amendment shall apply only to terms starting after passage of this amendment. (11-08-94)

Section 3.4.2 – Section inserted to provide for the balancing of staggered terms.

Section 3.4.2 – Staggering Terms of Office:

City Council Members with terms expiring April 2006 shall have their terms extended until November 2007; City Council Members with terms expiring April 2007 shall have their terms extended until November 2007. The Mayor's term, expiring April 2007, shall be extended until November 2007. The staggering of terms shall be established as follows:

November 8, 2005 – Two (2) Council Members shall be elected for four (4) year terms with the terms expiring on November 9, 2009;
November 6, 2007 – One (1) Council Member shall be elected for a two (2) year term with the term expiring on November 9, 2009;
November 6, 2007 – Two (2) Council Members shall be elected for four (4) year terms with the terms expiring on November 14, 2011;
November 6, 2007 – Mayor shall be elected for a four (4) year term with the term expiring November 14, 2011.

Section 7.3 – Revised to change the election date to the odd-year November cycle.

Section 7.3 - Election Date:

A regular City election shall be held on the first Tuesday after the first Monday of every odd year November. ,

Sect**ion 7.6** – Revised to reference Michigan Election Law and the provisions for calling a Special Election.

Section 7.6 - Special Election:

Special city elections shall be called in the manner and time as provided by statute.

Date: April 8, 2005

To: John Szerlag, City Manager

From: Brian Murphy, Assistant City Manager/Services
Douglas J. Smith, Director of Real Estate and Development
Mark Stimac, Building & Zoning Director
Mark F. Miller, Planning Director

Subject: AGENDA ITEM - MINUTES FROM THE SPECIAL/JOINT MEETING OF THE CITY COUNCIL AND PLANNING COMMISSION, MARCH 28, 2005

A Special/Joint Meeting of the City Council and Planning Commission was held on March 28, 2005. At this meeting an interest based approach was used in an attempt to gain consensus on three issues related to accessory buildings and commercial vehicles in one-family residential districts: footprint ratios, garage door heights and commercial vehicles.

This memo was prepared in a further attempt to reach consensus on these issues. The following indicates recommendations of the Planning Commission and City Council for their consideration in developing the ZOTA's. Council should advise as a governing body if the comments below do not reflect their general direction.

Footprint Ratios

- Maximum footprint ratio of 75% of the first floor area of the residence, and larger with a greater setback than otherwise required, based on a formula created by the Planning Commission.
- Attached accessory structures that are legally in existence at the time the ZOTA is adopted shall be considered conforming structures.

Garage Door Heights

- No garage door height limitation.

Commercial Vehicles

- The responsibility of reviewing commercial vehicle appeals shall be transferred to the Board of Zoning Appeals (BZA), with due consideration of the legal issues.
- After transfer of authority to Board of Zoning Appeals, including input from the BZA, the following issues should be addressed by City Management and the Planning Commission:
  - Definition of commercial vehicle.
  - Exceptions for major thoroughfare frontages.
  - Simplify renewals.
  - Modify four findings to grant appeal.
  - Creation of a special exception use.
  - Overall balance of individual property rights and neighborhood character.

Draft minutes from the joint meeting have been completed and are attached.

Attachments:

1. Richard Carlisle memorandum dated April 12, 2005.
2. Minutes of the Special/Joint Meeting of the City Council and Planning Commission, March 28, 2005.

cc: File/ ZOTA 215

Prepared by RBS/MFM

G:\ZOTAs\ZOTA 215 Accessory Structures in R-1\Joint CC and PC Meeting Memo 04 18 05.doc

CARLISLE/
WORTMAN
Associates, Inc.

Community Planners *Landscape Architects*
605 S. Main, Suite 1 Ann Arbor, MI 48104 734-662-2200 *fax* 734-662-1935
6401 Citation Dr., Suite E Clarkston, MI 48346 248-625-8480 *fax* 248-625-8455

MEMORANDUM

TO: John Szerlag, City Manager

FROM: Richard K. Carlisle, AICP, PCP

DATE: April 12, 2005

RE: Comments on Joint City Council/Planning Commission meeting held on March 28, 2005

Pursuant to the joint meeting held by the City Council and Planning Commission, there were two contrasting concepts that were discussed. I have prepared sketches illustrating the contrasting concepts.

Illustration #1 is based upon the Planning Commission recommendation. Although I used the R-1C District as the example, I believe the sketch properly illustrates the relationship between the attached accessory structure and the residence. In consideration of the fact that garages are accessory or subordinate to the principle structure, the seventy five (75) percent standard results in a proper relationship between accessory and principle structures.

Illustration #2 is based upon some of the discussion by Council which would allow an accessory garage to be equal to one hundred (100) percent of the total living area. Illustration #2 uses the same parameter as Illustration #1 showing a two-story colonial residence. The result of such an approach, as shown in Illustration #2, could be accessory buildings with twice the ground floor footprint as the principle residence. Further, our illustration depicts an accessory building which is one story in height. We know that accessory buildings of greater height are possible.

Certainly, I could provide additional illustrations for other zoning districts. While the specific dimensions between districts will change, the significant disparity in proportion will be similar to Illustrations #1 and #2.

It is my opinion that basing regulations on seventy five (75) percent of the ground floor living areas is the preferred methodology. Such a requirement establishes the proper relationship between a principle and subordinate use, promotes an appropriate balance in physical scale, and respects the essential residential character of Troy neighborhoods. Finally, regulations can be developed which would protect existing accessory garages that may exceed the proposed restriction.

Please let me know if you need any additional information.

CARLISLE/WORTMAN ASSOCIATES, INC.

Richard K Carlisle

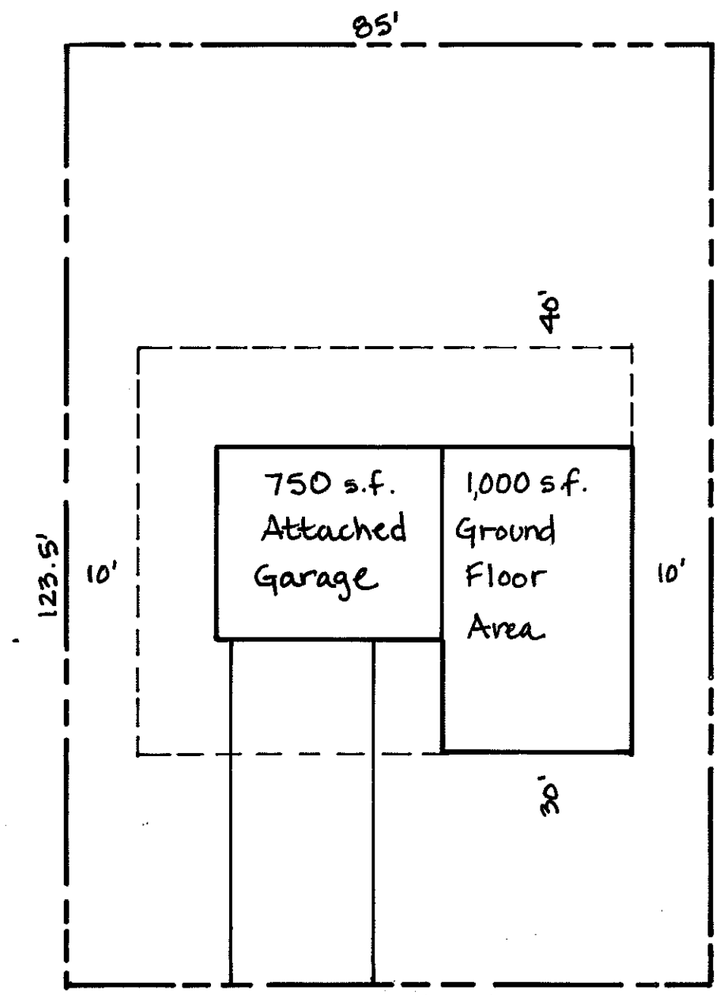
Richard K. Carlisle, PCP, AICP

Project # 225-25-2401

RKC: lh

Illustration #1
Planning Commission Recommendation

- R-1C Zoning
- 10,500 s.f. parcel
- 2,000 s.f., two-story colonial (1,000 s.f. footprint)
- The area of attached accessory building shall not exceed 75% of the ground floor footprint of the living area.



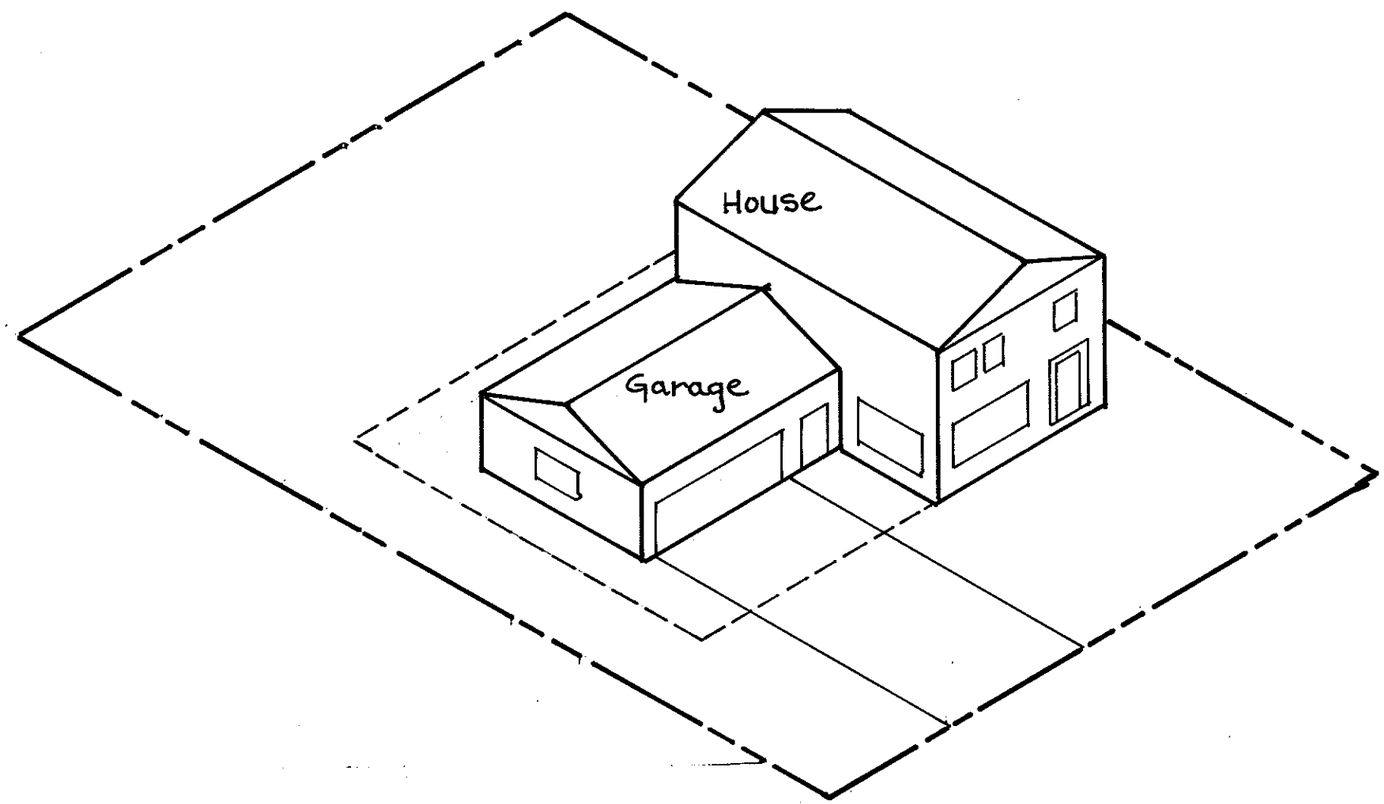
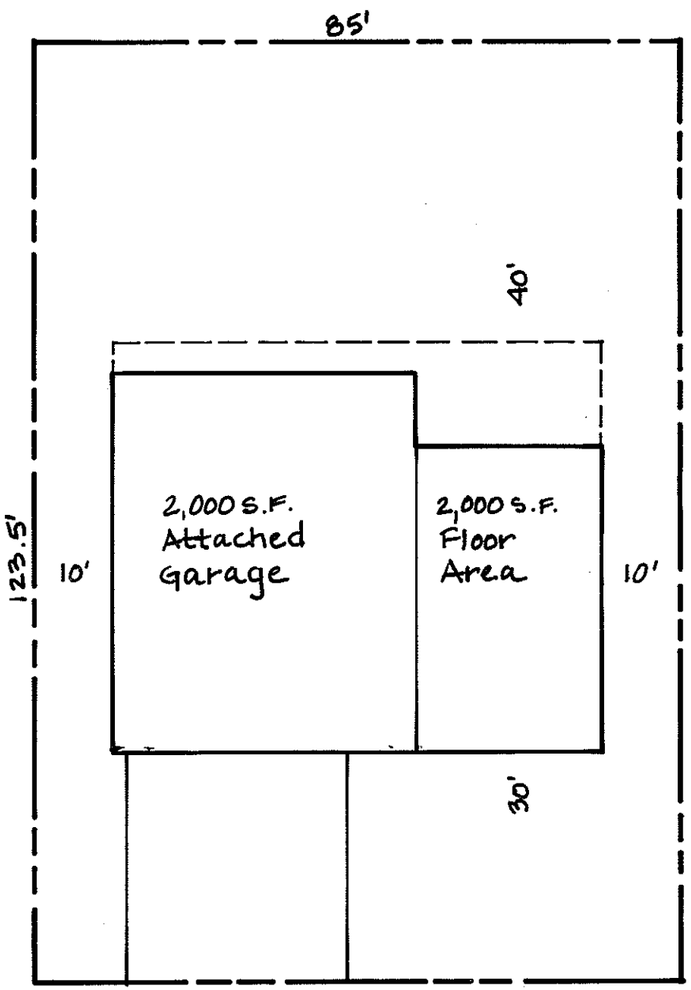
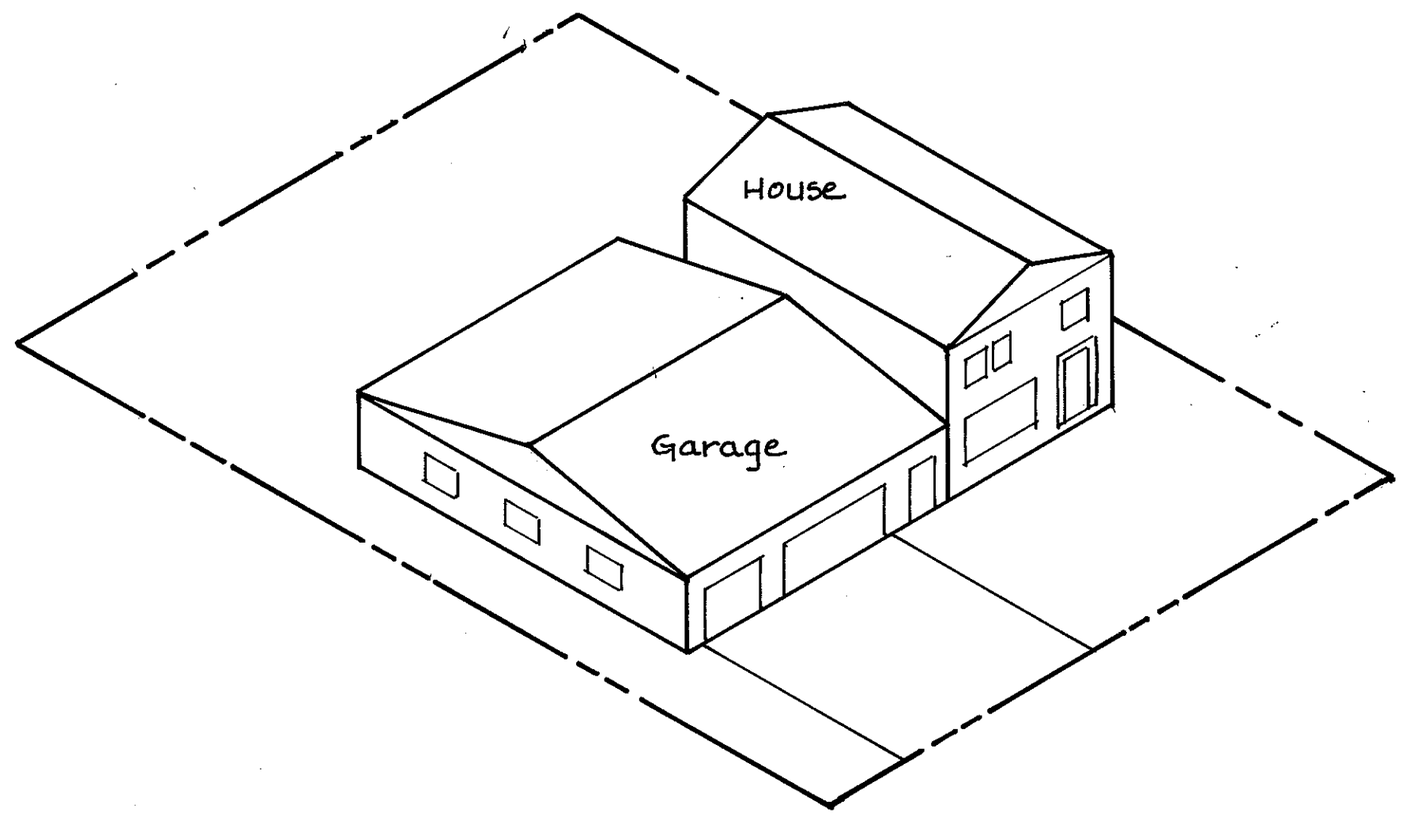


Illustration #2
City Council Discussion

- R-1C Zoning
- 10,500 s.f. parcel
- 2,000 s.f., two-story colonial (1,000 s.f. footprint)
- The area of attached accessory building shall not exceed 100% of the total living area.





A Special-Joint Meeting of the Troy City Council was held Monday, March 28, 2005, at the Fire and Police Training Facility, 4850 John R – Troy, Michigan 48085. Mayor Pro Tem Beltramini called the Meeting to order at 7:48 PM.

ROLL CALL:

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

PLANNING COMMISSION:
Gary Chamberlain
Lynn Drake-Batts
Larry Littman
Robert Schultz
Fazlullah M. Khan
Thomas Strat
Mark Vleck
David Waller
Wayne C. Wright
Howard Wu

Mayor Schilling introduced John Szerlag as the moderator of the interest-based approach to bargaining. Mr. Szerlag described the interest-based approach and the meeting format.

Consensus was reached by a vote by voice to follow simple ground rules as described by John Szerlag.

John Szerlag moderated an interest-based discussion with the City Council and Planning Commission on accessory building footprint ratios, garage door height and commercial vehicle regulations.

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1. Options for Regulating Attached Garages and Accessory Structures

Mark Miller, Planning Director, provided an update on ZOTA 215 and the process to date.

Mark Stimac, Director of Building and Zoning, presented a brief history of commercial vehicle restrictions in Troy.

Planning Consultant Richard Carlisle provided a regional perspective on commercial vehicles.

Peggy Clifton recorded interests and options on easels located at the front of the room. The following interests and options regarding *Options for Regulating Attached Garages and Accessory Structures* were recorded based on individual input:

PLANNING COMMISSION INTERESTS:

I. Footprint Ratios

1. Enforcement not to be retroactive for legally constructed structures. (Do not create non-conforming structures.)
2. Replacement structures must conform.
3. Maintain residential character.

II. Garage Door Heights

1. Maintain residential flavor/appearance.
2. Do not store recreational vehicles in residential areas.

CITY COUNCIL INTERESTS:

I. Footprint Ratios

1. Footprint ratio that does not create non-conformance.
2. Footprint of living area, not just first floor.
3. Solution should address Alpine Street.
4. Allow building size to be dictated by size of property.
5. Be careful not to permit too big of structure based on lot size.

II. Garage Door Heights

1. Maintain residential character.

CITY MANAGEMENT INTERESTS:

I. Footprint Ratios

1. Consistency
2. Practicality of application of ordinance

II. Garage Door Heights

1. No height limit.

OPTIONS:

I. Footprint Ratios

1. 100% of livable area calibrated with setbacks.
2. 75% of the first floor living area.
3. 125% of living area.
4. Establish a ceiling.
5. Calibration of larger attached buildings based on height.

II. Garage Door Height

1. 8' for front entrances; larger in rear.
2. No height restriction.

GENERAL DIRECTION FROM CITY COUNCIL:

- The option selected was 75% of first floor living area and larger with a greater setback than otherwise required, based on a formula created by the Planning Commission.

- Do not limit garage door height

---

2. Options for Regulating Commercial Vehicles

Peggy Clifton recorded interests and options on easels located at the front of the room. The following interests and options regarding *Options for Regulating Commercial Vehicles* were recorded based on individual input:

PLANNING COMMISSION INTERESTS:

I. Commercial Vehicles - (No comments)

CITY COUNCIL INTERESTS:

I. Commercial Vehicles

1. Fix definition of commercial vehicle (weight, size, type).
2. Make variance renewals automatic (if no changes).
3. Exceptions considered for (1) Mile Road frontage; (2) Hardships (short-term); (3) Duration.
4. Residentially zoned/utilized areas only.

CITY MANAGEMENT INTERESTS:

I. Commercial Vehicles

1. Appropriate criteria be developed for variance to be granted.

OPTIONS:

I. Commercial Vehicles

1. No change.
2. Transfer authority to grant variances to BZA.
3. Administrative approval of variance renewals.
4. Change definition of commercial vehicles.
5. Restrict indoor storage.
6. Modify criteria – all 4 conditions must be met.
7. Separate police power ordinance.
8. Eliminate ability to appeal commercial vehicle storage provisions.

GENERAL DIRECTION FROM CITY COUNCIL:

- Transfer authority to grant variances to BZA.
- Develop appropriate criteria for granting variances.

Following the interest-based discussion, moderator John Szerlag handed control of the meeting back to Mayor Schilling.

PUBLIC COMMENT

Vote on Resolution to Suspend Council Rules #16 – Members of the Public & Visitors

Resolution #2005-03-148a
Moved by Stine
Seconded by Broomfield

RESOLVED, That Council Rules #16, Members of the Public & Visitors, be **SUSPENDED** and that Public Comment be reduced from five minutes to two minutes at the request of the Chair and by majority vote of City Council members elect.

Yes: All-7

The meeting **ADJOURNED** at 10:36 PM.

Louise E. Schilling, Mayor

Laura A. Fitzpatrick
Assistant to the City Manager

ELECTION COMMISSION MINUTES February 23, 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.

ROLL CALL:

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

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

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

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

Adjournment:

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

Tonni L. Bartholomew, MMC
City Clerk

A meeting of the **Troy Youth Council (TYC)** was held on February 23, 2005 at 7:00 PM at City Hall in the Lower Level Conference Room, 500 West Big Beaver Road. Jessica Kraft called the meeting to order at 7:05 p.m.

MEMBERS PRESENT: Alexandra (Sasha) Bozimowski
Maniesh Joshi
Rishi Joshi
Andrew Kalinowski
Jessica Kraft (co-chair)
Manessa Shaw (arrived 7:10 PM)
Nicole Vitale (co-chair)
YuJing Wang
Karen Wullaert

MEMBERS ABSENT: Min Chong
Juliana D'Amico (excused)
Catherine Herzog (excused)
Monika Raj (excused)

ALSO PRESENT: Laura Fitzpatrick, Assistant to the City Manager

1. **Roll Call**

2. **Approval of Minutes**

Resolution # TY-2005-02-06
Moved by M Joshi
Seconded by Bozimowski
RESOLVED, That the minutes of 1/19/05 be approved
Yes: 7
No: None
Abstain: 1 - Wullaert
Absent: 5 – Chong, D'Amico, Herzog, Raj, Shaw
MOTION CARRIED

3. **Attendance Report:** To note and file
4. **Membership Update:**
   Also, looking ahead: Succession Plan for Seats to be Vacated 5/05 Due to Graduations (at least 8 seats will be vacated):
   - Feb, March: City accepting applications; TYC to promote
     - Applications distributed to share with fellow students - must be a Troy resident in grade 9 –12 as of Fall 2005.
   - April 27th TYC Meeting: TYC interview applicants and recommend students for appointment; brainstormed questions to ask in interviews
   - May: Send recommendations to City Council
   - May 18th TYC Meeting: New members attend meeting with outgoing members
   - August: Terms officially begin for new members

5. Troy Daze Festival Update: Youth Council Sponsored Entertainment Event

- *Seeking Members to Help*
  - Recruit entertainment: band(s)
  - Recruit or serve as Master of Ceremonies
  - Coordinate publicity

6. **Motion to Excuse Absent Members Who Have Provided Advance Notification**

Resolution # TY-2005-02-07
Moved by Shaw
Seconded by Kalinowski
RESOLVED, That members D'Amico, Herzog and Raj are excused.
Yes: All - 9
No: None
Absent: 4 – Chong, D'Amico, Herzog, Raj
MOTION CARRIED

7. Motion to Change May Meeting

Resolution # TY-2005-02-08
Moved by Shaw
Seconded by Wang
RESOLVED, That the May 25, 2005 meeting be re-scheduled to May 18, 2005 for reason of May 25th being the last day of school for the Troy Public School District.
Yes: All - 9
No: None
Absent: 4 – Chong, D'Amico, Herzog, Raj
MOTION CARRIED

Youth Council Comments
PUBLIC COMMENT

Next Meeting: Reminder Next Meeting: WED March 23rd 7:00 P.M.
@ CITY HALL

The meeting adjourned at 7:32 P.M.

_____
Nicole Vitale, Co-chair

_____
Laura A. Fitzpatrick, Assistant to the City Manager

ADVISORY COMMITTEE FOR PERSONS WITH DISABILITIES – DRAFT – MARCH 2, 2005

A Regular Meeting of the Troy Advisory Committee for Persons with Disabilities was held Wednesday, March 2, 2005, at the lower level conference room at City Hall. Leonard Bertin called the Meeting to order at 7:05 P.M.

Present:	L Bertin, member	C. Buchanan, member
	S. Burt, member	A. Done, member
	A. Fuhrman, alternate	P. Manetta, member
	D. Pietron, member	M. Pritzlaff, alternate
	S. Werpetinski, member	
Present:	M. Grusnick, staff	
	K. Jearls, staff	
Absent:	K. Gauri, member EA	T. House, member, EA
	N. Johnson, alternate, UA	A. Wiqar, student, UA

ITEM B – APPROVAL OF MINUTES OF MEETING OF FEBRUARY 2, 2005
Burt made a motion that the minutes of February 2, 2005, with changes, be approved. Supported by Furhman. All voted in favor.

ITEM C – VISITORS, DELEGATIONS AND GENERAL PUBLIC
Liz Kobylak, Chapter Coordinator for the Self Help for Hard of Hearing People Association, a national and State organization, was at our meeting. The local website for this organization is wwwmi-shhh.org and the national website is wwwhearingloss.org. As well as being a resident of Troy, Liz is an advocate for persons with hearing loss.

ITEM D – NEW BUSINESS

ITEM E – REGULAR BUSINESS
Burt will attend the City Council meeting on 3/7/05 and Manetta and Done on 2/21/05.

ITEM F – OLD BUSINESS
Some of the suggested topics for MML disability training seminars were emergency preparedness, visual impairment, and hearing loss.

We have received no response from City Council on a joint meeting. We would like to emphasize the need for a joint meeting to discuss issues and concerns. All voted in favor.

Burt will bring the rest of the Face To Face and A.C.P.D. brochures to Grusnick. He will then distribute them and discuss the availability of city racks with Cindy Stewart.

ITEM G - INFORMATIONAL ITEMS
Bertin received information from Ruth Linnemann, Michigan MS Society, regarding emergency preparedness gaps for people with disabilities. She also sent information on grants available in the area of disability awareness training which Bertin will forward to the MML.

The Ability Expo will not be held on Thursday night, we are attempting to do it on Friday evening. There will be a charge for booth space for all but nonprofit organizations; one half the cost will be charged for nonprofits.

Buchanan has a picture on display at the City Library that she painted for the "Paint A Miracle" project.

ITEM H – ADJOURN
Burt made a motion to adjourn at 7:48, Done seconded.

_____
Leonard Bertin, Chairperson

_____
Kathy Jearls, Recording Secretary

ADVISORY COMMITTEE FOR PERSONS WITH DISABILITIES – FINAL – MARCH 2, 2005

A Regular Meeting of the Troy Advisory Committee for Persons with Disabilities was held Wednesday, March 2, 2005, at the lower level conference room at City Hall. Leonard Bertin called the Meeting to order at 7:05 P.M.

Present:	L Bertin, member	C. Buchanan, member
	S. Burt, member	A. Done, member
	A. Fuhrman, alternate	P. Manetta, member
	D. Pietron, member	M. Pritzlaff, alternate
	S. Werpetinski, member	
Present:	M. Grusnick, staff	
	K. Jearls, staff	
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_____
Leonard Bertin, Chairperson

_____
Kathy Jearls, Recording Secretary

The Chairman, Ted Dziurman, called the meeting of the Building Code Board of Appeals to order at 8:30 A.M. on Wednesday, March 2, 2005 in the Lower Level Conference Room of City Hall.

PRESENT: Ted Dziurman
Rick Kessler
Bill Nelson
Tim Richnak
Frank Zuazo

ALSO PRESENT: Mitch Grusnick, Building Department Residential Plan Analyst
Pamela Pasternak, Recording Secretary

ITEM #1 – APPROVAL OF MINUTES – MEETING OF FEBRUARY 2, 2005

Motion by Kessler
Supported by Richnak

MOVED, to approve the minutes of the meeting of February 2, 2005 as written.

Yeas: All – 5

MOTION TO APPROVE MINUTES AS WRITTEN CARRIED

ITEM #2 – VARIANCE REQUEST. DAVID HABOIAN, OF KOJAIAN MANAGEMENT CORPORATION, 755 W. BIG BEAVER, for relief of Chapter 78 to place an 800 square foot special event wall sign for a 30-day period.

Mr. Grusnick explained that the petitioner is requesting relief of Chapter 78 to place an 800 square foot special event wall sign for a 30-day period. The banner, proposed to be located on the wall at the top of the building, announces the 100th anniversary of the Society of Automotive Engineers whose offices are located in the building. The size of the special event sign is not limited by the ordinance, however, Chapter 78, Section 14.02 limits the placement time of special event signs to seven (7) consecutive days within any twelve-month period.

Mr. David Haboian of Kojaian Management, Mr. Jack Pokrzywa and Ms. Ila Lee of the Society of Automotive Engineers were present. Mr. Haboian explained that the SAE is one of their largest tenants and occupy one and one-half floors of the Top of Troy building. Mr. Haboian said that Kojaian Management fully supports this request and as the landlord would love to help them display their 100th anniversary. The SAE is holding a conference from April 4th through the 11th and this would be an opportunity to make people aware of this organization.

Mr. Jack Pokrzywa said that they have been in this community for a number of years and are the only automotive society in the area. They have a number of activities

ITEM #2 – con't.

planned for this week including competitions, classes and conferences at the San Marino Club. They want people to know that that are 100 years old and this would also be a way for them to attract new members and students.

Mr. Richnak asked what the specific dates would be. Mr. Pokrzywa said they would like to display this banner both before and after the dates of the conference. Mr. Haboian said that they would like the banner up for the month of April.

Mr. Dziurman asked if there were any other instances where a banner was put out for a longer period of time. Mr. Grusnick stated that he was aware of Oakland Mall receiving a variance to display a banner for a longer period of time.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are no written approvals or objections on file.

Motion by Kessler
Supported by Richnak

MOVED, to grant David Haboian, of Kojaian Management Corporation, 755 W. Big Beaver, relief of Chapter 78 to place an 800 square foot special event wall sign for a 30-day period.

- Banner will be displayed for the month of April.
- Variance will not have an adverse effect to surrounding property.
- Variance is not contrary to public interest.

Yeas: All – 5

MOTION TO GRANT VARIANCE CARRIED

ITEM #3 – VARIANCE REQUEST. J & E HOME IMPROVEMENTS, 1264 CHAUCER DR., for relief of the 2003 Michigan Residential Code to finish a basement into habitable space, which will result in a ceiling height of 6'-10", where 7' is required.

Mr. Grusnick explained that the petitioner is requesting relief of the 2003 Michigan Residential Code to finish the basement at 1264 Chaucer. Section R305.1 of the 2003 Michigan Residential Code, requires a 7' minimum ceiling height in habitable spaces including finished basements. The distance from the basement floor to the bottom of the floor joists above is 7'–0". The plan submitted indicates a new dropped ceiling to be installed with a 6'-10" ceiling height.

ITEM #3 – con't.

Mr. David Shipley of J & E Home Improvements and Jim Murdock of 1264 Chaucer were present. Mr. Shipley explained that this is an Owens Corning product and although the manufacturer recommends that the ceiling has a drop of 3", they plan to raise it to 2", the end result being that the ceiling would result with a 6'-10" ceiling height.

Mr. Nelson asked what the relation between dry wall and asthma was. Mr. Shipley said that there are arguments for and against this correlation. He went on to say that he thinks it is because the dry wall is porous and can result in creating mold. The Owens Corning ceiling has a substance that will help to resist mold.

Mr. Kessler asked what the ceiling height would be at the bottom of the stairs. Mr. Shipley said that they plan to elevate the ceiling at the bottom of the stairs to meet code.

Motion by Nelson
Supported by Richnak

MOVED, to grant J & E Home Improvements, 1264 Chaucer Dr., relief of the 2003 Michigan Residential Code to finish a basement into habitable space, which will result in a ceiling height of 6'-10" where 7' is required.

- General ceiling height will be 6'-10".
- Variance is not contrary to public interest.

Yeas: All – 5

MOTION TO GRANT VARIANCE CARRIED

The Building Code Board of Appeals meeting adjourned at 8:43 A.M.

_____
Ted Dziurman, Chairman

_____
Pamela Pasternak, Recording Secretary

A meeting of the Employees' Retirement System Board of Trustees was held on Wednesday, March 9, 2005, at Troy City Hall, 500 W. Big Beaver Rd., Troy, MI. The meeting was called to order at 12:10 p.m.

TRUSTEES PRESENT:	Mark Calice Michael Geise Thomas Houghton, Chair John M. Lamerato William R. Need
ABSENT:	David A. Lambert Steven A. Pallotta John Szerlag
ALSO PRESENT:	Laura Fitzpatrick

EXCUSE ABSENT MEMBERS

Resolution # ER – 2005 – 03 - 008
Moved by Lamerato
Seconded by Houghton

RESOLVED, That Lambert, Pallotta and Szerlag be excused.

Yeas: All 4
Absent: Lambert, Pallotta, Szerlag

MINUTES

Resolution # ER – 2005 – 03 - 009
Moved by Calice
Seconded by Geise

RESOLVED, That the minutes of the February 9, 2005 meeting be approved.

Yeas: All 4
Absent: Lambert, Pallotta, Szerlag

RETIREMENT REQUEST

Resolution # ER – 2005 – 03 - 010
Moved by Lamerato
Seconded by Houghton

RESOLVED, That the request of Judith Ann Haselhuhn, DC, 5/13/05, 25 years, 8 months be approved.

Yeas: All 4
Absent: Lambert, Pallotta, Szerlag

OTHER BUSINESS – SUSPENDED PENSION CHAPTER 10

Resolution # ER – 2005 – 03 - 011
Moved by Houghton
Seconded by Calice

RESOLVED, That the City Attorney and Van Overbeke, Michaud & Timmony review the provisions of Chapter 10.

Yeas: All 4
Absent: Lambert, Pallotta, Szerlag

INVESTMENTS

Resolution # ER – 2005 – 03- 012
Moved by Calice
Seconded by Geise

RESOLVED, That the following investments be purchased and sold:
Purchase: 2,000 shares Schlumberger; 1,500 shares Reuters Group; 1,000 shares Roper Industries.
Sell: Superior Industries; Smuckers; Delphi

Yeas: All 4
Absent: Lambert, Pallotta, Szerlag

The next meeting is April 13, 2005 at 12:00 p.m. at City Hall, Conference Room C, 500 W Big Beaver, Troy, MI.

The meeting adjourned at 1:10 p.m.

The Special/Study Meeting of the Troy City Planning Commission was called to order by Vice Chair Schultz at 7:30 p.m. on March 22, 2005, in the Council Board Room of the Troy City Hall.

1. ROLL CALL

Present:
Gary Chamberlain
Lynn Drake-Batts
Fazal Khan
Robert Schultz
Mark J. Vleck (arrived 7:38 p.m.)
David T. Waller
Wayne Wright

Absent:
Lawrence Littman
Thomas Strat

Also Present:
Mark F. Miller, Planning Director
Brent Savidant, Principal Planner
Susan Lancaster, Assistant City Attorney
Richard K. Carlisle, Carlisle/Wortman Associates
Kathy L. Czarnecki, Recording Secretary

Resolution # PC-2005-03-036
Moved by: Chamberlain
Seconded by: Wright

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

Yes: Chamberlain, Khan, Schultz, Waller, Wright
No: None
Abstain: Drake-Batts
Absent: Littman, Strat, Vleck (arrived 7:38 p.m.)

MOTION CARRIED

2. MINUTES

Resolution # PC-2005-03-037
Moved by: Wright
Seconded by: Khan

RESOLVED, To approve the March 1, 2005 Special/Study Meeting minutes as published.

Yes: Drake-Batts, Khan, Schultz, Waller, Wright
No: None
Abstain: Chamberlain
Absent: Littman, Strat, Vleck (arrived 7:38 p.m.)

MOTION CARRIED

Resolution # PC-2005-03-038
Moved by: Khan
Seconded by: Wright

RESOLVED, To approve the March 8, 2005 Regular Meeting minutes as published.

Yes: Chamberlain, Khan, Schultz, Waller, Wright
No: None
Abstain: Drake-Batts
Absent: Littman, Strat, Vleck (arrived 7:38 p.m.)

MOTION CARRIED

3. PUBLIC COMMENTS

There was no one present who wished to speak.

4. DOWNTOWN DEVELOPMENT AUTHORITY REPORT

Mr. Miller reported that the March 16, 2005 Downtown Development Authority meeting was cancelled.

5. PLANNING AND ZONING REPORT

Mr. Miller reported on the following items.

1. Rezoning Request (Z 700), Clark Service Station, northeast corner of Livernois and Maple Road, Section 27, from B-1 to H-S – City Council Public Hearing on April 4, 2005.

2. Proposed PUD #5, Maple Forest Crossing, east side of Rochester Road, south of South Boulevard – Review by the Planning Commission in the near future.

3. Big Beaver Road Corridor Study – Meetings have been arranged with the two finalists; project is forthcoming and moving forward.

(Mr. Vleck arrived at 7:38 p.m.)

6. BOARD OF ZONING APPEALS (BZA) REPORT

Ms. Drake-Batts reported on the March 15, 2005 Board of Zoning Appeals meeting.

Interpretation Request re: the issuance of a building permit to construct a garage at 3129 Alpine
The BZA postponed this item at the request of the petitioner's attorney.

Variance request, Robert Kage, 718 Eckford
The BZA denied relief of the Ordinance to maintain two covered storage structures and a lean-to attached to the existing pole building.

Variance request, Larry Frandle, 1142 Boyd
The BZA granted relief of the Ordinance to reconstruct a fire damaged home.

Variance Request, Ram A. Sharma, 2951 Homewood
The BZA denied relief of the Ordinance to maintain a porch enclosure constructed without a permit.

7. PLANNED UNIT DEVELOPMENT (PUD 4) – Proposed The Monarch Private Residences, 209 units, 11,166 S.F. retail space and structured parking, North side of Big Beaver Road between Alpine and McClure, Section 20 – O-1 (Low Rise Office), P-1 (Vehicular Parking) and R-1B (One Family Residential) Districts

Mr. Carlisle, Planning Consultant, provided a brief review of the proposed PUD 4. Mr. Carlisle said the proposed development definitely meets the PUD criteria in terms of providing development quality objectives and a mixture of land uses. Mr. Carlisle cited the significant items to be addressed further by the petitioner, as outlined below. He believes all other issues addressed in his report can be worked out with the petitioner, including the public benefit.

Future Land Use Plan
Mr. Carlisle said a stronger direction is needed in the Future Land Use Plan for areas that are conducive to mixed-use development. Items to be addressed are (1) a comparison between developing the property fully under the low-rise office district designation and proposed mixed use residential and (2) the transition to single family residential. Mr. Carlisle said it would be unreasonable to delay the project pending a revision of the Future Land Use Plan.

Density
Mr. Carlisle said he would reserve his comments on density until he has an opportunity to review the Density Study that was recently provided by the petitioner.

Traffic Impact
Mr. Carlisle reported the traffic analysis is not complete. He is confident that there will be significantly less impact from the proposed residential project compared to that of an office use, in terms of traffic volume and peak times of travel.

Transition

Mr. Carlisle said the transition with the properties to the north of the proposed development is most likely the most difficult issue to address. The petitioner, at his request to more significantly address the transition, increased the setback to 20 feet and provided additional landscaping as a buffer. Mr. Carlisle said more needs to be done and suggested reducing the intensity of the buildings by stepping the buildings down; i.e., ranch style units on the ends of the buildings that would create a lower profile.

Jennifer Mooney, Bob Dudick, Tom Kafkes and John Bender of Joseph Freed and Associates were present. Also present were Gary Jonna of Whitehall Real Estate and Ron Phillips of Tadian Homes.

Ms. Mooney provided a brief update of the project and specifically addressed the following items.

- Transition to north with respect to setbacks and additional landscaping
- Off-site landscaping along Alpine and east side of McClure
- Shadow studies
- Retail court with respect to depression and perimeter hedge
- Commitment to public benefit
- LEED points

Ms. Mooney distributed the following information to members.

- Mixed-Use Projects completed by Joseph Freed and Associates
- Letter from Village Manager of Palatine, IL, regarding success of downtown redevelopment
- The Monarch February 8, 2005 Neighborhood Meeting Notes, as well as communication with residents addressing concerns

Additional items discussed were:

- Retail signage
- Sculpture
- Project timetable
- Requirements of preliminary approval; i.e., submission of finite data
- Public Hearing date and importance of public input
- Mass relationship
- Guest parking with respect to location, convenience, inclement weather

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Vice Chair Schultz requested a recess at 9:08 p.m.

The meeting reconvened at 9:18 p.m.

Discussion continued on the setback for the residences to the north, and some members suggested a minimum setback of 30 feet. It was determined that the Planning Department would obtain photographs of the houses to the north and provide site plan overlays. The petitioner was encouraged to view the Rochester Commons development and the condominium development located at Wattles and John R with respect to setback relationships.

There was a brief discussion on the monetary contribution by the petitioner as relates to the large garage located at 3129 Alpine Street. Ms. Mooney stated that the development group contributed as a neighbor to help cover the legal expenses involved in the Zoning Board of Appeals due process. The development group felt that $5,000 was an appropriate amount based on their presence in the neighborhood.

Ms. Lancaster provided a brief summary of the appeal before the Zoning Board of Appeals relating to the issuance of a building permit for the large garage located at 3129 Alpine. She indicated that the matter has been postponed to the April meeting, and confirmed that there is no litigation at this time.

Ms. Mooney asked the Planning Commission and Planning Department to consider scheduling a Public Hearing in April for the proposed planned unit development.

8. ZONING ORDINANCE TEXT AMENDMENT (ZOTA 212) – Freestanding Restaurants in the R-C (Research Center) and O-S-C (Office Service Commercial) Zoning Districts

Mr. Miller said the proposed draft language allows for freestanding restaurants in the RC (Research Center) and O-S-C (Office Service Commercial) districts. He asked the Commission's input on (1) permitting banks and daycare facilities as stand-alone uses and (2) creating a similar amendment that would permit stand-alone restaurants in the O-M (Office Mid Rise) district.

Discussion points were:

- Special Land Use versus "by right"
- Daycare facilities with respect to outside play area
- Special Land Use to allow higher level of design and control of design
- Integration of sites
- Flexibility in parking requirements
- Negotiation with prospective use
- Relationship between buildings and pedestrian traffic
- Discouragement of strip center development

9. ZONING ORDINANCE TEXT AMENDMENT (ZOTA 201) – Commercial Recreation in the Light Industrial Zoning District

Mr. Miller said the proposed draft language (1) defines indoor commercial recreation and (2) permits indoor commercial recreation facilities by right in the M-1 district. He asked for direction and input from the Commission.

The members agreed that parking requirements should be addressed within the Zoning Ordinance text that would allow sufficient parking in relation to the activity of the facility. The members generally agreed that the use should be permitted by special use. The proposed ZOTA is a high priority item.

10. ZONING ORDINANCE TEXT AMENDMENT (ZOTA 216) – Additional Retail Along Major Thoroughfares in the M-1 (Light Industrial) Zoning District

Mr. Miller reviewed some issues associated with the concept of adding retail uses within existing industrial buildings along major thoroughfares. An overhead drawing of the Beaute Craft Building located at 600 W. Maple Road was used to illustrate potential site plan issues.

Discussion points were:

- Parking, landscaping and setback requirements
- Existing retail vacancy along Maple Road
- Existing buildings along Maple Road in need of extensive remodeling vs. torn down and completely reconstructed
- Potential mixed-use development; i.e., artist colony
- Global solution needed; not a building-by-building solution
- Relation of retail use between Maple Road frontage lots and interior street lots
- Setting precedence with respect to setback requirements
- Future land use planning

Mr. Miller summarized that the majority of existing buildings along Maple Road are at a 50-foot setback line, and it appears retail use would not be feasible because too many problems would be created. Mr. Miller suggested further strategic planning to arrive at short-term fixes and creativity in future land use planning.

11. PUBLIC COMMENTS

Mike Baxter and Kim Duford of 3141 McClure, Troy, were present to speak on the proposed The Monarch Private Residences (PUD 4). Their home is directly north of The Monarch project.

Mr. Baxter voiced opposition to The Monarch as currently proposed and displayed on the artist rendering. Mr. Baxter said they have had discussions with the petitioner and details of the project have not been clear. Mr. Baxter addressed the building setbacks. He suggested a 50-foot minimum setback. Mr. Baxter said the 22-story tower would definitely impact them because they would have no privacy. They currently have one neighbor, and the project would give them over 200 neighbors. Mr. Baxter said the project is taking all of their property without any compensation. He indicated they have offered to sell their home to the petitioner, and to date the petitioner has not responded to the offer. Mr. Baxter informed the members that the minutes of the neighborhood meeting provided by the petitioner do not convey the hostility of the neighbors. He said one or two neighbors spoke positively of the project but they live further into the subdivision. Mr. Baxter addressed concerns relating to vehicular lights directed toward their bedroom and drainage. Mr. Baxter said he feels the density of the project is too high. He also addressed the existing vegetation between the properties to which the petitioner refers. Mr. Baxter said the existing vegetation between the proposed development and their home is called a cyclone fence.

Ms. Duford expressed concerns with construction noise and dirt and the affects of the development on their home; i.e., constant opening and closing of 55 garage doors, lights from the individual garages and porches, etc. Ms. Duford said she believes their property value as well as their neighbor's will decrease the minute the construction begins. She said the lack of privacy would take away from the existing neighborhood character. Ms. Duford addressed the trees, flowers and other vegetation that would be destroyed to allow the development. Ms. Duford said they suggested to the petitioner that a bigger buffer to the subdivision providing additional landscaping, berm, or park area could be provided with the purchase of their property. She indicated the disadvantages in the potential sale of their home. Ms. Duford welcomed the Planning Commission members to their home, so they could envision the close proximity of the development, and the view of the back side of the proposed development. She addressed the concerns she has with the density of the project in relation to an office development.

Mr. Baxter and Ms. Duford were encouraged to provide the Planning Department a written list of their concerns for the record and to attend all public hearings and meetings with respect to the proposed development.

GOOD OF THE ORDER

Mr. Vleck said it would be very interesting to get the full public comment on the proposed PUD 4.

Mr. Chamberlain said he personally requested of the City Clerk's Office to provide the City Council with only his name and no personal and confidential information. He suggested that any other member who shares his concerns to personally advise the City Clerk's Office of his/her wishes. Mr. Chamberlain suggested a site visit of the proposed PUD 4.

Mr. Miller said he would discuss scheduling a special meeting and site visit of the proposed PUD 4 with the Chairman.

Ms. Lancaster said it was good to see all the members again.

Mr. Miller reminded the members of the Special Joint Meeting of City Council and Planning Commission on March 28, 2005 at 7:30 p.m. at the Police/Fire Training Facility.

Vice Chair Schultz briefly reviewed the discussion items and intent of the Special Joint Meeting. He said the open meeting would be moderated by the City Manager, and asked that any member not able to attend to please advise the Planning Department.

ADJOURN

The Special/Study Meeting of the Planning Commission was adjourned at 10:54 p.m.

Respectfully submitted,

_____

Robert Schultz, Vice Chair

_____

Kathy L. Czarnecki, Recording Secretary

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The Special/Study Meeting of the Troy City Planning Commission was called to order by Vice Chair Schultz at 7:30 p.m. on March 22, 2005, in the Council Board Room of the Troy City Hall.

1. ROLL CALL

Present:
Gary Chamberlain
Lynn Drake-Batts
Fazal Khan
Robert Schultz
Mark J. Vleck (arrived 7:38 p.m.)
David T. Waller
Wayne Wright

Absent:
Lawrence Littman
Thomas Strat

Also Present:
Mark F. Miller, Planning Director
Brent Savidant, Principal Planner
Susan Lancaster, Assistant City Attorney
Richard K. Carlisle, Carlisle/Wortman Associates
Kathy L. Czarnecki, Recording Secretary

Resolution # PC-2005-03-036
Moved by: Chamberlain
Seconded by: Wright

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

Yes: Chamberlain, Khan, Schultz, Waller, Wright
No: None
Abstain: Drake-Batts
Absent: Littman, Strat, Vleck (arrived 7:38 p.m.)

MOTION CARRIED

2. MINUTES

Resolution # PC-2005-03-037
Moved by: Wright
Seconded by: Khan

RESOLVED, To approve the March 1, 2005 Special/Study Meeting minutes as published.

Yes: Drake-Batts, Khan, Schultz, Waller, Wright
No: None
Abstain: Chamberlain
Absent: Littman, Strat, Vleck (arrived 7:38 p.m.)

MOTION CARRIED

Resolution # PC-2005-03-038
Moved by: Khan
Seconded by: Wright

RESOLVED, To approve the March 8, 2005 Regular Meeting minutes as published.

Yes: Chamberlain, Khan, Schultz, Waller, Wright
No: None
Abstain: Drake-Batts
Absent: Littman, Strat, Vleck (arrived 7:38 p.m.)

MOTION CARRIED

3. PUBLIC COMMENTS

There was no one present who wished to speak.

4. DOWNTOWN DEVELOPMENT AUTHORITY REPORT

Mr. Miller reported that the March 16, 2005 Downtown Development Authority meeting was cancelled.

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- Global solution needed; not a building-by-building solution
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11. PUBLIC COMMENTS

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GOOD OF THE ORDER

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Ms. Lancaster said it was good to see all the members again.

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Vice Chair Schultz briefly reviewed the discussion items and intent of the Special Joint Meeting. He said the open meeting would be moderated by the City Manager, and asked that any member not able to attend to please advise the Planning Department.

ADJOURN

The Special/Study Meeting of the Planning Commission was adjourned at 10:54 p.m.

Respectfully submitted,

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Robert Schultz, Vice Chair

_____

Kathy L. Czarnecki, Recording Secretary

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TROY DAZE ADVISORY COMMITTEE

A. CALL TO ORDER

A regular meeting of the Troy Daze Advisory Committee was held **Tuesday, March 22, 2005** at the Troy Community Center. Meeting was called to order at 7:34 pm.

B. MEMBERS PRESENT

Present:

Jim Cyrulewski
Marilyn Musick
Cecile Dilley
Kessie Kaltsounis
Cheryl Whitton-Kaszubski
Bob Berk
Bill Hall
Mike Gonda
Jeff Stewart (absent)
Bob Preston

City Staff Present:

Jeff Biegler
Cindy Stewart
Bob Matlick
Gerry Scherlinck
Tonya Perry

EXCUSE ABSENT MEMBERS

Resolution # TD-2005-03-09
Moved by Cheryl Whitton Kaszubski
Seconded by Kessie Kaltsounis

RESOLVED that absent member is excused.

Yeas: All
Nays: None
MOTION CARRIED

APPROVAL OF MINUTES

Resolution # TD-2005-03-10
Moved by Cheryl Whitton Kaszubski
Seconded by Cecile Dilley

RESOLVED that the minutes from the February 22, 2005 Troy Daze Advisory Committee are approved.

Yeas: All
Nays: None
MOTION CARRIED

C. NEW BUSINESS

1. Tabled

D. OLD BUSINESS

1. Volunteer Committee -Bob Preston reports no meeting has yet been held. Meeting set for April 12th

Resolution # TD-2005-03-11
Moved by Kessie Kaltsounis
Seconded by Marilyn Musick

RESOLVED that the Troy Daze Advisory Committee Meeting be adjourned at 7:46 p.m.

Yeas: All
Nays: None
MOTION CARRIED

_____
Bob Berk, Vice Chairperson

_____
Cindy Stewart, Recording Secretary

TROY DAZE FESTIVAL COMMITTEE

A regular meeting of the Troy Daze Festival Committee was held **Tuesday, March 22, 2005** at the Troy Community Center. Meeting was called to order at 7:47 pm.

A. ROLL CALL

Present*:

Leonard Bertin
Mike Gonda
Bob Preston
JoAnn Preston
Cecile Dilley
Bill Hall
Kessie Kaltsounis
Doris Schuchter
Dan O'Brien
Shannon DeVries
Bob Berk
Jim Cyrulewski
Cheryl Whitton-Kaszubski
Tom Clark
Tarcisio Massaini
Cynthia Buchanan

City Staff Present:

Jeff Biegler
Bob Matlick
Tonya Perry
Gerry Scherlinck
Cindy Stewart

B. APPROVAL OF MINUTES

Change to February 22, 2005 meeting minutes
E. 1. Meeting with four Advisory Board Members

Moved by Cheryl Whitton-Kaszubski
Seconded by Marilyn Musick

RESOLVED that the minutes with corrections from the February 22, 2005 Troy Daze Festival Committee are approved.

Yeas: All
Nays: None
MOTION CARRIED

C. TREASURER'S REPORT

As of 2/28/05
Revenue: $158,657.06 (no changes)
Exp: $171,894.58
Change of $251.09 from 1/31/05
$100.00 sick pay
$1.09 postage
$150.00 entertainment

- Received Knights of Columbus Revenue check
- Need to collect from Jaycees (contact Laura F)
- Be sure to add this language to contracts regarding organizations providing services (petting zoo, 50-50 raffle, Jaycee Run) ***PAY 15% OF NET REVENUE TO FESTIVAL***. This fee was established approximately twenty years ago. This ensures the non-profit will have an exclusive event.

D. CORRESPONDENCE

1. March Meeting Notice
2. Letter to Congressman Knollenberg regarding flag request
3. Memo to City Manager regarding Troy Daze Fees
4. Memo to Carol Anderson regarding Troy Daze Requests
5. Memo regarding Fee Increase for Jaycee 5K Run/Walk

E. NOT AT THIS MEETING

F.

City Manager Follow-up Meeting
Bob Berk requested meeting with John Szerlag – took place two weeks ago. Wanted to talk about increases in fees and changes to budget before information went to City Council. Have heard concerns related to canceling senior event and minimization of parade and wanted John Szerlag to be aware of possible changes to Festival.

Corporate Sponsor Subcommittee Meeting
Discussed sending out press release with possible changes. Instead, turn this into positive by going after new potential sponsors. We have not received any returns from sponsors except Henry Ford Hospital (in kind sponsor).

Jim C and Mike G trying to meet with Coke as possible sponsor. Committee will continue to call last year's sponsors. Verbal commitments are in for approximately four sponsors.

CS – send list of new potential sponsors to Jim C

G. OLD BUSINESS

1. **<u>Activities Event List</u>**
   - Subdivide the list into 3 categories – events, revenue, operations
   - Compare with demographics
   - Change scale 1-5 or 1-10

Motion to subdivide the list into 3 categories (events, revenue, operations)
Send back out for committee to prioritize events according to similar list from demographics
Moved by Mike Gonda
Seconded by Leonard Bertin
Yeas: All
Nays: None
MOTION CARRIED

2. Suggestions List Review

Ability Expo

- Move closer to headquarters: have operations committee look at layout. Would there be another use for shared tent.
- Send Ability Expo flyer to Troy Special Education Department for distribution
- Beaumont Health Fair in same tent as Ability Expo – dead issue
- Shuttle drivers take seniors past Expo
- Change event to Friday (works if sharing draft show tent). Saturday need different tent.

Ability Expo concept might not work at Festival. Long distance for disabled to travel to tent, uneven pavement/terrain. Best suited to a mall or community center. Committee needs to assess the situation and will report back

Booths

- All are workable

Committee Food and Refreshment

- Done

Corporate Sponsorship

- All are possible

Magic Cauldron Ent/Games

- All ok (see list)

Mr. Troy

- All ok

Pony Rides/Petting Zoo

- Have open for Special Children's Day (vendor will provide coloring books for kids)
- Feed animals after they eat

Shuttle Service

- All ok

Volunteer Committee

- Sub Committee met once – will report next month

3. Action Item List

Do we want to have special meeting for pursuing other fundraising options?
Week of April 11 or April 18 – 5:30 p.m. Suggestion for Wednesday, April 13th 6:00 p.m.
Send email regarding place. JB – check Community Center / CS – check City Hall

Meeting is adjourned at 9:08 p.m.

A meeting of the **Troy Youth Council (TYC)** was held on March 23, 2005 at 7:00 PM at City Hall in the Lower Level Conference Room, 500 West Big Beaver Road. Maniesh Joshi and Min Chong called the meeting to order at 7:02 p.m.

MEMBERS PRESENT: Min Chong (co-chair)
Alexandra (Sasha) Bozimowski
Maniesh Joshi (co-chair)
Rishi Joshi
Andrew Kalinowski
Manessa Shaw (arrived 7:10 PM)
Nicole Vitale
YuJing Wang

MEMBERS ABSENT: Juliana D'Amico
Catherine Herzog
Jessica Kraft (excused)
Monika Raj
Karen Wullaert (excused)

ALSO PRESENT: Laura Fitzpatrick, Assistant to the City Manager

1. **Roll Call**

2. **Approval of Minutes**

Resolution # TY-2005-03-09
Moved by Chong
Seconded by Bozimowski
RESOLVED, That the minutes of 2/23/05 be approved
Yes: 8
No: None
Absent: 5 – D'Amico, Herzog, Kraft, Raj, Wullaert
MOTION CARRIED

3. **Attendance Report:** To note and file
4. **Visitor:** Jamie Martone, President of Teens Taking Action – to speak about *Spring Break Troy Style*
5. **Membership Update:**
   Vacant Seats: 9 applications on file; 6 from 2004, 3 from 2005; deadline is 4/15/05
   Also, looking ahead: Succession Plan for Seats to be Vacated 5/05 Due to Graduations (at least 8 seats will be vacated):
   - Feb, March: City accepting applications; TYC to promote; Application Deadline is 4/15
   - April 27th TYC Meeting: TYC interview applicants and recommend students for appointment; brainstormed questions to ask in interviews
   - May: Send recommendations to City Council
   - May 18th TYC Meeting: New members attend meeting with outgoing members
   - August: Terms officially begin for new members

6. Troy Daze Festival Update: Youth Council Sponsored Entertainment Event

- *Seeking Members to Help*
  - Recruit entertainment: band(s)
  - Recruit or serve as Master of Ceremonies
  - Coordinate publicity

***7.* Motion to Excuse Absent Members Who Have Provided Advance Notification**

Resolution # TY-2005-03-10
Moved by M Joshi
Seconded by Wang
RESOLVED, That members Kraft and Wullaert are excused.
Yes: All - 8
No: None
Absent: 5 – D'Amico, Herzog, Kraft, Raj, Wullaert
MOTION CARRIED

Youth Council Comments
PUBLIC COMMENT

Next Meeting: Reminder Next Meeting: WED APRIL 27th 7:00 P.M.
@ CITY HALL (Interviews for TYC Applicants – watch mail for application packets!)

The meeting adjourned at 7:33 P.M.

_____
Min Chong, Co-chair

_____
Laura A. Fitzpatrick, Assistant to the City Manager

ELECTION COMMISSION MINUTES - Draft April 12, 2005

A meeting of the Troy Election Commission was held Tuesday, April 12, 2005, at City Hall, 500 W. Big Beaver Road. City Clerk Bartholomew called the Meeting to order at 7:30 P.M.

ROLL CALL:

PRESENT: Timothy Dewan, City Clerk Tonni Bartholomew
ABSENT: David Anderson
ALSO PRESENT: Deputy City Clerk Barbara Holmes

Minutes: Regular Meeting of February 23, 2005

Resolution # EC-2005-01-06
Motion by Dewan
Seconded by Bartholomew

RESOLVED, That the Minutes of February 23, 2005 are approved as submitted.

Yes: Bartholomew, Dewan
No: None
Absent: Anderson

Approval of Precinct Inspector

Resolution # EC-2005-01-07
Motion by Bartholomew
Seconded by Dewan

City Clerk Bartholomew presented the proposed listing of Election Inspectors for appointment for the Election of Tuesday, May 3, 2005.

Resolution # EC-2004-09-08
Motion by Bartholomew
Seconded by Anderson

RESOLVED, That Election Inspectors be appointed for the Tuesday, May 3, 2005 Election, as presented by the City Clerk, is hereby **APPROVED**.

Yes: Bartholomew, Dewan
No: None
Absent: Anderson

Adjournment:

The meeting was adjourned at 7:34 P.M.

Tonni L. Bartholomew, MMC
City Clerk

Form 87-007
1-P-1

J-02a

CITY OF TROY
TRAVEL EXPENSE REPORT

Name: **Louise E. Schilling** Position: **Mayor**

Other Employees Included in Request: **Robin Beltramini**

Trip Destination: **Washington, DC** Date From: **3/11/2005** To: **3/15/2005**

Purpose of Trip: **NLC Annual Congressional City Conference**

Items Dates:	Sun 13-Mar	Mon 14-Mar	Tues 15-Mar	Wed	Thurs	Fri 11-Mar	Sat 12-Mar	TOTAL
Miles (Personal Car)								
Enter Current Mileage Rate: **$ 0.37** /mile								
City Car Expense (Details on Bottom)								
Air/Bus/Train	116.40							$116.40
Registration		395.00						$395.00
Room (Attach all Receipts)		Shared w/	Robin	Beltramini				
Meals (Include tips and taxes. Note meals included with registration)								
Breakfast:		3.29						$3.29
Lunch:		10.21	6.54					$16.75
Dinner:								
Other Detail, Explain Below	70.00		25.00					$95.00
Additional Other Detail, Explain Below	110.00							$110.00
TOTAL EXPENSE	296.40	408.50	31.54					$736.44

Details of City Car Expense

Total Mileage	
Gasoline/Oil Purchased (Attach Receipts)	
Maintenance Work (Attach Receipts)	
Parking/Storage	
Other ( )	
Total	

Cash Advanced	$511.40
Balance Due Employee	$225.04
(or) Balance Due City	

Mary Reddon for Louise Schilling — Requested By — Date 3/24/05

Department Head — Date 3/31/05

Approved - Human Resources Director — Date

Approved - Financial Services Director — Date 3-31-05

Notes and Explanations:
70.00 transportation
+110.00 ~~parking~~

Charge to: Council Education & Training Dept. Account # 102.796O

J-02b

Form 87-007
1-P-1

CITY OF TROY
TRAVEL EXPENSE REPORT

Name: Robin Beltramini Position: Mayor Pro Tem

Other Employees Included in Request:

Trip Destination: Lansing MI Date From: March 22, 2005 To: March 23, 2005

Purpose of Trip: MML Legislative Conference

Items Dates:	Sun	Mon	Tues	Wed	Thurs	Fri	Sat	TOTAL
Miles (Personal Car)			101	101				
Enter Current Mileage Rate: **$ 0.40** /mile			$40.40	$40.40				$80.80
City Car Expense (Details on Bottom)								
Air/Bus/Train								
Registration			69.00	170.00				239.00
Room (Attach all Receipts)			71.50					71.50
Meals (Include tips and taxes. Note meals included with registration)								
Breakfast:								
Lunch:								
Dinner:								
Other Detail, Explain Below								
Additional Other Detail, Explain Below								
TOTAL EXPENSE			180.90	210.40				$391.30

Details of City Car Expense

Total Mileage	
Gasoline/Oil Purchased (Attach Receipts)	
Maintenance Work (Attach Receipts)	
Parking/Storage	
Other ( )	
Total	

Cash Advanced	310.50
Balance Due Employee	80.80 #VALUE!
(or) Balance Due City	#VALUE!

Robin E. Beltramini 3/29/05
Requested By Date

Department Head 3/31/05
Date

Approved - Human Resources Director Date

Approved - Financial Services Director 3.31.05
Date

Notes and Explanations:

Charge to: Dept. Account #

J-02c

Form 87-007
1-P-1

CITY OF TROY
TRAVEL EXPENSE REPORT

Name: **Dave Lambert** Position: **Councilmember**

Other Employees Included in Request:

Trip Destination: **Washington, DC** Date From: **3/11/2005** To: **3/14/2005**

Purpose of Trip: **National League of Cities Congressional Cities Conference**

Items Dates:		Friday 11-Mar	Saturday 12-Mar	Sunday 13-Mar	Monday 14-Mar			TOTAL
Miles (Personal Car)		42.00			42.00		0.00	84.00
Enter Current Mileage Rate: $ 0.4 /mile		$16.80			$16.80			$33.60
City Car Expense (Details on Bottom)								
Registration		620.00						$620.00
Room (Attach all Receipts)					264.60		0.00	$264.60
Meals (Include tips and taxes. Note meals included with registration)								
Breakfast:			3.30	8.28	15.50			$27.08
Lunch:			inc	inc	inc	0.00	0.00	
Dinner:		5.85	25.00	4.97	0.00	0.00		$35.82
Other Detail, Explain Below		14.00	2.00	2.00	9.00			$27.00
Additional Other Detail, Explain Below		136.40					0.00	$136.40
TOTAL EXPENSE		793.05	30.30	15.25	305.90			$1,144.50

Details of City Car Expense

Total Mileage	
Gasoline/Oil Purchased (Attach Receipts)	
Maintenance Work (Attach Receipts)	
Parking/Storage	
Other ( )	
Total	

Cash Advanced	$1,021.00
Balance Due Employee	$123.50
(or) Balance Due City	

Requested By — Date: 4-4-05

Department Head — Date

Approved - Human Resources Director — Date

Approved - Financial Services Director — Date: 4.11.05

Notes and Explanations:
$136.40 is for airfare. $14 on 3/11 was for subway fare. $2 on 3/12 was for coat check. $2 on 3/13 was for coat check. $9 on 3/14 was for parking at Metro Airport.

Charge to: Council's Education & Training Account Dept. Account # 102.796

J-02d

Form 87-007
1-P-1

CITY OF TROY
TRAVEL EXPENSE REPORT

Name: **Dave Lambert** Position: **Councilmember**

Other Employees Included in Request:

Trip Destination: **Lansing, MI** Date From: **3/23/2005** To:

Purpose of Trip: **Michigan Municipal League Legislative Conference**

Items Dates:		Wed. 23-Mar						TOTAL
Miles (Personal Car)		196.00			0.00		0.00	196.00
Enter Current Mileage Rate: $ **0.4** /mile		$78.40						$78.40
City Car Expense (Details on Bottom)								
Registration		150.00						$150.00
Room (Attach all Receipts)					0.00		0.00	
Meals (Include tips and taxes. Note meals included with registration)								
Breakfast:			0.00	0.00	0.00			
Lunch:		inc	0.00	0.00	0.00	0.00	0.00	
Dinner:		0.00	0.00	0.00	0.00	0.00		
Other Detail, Explain Below		0.00	0.00	0.00	0.00			
Additional Other Detail, Explain Below		0.00					0.00	
TOTAL EXPENSE		228.40						$228.40

Details of City Car Expense

Total Mileage	
Gasoline/Oil Purchased (Attach Receipts)	
Maintenance Work (Attach Receipts)	
Parking/Storage	
Other ( )	
Total	

Cash Advanced	$150.00
Balance Due Employee	$78.40
(or) Balance Due City	

Dave Lambert 4-4-05
Requested By Date

Department Head Date

Approved - Human Resources Director Date

4.11.05
Approved - Financial Services Director Date

Notes and Explanations:

Charge to: Council's Education & Training Account Dept. Account # 102.7960

DATE: April 1, 2005

TO: John Szerlag, City Manager
FROM: Mark Stimac, Director of Building & Zoning
SUBJECT: Permits issued during the Month of March 2005

	NO.	VALUATION	PERMIT FEE
INDUSTRIAL			
Add/Alter	7	$2,359,800.00	$12,470.00
Sub Total	**7**	**$2,359,800.00**	**$12,470.00**
COMMERCIAL			
Fnd./Shell New	2	$1,297,500.00	$6,710.00
Add/Alter	19	$6,120,700.00	$21,385.00
Parking Lot	1	$52,000.00	$370.00
Kiosk	2	$9,000.00	$155.00
Sub Total	**24**	**$7,479,200.00**	**$28,620.00**
RESIDENTIAL			
New	38	$8,516,364.00	$47,055.00
Add/Alter	19	$718,326.00	$5,530.00
Garage/Acc. Structure	5	$66,900.00	$775.00
Pool/Spa/Hot Tub	1	$95,000.00	$585.00
Fire Repair	2	$144,097.00	$905.00
Temporary Sales Trailer	1	$2,500.00	$55.00
Wreck	1	$0.00	$60.00
Sub Total	**67**	**$9,543,187.00**	**$54,965.00**
TOWN HOUSE/CONDO			
Add/Alter	4	$7,066.00	$160.00
Sub Total	**4**	**$7,066.00**	**$160.00**
MULTIPLE			
Add/Alter	2	$16,000.00	$260.00
Sub Total	**2**	**$16,000.00**	**$260.00**
MISCELLANEOUS			
Signs	35	$0.00	$3,885.00
Fences	4	$0.00	$70.00
Sub Total	**39**	**$0.00**	**$3,955.00**
TOTAL	**143**	**$19,405,253.00**	**$100,430.00**

PERMITS ISSUED DURING THE MONTH OF MARCH 2005

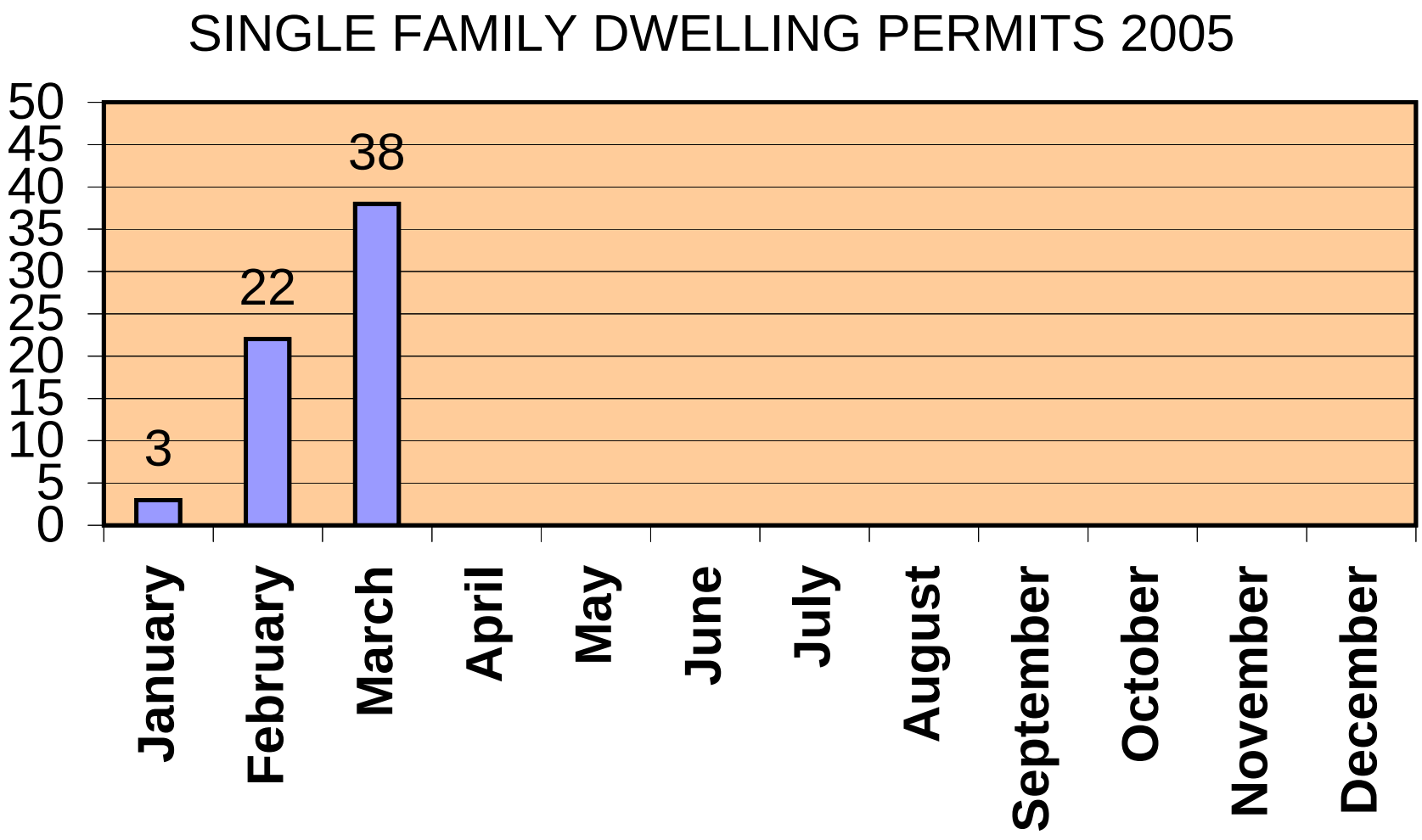
	NO.	PERMIT FEE
Mul. Dwel. Insp.	38	$380.00
Cert. of Occupancy	66	$4,308.50
Plan Review	204	$15,814.00
Microfilm	31	$428.00
Building Permits	143	$100,430.00
Electrical Permits	329	$16,539.00
Heating Permits	305	$11,788.00
Air Cond. Permits	64	$2,575.00
Refrigeration Permits	4	$360.00
Plumbing Permits	97	$8,180.00
Storm Sewer Permits	29	$854.00
Sanitary Sewer Permits	31	$1,079.00
Sewer Taps	43	$12,636.00
TOTAL	**1384**	**$175,371.50**

LICENSES & REGISTRATIONS ISSUED DURING THE MONTH OF MARCH 2005

	NO.	LICENSE FEE
Mech. Contr.-Reg.	30	$150.00
Elec. Contr.-Reg.	35	$525.00
Master Plmb.-Reg.	7	$7.00
Sewer Inst.-Reg.	5	$250.00
Sign Inst. - Reg.	5	$50.00
E. Sign Contr-Reg.	3	$45.00
Fence Inst.-Reg.	0	$0.00
Bldg. Contr.-Reg.	12	$120.00
F.Alarm Contr.-Reg.	5	$75.00
TOTAL	**102**	**$1,222.00**

BUILDING PERMITS ISSUED

	BUILDING PERMITS 2004	PERMIT VALUATION 2004	BUILDING PERMITS 2005	PERMIT VALUATION 2005
JANUARY	100	$5,235,481.00	93	$6,617,765.00
FEBRUARY	130	$21,354,496.00	133	$8,586,755.00
MARCH	158	$9,372,242.00	143	$19,405,253.00
APRIL	178	$14,158,227.00	0	$0.00
MAY	232	$11,511,644.00	0	$0.00
JUNE	232	$16,224,865.00	0	$0.00
JULY	178	$19,788,711.00	0	$0.00
AUGUST	224	$11,179,780.00	0	$0.00
SEPTEMBER	198	$13,582,037.00	0	$0.00
OCTOBER	197	$11,540,976.00	0	$0.00
NOVEMBER	161	$6,232,506.00	0	$0.00
DECEMBER	148	$7,316,487.00	0	$0.00
TOTAL	**2136**	**$147,497,452.00**	**369**	**$34,609,773.00**


SINGLE FAMILY DWELLING PERMITS 2005
50
45
40
35
30
25
20
15
10
5
0
3
22
38
January
February
March
April
May
June
July
August
September
October
November
December

BRIEF BREAKDOWN OF NON-RESIDENTIAL BUILDING PERMITS ISSUED DURING THE MONTH OF MARCH 2005

Type of Construction	Builder or Company	Address of Job	Valuation
Commercial, Add/Alter	ANDREW MAXX CONSTRUCTION	2800 W BIG BEAVER Y-315	495,257.00
Commercial, Add/Alter	PATRICK MONAHAN	2801 W BIG BEAVER C-105	300,000.00
Commercial, Add/Alter	TODD SACHSE	5445 CORPORATE 100	2,261,915.00
Commercial, Add/Alter	JOE NEWOOD	1250 STEPHENSON A	750,000.00
Commercial, Add/Alter	LAKEVIEW CONSTRUCTION INC	360 W FOURTEEN MILE	120,000.00
Commercial, Add/Alter	RETAIL PLANNING & CONSTRUCTION	2800 W BIG BEAVER W-310	275,728.00
Commercial, Add/Alter	SKANSKA USA BUILDING, INC.	2801 W BIG BEAVER C-143	495,000.00
Commercial, Add/Alter	SACHSE CONSTRUCTION	2801 W BIG BEAVER E-150	150,000.00
Commercial, Add/Alter	BRAVO DEVELOPMENT	2801 W BIG BEAVER E-150	950,000.00
Total Commercial, Add/Alter			5,797,900.00
Commercial, Fnd/Shell New	MARC COOKE	1985 W BIG BEAVER	300,000.00
Commercial, Fnd/Shell New	LAITH JONNA	4908 JOHN R 4972	997,500.00
Total Commercial, Fnd/Shell New			1,297,500.00
Industrial, Add/Alter	CHARLES BENNETT	1755 MAPLELAWN A	2,000,000.00
Industrial, Add/Alter	BEHR AMERICA INC	1225 E BIG BEAVER	250,000.00
Total Industrial, Add/Alter			2,250,000.00

Records 14

Total Valuation: 9,345,400.00

TO: MAYOR AND MEMBERS OF CITY COUNCIL
FROM: LORI GRIGG BLUHM, CITY ATTORNEY
ROBERT F. DAVISSON, ASSISTANT CITY ATTORNEY
CAROLYN F. GLOSBY, ASSISTANT CITY ATTORNEY
SUSAN M. LANCASTER, ASSISTANT CITY ATTORNEY
ALLAN T. MOTZNY, ASSISTANT CITY ATTORNEY
DATE: April 11, 2005
SUBJECT: 2005 FIRST QUARTER LITIGATION REPORT

The following is the quarterly report of pending litigation and other matters of interest. **The accomplishments during the first quarter of 2005 are in bold.**

A. ANATOMY OF THE CASE

Once a lawsuit has been filed against the City or City employees, the City Attorney's office prepares a memo regarding the allegations in the complaint. At that time, our office requests authority from Council to represent the City and/or the employees. Our office then engages in the discovery process, which generally lasts for several months, and involves interrogatories, requests for documents, and depositions. After discovery, almost all cases are required to go through case evaluation (also called mediation). In this process, three attorneys evaluate the potential damages, and render an award. This award can be accepted by both parties, and will conclude the case. However, if either party rejects a case evaluation award, there are potential sanctions if the trial result is not as favorable as the mediation award. In many cases, a motion for summary disposition will be filed at the conclusion of discovery. In all motions for summary disposition, the Plaintiff's version of the facts are accepted as true, and if the Plaintiff still has failed to set forth a viable claim against the City, then dismissal will be granted. It generally takes at least a year before a case will be presented to a jury. It also takes approximately two years before a case will be finalized in the Michigan Court of Appeals and/or the Michigan Supreme Court.

B. ZONING CASES

These are cases where the property owner has sued for a use other than that for which the land is currently zoned and/or the City is suing a property owner to require compliance with the existing zoning provisions.

1. Troy v. Papadelis and Papadelis v Troy - This is a case filed by the City against Telly's Nursery, seeking to enjoin the business from using the northern parcel for commercial purposes. After a lengthy appellate history, an order has been entered in the Oakland County Circuit Court, requiring compliance on or before April 29, 2002. The Papadelis family failed to comply with the Court's order, and therefore a Contempt Motion was filed. Oakland County Circuit Court Judge Colleen O'Brien determined that the defendants were in contempt of court, and required them to pay $1,000 to the City of Troy. However, the Court also determined that the defendants

were in compliance with the City of Troy zoning ordinances as of the date of the court decision. The Troy City Council authorized an appeal of this decision to the Michigan Court of Appeals. It was filed on September 27, 2002. The neighbors filed an application for leave to appeal, which was denied by the Michigan Court of Appeals on 2/10/03. After receiving criminal citations from the City for expansion of the business, Papadelis filed a federal lawsuit against the City of Troy, alleging civil rights violations and seeking an injunction against the prosecution and/or further expansion. The neighboring property owners have filed a Motion to Intervene, which was granted by Federal US District Court Judge Arthur Tarnow**.** Troy filed a counterclaim in the Federal Court case but it was dismissed by Judge Tarnow, who refused to exercise jurisdiction over the counter-complaint, since it would require him to interpret the opinion of the Oakland County Circuit Court Judge. Troy has subsequently filed two separate motions to dismiss the Papadelis complaint. One of the motions asserts the same jurisdictional claim that was raised against the counter-complaint. **The hearing on both motions is scheduled for 4/7/05. Discovery continues in the interim.**

2. Williams et. al v. City of Troy and Ken Freund- Some of the residents in the Middlesex Country Homesites Subdivision have filed this lawsuit against the City and developer Ken Freund. The lawsuit challenges that the City of Troy improperly approved the Freund Site Condominium project without requiring an official replat of the property. The Troy City Council granted preliminary approval of the site condominium plan on March 3, 2003. Each of the parties filed a Motion for Summary Disposition. On 9/3/03, Judge Kuhn heard oral arguments from all parties on the Motions for Summary Disposition. On 3/24/04, the Court entered an order that holds that a re-plat is not required for site condominium developments. This resulted in the Court granting Summary Disposition in favor of the City on Counts I and II of the Plaintiffs' Complaint. However, the Court failed to rule on Count III, a violation of substantive due process allegation. The City has filed a Supplemental Brief asking for dismissal of Count III. **Judge Warren has set a hearing date on the City's second Motion for Summary Disposition for May 2005.**

3. Rathka v. City of Troy – This lawsuit was filed by Roy Rathka, Jr. and concerns property he owns on Canham, a gravel drive located south of Square Lake Road and west of Livernois Road. Mr. Rathka claims he was wrongfully denied a building permit to build a duplex on Canham. The permit was denied pursuant to Section 40.10.01 of the Troy Zoning Ordinance that requires proposed building in one or two family residential districts to front on a public street that has been accepted for maintenance by the City. The City filed a motion for summary disposition, which was granted on 6/21/04. On 6/28/04, Plaintiff filed an appeal of the dismissal to the Michigan Court of Appeals. **Rathka has filed three motions for an extension of time to file his appellate brief. The first two motions**

were granted but the last motion was denied. Rathka has now filed a motion to hold the appeal in abeyance to allow him to pursue settlement negotiations with the City.

4. Long Lake Road Development Partners v. City of Troy – Plaintiffs served this zoning challenge against the City on March 29, 2004. Plaintiffs own the 14.5-acre parcel of property on the south side of Long Lake, west of Rochester Road. This property was the subject of an earlier zoning challenge, Goodman v. Troy, which was dismissed in favor of the City. The property is currently zoned R-1T (medium density residential). Plaintiffs requested a commercial re-zoning of the property, which was denied by City Council on January 26, 2004, in accordance with the Planning Commission recommendation of November 11, 2003. Plaintiffs argue that the refusal to re-zone the property to B-3 is arbitrary and capricious, and a violation of procedural due process, equal protection, and an unconstitutional taking of property. When Troy advised Plaintiffs it would be filing a motion to dismiss the case, the Plaintiffs voluntarily agreed to dismiss the case without prejudice. **The order for dismissal was entered 1/ 21/05.**

C. EMINENT DOMAIN CASES

These are cases in which the City wishes to acquire property for a public improvement and the property owner wishes to contest either the necessity or the compensation offered. In cases where only the compensation is challenged, the City obtains possession of the property almost immediately, which allows for major projects to be completed.

1. Parkland Acquisition (Sections 22, 24, 36)

Troy v. Premium Construction, L.L.C. – **A bench trial began on 2/22/05. The City has called seven of its thirteen witnesses. The Court has had to interrupt our bench trial proceedings with a number of criminal jury trials. We remain on stand-by status, ready to continue the trial at the Court's call.**

2. Big Beaver Improvements – Rochester to Dequindre

Troy v Saoud & Nidhal Jamo – **The City obtained an Order for Possession and Payment of Just Compensation into Escrow on 1/5/05. The case was filed since the City could not otherwise get clear title, due to a dispute between the mortgage company and the former property owners. As a result, the just compensation was escrowed with the City until a further Court**

order concerning the disbursement. The parties have agreed to release payment on one of the outstanding mortgages (Ameriquest). The remainder of the just compensation remains in escrow until the other parties reach a final resolution of all claims to the money.

D. CIVIL RIGHTS CASES

These are cases that are generally filed in the federal courts, under 42 U.S.C. Section 1983. In these cases, the Plaintiffs argue that their civil rights were somehow violated by the City and/or the police officers of the City of Troy.

Maria Elena Hunciag v. Troy- This is an alleged employment discrimination case filed on July 1, 2003. According to the complaint, Ms. Hunciag argues that she was denied the position of Troy Museum Curator due to alleged age, gender, and/or national origin discrimination. A Motion for Summary Judgment was filed with the Court, and the parties are waiting for the Court to schedule a hearing on the motion. **On January 12, 2005, Judge Victoria Roberts granted the Motion for Summary Judgment and dismissed all federal claims. Ms. Hunciag had also asserted some state law claims, which the Judge dismissed on jurisdictional grounds. The Court's dismissal of the state law claims allows Plaintiff to file a new complaint in the Oakland County Circuit Court, where the state law claims could still be adjudicated.**

E. PERSONAL INJURY AND DAMAGE CASES

These are cases in which the Plaintiff claims that the City or City employees were negligent in some manner that caused injuries and/or property damage. The City enjoys governmental immunity from ordinary negligence, unless the case falls within one of four exceptions to governmental immunity: a) defective highway exception, which includes sidewalks and road way claims; b) public building exception, which imposes liability only when injuries are caused by a defect in a public building; c) motor vehicle exception, which imposes liability when an employee is negligent when operating their vehicle; d) proprietary exception, where liability is imposed when an activity is conducted primarily to create a profit, and the activity somehow causes injury or damage to another; e) trespass nuisance exception, which imposes liability for the flooding cases.

1. Nancy Cook v. Troy and Makowski- The City was served with this lawsuit on 2/21/04. According to the complaint, Ms. Cook sustained a fall on the sidewalk at 561 Burtman Street, the home owned by co-defendant, Ronald Makowski. This fall allegedly occurred on 10/18/03. The complaint alleges that the City is liable for her injuries under the defective highway exception

to governmental immunity. The complaint alleges that the sidewalk was not kept in reasonable repair. The case was evaluated in September 2004 by an Oakland Circuit Court panel in the amount of $35,000, which the City has rejected. The Court ordered the case into non-binding facilitation to encourage settlement, which failed to resolve the case. **By order dated 2/10/05, the Oakland Circuit Court Judge Michael Warren granted the City's Motion for Summary Disposition. An order closing the case was entered by the Court on 3/1/05.**

2. Doris and Morris Story v. Troy– The City was served with this lawsuit on 2/24/04. On the morning of 5/27/03, Doris Story, a California resident, was walking on the sidewalk in front of the residence at 5737 Patterson Drive. According to the complaint, she "tripped on an uneven and dangerous buckle in the defective sidewalk." Her injuries from the fall include a fractured right wrist and arm, in addition to pain, limited range of motion, swelling, and scarring from surgery. Morris Story has asserted a claim for loss of consortium. **The case was ordered into facilitation by Judge Chabot, which occurred on 3/3/05 and failed to resolve the matter. A jury trial has been scheduled for 5/12/05.**

4. Estate of Leslie McPherson v. Troy - This case was filed against the City on behalf of the Estate of Leslie McPherson by Trudy McPherson as Personal Representative. The lawsuit is based on a sewer back up that occurred in August 2002 and is brought under the newly revised statutory exception to governmental immunity, MCL 691.1416, *et seq.* Plaintiff's alleged damages include claims of structural damage and diminution in value of the property, plus the costs of sanitizing and cleaning the home. Additionally, plaintiff claims Leslie McPherson's exposure to the backed up sewage resulted in his death. **The case has been settled for a nominal sum. An order of dismissal will be entered after Plaintiff signs a release and receives a settlement check.**

F. MISCELLANEOUS CASES

1. Catherine Norris and Kathleen Livingway v. City of Troy – This lawsuit is identical to lawsuits filed in 12 other communities in the State of Michigan. The complaint asserts that the revenue paid by cable television companies, pursuant to franchise agreements, constitutes an impermissible tax that is prohibited by the Headlee Amendment**.** A motion for summary disposition, in addition to a motion for class certification, was scheduled for 4/21/04. Plaintiffs have filed appeals in several of the lawsuits against some of the other twelve communities in the Michigan Court of Appeals. As a result, Troy's case is stayed until these appeals are concluded. The briefs on appeal have been filed.

2. Kent Fehribach v. City of Troy – In this lawsuit, there are two challenges to the City's political sign ordinance. Plaintiff is challenging the restriction of placing

political signs in residential areas more than 30 days prior to an election and the two sign per residence limit. Plaintiff filed a motion for a temporary restraining order, which was heard in Judge Gadola's absence by Judge Steeh. Judge Steeh temporarily restrained the City from enforcing the two provisions against the plaintiff until Judge Gadola entered a subsequent order. An Opinion and Order Granting Preliminary Injunction was entered on 10/18/04. **The City has filed its answer and affirmative defenses. Meanwhile, amendment of the sign ordinance is underway.**

3. RWT Building, LLC v Troy – The lawsuit was filed to amend the 1924 recorded plat for the Crestwood Site Condominium development, which was recently approved by City Council. The property cannot be developed in accordance with the original plat, since the lot sizes would not meet current City standards. **On 1/21/05, the Court entered a stipulated *Order Vacating a Portion of Crestfield Subdivision*. This matter is now closed.**

4. Sunset Excavating, Inc. v MDOT - Sunset has indirectly sued the City of Troy for an alleged change order in the Big Beaver Road Project (from I-75 to Rochester Road). Sunset argues that the unexpected requirement to remove some of the existing soil and replace it with a finer grade of soil justifies an additional $190,000 in compensation. Since the Project was partially financed with federal funds, MDOT was required to serve as the coordinator of the project, and therefore signed the contract with Sunset Excavating, Inc. As the contracting party, MDOT is actually the named defendant in this lawsuit, even though it is the City of Troy that assumes all liability for the Project. **Discovery is on-going.**

G. CRIMINAL CASE APPEALS

1. People v. Douglas Cochran – Mr. Cochran was found responsible for a prohibited left turn at a formal hearing (a civil infraction action). He filed an appeal of this action with the Oakland County Circuit Court. He argues that he was justified in committing the civil infraction offense, due to alleged improper signage and a failure to warn at an on-going road construction project. When Mr. Cochran did not timely file his appeal brief, the court scheduled a show cause hearing. At that hearing, the court granted Mr. Cochran an extension of time to file his brief. Again, he failed to timely submit his brief. **On March 23, 2005, the Court entered an order, dismissing this appeal.**

2. People v. Vincent Ankawi – Mr. Ankawi was found guilty of Operating While Intoxicated. He has filed an appeal of his conviction with the Oakland County Court. **Appeal briefs have been filed and oral argument has been scheduled for 4/13/05.**

If you have any questions concerning these cases, please let us know.

J-02g

April 12, 2005

TO: John Szerlag, City Manager

FROM: John M. Lamerato, Assistant City Manager-Finance and Administration

SUBJECT: Agenda Item - March 31, 2005 Quarterly Financial Report

Please find attached the Quarterly Financial Report for the Nine Months Ended March 31, 2005.

If you have any questions, please feel free to call.

JML/bt\my documents\lamerato\2005\Quarterly Financial Report – March 2005

CITY OF TROY

QUARTERLY FINANCIAL REPORT

FOR THE NINE MONTHS ENDED MARCH 31, 2005

- QUARTER END HIGHLIGHTS
- STATEMENT OF REVENUES AND EXPENDITURES - BUDGET AND ACTUAL
- INVESTMENT LISTING (TYPE, LOCATION, RATE, MATURITY DATE)
- BANK BALANCES (LOCATION, FUND, BALANCE)

QUARTER END HIGHLIGHTS
(MARCH 31, 2005)

GENERAL FUND

- REVENUE AND EXPENDITURES IN TOTAL APPEAR IN LINE WITH BUDGET ESTIMATES
- STATE SHARED REVENUE RECEIPTS ARE $240,000 LESS THAN LAST YEAR FOR THE SAME PERIOD. STATE IS PROJECTING $6.9 MILLION VS $6.5 BUDGETED
- INVESTMENT INCOME HAS PICKED UP WITH THE INCREASE IN INTEREST RATES AND IS PROJECTED TO COME IN AT OR ABOVE BUDGET
- BUILDING PERMT ACTIVITY IS DOWN $52,000 COMPARED TO LAST YEAR, BUT REMAINS IN LINE WITH BUDGET

SYLVAN GLEN GOLF COURSE

REVENUES ARE DOWN $17,000 AND EXPENSES ARE DOWN $99,000 COMPARED TO LAST YEAR

AQUATIC CENTER

REVENUES WERE UP $27,000 WHILE EXPENSES ARE UP $ 8,700 COMPARED TO LAST YEAR

DEPARTMENT HIGHLIGHTS

- PASSPORT ACTIVITY(JULY THRU MARCH)– 691 TRANSACTIONS; 188 PHOTOS GENERATING $22,610 IN REVENUE.
- NEW RESIDENT PACKET DISTRIBUTION JULY – MARCH – 836
  BREAKDOWN:

OUT OF COUNTRY	26
OUT OF STATE	63
TROY TO TROY	240
IN STATE	449
REALTORS	58

CITY OF TROY

MONTHLY FINANCIAL REPORT

31-Mar-05

CITY OF TROY
Monthly Financial Report
General Fund
For the Period Ending March 31, 2005

CITY OF TROY GENERAL FUND

Description	Last Year Actual	2004-05 Budget	Current Month	Year To Date	%
GENERAL FUND REVENUES					
TAXES	30,985,388	31,996,690	237	32,484,199	101.52
BUSINESS LICENSES & PERMITS	39,557	37,000	2,508	33,115	89.50
NON-BUS. LICENSES & PERMITS	1,610,428	1,480,000	158,682	1,111,012	75.07
FEDERAL GRANTS	100,354	22,000	17,433	25,958	117.99
STATE AGENCIES	7,295,363	6,645,000	1,270,929	5,060,038	76.15
CONTRIBUTIONS-LOCAL	162,365	135,000	0	53,259	39.45
CHARGES FOR SERVICES - FEES	1,209,542	1,156,600	40,303	617,484	53.39
CHARGES FOR SERVICES - REND.	1,600,633	1,677,500	194,629	869,147	51.81
CHARGES FOR SERVICES - SALES	305,582	147,000	30,173	110,777	75.36
CHARGES FOR SERVICES - REC	2,857,298	2,742,500	560,926	2,536,884	92.50
FINES & FORFEITS	960,250	975,000	71,975	659,283	67.62
INTEREST AND RENTS	865,998	954,000	216,740	797,750	83.62
OTHER REVENUE	439,460	450,110	109,754	363,257	80.70
OTHER FINANCING SOURCES	9,434,778	10,654,450	1,884,505	8,752,945	82.15
TOTAL GENERAL FUND REVENUE	57,866,996	59,072,850	4,558,794	53,475,108	90.52
EXPENDITURES					
LEGISLATIVE	1,926,046	2,025,620	195,407	1,471,685	72.65
FINANCE	4,331,477	4,840,690	408,692	3,334,908	68.89
OTHER GEN GOVERNMENT	2,471,227	2,619,120	303,862	1,886,919	72.04
POLICE	20,543,113	22,059,220	1,614,517	15,710,226	71.22
FIRE	3,732,506	3,899,000	272,251	3,078,395	78.95
BUILDING INSPECTION	1,926,514	2,075,770	147,339	1,419,907	68.40
STREETS	4,678,297	5,412,320	446,143	3,837,950	70.91
ENGINEERING	2,766,755	3,013,880	202,227	2,030,691	67.38
RECREATION	7,797,872	8,208,820	694,399	5,940,943	72.37
LIBRARY	4,547,589	4,908,410	505,547	3,403,035	69.33
TRANSFERS OUT	678,000	10,000	0	10,000	100.00
TOTAL GEN FUND EXPENDITURES	55,399,396	59,072,850	4,790,384	42,124,659	71.31

For the Period Ending March 31, 2005

REFUSE FUND

Description	Last Year Actual	2004-05 Budget	Current Month	Year To Date	%
REVENUES					
TAXES	3,886,715	3,967,000	0	4,057,657	102.29
CHARGES FOR SERVICES - REND.	152,700	0	0	0	.00
CHARGES FOR SERVICES - SALES	1,348	1,000	127	1,066	106.60
INTEREST AND RENTS	38,942	40,000	6,995	53,747	134.37
OTHER FINANCING SOURCES	455,230	451,180	0	451,180	100.00
TOTAL REVENUE	4,534,935	4,459,180	7,122	4,563,650	102.34
EXPENDITURES					
CONTRACTORS SERVICE	4,300,686	4,280,000	255,656	2,830,811	66.14
OTHER REFUSE EXPENSE	34,903	51,180	8,838	25,198	49.23
RECYCLING	96,612	128,000	9,156	91,506	71.49
TOTAL EXPENDITURES	4,432,201	4,459,180	273,650	2,947,515	66.10

For the Period Ending March 31, 2005

CAPITAL FUND

Description	Last Year Actual	2004-05 Budget	Current Month	Year To Date	%
REVENUES					
TAXES	7,586,118	8,938,000	0	9,141,951	102.28
FEDERAL GRANTS	1,965	0	0	4,493	.00
STATE AGENCIES	3,016,325	4,267,750	0	178,352	4.18
CHARGES FOR SERVICES - REND.	1,611,639	140,000	13,479	61,620	44.01
INTEREST AND RENTS	339,025	325,000	71,238	443,507	136.46
OTHER REVENUE	680,280	0	0	11,971	.00
OTHER FINANCING SOURCES	14,608,910	21,388,850	437,500	13,901,280	64.99
TOTAL REVENUE	27,844,262	35,059,600	522,217	23,743,174	67.72
EXPENDITURES					
FINANCE	9,827	145,000	3,391	25,243	17.41
OTHER GEN GOVERNMENT	4,830,407	3,731,250	701,744	2,505,155	67.14
POLICE	184,126	674,720	19,766	106,193	15.74
FIRE	50,298	447,500	0	26,972	6.03
BUILDING INSPECTION	56,212	20,000	0	1,539	7.70
STREETS	9,396,123	21,364,840	362,749	5,362,019	25.10
ENGINEERING	21,604	42,520	6,605	8,331	19.59
RECREATION	2,403,981	4,698,450	275,658	1,399,644	29.79
LIBRARY	213,622	381,390	19,728	24,611	6.45
MUSEUM	1,460,743	477,010	55,113	215,180	45.11
STORM DRAINS & RET PONDS	644,502	1,863,650	167,865	888,633	47.68
INFORMATION TECHNOLOGY	93,214	1,213,270	0	45,150	3.72
TOTAL EXPENDITURES	19,364,659	35,059,600	1,612,619	10,608,670	30.26

For the Period Ending March 31, 2005

SANCTUARY LK GOLF COURSE FUND

Description	Last Year Actual	2004-05 Budget	Current Month	Year To Date	%
REVENUES					
CHARGES FOR SERVICES - SALES	2,164	50,000	113	21,106	42.21
CHARGES FOR SERVICES - REC	78,976	1,675,400	9,905	532,585	31.79
INTEREST AND RENTS	79	61,000	0	300	.49
OTHER REVENUE	51	0	0	5	.00
OTHER FINANCING SOURCES	0	0	0	0	.00
TOTAL REVENUE	81,270	1,786,400	10,018	553,996	31.01
EXPENDITURES					
SANCTUARY LAKE GREENS	2,501	752,160	37,387	544,368	72.37
SANCTUARY LAKE PRO SHOP	44,575	876,260	11,581	462,719	52.81
SANCTUARY LAKE CAPITAL	0	88,500	0	0	.00
TOTAL EXPENDITURES	47,076	1,716,920	48,968	1,007,087	58.66

For the Period Ending March 31, 2005

SYLVAN GLEN GOLF COURSE FUND

Description	Last Year Actual	2004-05 Budget	Current Month	Year To Date	%
REVENUES					
CHARGES FOR SERVICES - SALES	44,907	50,000	199	20,955	41.91
CHARGES FOR SERVICES - REC	1,102,938	1,214,410	11,762	614,453	50.60
INTEREST AND RENTS	117,318	85,000	11,587	105,456	124.07
OTHER REVENUE	292	0	0	369-	.00
OTHER FINANCING SOURCES	11,530	185,520	0	185,520	100.00
TOTAL REVENUE	1,276,985	1,534,930	23,548	926,015	60.33
EXPENDITURES					
SYLVAN GLEN GREENS	822,466	899,600	48,407	507,546	56.42
SYLVAN GLEN PRO SHOP	364,887	316,330	22,340	200,112	63.26
SYLVAN GLEN CAPITAL	146,550	319,000	0	57,963	18.17
TOTAL EXPENDITURES	1,333,903	1,534,930	70,747	765,621	49.88

For the Period Ending March 31, 2005

AQUATIC CENTER FUND

Description	Last Year Actual	2004-05 Budget	Current Month	Year To Date	%
REVENUES					
CHARGES FOR SERVICES - REC	344,233	420,000	890	151,571	36.09
INTEREST AND RENTS	26,053	28,300	8,160	20,283	71.67
OTHER REVENUE	30-	0	0	40-	.00
TOTAL REVENUE	370,256	448,300	9,050	171,814	38.33
EXPENDITURES					
AQUATIC CENTER	541,886	595,460	24,164	349,701	58.73
CAPITAL	17,399	50,000	13,485	13,485	26.97
TOTAL EXPENDITURES	559,285	645,460	37,649	363,186	56.27

CITY OF TROY
Monthly Financial Report
Sewer Fund
For the Period Ending March 31, 2005

SEWER FUND

Description	Last Year Actual	2004-05 Budget	Current Month	Year To Date	%
REVENUES					
CHARGES FOR SERVICES - FEES	202,124	200,000	14,636	145,757	72.88
CHARGES FOR SERVICES - REND	9,710,263	9,870,000	551,831	5,298,417	53.68
INTEREST AND RENTS	208,707	210,000	49,841	279,925	133.30
OTHER REVENUE	0	0	0	0	.00
TOTAL REVENUE	10,121,094	10,280,000	616,308	5,724,099	55.68
EXPENDITURES					
ADMINISTRATION	8,640,930	8,324,640	589,276	5,703,939	68.52
MAINTENANCE	1,527,109	1,484,540	247,000	1,088,689	73.34
CAPITAL	507,522	2,294,600	719	44,122	1.92
TOTAL EXPENDITURES	10,675,561	12,103,780	836,995	6,836,750	56.48

CITY OF TROY
Monthly Financial Report
Water Fund
For the Period Ending March 31, 2005

WATER FUND

Description	Last Year Actual	2004-05 Budget	Current Month	Year To Date	%
REVENUES					
CHARGES FOR SERVICES - FEES	1,068,683	850,000	105,125	778,979	91.64
CHARGES FOR SERVICES - SALES	9,967,814	12,301,000	685,527	6,987,881	56.81
INTEREST AND RENTS	314,382	296,000	56,363	332,719	112.41
OTHER REVENUE	0	0	30	30	.00
TOTAL REVENUE	11,350,879	13,447,000	847,045	8,099,609	60.23
EXPENDITURES					
ADMINISTRATION	8,818,627	11,083,430	1,329,446	7,712,228	69.58
TRANS AND DISTRIBUTION	210,016	206,340	35,770	109,138	52.89
CUSTOMER INSTALLATION	32,750	108,570	5,282	49,664	45.74
CONTRACTORS SERVICE	172,722	210,650	7,415	123,037	58.41
MAIN TESTING	69,635	196,130	2,938	35,282	17.99
MAINTENANCE OF MAINS	298,021	354,570	17,023	232,785	65.65
MAINTENANCE OF SERVICES	203,269	201,510	6,222	123,337	61.21
MAINTENANCE OF METERS	231,710	220,410	49,093	192,690	87.42
MAINTENANCE OF HYDRANTS	250,020	339,420	9,888	185,732	54.72
METERS AND TAP-INS	263,186	339,560	4,198	133,282	39.25
WATER METER READING	79,236	86,630	57,191-	62,879	72.58
ACCOUNTING AND COLLECTING	53,133	54,030	41,075-	53,798	99.57
CAPITAL	2,042,382	5,534,400	239,920	2,040,107	36.86
TOTAL EXPENDITURES	12,724,707	18,935,650	1,608,929	11,053,959	58.38

For the Period Ending March 31, 2005

MOTOR POOL FUND

Description	Last Year Actual	2004-05 Budget	Current Month	Year To Date	%
REVENUES					
CHARGES FOR SERVICES - REND	0	5,000	0	0	.00
INTEREST AND RENTS	3,537,634	3,635,000	292,681	2,814,567	77.43
OTHER REVENUE	330,513	142,800	30,181	212,322	148.68
OTHER FINANCING SOURCES	1,422,810	2,074,680	0	0	.00
TOTAL REVENUE	5,290,957	5,857,480	322,862	3,026,889	51.68
EXPENDITURES					
ADMINISTRATION	468,897	519,080	44,499	367,968	70.89
OPERATION AND MAINTENANCE	2,874,935	3,095,630	278,441	2,158,880	69.74
DPW FACILITY MAINTENANCE	318,617	365,200	10,542	233,943	64.06
CAPITAL	630,232	1,877,570	0	463,583	24.69
TOTAL EXPENDITURES	4,292,681	5,857,480	333,482	3,224,374	55.05

BANK ACCOUNTS
3/31/2005

BANK	FUND	POOLED INVESTMENT BALANCE
Fifth Third	General	5,676,455.04
Fifth Third	Trust & Agency	870,538.49
Fifth Third	Investment-MM	329,831.17
TOTAL		6,876,824.70

Fund	Mat Yr.	Mat Mo.	Mat Day	Type	Loc	Pur Yr.	Pur Mo.	Pur Day	Rate	Name	Face	Accrue 6/30	Book
112	2005	4	1	7	FLAGSTAR	2004	12	10	2.600	CD	2,018,498		2,018,498.28
	2005	4	6	8	NAT CITY	2004	12	30	2.250	FNMA	1,000,000		993,937.50
	2005	4	7	9	ML	2005	1	27	2.320	TBILL	2,264,000		2,253,954.13
	2005	4	8	7	FLAGSTAR	2004	12	10	2.600	CD	2,010,162		2,010,161.67
	2005	4	8	7	FLAGSTAR	2005	2	3	2.910	CD	2,017,423		2,017,423.19
	2005	4	14	9	ML	2005	2	3	2.340	TBILL	2,030,000		2,020,901.66
	2005	4	15	7	FLAGSTAR	2004	12	17	2.650	CD	2,037,866		2,037,865.55
	2005	4	15	7	FLAGSTAR	2005	2	4	2.910	CD	2,013,751		2,013,751.11
	2005	4	15	7	FLAGSTAR	2005	2	11	2.940	CD	2,014,611		2,014,610.56
	2005	4	18	7	CITIZENS	2005	2	17	2.700	CD	1,002,042		1,002,041.67
	2005	4	21	9	ML	2005	2	10	2.430	TBILL	3,131,000		3,116,449.55
	2005	4	22	7	FLAGSTAR	2004	12	17	2.650	CD	2,010,943		2,010,943.33
	2005	4	22	7	REPUBLIC	2005	2	18	2.700	CD	1,052,600		1,052,599.80
	2005	4	22	7	HUNT BANK	2005	2	18	2.770	CD	2,019,081		2,019,081.36
	2005	4	22	7	FLAGSTAR	2005	2	18	2.960	CD	2,080,757		2,080,786.99
	2005	4	28	9	ML	2005	2	17	2.480	TBILL	2,161,000		2,150,768.27
	2005	4	28	7	FITB	2005	2	25	2.660	CD	2,014,408		2,014,408.33
	2005	4	28	7	STAND FED	2005	3	28	2.000	CD	4,755,426		4,755,425.56
	2005	4	29	7	HUNT BANK	2005	1	7	2.690	CD	2,050,869		2,050,869.20
	2005	4	29	7	FLAGSTAR	2005	2	18	2.960	CD	2,031,678		2,031,677.73
	2005	5	5	9	ML	2005	2	24	2.580	TBILL	2,207,000		2,196,121.32
	2005	5	6	7	FLAGSTAR	2005	1	7	2.720	CD	2,052,675		2,052,674.74
	2005	5	6	7	REPUBLIC	2005	3	4	2.700	CD	2,044,522		2,044,521.81
	2005	5	6	7	FITB	2005	3	4	2.710	CD	2,016,167		2,016,167.00
	2005	5	6	7	FITB	2005	3	7	2.730	CD	4,059,555		4,059,554.74
	2005	5	12	9	ML	2005	3	3	2.640	TBILL	2,553,000		2,540,127.93
	2005	5	13	7	TCF	2005	3	8	2.850	CD	1,000,000		1,000,000.00
	2005	5	13	7	FLAGSTAR	2005	3	11	3.110	CD	3,084,840		3,084,839.61
	2005	5	19	9	ML	2005	3	11	2.670	TBILL	3,737,000		3,718,198.22
	2005	5	20	7	FLAGSTAR	2005	3	18	3.180	CD	1,018,050		1,018,050.10
	2005	5	20	7	FLAGSTAR	2005	3	25	3.100	CD	2,052,960		2,052,959.60
	2005	5	26	9	ML	2005	3	18	2.710	TBILL	2,132,000		2,121,105.84
	2005	5	27	7	FLAGSTAR	2005	3	25	3.220	CD	3,075,227		3,075,227.42
	2005	6	2	9	ML	2005	3	24	2.730	TBILL	3,014,000		2,998,293.71
	2005	6	3	7	FLAGSTAR	2005	3	25	3.220	CD	2,021,609		2,021,609.49
	2005	6	9	9	ML	2005	3	31	2.710	TBILL	2,538,000		2,524,848.24
	2005	6	10	7	FLAGSTAR	2005	3	25	3.220	CD	2,053,398		2,053,397.55
	2005	6	30	8	FITB	2003	2	27	2.700	MAX SAVER	6,593,496		6,593,495.77
	2005	6	30	8	FITB	2003	5	19	5.000	FHLMC95237	1,000,000		698,331.16
	2005	6	30	8	FITB	2003	7	30	3.600	FHR03 2640	900,000		711,500.72
	2005	6	30	8	FITB	2003	7	30	5.000	FNR03 79WE	1,500,000		37,174.31
	2005	6	30	8	FITB	2004	1	1	1.000	MONEY FUND	328,740		328,739.69
	2005	6	30	8	FITB	2004	1	30	4.250	FHR 2537LA	2,000,000		651,850.63
	2005	6	30	8	FITB	2004	1	30	4.000	FHR 2535LK	3,500,000		3,318,795.31
	2005	6	30	8	FITB	2004	3	25	4.500	FHR 2669DT	700,000		700,000.00
	2005	6	30	8	FITB	2004	7	26	1.200	FNR03 24GA	550,000		362,295.07
	2005	6	30	8	HUNT BANK	2004	8	27	2.580	MM	524,259		524,259.27

7 = CD 8 = Paper 9 = T-Bills

Fund	Mat Yr.	Mat Mo.	Mat Day	Type	Loc	Pur Yr.	Pur Mo.	Pur Day	Rate	Name	Face	Accrue 6/30	Book
112	2005	6	30	8	FITB	2004	9	13	2.500	FHR03 2589	693,000		692,000.00
	2005	6	30	8	FITB	2004	10	7	2.250	FHR 2625QX	800,125		729,621.49
	2005	6	30	8	FITB	2004	10	8	3.000	FHR 2564CN	1,841,000		1,628,004.67
	2005	6	30	8	FITB	2004	10	12	4.000	FHR 2617BG	1,930,000		1,806,165.02
	2005	9	29	8	NATL CITY	2004	3	29	1.500	FHLB	1,000,000		996,180.00
	2005	12	22	8	NATL CITY	2004	3	22	2.030	FHLB	1,025,000		1,025,000.00
	2005	12	31	8	FITB	2004	11	16	3.500	FHLM 2586	500,000		500,000.00
	2005	12	31	8	FITB	2004	11	16	3.500	GNMA 58	670,000		652,002.07
	2006	6	30	8	FITB	2005	1	11	4.000	FNMA 42	1,000,000		996,000.00
	2006	12	30	8	FITB	2005	3	29	3.000	FNMA 27	600,000		575,475.10
	2007	3	16	8	FITB	2005	2	9	3.550	FHLB 3133	1,000,000		984,100.00
	2009	4	23	8	FITB	2003	7	23	2.140	FHLB	1,700,000		1,700,000.00
											TOTAL		108,454,843.04
591	2005	4	1	7	REPUBLIC	2005	1	31	2.550	CD	139,684		139,683.75
	2005	4	4	7	HUNT BANK	2005	1	4	2.610	CD	151,847		151,847.07
	2005	4	28	7	STAND FED	2005	4	28	2.000	CD	2,720,750		2,720,749.68
	2005	6	6	8	NATL CITY	2005	3	4	2.700	FNMA	1,500,000		1,489,307.50
	2005	6	30	7	COMERICA	1997	7	1	2.180	GOV'T POOL	1,859,755		1,859,755.17
	2005	6	30	8	FITB	2004	3	25	1.000	MM	50,590		50,889.77
	2005	6	30	8	FITB	2004	4	14		FHLB	1,000,000		994,062.50
	2006	6	30	8	FITB	2004	2	2	3.750	FNR03 24MN	1,015,000		1,010,000.00
											TOTAL		8,416,295.44
688	2005	6	30	7	BANK ONE	1997	7	1	2.360	GOV'T POOL	1,315,835		1,315,835.58
											TOTAL		1,315,835.58
											TOTAL		118,186,974.06

* * * E N D O F R E P O R T * * *

7 = CD 8 = Paper 9 = T-Bills

TO: John Szerlag, City Manager

FROM: John Lamerato, Asst. City Manager/Finance & Admin.
Cindy Stewart, Community Affairs Director

SUBJECT: AGENDA ITEM – ICMA Survey

DATE: April 13, 2005

Attached is the ICMA Report of Results and the Report of Normative Comparisons for the City of Troy from the National Citizen Survey submitted by the National Research Center, Inc.

Following the mailing of a pre survey notification postcard to a random sample of 1,200 households, surveys were mailed to the same residences approximately one week later. Completed surveys were received from 544 residents, for a response rate of 49%. Typically the response rates obtained on citizen surveys range from 25% to 40%.

It is customary to describe the precision of estimates made from surveys by a "level of confidence" (or margin of error). The 95 percent confidence level for this survey of 1,200 residents is generally no greater than plus or minus 5 percentage points around any given percent reported for the entire sample.

The positives from the survey include 90% of respondents rating the overall quality of life in Troy as "good" or "excellent." The Community Participation questions showed a high percentage of respondents engaging in various activities throughout the community including 81% reporting visiting a park in Troy and 89% reading the *Troy Today* quarterly newsletter.

CS

The National

CITIZEN SURVEY™

2005

Report of Results for the City of Troy, Michigan

DRAFT

City of Troy

Submitted by:

NATIONAL RESEARCH CENTER, INC.
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Febraury 2005

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SURVEY BACKGROUND

ABOUT THE NATIONAL CITIZEN SURVEY™

The National Citizen Survey™ (The NCS™) is a collaborative effort between National Research Center, Inc. (NRC) and the International City/County Management Association (ICMA).

The survey and its administration are standardized to assure high quality survey methods and comparable results across The National Citizen Survey™ jurisdictions. Participating households are selected at random and the household member who responds is selected without bias. Multiple mailings give each household more than one chance to participate with self-addressed and postage paid envelopes. Results are statistically reweighted to reflect the proper demographic composition of the entire community.

The National Citizen Survey™ customized for this jurisdiction was developed in close cooperation with local jurisdiction staff. The City of Troy staff selected items from a menu of questions about services and community problems; they defined the jurisdiction boundaries NRC used for sampling; and they provided the appropriate letterhead and signatures for mailings. City of Troy staff also determined local interest in a variety of add-on options to The National Citizen Survey™ Basic Service.

UNDERSTANDING THE RESULTS

Survey Administration

Following the mailing of a pre-survey notification postcard to a random sample of 1,200 households, surveys were mailed to the same residences approximately one week later. A reminder letter and a new survey were sent to the same households after two weeks. Of the mailed postcards, 88 were undeliverable due to vacant or "not found" addresses. Completed surveys were received from 544 residents, for a response rate of 49%. Typically, the response rates obtained on citizen surveys range from 25% to 40%.

It is customary to describe the precision of estimates made from surveys by a "level of confidence" (or margin of error). The 95 percent confidence level for this survey of 1,200 residents is generally no greater than plus or minus 5 percentage points around any given percent reported for the entire sample.

The results were weighted to reflect the demographic profile of all residents in the City of Troy. (For more information on the survey methodology, see Appendix II. A copy of the survey materials can be found in Appendix III.)

Survey Validity

The question of survey validity has two parts: 1) how can we be confident that the results from our sample are representative of the results we would have gotten had we administered the survey to the entire population? and 2) how closely do the perspectives recorded on the survey reflect what residents really believe or do?

To answer the first question, we use the best survey research practices for the resources spent to assure that the results from the sample reflect the opinions of residents in the entire jurisdiction. These practices include:

1) Using a mail-out/mail-back methodology, which typically gets a higher response rate than phone for the same dollars spent.

2) Selecting households at random within the jurisdiction.

3) Over-sampling attached units to improve response from hard-to-reach, lower income, or younger apartment dwellers.

4) Selecting the respondent within the household using an unbiased sampling procedure[1].

5) Contacting potential respondents three times to encourage response from people who may have different opinions or habits than those who would respond with only a single prompt.

6) Soliciting response on jurisdiction letterhead signed by the highest ranking elected official or staff member.

7) Providing a self-addressed, postage-paid return envelope.

8) Offering the survey in Spanish when appropriate and requested by City officials.

9) Using the most recent available information about the characteristics of jurisdiction residents to reweight the data to reflect the demographics of the population.

The answer to the second question about how closely the perspectives recorded on the survey reflect what residents really believe or do is more complex. Resident responses to surveys are influenced by a variety of factors. For questions about service quality, residents' expectations for service quality play a role as well as the "objective" quality of the service provided, the way the resident perceives the entire community (that is, the context in which the service is provided), the scale on which the resident is asked to record her opinion and, of course, the opinion, itself, that a resident holds about the service. Similarly a resident's report of certain behaviors is colored by what he or she believes is the socially desirable response (e.g. reporting tolerant behaviors toward "oppressed groups," likelihood of voting a tax increase for services to poor people, use of alternative modes of travel to work besides the single occupancy vehicle), her memory of the actual behavior (if it is not a question speculating about future actions, like a vote), her confidence that she can be honest without suffering any

[1] *The birthday method requests that the respondent in the household be the adult (18 years old or older) who most recently had a birthday, irrespective of year of birth.*

negative consequences (thus the need for anonymity) as well as the actual behavior itself.

How closely survey results come to recording the way a person really feels or behaves often is measured by the coincidence of reported behavior with observed current behavior (e.g. driving habits), reported intentions to behave with observed future behavior (e.g. voting choices) or reported opinions about current community quality with objective characteristics of the community (e.g. feelings of safety correlated with rates of crime). There is a body of scientific literature that has investigated the relationship between reported behaviors and actual behaviors. Well-conducted surveys, by and large, do capture true respondent behaviors or intentions to act with great accuracy. Predictions of voting outcomes tend to be quite accurate using survey research, as do reported behaviors that are not about highly sensitive issues (e.g. family abuse or other illegal or morally sanctioned activities). For self-reports about highly sensitive issues, statistical adjustments can be made to correct for the respondents' tendency to report what they think the "correct" response should be.

Research on the correlation of resident opinion about service quality and "objective" ratings of service quality tend to be ambiguous, some showing stronger relationships than others. NRC's own research has demonstrated that residents who report the lowest ratings of street repair live in communities with objectively worse street conditions than those who report high ratings of street repair (based on road quality, delay in street repair, number of road repair employees). Similarly, the lowest rated fire services appear to be "objectively" worse than the highest rated fire services (expenditures per capita, response time, "professional" status of fire fighters, breadth of services and training provided). Whether some research confirms or disconfirms that relationship between what residents think about a community and what can be seen "objectively" in a community, we have argued that resident opinion is a perspective that cannot be ignored by government administrators. Elsewhere we have written, "If you collect trash three times a day but residents think that your trash haul is lousy, you still have a problem."

Use of the "Excellent, Good, Fair, Poor" Response Scale

The scale on which respondents are asked to record their opinions about service and community quality is "excellent," "good," "fair" or "poor" (EGFP). This scale has important advantages over other scale possibilities (very good to very bad; very satisfied to very dissatisfied; strongly agree to strongly disagree, as examples). EGFP is used by the plurality of jurisdictions conducting citizen surveys across the U.S. The advantage of familiarity is one we did not want to dismiss because elected officials, staff and residents already are acquainted with opinion surveys measured this way. EGFP also has the advantage of offering three positive options, rather than only two, over which a resident can offer an opinion. While symmetrical scales often are the right choice in other measurement tasks, we have found that ratings of almost every local government service in almost every jurisdiction tend, on average, to be positive (that is, above the scale midpoint). Therefore, to permit finer distinctions among positively rated services, EGFP offers three options across which to spread those ratings. EGFP is more neutral because it requires no positive statement of service quality to judge (as agree-disagree scales require) and, finally, EGFP intends to measure absolute quality of service delivery or community quality (unlike satisfaction scales which ignore residents' perceptions of quality in favor of their report on the acceptability of the level of service offered).

"Don't Know" Responses

On many of the questions in the survey respondents may answer "don't know." The proportion of respondents giving this reply is shown in the full set of responses included in Appendix I. However, these responses have been removed from the analyses presented in the body of the report. In other words, the tables and graphs display the responses from respondents who had an opinion about a specific item.

For two of the items related to crime victimization and crime reporting, "don't know" responses were not removed. These questions were not evaluative; rather, respondents were asked if they or any member of their household had been a victim of a crime within the last year. If they were, they were then asked whether the crime had been reported to police.

Putting Evaluations Onto a 100-Point Scale

Although responses to many of the evaluative questions were made on a 4 point scale with 4 representing the best rating and 1 the worst, many of the results in this summary are reported on a common scale where 0 is the worst possible rating and 100 is the best possible rating. If everyone reported "excellent," then the result would be 100 on the 100-point scale. Likewise, if all respondents gave a "poor" rating, the result would be 0 on the 100-point scale. If the average rating for quality of life was "good," then the result would be 67 on a 100-point scale; "fair" would be 33 on the 100-point scale. The 95 percent confidence interval around an average score on the 100-point scale is no greater than plus or minus 5 points based on all respondents.

COMMUNITY LIFE

The National Citizen Survey™ contained many questions related to the life of residents in the community. Survey participants were asked to rate their overall quality of life, as well as other aspects of quality of life in Troy. They also evaluated characteristics of the community, and gave their perceptions of safety in the City of Troy. The questionnaire assessed use of the amenities of the community and involvement by respondents in the civic and economic life of Troy.

QUALITY OF LIFE

When asked to rate the overall quality of life in Troy, 35% of respondents thought it was "excellent." Only 1% rated overall quality of life as "poor." All of the responses of residents who had an opinion about the overall quality of life in Troy are shown in Figure 1 below. Other ratings can be seen in the figures on the following page.

Figure 1: Overall Quality of Life in Troy

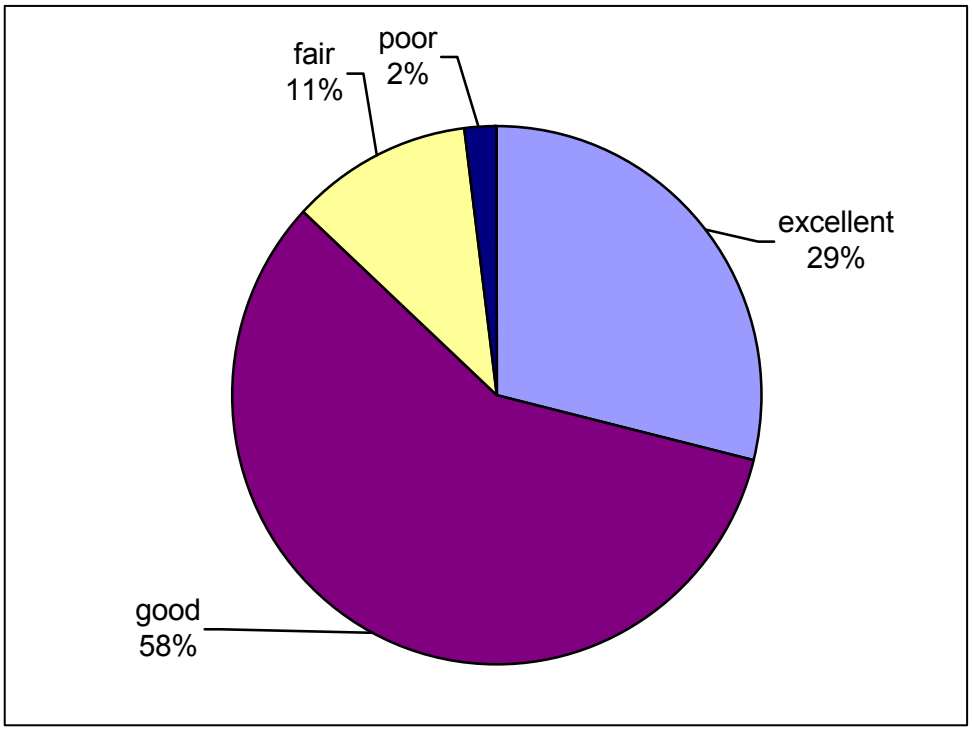


Figure 2: Quality of Life Ratings

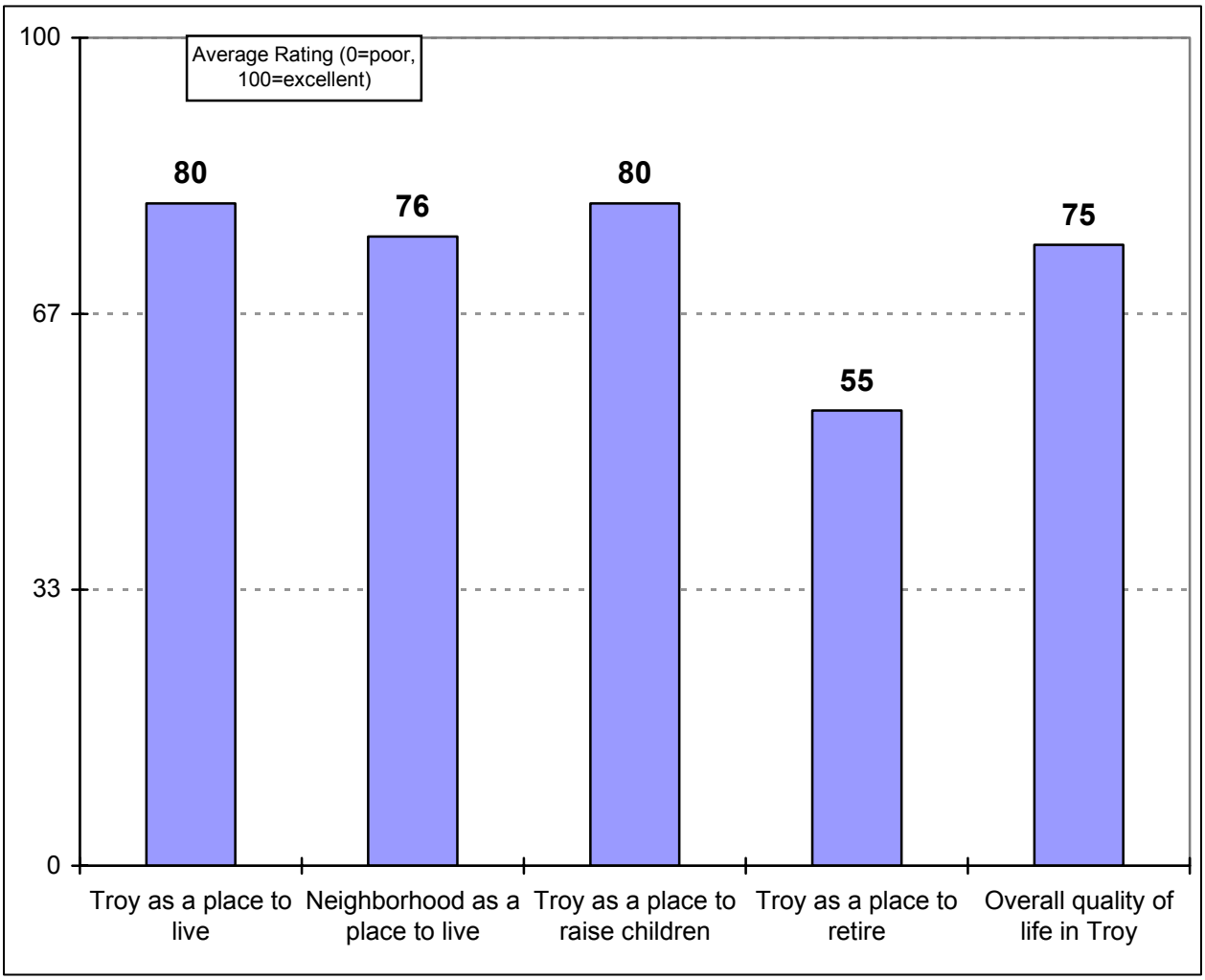


Figure 2b: Quality of Life Ratings				
	excellent	**good**	**fair**	**poor**
How do you rate Troy as a place to live?	46%	49%	5%	0%
How do you rate your neighborhood as a place to live?	40%	50%	9%	1%
How do you rate Troy as a place to raise children?	46%	47%	6%	1%
How do you rate Troy as a place to retire?	20%	39%	27%	13%
How do you rate the overall quality of life in Troy?	35%	55%	9%	1%
Note: "Don't Know" responses are removed				

RATINGS OF COMMUNITY CHARACTERISTICS IN TROY

The highest rated characteristics of Troy were shopping opportunities, recreational opportunities, openness and acceptance and overall appearance of Troy. When asked about potential problems in Troy, the three concerns rated by the highest proportion of respondents as a "major problem" were traffic congestion, taxes, and too much growth. The rate of population growth in Troy was viewed as "too fast" by 53% of respondents, while 1% thought it was "too slow."

Figure 3: Characteristics of the Community: General and Opportunities

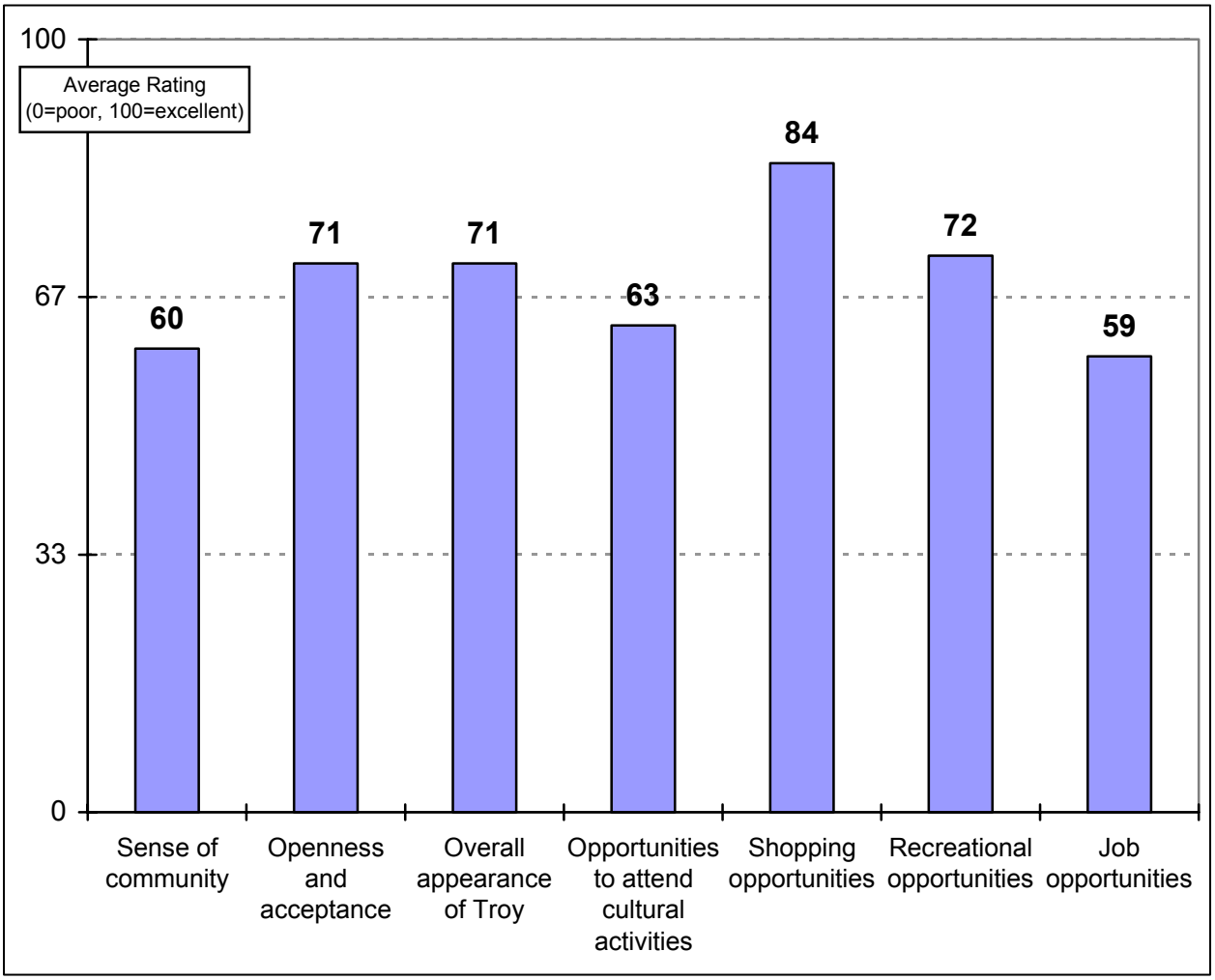


Figure 3b: Characteristics of the Community: General and Opportunities				
	excellent	**good**	**fair**	**poor**
Sense of community	17%	52%	24%	7%
Openness and acceptance of the community towards people of diverse backgrounds	32%	52%	13%	2%
Overall appearance of Troy	26%	62%	11%	1%
Opportunities to attend cultural activities	22%	49%	24%	5%
Shopping opportunities	59%	35%	5%	1%
Recreational opportunities	36%	45%	16%	2%
Job opportunities	18%	48%	27%	7%
Note: "Don't Know" responses are removed				

Figure 4: Characteristics of the Community: Access

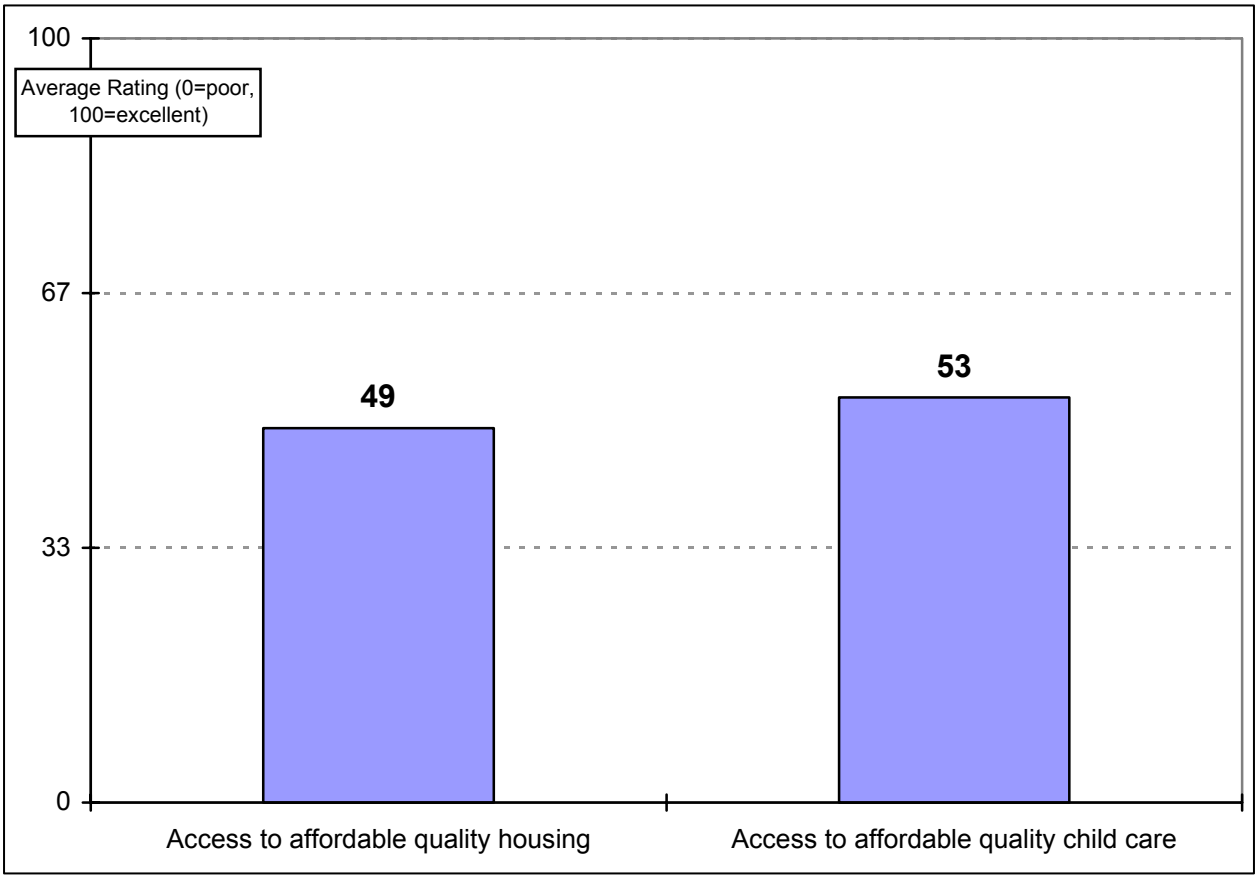


Figure 4b: Characteristics of the Community: Access				
	excellent	**good**	**fair**	**poor**
Access to affordable quality housing	8%	47%	31%	14%
Access to affordable quality child care	7%	53%	31%	9%
Note: "Don't Know" responses are removed				

Figure 5: Characteristics of the Community: Mobility

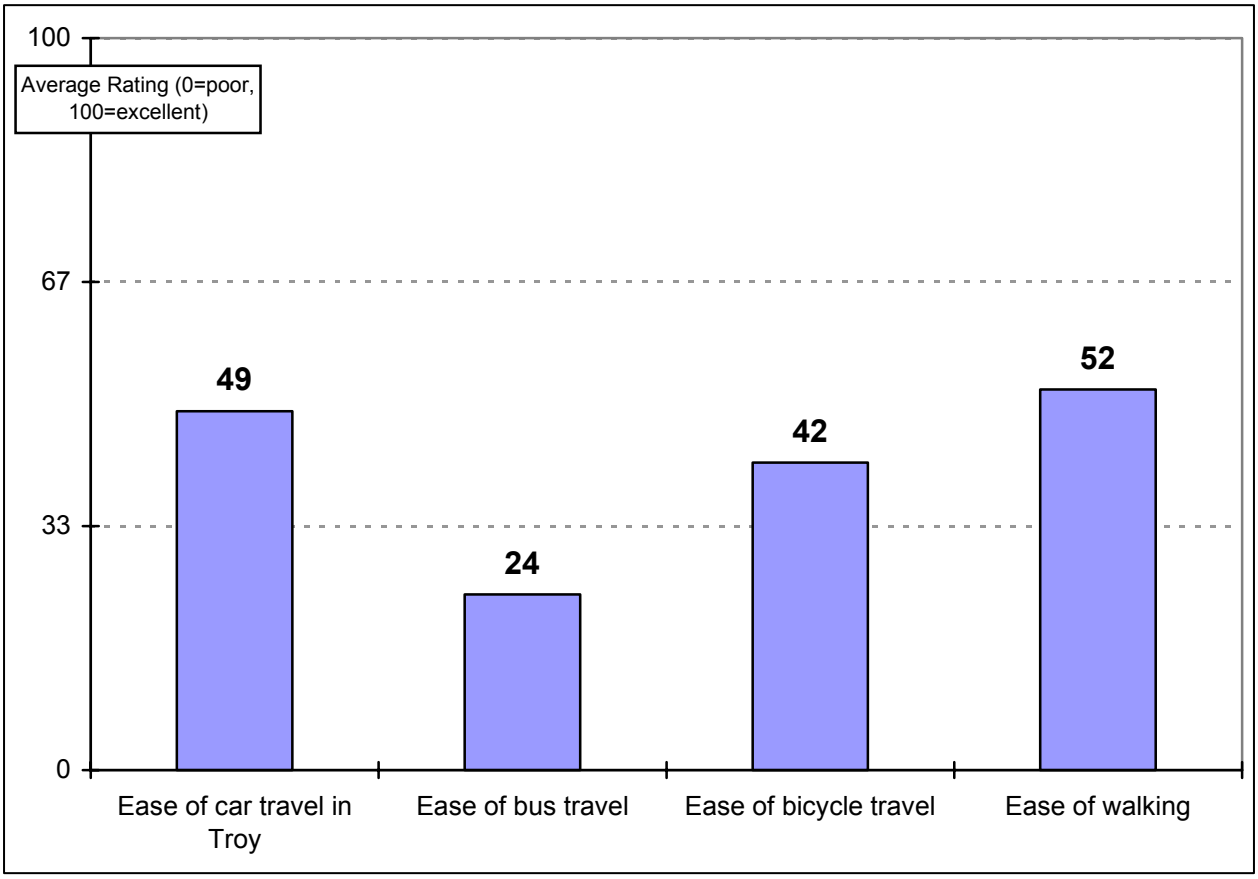


Figure 5b: Characteristics of the Community: Mobility				
	excellent	**good**	**fair**	**poor**
Ease of car travel in Troy	11%	42%	31%	16%
Ease of bus travel in Troy	5%	15%	27%	54%
Ease of bicycle travel in Troy	6%	36%	35%	22%
Ease of walking in Troy	13%	46%	26%	15%
Note: "Don't Know" responses are removed				

Figure 6: Ratings of Potential Problems in Troy

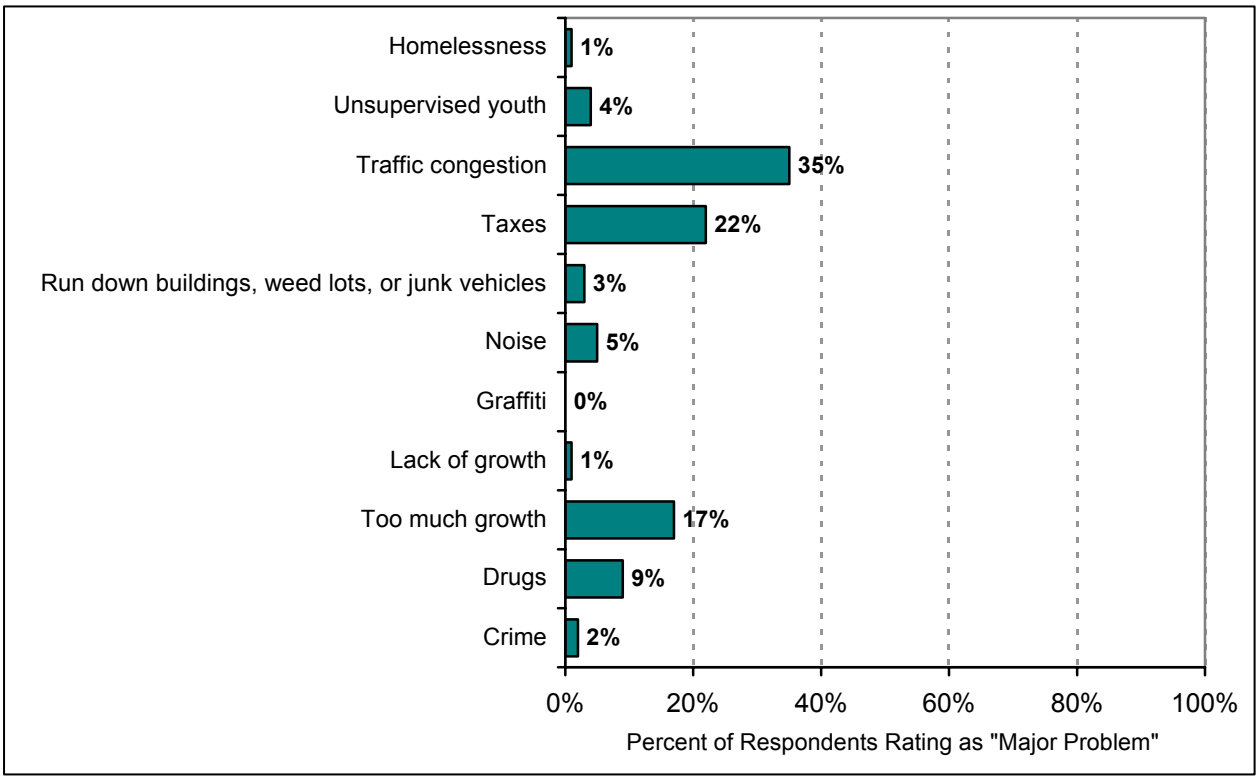
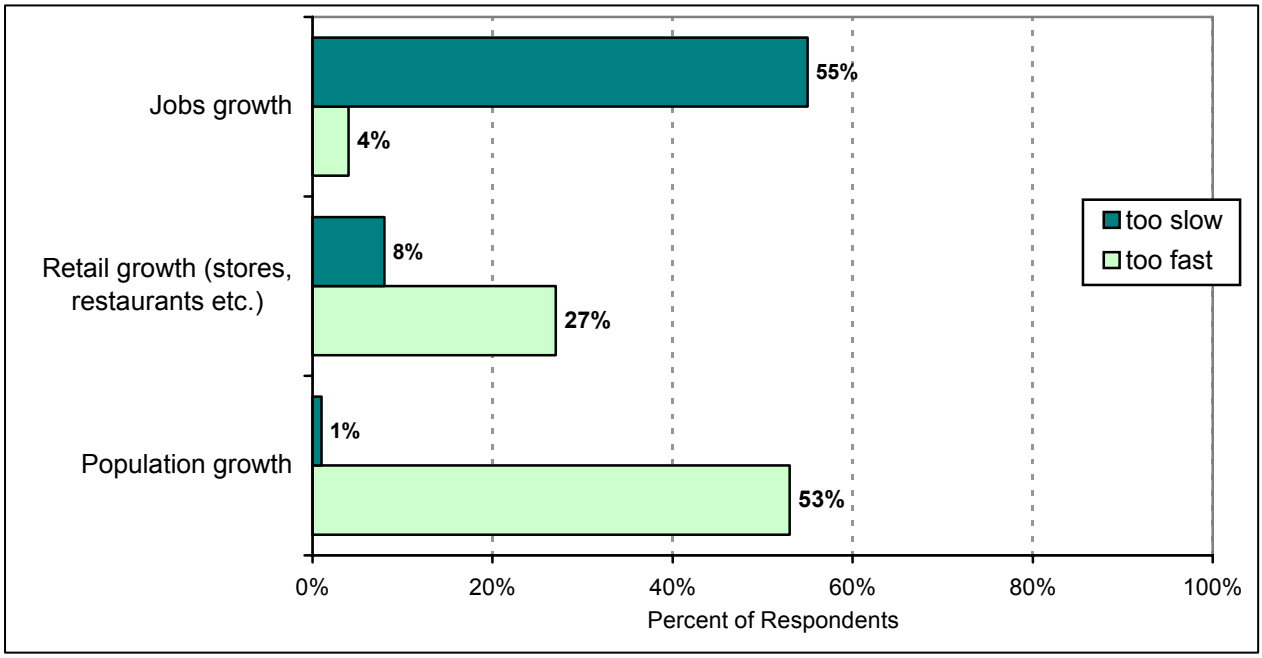


Figure 7: Ratings of Rates of Growth in Troy

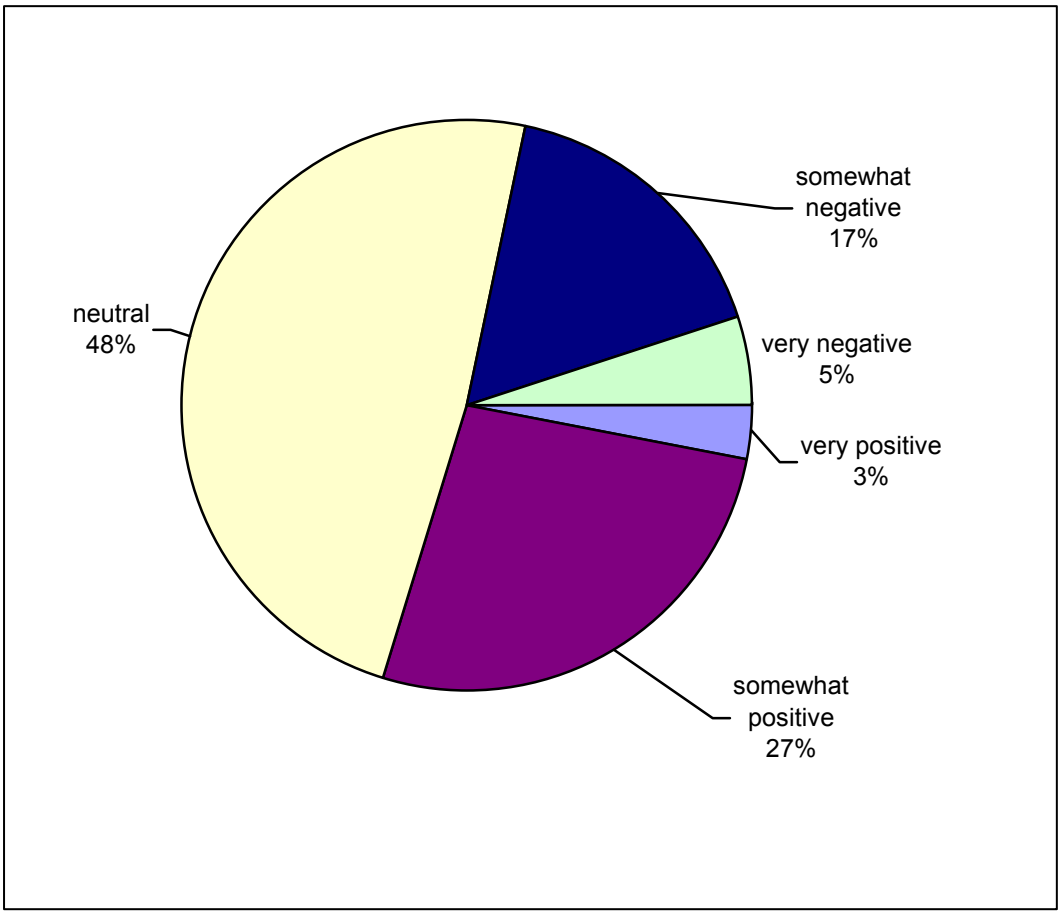


*Note: Responses of "neither too fast nor too slow" were omitted.

Seventy-five percent of Troy residents expected that the coming six months would have a somewhat or very positive impact on their family, while 22% felt that the economic future would be somewhat or very negative.

Figure 8: Perceptions of Economy

What impact, if any, do you think the economy will have on your family income in the next 6 months? Do you think the impact will be . . . .



PERCEPTIONS OF SAFETY

When evaluating safety in the community, 86% of respondents felt “somewhat” or “very safe” from violent crimes in Troy. In their neighborhood after dark, 86% of survey participants felt “somewhat” or “very safe.”

As assessed by the survey, 10% of households reported that at least one member had been the victim of one or more crimes in the past year. Of those who had been the victim of a crime, 71% had reported it to police.

Figure 9: Ratings of Safety from Various Problems in Troy

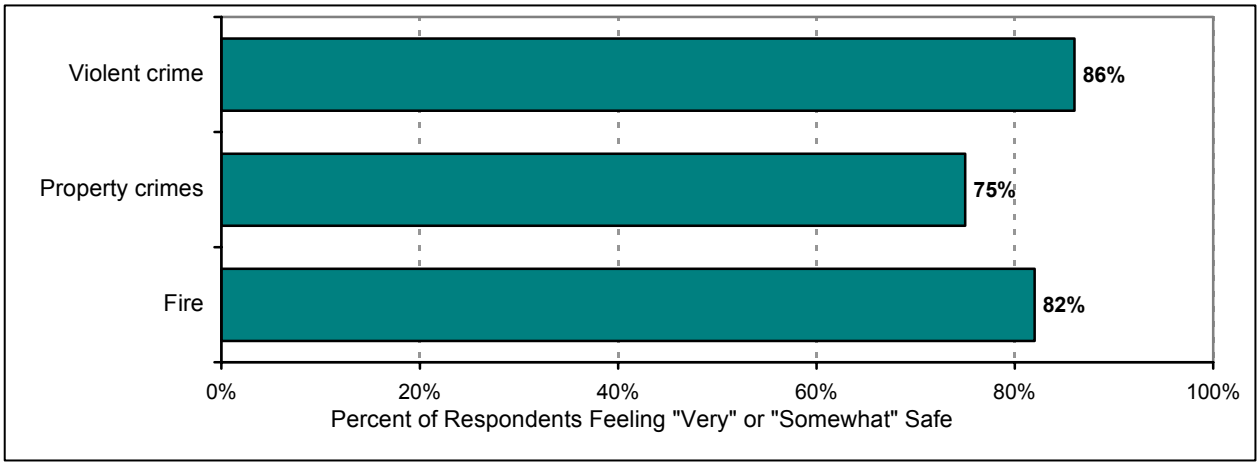


Figure 10: Ratings of Safety in Various Areas in Troy

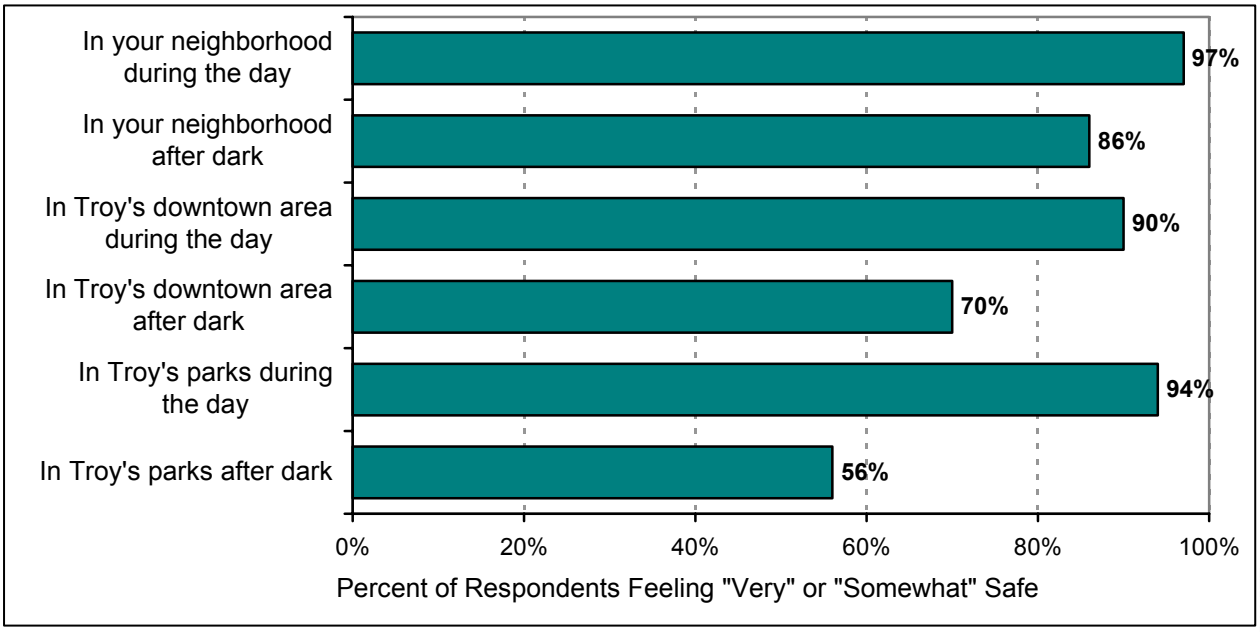


Figure 11: Percent of Respondents' Households That Were Victim of a Crime in the Last 12 Months

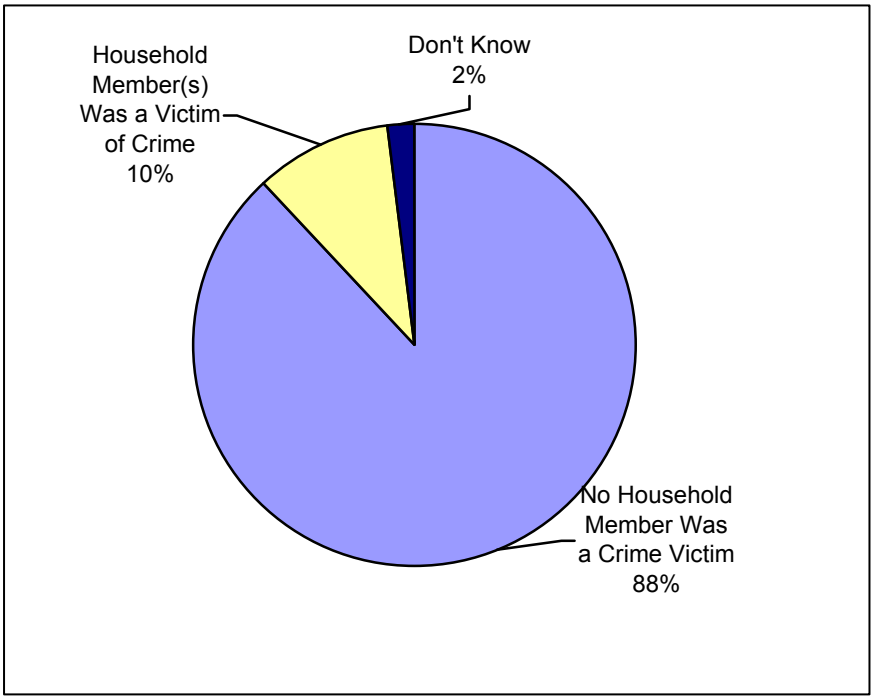
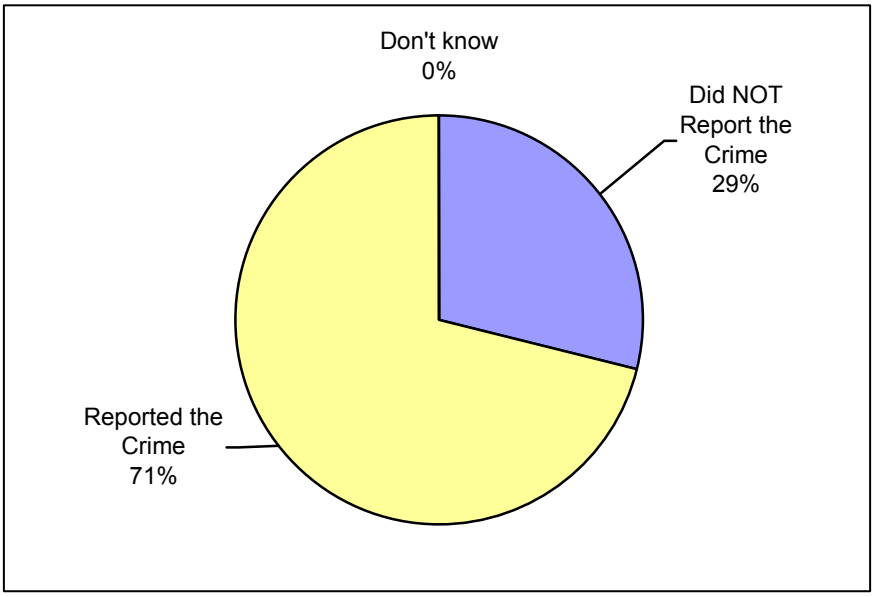


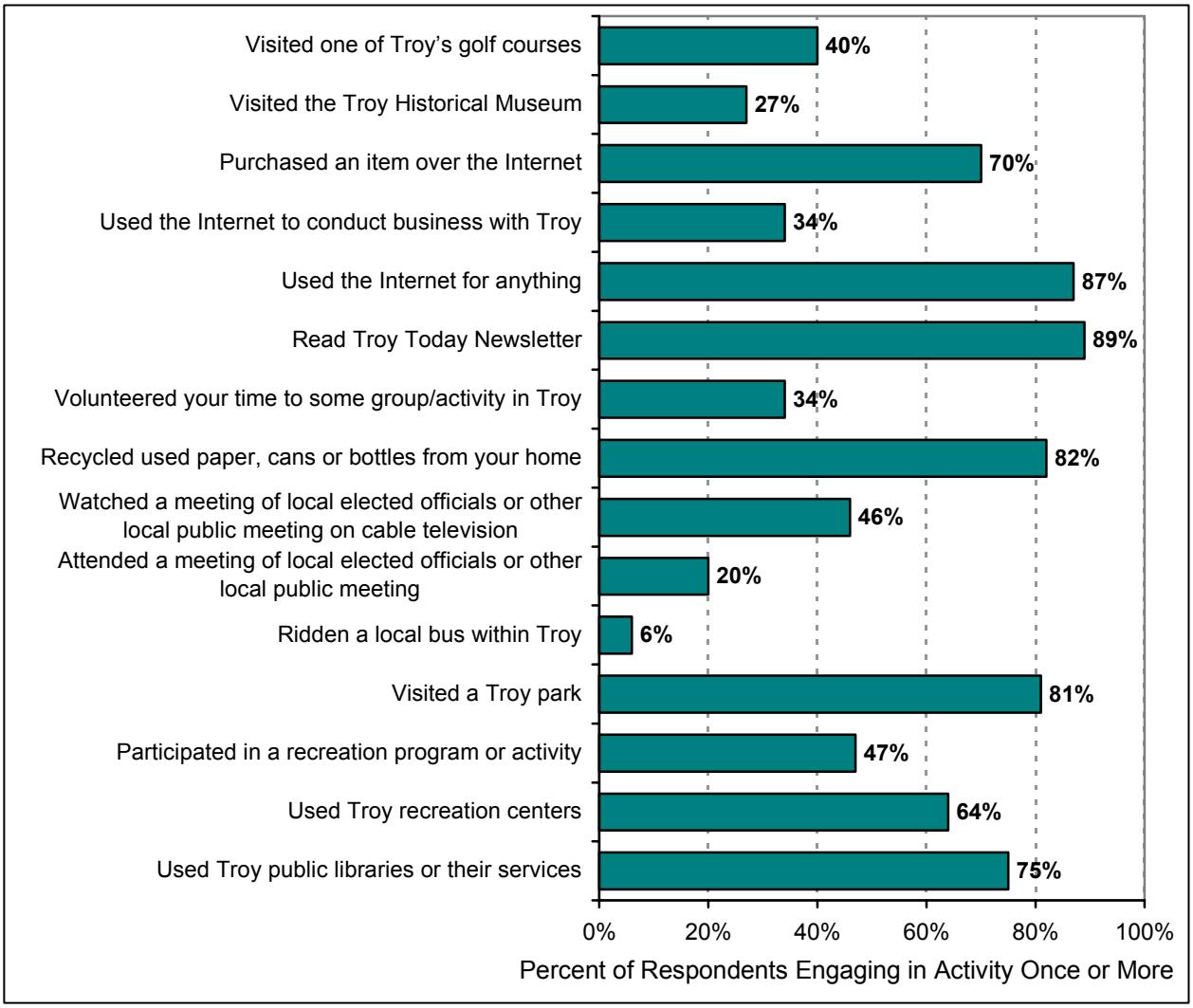
Figure 12: Percent of Respondents' Households That Were Victim of a Crime Who Reported the Crime



COMMUNITY PARTICIPATION

Participation in the civic, social and economic life of Troy during the past year was assessed on the survey. The proportion of respondents engaging in various activities is shown in the chart below. Among those completing the questionnaire, 81% reported visiting a park in Troy in the past year and 89% had read the *Troy Today* newsletter.

Figure 13: Percent of Respondents Engaging in Various Activities in Troy in the Past Year



Voter status was also estimated[2], with 82% saying that they had voted in the last election.

Figure 14: Voter Status		
	no	**yes**
Did you vote in the last election?	18%	82%
Are you likely to vote in the next election?	10%	90%

[2] *In general on a survey, a greater proportion of people will report having voted, than actual voting records verify.*

LOCAL GOVERNMENT

Several aspects of the government of the City of Troy were evaluated by residents completing The National Citizen Survey™. They were asked how much trust they placed in their local government, and what they felt about the services they receive from the City of Troy. Those who had any contact with a City of Troy employee in the past year gave their impressions of the most recent encounter.

PUBLIC TRUST

When asked to evaluate whether they felt they received good value for taxes they pay, residents gave an average rating of 67 on a 100-point scale.

Figure 15: Ratings of Public Trust

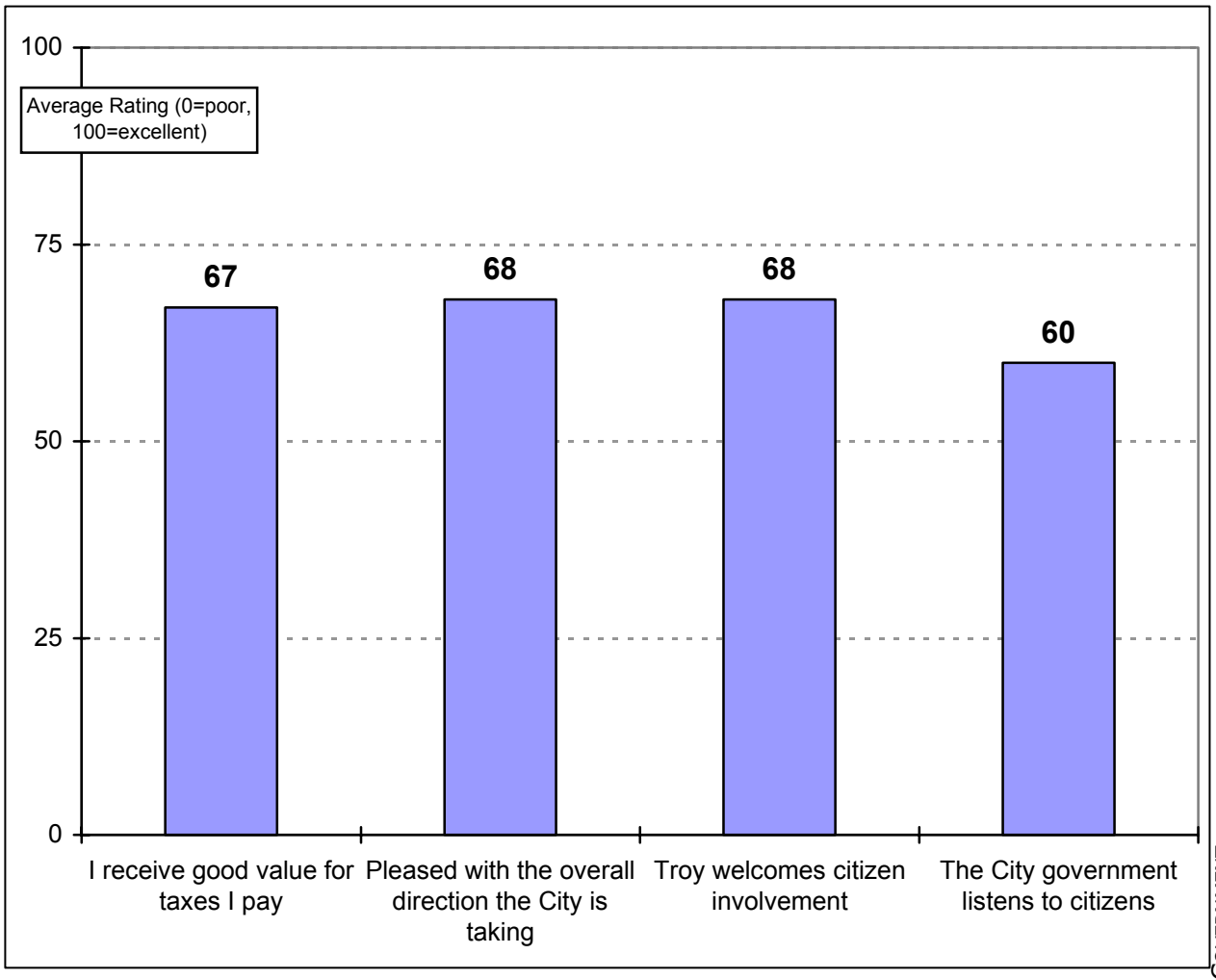
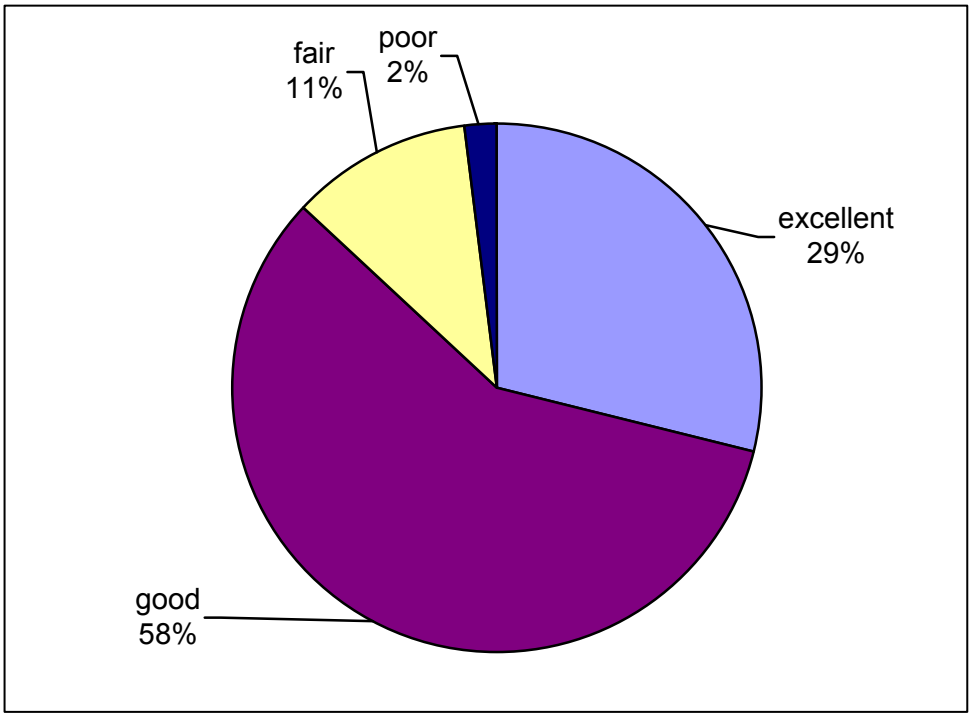


Figure 15b: Public Trust Ratings					
	strongly agree	**somewhat agree**	**neither agree nor disagree**	**somewhat disagree**	**strongly disagree**
I receive good value for the City of Troy taxes I pay	22%	46%	15%	12%	5%
I am pleased with the overall direction that the City of Troy is taking	23%	45%	15%	12%	4%
The City of Troy government welcomes citizen involvement	20%	49%	18%	7%	5%
The City of Troy government listens to citizens	12%	44%	24%	11%	9%
Note: "Don't Know" responses are removed					

SERVICES PROVIDED BY TROY

The responses of residents with an opinion about the overall quality of services provided by Troy are shown in Figure 16 below. Average ratings given to specific services are shown on the following pages.

Figure 16: Overall Quality of Services Provided by the City of Troy



On average, residents of Troy gave the highest evaluations to their own local government and the lowest average rating to the state government.

Figure 17: Rating of Overall Quality of Services Provided by Various Levels of Government

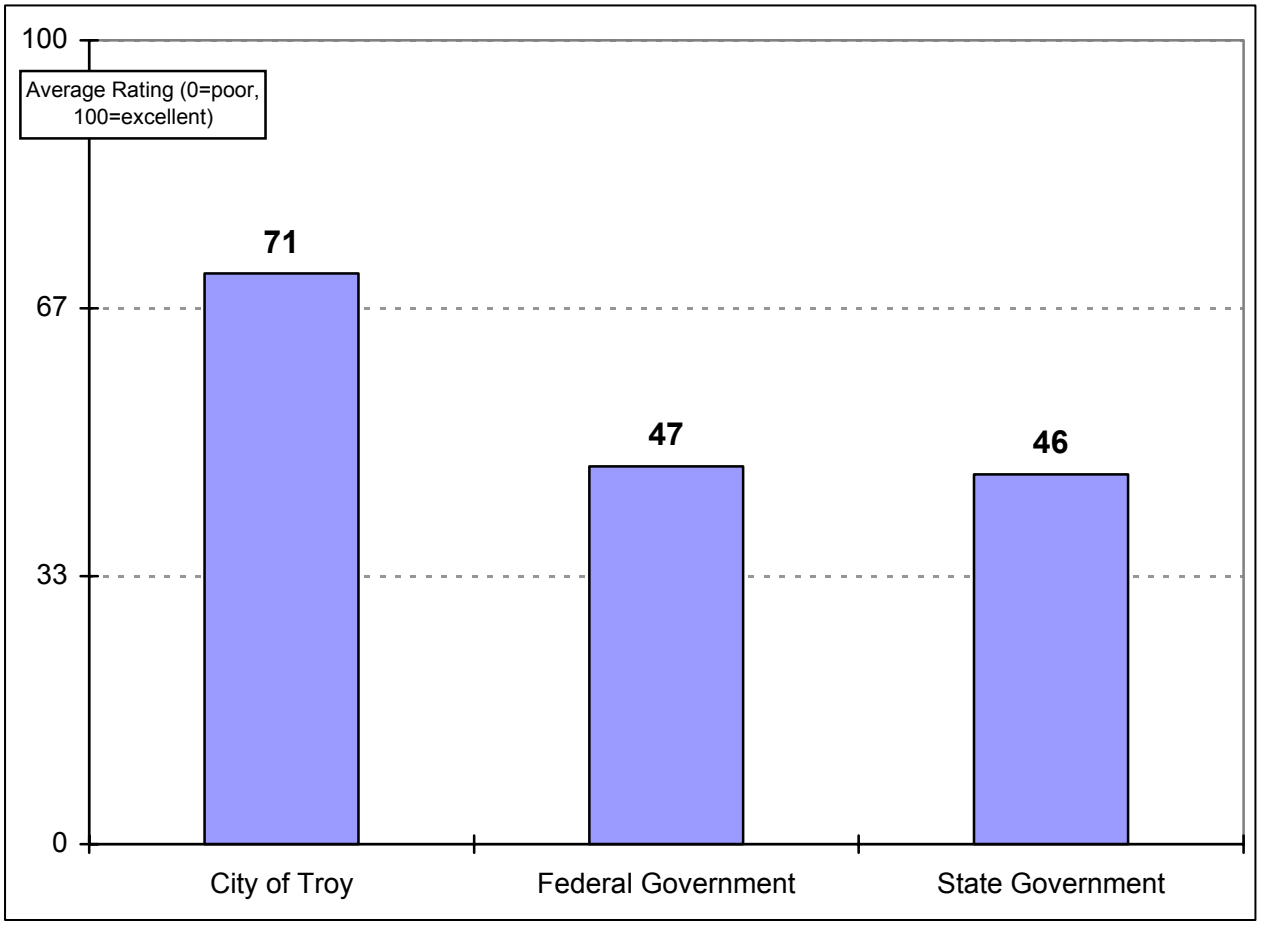


Figure 17b: Overall Quality of Services: City of Troy, Federal Government and State Government				
	excellent	**good**	**fair**	**poor**
Overall, how would you rate the quality of the services provided by the City of Troy?	29%	58%	11%	2%
Overall, how would you rate the quality of the services provided by the Federal Government?	4%	43%	43%	10%
Overall, how would you rate the quality of the services provided by the State Government?	3%	44%	41%	12%
Note: "Don't Know" responses are removed				

Figure 18: Quality of Public Safety Services

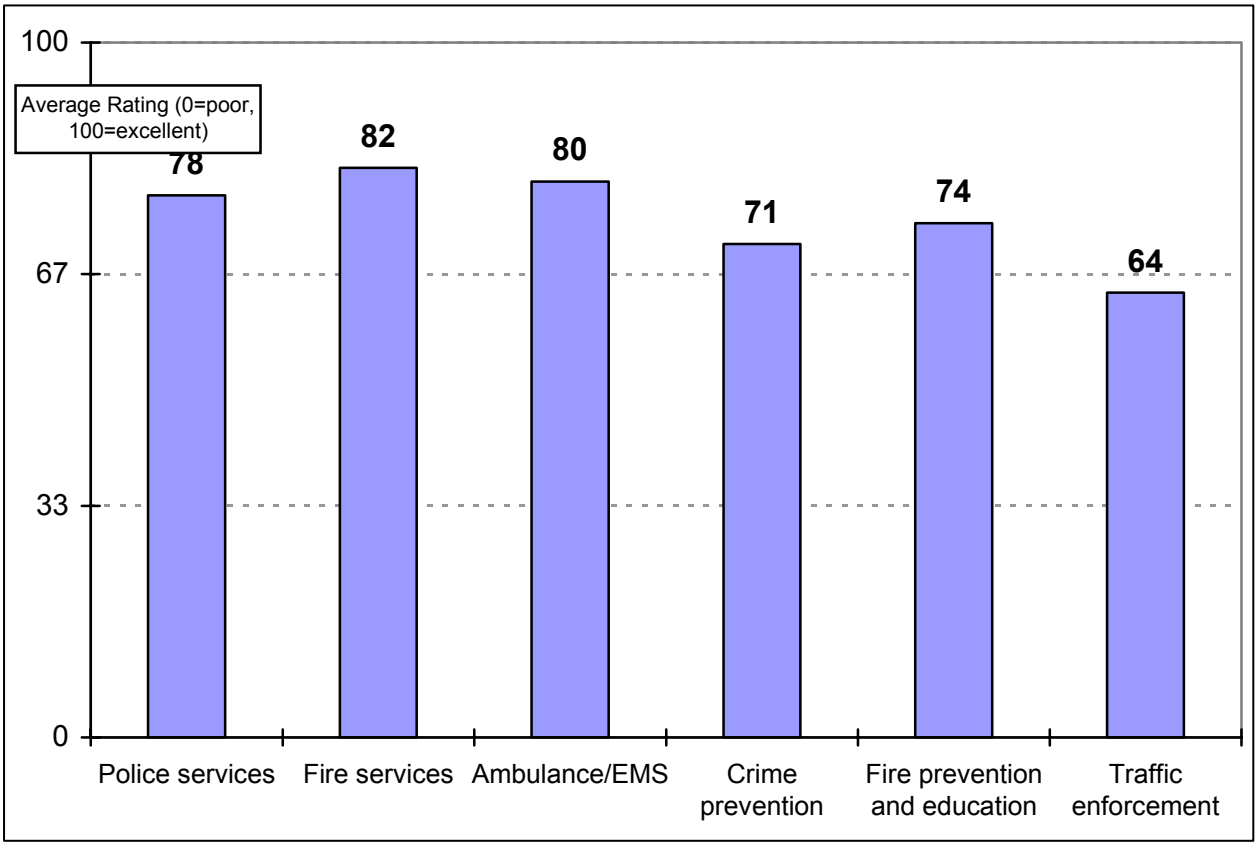


Figure 18b: Quality of Public Safety Services				
	excellent	**good**	**fair**	**poor**
Police services	47%	43%	7%	3%
Fire services	52%	42%	4%	2%
Ambulance/emergency medical services	46%	48%	4%	1%
Crime prevention	30%	55%	12%	3%
Fire prevention and education	35%	54%	9%	2%
Traffic enforcement	23%	53%	17%	7%
Note: "Don't Know" responses are removed				

Figure 19: Quality of Transportation Services

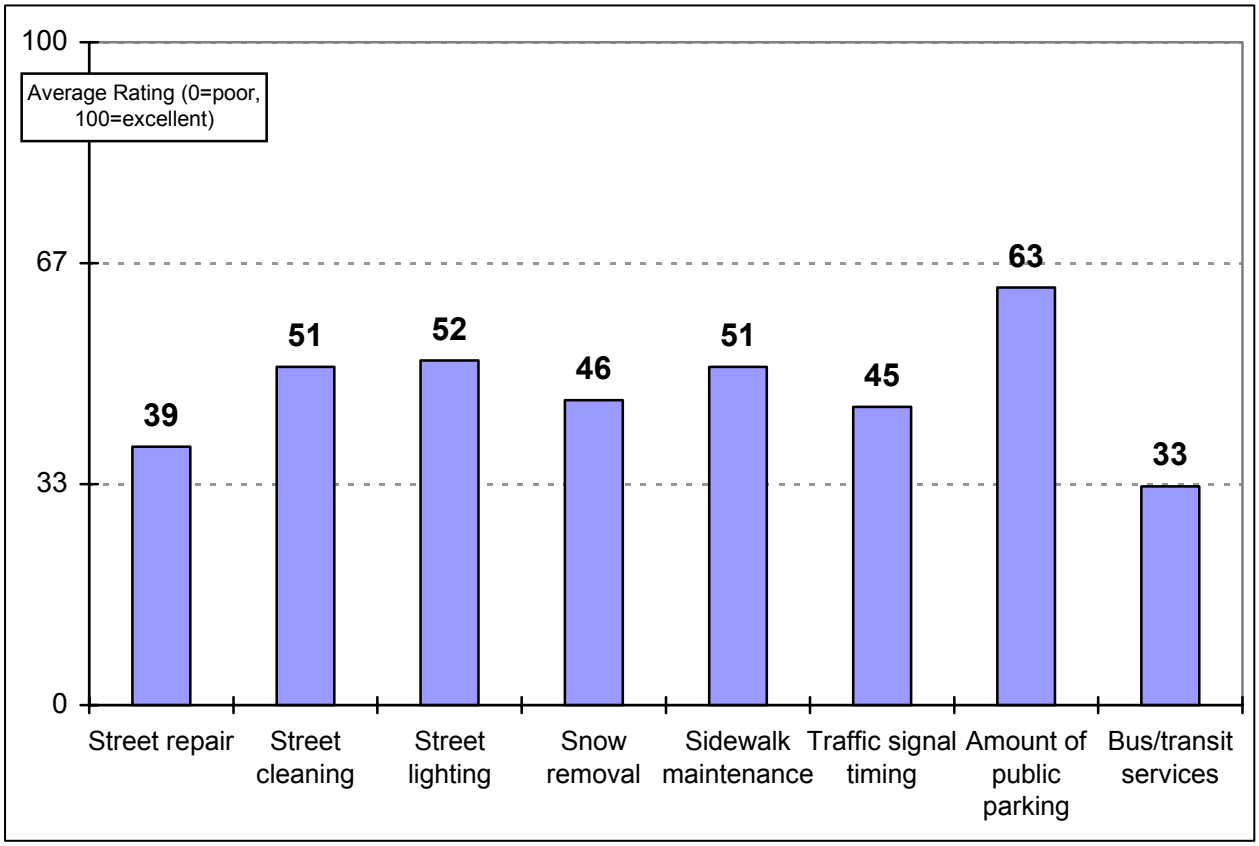


Figure 19b: Quality of Transportation Services				
	excellent	**good**	**fair**	**poor**
Street repair	6%	30%	39%	26%
Street cleaning	11%	44%	29%	16%
Street lighting	11%	47%	26%	15%
Snow removal	13%	37%	27%	24%
Sidewalk maintenance	10%	47%	30%	13%
Traffic signal timing	7%	42%	30%	21%
Amount of public parking	15%	61%	19%	4%
Bus/transit services	7%	24%	29%	40%
Note: "Don't Know" responses are removed				

Figure 20a: Quality of Leisure Services

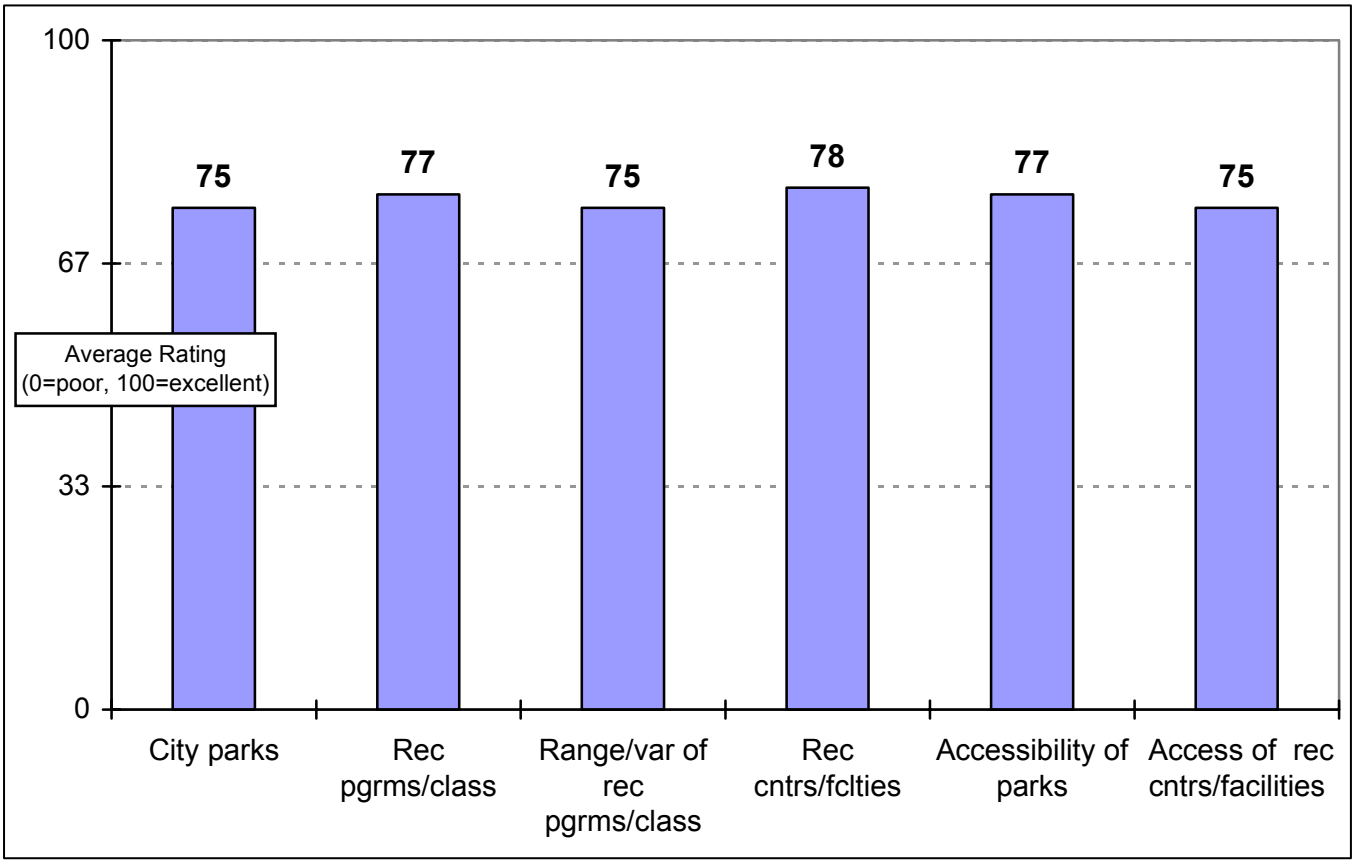


Figure 20b: Quality of Leisure Services continued

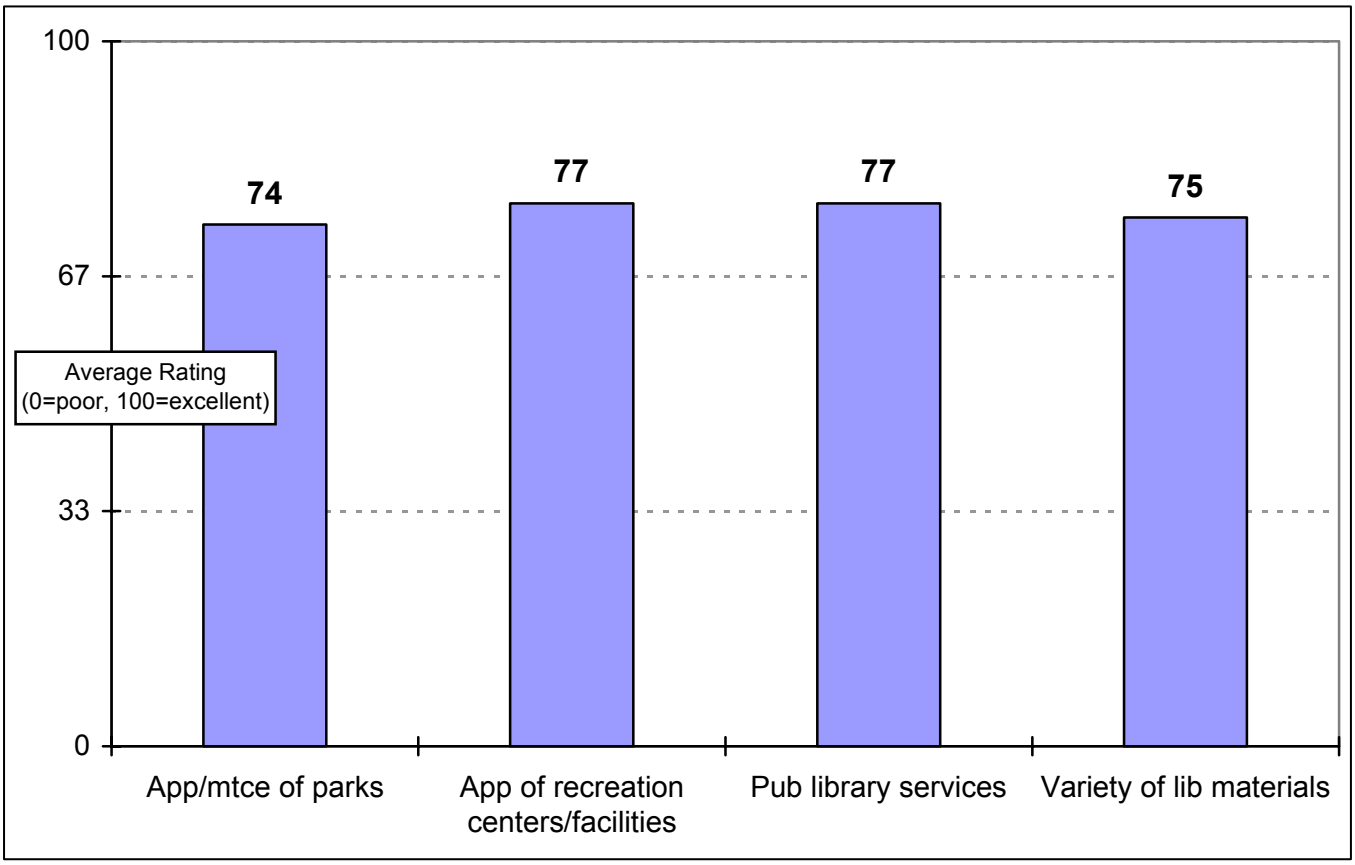


Figure 20c: Quality of Leisure Services				
	excellent	**good**	**fair**	**poor**
City parks	36%	54%	9%	1%
Recreation programs or classes	41%	49%	9%	1%
Range/variety of recreation programs and classes	39%	47%	12%	1%
Recreation centers/facilities	44%	47%	8%	1%
Accessibility of parks	42%	49%	8%	2%
Accessibility of recreation centers/facilities	38%	50%	10%	1%
Appearance/maintenance of parks	35%	54%	9%	1%
Appearance of recreation centers/facilities	41%	49%	9%	1%
Public library services	44%	45%	8%	2%
Variety of library materials	42%	45%	10%	3%
Note: "Don't Know" responses are removed				

Figure 21: Quality of Utility Services

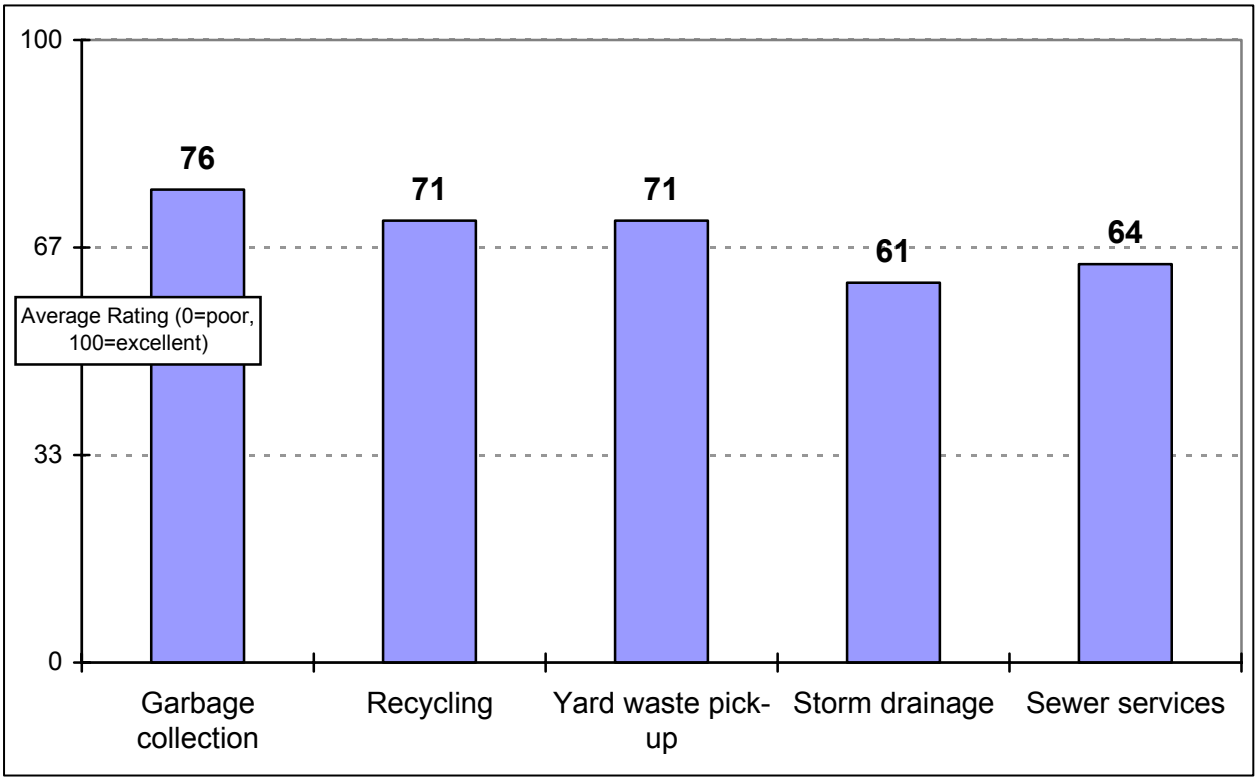


Figure 21b: Quality of Utility Services				
	excellent	**good**	**fair**	**poor**
Garbage collection	42%	45%	11%	2%
Recycling	41%	40%	12%	8%
Yard waste pick-up	37%	43%	17%	3%
Storm drainage	14%	59%	22%	5%
Sewer services	16%	62%	18%	3%
Note: "Don't Know" responses are removed				

Figure 22: Quality of Planning and Code Enforcement Services

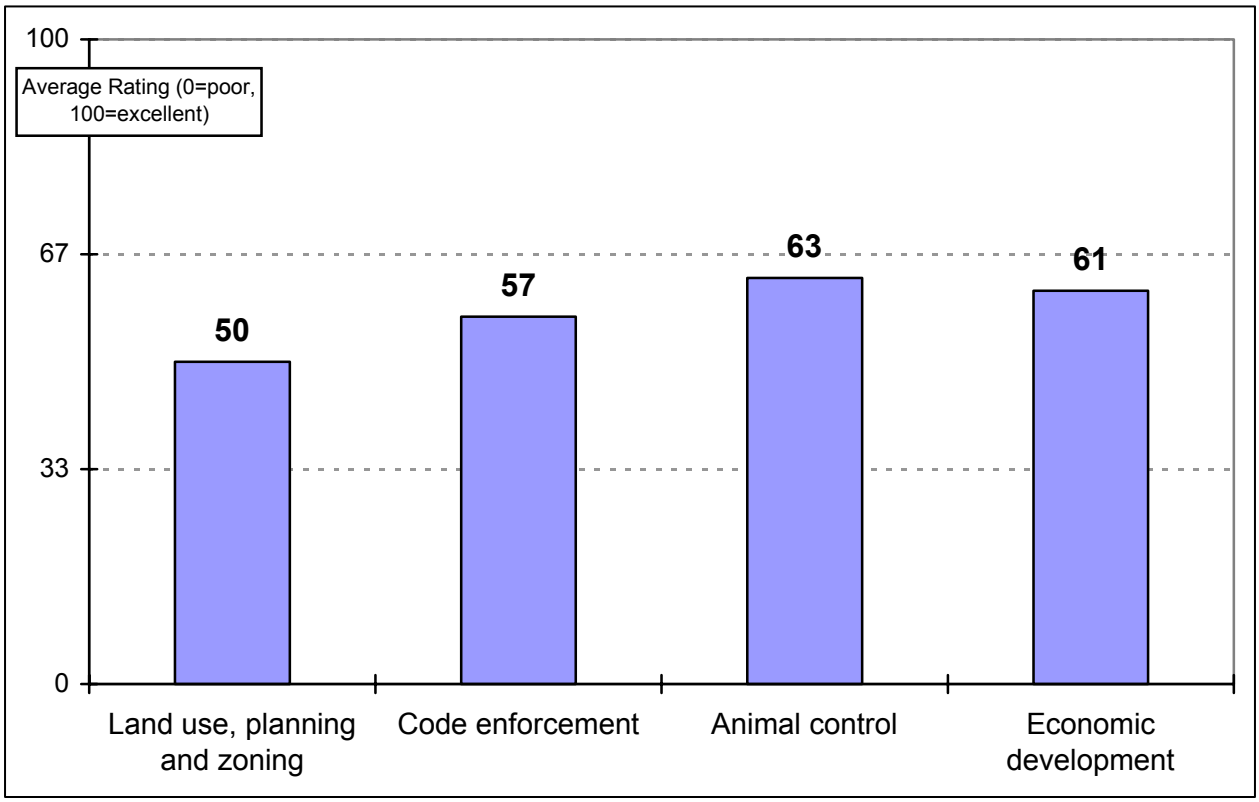


Figure 22b: Quality of Planning and Code Enforcement Services				
	excellent	**good**	**fair**	**poor**
Land use, planning and zoning	10%	44%	31%	15%
Code enforcement (weeds, abandoned buildings, etc)	13%	51%	28%	8%
Animal control	18%	55%	23%	4%
Economic development	12%	61%	22%	4%
Note: "Don't Know" responses are removed				

Figure 23: Quality of Services to Special Populations and Other Services

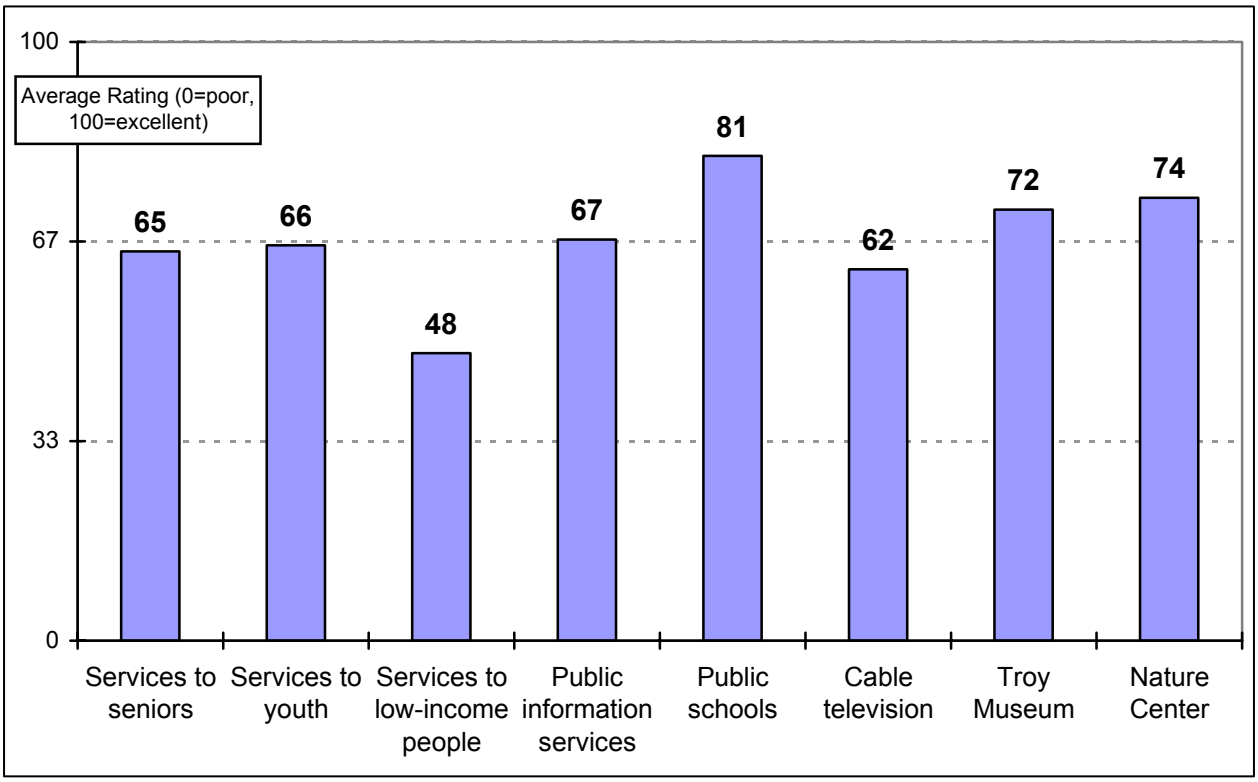


Figure 23b: Quality of Services to Special Populations and Other Services				
	excellent	**good**	**fair**	**poor**
Services to seniors	23%	53%	18%	5%
Services to youth	26%	50%	19%	5%
Services to low-income people	11%	40%	29%	19%
Public information services	23%	57%	16%	3%
Public schools	53%	40%	6%	1%
Cable television	20%	52%	21%	7%
Note: "Don't Know" responses are removed				

THE CITY OF TROY EMPLOYEES

Impressions of the City of Troy employees were assessed on the questionnaire. Those who had been in contact with a City of Troy employee in the past year (62%) rated their overall impression as 74 on a 100-point scale.

Figure 24: Percent of Respondents Who Had Contact with a City of Troy Employee

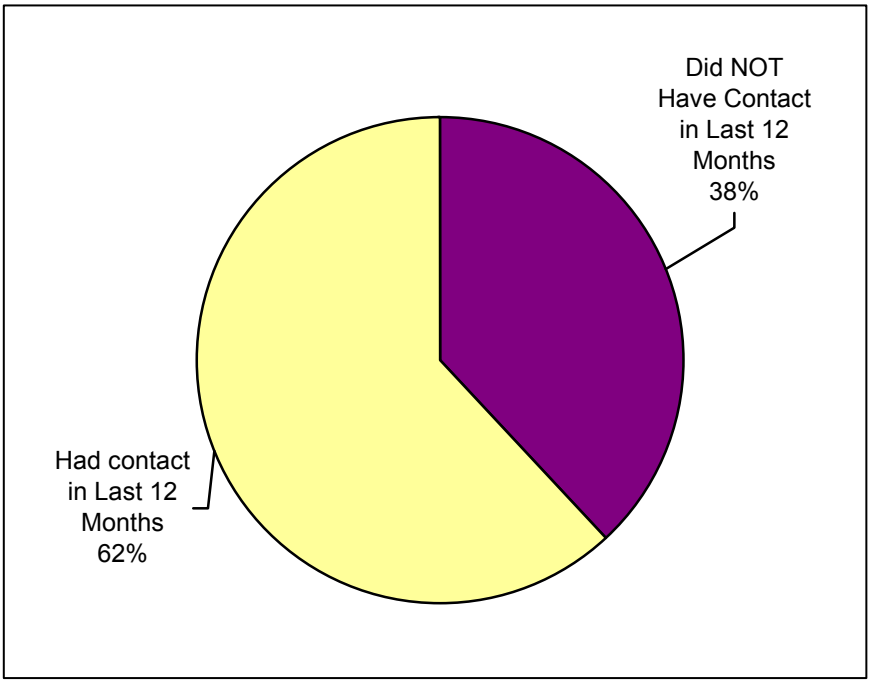


Figure 25: Ratings of Contact with the City of Troy Employees

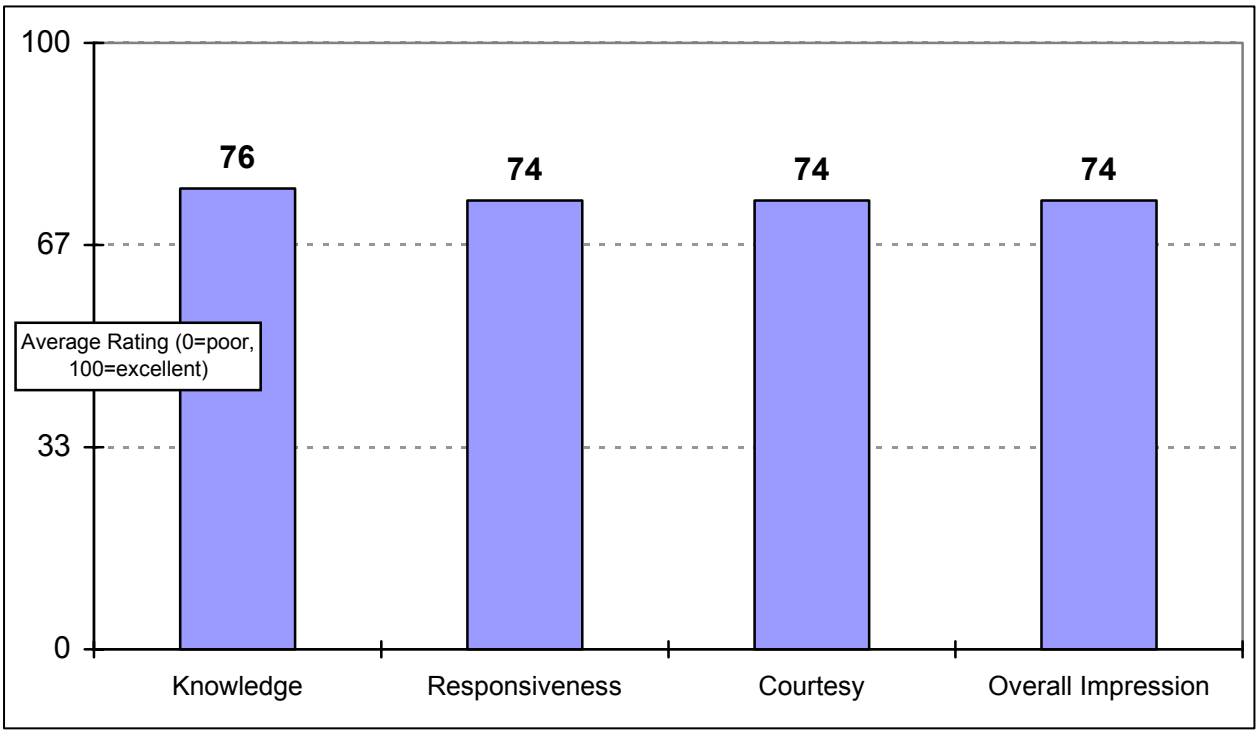


Figure 25b: Impression of Contact with Employees				
	excellent	**good**	**fair**	**poor**
Knowledge	41%	48%	8%	3%
Responsiveness	42%	43%	9%	5%
Courtesy	46%	36%	12%	5%
Overall Impression	41%	43%	11%	5%
Note: "Don't Know" responses are removed				

ADDITIONAL QUESTIONS

Three additional questions were asked by the City of Troy. The results for these questions are displayed below. Open-ended results can be found under separate cover.

Figure 26: Policy Question #1	
	To what degree would you support or oppose maintaining the current tax rate even if it results in a reduction of essential City Services (Police, Fire, Public Works, etc.)?
	Percent of Respondents
strongly support	17%
somewhat support	22%
neither support nor oppose	13%
somewhat oppose	22%
strongly oppose	17%
don't know	9%

Figure 27: Policy Question #2	
	To what degree would you support or oppose implementing new user fees (Library, Parks & Recreation programs) where none currently exist before an increase in taxes?
	Percent of Respondents
strongly support	16%
somewhat support	24%
neither support nor oppose	8%
somewhat oppose	19%
strongly oppose	27%
don't know	7%

Figure 28: Policy Question #3	
	For non-essential services (Community Center, Museum, Nature Center) to what degree would you support or oppose an increase in user fees before an increase in taxes?
	Percent of Respondents
strongly support	26%
somewhat support	31%
neither support nor oppose	11%
somewhat oppose	12%
strongly oppose	14%
don't know	6%

APPENDIX I: FREQUENCY OF RESPONSES TO ALL SURVEY QUESTIONS

Question #1: Quality of Life Ratings						
	excellent	**good**	**fair**	**poor**	**don't know**	**Total**
How do you rate Troy as a place to live?	45%	49%	5%	0%	0%	100%
How do you rate your neighborhood as a place to live?	40%	49%	9%	1%	1%	100%
How do you rate Troy as a place to raise children?	42%	42%	5%	1%	10%	100%
How do you rate Troy as a place to retire?	16%	32%	22%	11%	18%	100%
How do you rate the overall quality of life in Troy?	34%	55%	9%	0%	1%	100%

Question #2: Please rate each of the following characteristics as they relate to Troy as a whole						
	excellent	**good**	**fair**	**poor**	**don't know**	**Total**
Sense of community	17%	50%	23%	6%	4%	100%
Openness and acceptance of the community towards people of diverse backgrounds	30%	49%	12%	2%	6%	100%
Overall appearance of Troy	26%	61%	11%	1%	1%	100%
Opportunities to attend cultural activities	20%	43%	21%	4%	12%	100%
Shopping opportunities	58%	35%	5%	1%	1%	100%
Recreational opportunities	35%	44%	16%	2%	2%	100%
Job opportunities	13%	36%	20%	5%	26%	100%
Access to affordable quality housing	7%	43%	29%	13%	9%	100%
Access to affordable quality child care	3%	24%	14%	4%	54%	100%
Ease of car travel in Troy	11%	42%	30%	16%	1%	100%
Ease of bus travel in Troy	2%	6%	10%	21%	61%	100%
Ease of bicycle travel in Troy	4%	25%	24%	15%	31%	100%
Ease of walking in Troy	12%	42%	24%	14%	7%	100%

Question #3: Please rate the speed of growth in the following categories in Troy over the past two years							
	much too slow	somewhat too slow	right amount	somewhat too fast	much too fast	don't know	Total
Population growth	0%	1%	33%	26%	11%	30%	100%
Retail growth (stores, restaurants etc.)	0%	7%	54%	16%	6%	17%	100%
Jobs growth	4%	19%	17%	1%	0%	57%	100%

Question #4: To what degree are the following problems in Troy						
	not a problem	minor problem	moderate problem	major problem	don't know	Total
Crime	15%	46%	26%	2%	11%	100%
Drugs	13%	24%	21%	6%	36%	100%
Too much growth	20%	24%	26%	14%	17%	100%
Lack of growth	57%	13%	8%	1%	21%	100%
Graffiti	56%	24%	2%	0%	18%	100%
Noise	34%	41%	16%	4%	4%	100%
Run down buildings, weed lots, or junk vehicles	41%	40%	10%	2%	6%	100%
Taxes	16%	24%	30%	20%	10%	100%
Traffic congestion	4%	16%	44%	34%	2%	100%
Unsupervised youth	22%	34%	15%	3%	26%	100%
Homelessness	43%	18%	4%	1%	35%	100%

Question #5: Please rate how safe you feel from the following occurring to you in Troy							
	very safe	somewhat safe	neither safe nor unsafe	somewhat unsafe	very unsafe	don't know	Total
Violent crime (e.g., rape, assault, robbery)	42%	42%	10%	4%	0%	3%	100%
Property crimes (e.g., burglary, theft)	25%	48%	14%	9%	2%	2%	100%
Fire	42%	37%	14%	3%	1%	4%	100%

Question #6: Please rate how safe you feel:							
	very safe	somewhat safe	neither safe nor unsafe	somewhat unsafe	very unsafe	don't know	Total
In your neighborhood during the day	71%	25%	2%	1%	0%	0%	100%
In your neighborhood after dark	39%	46%	8%	5%	1%	1%	100%
In Troy's downtown area during the day	49%	40%	7%	2%	0%	1%	100%
In Troy's downtown area after dark	24%	45%	16%	11%	1%	2%	100%
In Troy's parks during the day	51%	30%	4%	1%	0%	13%	100%
In Troy's parks after dark	10%	30%	18%	10%	3%	29%	100%

Question #7: During the past twelve months, were you or anyone in your household the victim of any crime?		
		Percent of Respondents
During the past twelve months, were you or anyone in your household the victim of any crime?	no	89%
	yes	10%
	don't know	2%
	Total	100%

Question #8: If yes, was this crime (these crimes) reported to the police?		
		Percent of Respondents
If yes, was this crime (these crimes) reported to the police?	no	29%
	yes	71%
	Total	100%

Question #9: In the last 12 months, about how many times, if ever, have you or other household members done the following things in the City of Troy?						
	never	**once or twice**	**3 to 12 times**	**13 to 26 times**	**more than 26 times**	**Total**
Used Troy public libraries or their services	25%	21%	32%	11%	11%	100%
Used Troy recreation centers	36%	19%	21%	11%	13%	100%
Participated in a recreation program or activity	53%	17%	17%	6%	7%	100%
Visited a Troy park	19%	26%	32%	11%	11%	100%
Ridden a local bus within Troy	94%	3%	2%	0%	0%	100%
Attended a meeting of local elected officials or other local public meeting	80%	14%	6%	0%	0%	100%
Watched a meeting of local elected officials or other local public meeting on cable television	54%	20%	16%	7%	3%	100%
Recycled used paper, cans or bottles from your home	18%	9%	11%	10%	52%	100%
Volunteered your time to some group/activity in Troy	66%	15%	11%	2%	6%	100%
Read Troy Today Newsletter	11%	12%	41%	18%	18%	100%
Used the Internet for anything	13%	3%	5%	4%	75%	100%
Used the Internet to conduct business with Troy	66%	18%	11%	1%	4%	100%
Purchased an item over the Internet	30%	13%	28%	13%	16%	100%
Visited the Troy Historical Museum	73%	23%	3%	0%	0%	100%
Visited one of Troy's golf courses	60%	19%	16%	3%	2%	100%

Question #10: How do you rate the quality of each of the following services in Troy?						
	excellent	good	fair	poor	don't know	Total
Police services	43%	39%	7%	3%	9%	100%
Fire services	42%	33%	3%	1%	21%	100%
Ambulance/emergency medical services	28%	30%	3%	1%	38%	100%
Crime prevention	24%	44%	10%	2%	20%	100%
Fire prevention and education	24%	36%	6%	1%	33%	100%
Traffic enforcement	21%	48%	16%	6%	10%	100%
Garbage collection	40%	44%	11%	2%	3%	100%
Recycling	36%	35%	11%	7%	11%	100%
Yard waste pick-up	32%	37%	14%	3%	14%	100%
Street repair	5%	29%	37%	25%	4%	100%
Street cleaning	11%	41%	26%	14%	8%	100%
Street lighting	11%	45%	25%	14%	4%	100%
Snow removal	12%	36%	26%	23%	2%	100%
Sidewalk maintenance	8%	39%	25%	11%	17%	100%
Traffic signal timing	7%	41%	30%	20%	2%	100%
Amount of public parking	13%	55%	17%	4%	11%	100%
Bus/transit services	2%	7%	9%	12%	70%	100%
Storm drainage	11%	47%	18%	4%	19%	100%
Sewer services	13%	49%	15%	2%	21%	100%
City parks	32%	48%	8%	1%	11%	100%
Recreation programs or classes	30%	36%	6%	1%	27%	100%
Range/variety of recreation programs and classes	29%	35%	9%	1%	26%	100%
Recreation centers/facilities	35%	38%	7%	1%	19%	100%
Accessibility of parks	37%	44%	7%	2%	10%	100%
Accessibility of recreation centers/facilities	33%	43%	9%	1%	14%	100%
Appearance/maintenance of parks	32%	49%	9%	1%	9%	100%
Appearance of recreation centers/facilities	35%	42%	8%	1%	14%	100%
Land use, planning and zoning	8%	34%	24%	12%	22%	100%
Code enforcement (weeds, abandoned buildings, etc)	10%	39%	21%	6%	24%	100%
Animal control	12%	37%	16%	3%	32%	100%
Economic development	9%	46%	17%	3%	24%	100%
Services to seniors	11%	25%	9%	2%	53%	100%
Services to youth	14%	27%	10%	3%	45%	100%
Services to low-income people	3%	11%	8%	5%	73%	100%
Public library services	38%	39%	7%	2%	14%	100%
Variety of library materials	34%	36%	8%	2%	20%	100%
Public information services	17%	42%	12%	2%	27%	100%

Question #10: How do you rate the quality of each of the following services in Troy?						
	excellent	**good**	**fair**	**poor**	**don't know**	**Total**
Public schools	39%	29%	4%	1%	26%	100%
Cable television	16%	41%	17%	5%	21%	100%
Troy Museum	16%	22%	6%	1%	55%	100%
Nature Center	19%	29%	5%	1%	45%	100%

Question #11: Overall, how would you rate the quality of the services provided by . . .						
	excellent	**good**	**fair**	**poor**	**don't know**	**Total**
Overall, how would you rate the quality of the services provided by the City of Troy?	29%	57%	11%	2%	2%	100%
Overall, how would you rate the quality of the services provided by the Federal Government?	3%	37%	37%	8%	15%	100%
Overall, how would you rate the quality of the services provided by the State Government?	3%	38%	35%	11%	13%	100%

Question #12: Have you had any in-person or phone contact with an employee of the City of Troy within the last 12 months?		
		Percent of Respondents
Have you had any in-person or phone contact with an employee of the City of Troy within the last 12 months?	no	38%
	yes	62%
	Total	100%

Question #13: What was your impression of the employees of the City of Troy in your most recent contact?						
	excellent	**good**	**fair**	**poor**	**don't know**	**Total**
Knowledge	39%	46%	8%	3%	4%	100%
Responsiveness	40%	42%	9%	5%	4%	100%
Courtesy	45%	35%	12%	5%	4%	100%
Overall Impression	40%	41%	11%	4%	3%	100%

Question #14: Please rate your agreement or disagreement with the following statements.							
	strongly agree	somewhat agree	neither agree nor disagree	somewhat disagree	strongly disagree	don't know	Total
I receive good value for the City of Troy taxes I pay	20%	42%	14%	11%	4%	8%	100%
I am pleased with the overall direction that the City of Troy is taking	22%	43%	14%	11%	4%	5%	100%
The City of Troy government welcomes citizen involvement	16%	38%	14%	5%	4%	24%	100%
The City of Troy government listens to citizens	9%	33%	18%	8%	7%	24%	100%

Question #15: What impact, if any, do you think the economy will have on your family income in the next 6 months?		
		Percent of Respondents
What impact, if any, do you think the economy will have on your family income in the next 6 months? Do you think the impact will be:	very positive	3%
	somewhat positive	27%
	neutral	49%
	somewhat negative	17%
	very negative	5%
	Total	100%

Question #16a: Policy Question #1		
		Percent of Respondents
To what degree would you support or oppose maintaining the current tax rate even if it results in a reduction of essential City Services (Police, Fire, Public Works, etc.)?	strongly support	17%
	somewhat support	22%
	neither support nor oppose	13%
	somewhat oppose	22%
	strongly oppose	17%
	don’t know	9%
	Total	100%

Question #16b: Policy Question #2		
		Percent of Respondents
To what degree would you support or oppose implementing new user fees (Library, Parks&Recreation programs) where none currently exist before an increase in taxes?	strongly support	16%
	somewhat support	24%
	neither support nor oppose	8%
	somewhat oppose	19%
	strongly oppose	27%
	don't know	7%
	Total	100%

Question #16c: Policy Question #3		
		Percent of Respondents
For non-essential services (Community Center, Museum, Nature Center) to what degree would you support or oppose an increase in user fees before an increase in taxes?	strongly support	26%
	somewhat support	31%
	neither support nor oppose	11%
	somewhat oppose	12%
	strongly oppose	14%
	don't know	6%
	Total	100%

Question #17: Do you live within the City limits of the City of Troy?		
		Percent of Respondents
Do you live within the limits of the City of Troy?	no	2%
	yes	98%
	Total	100%

Question #18: Employment Status		
		Percent of Respondents
Are you currently employed?	no	26%
	yes	74%
	Total	100%

Question #18a: Usual Mode of Transportation to Work		
		Percent of Employed Respondents
What one method of transportation do you usually use (for the longest distance of your commute) to travel to work?	Motorized vehicle	98%
	Work at home	2%
	Total	100%

Question #18b: Drive Alone or Carpool		
		Percent of Employed Respondents
If you checked the motorized vehicle (e.g. car, truck, van, motorcycle, etc.) box in 18a, do other people usually ride with you to or from work?	no	88%
	yes	12%
	Total	100%

Usual Mode of Transportation to Work, Including Carpooling		
		Percent of Employed Respondents
Usual mode of transportation to work	Motorized vehicle, no others (SOV)	86%
	Motorized vehicle, with others (MOV)	11%
	work at home	2%
	Total	100%

Question #19: Length of Residency		
		Percent of Respondents
How many years have you lived in Troy?	less than 2 years	18%
	2-5 years	18%
	6-10 years	16%
	11-20 years	21%
	more than 20 years	26%
	Total	100%

Question #20: Type of Housing Unit		
		Percent of Respondents
Which best describes the building you live in?	one family house detached from any other houses	73%
	one family house attached to one or more houses	2%
	building with two or more apartments or condominiums	24%
	mobile home	1%
	other	1%
	Total	100%

Question #21: Tenure Status		
		Percent of Respondents
Is this house, apartment, or mobile home...	rented for cash or occupied without cash payment?	22%
	owned by you or someone in this house	78%
	Total	100%

Question #22: Presence of Children in Household		
		Percent of Respondents
Do any children age 12 or under live in your household?	no	70%
	yes	30%
	Total	100%

Question #23: Presence of Teenagers in Household		
		Percent of Respondents
Do any teenagers ages 13 through 17 live in your household?	no	84%
	yes	16%
	Total	100%

Question #24: Presence of Senior Adults in Household		
		Percent of Respondents
Are you or any other members of your household aged 65 or older?	no	80%
	yes	20%
	Total	100%

Question #25: Presence of Persons with Disabilities in Household		
		Percent of Respondents
Does any member of your household have a physical handicap or is anyone disabled?	no	89%
	yes	11%
	Total	100%

Question #26: Education		
		Percent of Respondents
What is the highest degree or level of school you have completed?	12th Grade or less, no diploma	2%
	high school diploma	8%
	some college, no degree	18%
	associate's degree (e.g. AA, AS)	5%
	bachelor's degree (e.g. BA, AB, BS)	34%
	graduate degree or professional degree	33%
	Total	100%

Question #27: Annual Household Income		
		Percent of Respondents
How much do you anticipate your household's total income before taxes will be for the current year?	less than $24,999	7%
	$25,000 to $49,999	17%
	$50,000 to $99,999	35%
	$100,000 or more	41%
	Total	100%

Question #28: Ethnicity		
		Percent of Respondents
Are you Spanish/Hispanic/Latino?	no	97%
	yes	3%
	Total	100%

Question #29: Race	
	Percent of Respondents
American Indian or Alaskan native	1%
Asian or Pacific Islander	15%
Black, African American	2%
White/Caucasian	81%
Other	3%
Total may exceed 100% as respondents could select more than one category.	

Question #30: Age		
		Percent of Respondents
In which category is your age?	18-24 years	4%
	25-34 years	22%
	35-44 years	21%
	45-54 years	25%
	55-64 years	12%
	65-74 years	8%
	75 years or older	9%
	Total	100%

Question #31: Gender		
		Percent of Respondents
What is your gender?	Female	51%
	Male	49%
	Total	100%

Question #32: Voter Registration Status		
		Percent of Respondents
Are you registered to vote in your jurisdiction?	no	14%
	yes	84%
	don't know	2%
	Total	100%

Question #33: Vote in Last Election?		
		Percent of Respondents
Did you vote in the last election?	no	18%
	yes	82%
	Total	100%

Question #34: Likely to Vote in Next Election?		
		Percent of Respondents
Are you likely to vote in the next election?	no	9%
	yes	86%
	don't know	5%
	Total	100%

APPENDIX II: SURVEY METHODOLOGY

The National Citizen Survey™ was developed to provide local jurisdictions an accurate, affordable and easy way to assess and interpret resident opinion about important community issues. While standardization of question wording and survey methods provide the rigor to assure valid results, each jurisdiction has enough flexibility to construct a customized version of The National Citizen Survey™ that asks residents about key local services and important local issues.

Results offer insight into residents' perspectives about local government performance and as such provide important benchmarks for jurisdictions working on performance measurement. The National Citizen Survey™ is designed to help with budget, land use and strategic planning as well as to communicate with local residents. The National Citizen Survey™ permits questions to test support for local policies and answers to its questions also speak to community trust and involvement in community-building activities as well as to resident demographic characteristics.

SAMPLING

Approximately 1,200 households were selected to participate in the survey using a stratified systematic sampling method.[3] An individual within each household was selected using the birthday method.[4]

SURVEY ADMINISTRATION

Households received three mailings between the 4th and the 18th of January 2005. The first was a postcard notifying them they had been selected to participate in the City of Troy 2005 Citizen Survey. The postcard was signed by the city manager. About a week later a survey was mailed with a cover letter also signed by the city manager. Approximately one week after the first survey was mailed, a second survey was mailed, with a cover letter asking those who

[3] *Systematic sampling is a method that closely approximates random sampling by selecting every Nth address until the desired number of households is chosen.*

[4] *The birthday method is a process to remove bias in the selection of a person within the household by asking the "person whose birthday has most recently passed" to complete the questionnaire. The underlying assumption in this method is that day of birth has no relationship to the way people respond to surveys but leaving selection of respondent to household members will lead to bias.*

had not yet participated to do so, while informing those who had already completed the survey not to do so again.

RESPONSE RATE AND CONFIDENCE INTERVALS

Of the 1,112 eligible households, 544 completed the survey providing a response rate of 49%. Approximately 88 addresses sampled were "vacant" or "not found.[5]" In general, the response rates obtained on citizen surveys range from 25% to 40%. The sample of households was selected systematically and impartially from a list of residences in the United States maintained by the U.S. postal service and sold to NRC through an independent vendor. For each household, one adult, selected in an unbiased fashion, was asked to complete the survey.

In theory, in 95 cases out of 100, the results based on such samples will differ by no more than 5 percentage points in either direction from what would have been obtained had responses been collected from all Troy adults. This difference is also called a "margin of error." [6] This difference from the presumed population finding is referred to as the sampling error. For subgroups of responses, the margin of sampling error is larger. In addition to sampling error, the practical difficulties of conducting any survey of the public may introduce other sources of error. For example, the failure of some of the selected adults to participate in the sample or the difficulty of including all sectors of the population, such as residents of some institutions or group residences, may lead to somewhat different results.

WEIGHTING AND ANALYZING THE DATA

The surveys were analyzed using the SPSS statistical package. Frequency distributions and average (mean) ratings are presented in the body of the report.

The demographic characteristics of the sample were compared to those of the City of Troy as reflected in the information sent by staff to National Research

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[5] *"Eligible" households refer to addresses that belong to residences that are not vacant within the City of Troy.*

[6] *The margin of error was calculated using the following formula: 1.96 * square root (0.25/400). This margin of error is calculated in the most conservative way. The standard error was assumed to be the greatest for a binomial distribution: 50%/50%.*

Center, Inc. When necessary, survey results were statistically adjusted to reflect the known population profile.

Generally, only two variables are used in a weighting scheme. Known population characteristics are compared to the characteristics of survey respondents. Generally, characteristics chosen as weighting variables are selected because they are not in proportion to what is shown in a jurisdiction's demographic profile and because differences in opinion are observed between subgroups of these characteristics. The two socioeconomic characteristics that were used to weight the survey results were housing unit type and gender/age. Other discrepancies between the whole population and the sample were also aided by the weighting due to the intercorrelation of many socioeconomic characteristics, although the percentages are not always identical in the sample compared to the population norms. The results of the weighting scheme are presented in the table on the next page.

Weighting Scheme for the City of Troy 2005 Citizen Survey			
Respondent Characteristics	**Population Norm***	**Unweighted Survey Data**	**Weighted Survey Data**
Tenure			
Rent Home	23%	14%	22%
Own Home	77%	86%	78%
Type of Housing Unit			
Single-Family Detached	73%	83%	73%
Attached	27%	17%	27%
Ethnicity			
Non-Hispanic	99%	99%	98%
Hispanic	1%	1%	2%
Race			
White/Caucasian	82%	85%	81%
Non-White	18%	15%	19%
Gender			
Female	51%	51%	51%
Male	49%	49%	49%
Age			
18-34	26%	9%	26%
35-54	46%	49%	46%
55+	28%	42%	28%
Gender and Age			
Females 18-34	13%	5%	13%
Females 35-54	23%	26%	23%
Females 55+	15%	20%	15%
Males 18-34	13%	4%	13%
Males 35-54	23%	23%	23%
Males 55+	13%	22%	13%

** Source: 2000 Census*

APPENDIX III: SURVEY MATERIALS

The following pages contain copies of the survey materials sent to randomly selected households within the City of Troy. All households selected for inclusion in the study were first sent a prenotification postcard informing them that they would be receiving a questionnaire within the following week. A week later, a cover letter and survey were sent, with a postage paid return envelope. Two weeks later a second cover letter and survey were sent. The second cover letter asked that those who had responded not do so again, while urging those who had not yet returned their surveys to please do so.

The City of Troy 2005 Citizen Survey

Please complete this questionnaire if you are the adult (age 18 or older) in the household who most recently had a birthday. The adult's year of birth does not matter. Please circle the response that most closely represents your opinion for each question. Your responses are anonymous and will be reported in group form only.

1. Please circle the number that comes closest to your opinion for each of the following questions:

	excellent	good	fair	poor	don't know
How do you rate Troy as a place to live?	1	2	3	4	5
How do you rate your neighborhood as a place to live?	1	2	3	4	5
How do you rate Troy as a place to raise children?	1	2	3	4	5
How do you rate Troy as a place to retire?	1	2	3	4	5
How do you rate the overall quality of life in Troy?	1	2	3	4	5

2. Please rate each of the following characteristics as they relate to Troy as a whole:

	excellent	good	fair	poor	don't know
Sense of community	1	2	3	4	5
Openness and acceptance of the community towards people of diverse backgrounds	1	2	3	4	5
Overall appearance of Troy	1	2	3	4	5
Opportunities to attend cultural activities	1	2	3	4	5
Shopping opportunities	1	2	3	4	5
Recreational opportunities	1	2	3	4	5
Job opportunities	1	2	3	4	5
Access to affordable quality housing	1	2	3	4	5
Access to affordable quality child care	1	2	3	4	5
Ease of car travel in Troy	1	2	3	4	5
Ease of bus travel in Troy	1	2	3	4	5
Ease of bicycle travel in Troy	1	2	3	4	5
Ease of walking in Troy	1	2	3	4	5

3. Please rate the speed of growth in the following categories in Troy over the past 2 years:

	much too slow	somewhat too slow	right amount	somewhat too fast	much too fast	don't know
Population growth	1	2	3	4	5	6
Retail growth (stores, restaurants etc.)	1	2	3	4	5	6
Jobs growth	1	2	3	4	5	6

4. To what degree, if at all, are the following problems in Troy:

	not a problem	minor problem	moderate problem	major problem	don't know
Crime	1	2	3	4	5
Drugs	1	2	3	4	5
Too much growth	1	2	3	4	5
Lack of growth	1	2	3	4	5
Graffiti	1	2	3	4	5
Noise	1	2	3	4	5
Run down buildings, weed lots, or junk vehicles	1	2	3	4	5
Taxes	1	2	3	4	5
Traffic congestion	1	2	3	4	5
Unsupervised youth	1	2	3	4	5
Homelessness	1	2	3	4	5

5. Please rate how safe you feel from the following occurring to you in Troy:

	very safe	somewhat safe	neither safe nor unsafe	somewhat unsafe	very unsafe	don't know
Violent crime (e.g., rape, assault, robbery)	1	2	3	4	5	6
Property crimes (e.g., burglary, theft)	1	2	3	4	5	6
Fire	1	2	3	4	5	6

6. Please rate how safe you feel:

	very safe	somewhat safe	neither safe nor unsafe	somewhat unsafe	very unsafe	don't know
In your neighborhood during the day	1	2	3	4	5	6
In your neighborhood after dark	1	2	3	4	5	6
In Troy's shopping/commercial area during the day	1	2	3	4	5	6
In Troy's shopping/commercial area after dark	1	2	3	4	5	6
In Troy's parks during the day	1	2	3	4	5	6
In Troy's parks after dark	1	2	3	4	5	6

7. During the past twelve months, were you or anyone in your household the victim of any crime?

- ❑ no *[go to question #9]*
- ❑ yes *[go to question #8]*
- ❑ don't know

8. If yes, was this crime (these crimes) reported to the police?

- ❑ no
- ❑ yes
- ❑ don't know

9. In the last 12 months, about how many times, if ever, have you or other household members participated in the following activities in Troy?

	never	once or twice	3 to 12 times	13 to 26 times	more than 26 times
Used Troy public libraries or their services	1	2	3	4	5
Used Troy recreation centers	1	2	3	4	5
Participated in a recreation program or activity	1	2	3	4	5
Visited a neighborhood or City park	1	2	3	4	5
Ridden a local bus within Troy	1	2	3	4	5
Attended a meeting of local elected officials or other local public meeting	1	2	3	4	5
Watched a meeting of local elected officials or other local public meeting on cable television	1	2	3	4	5
Recycled used paper, cans or bottles from your home	1	2	3	4	5
Volunteered your time to some group/activity in Troy	1	2	3	4	5
Read *Troy Today* Newsletter	1	2	3	4	5
Used the Internet for anything	1	2	3	4	5
Used the Internet to conduct business with the City of Troy	1	2	3	4	5
Purchased an item over the Internet	1	2	3	4	5
Visited the Troy Historical Museum	1	2	3	4	5
Visited one of Troy's golf courses	1	2	3	4	5

10. How do you rate the quality of each of the following services in Troy?

	excellent	good	fair	poor	don't know
Police services	1	2	3	4	5
Fire services	1	2	3	4	5
Ambulance/emergency medical services	1	2	3	4	5
Crime prevention	1	2	3	4	5
Fire prevention and education	1	2	3	4	5
Traffic enforcement	1	2	3	4	5
Garbage collection	1	2	3	4	5
Recycling	1	2	3	4	5
Yard waste pick-up	1	2	3	4	5
Street repair	1	2	3	4	5
Street cleaning	1	2	3	4	5
Street lighting	1	2	3	4	5
Snow removal	1	2	3	4	5
Sidewalk maintenance	1	2	3	4	5
Traffic signal timing	1	2	3	4	5
Amount of public parking	1	2	3	4	5
Bus/transit services	1	2	3	4	5
Storm drainage	1	2	3	4	5
Sewer services	1	2	3	4	5
City parks	1	2	3	4	5
Recreation programs or classes	1	2	3	4	5
Range/variety of recreation programs and classes	1	2	3	4	5
Recreation centers/facilities	1	2	3	4	5
Accessibility of parks	1	2	3	4	5
Accessibility of recreation centers/facilities	1	2	3	4	5
Appearance/maintenance of parks	1	2	3	4	5
Appearance of recreation centers/facilities	1	2	3	4	5
Land use, planning and zoning	1	2	3	4	5
Code enforcement (weeds, abandoned buildings, etc)	1	2	3	4	5
Animal control	1	2	3	4	5
Economic development	1	2	3	4	5
Services to seniors	1	2	3	4	5
Services to youth	1	2	3	4	5
Services to low-income people	1	2	3	4	5
Public library services	1	2	3	4	5
Variety of library materials	1	2	3	4	5
Public information services	1	2	3	4	5
Public schools	1	2	3	4	5
Cable television	1	2	3	4	5
Troy Museum	1	2	3	4	5
Nature Center	1	2	3	4	5

11. Overall, how would you rate the quality of the services provided by…

	excellent	good	fair	poor	don't know
The City of Troy?	1	2	3	4	5
The Federal Government?	1	2	3	4	5
The State Government?	1	2	3	4	5

12. Have you had any in-person or phone contact with an employee of the City of Troy within the last 12 months (including police, receptionists, planners or any others)?

❑ no *[go to question #14]* ❑ yes *[go to question #13]*

13. What was your impression of employees of the City of Troy in your most recent contact? (Rate each characteristic below.)

	excellent	good	fair	poor	don't know
Knowledge	1	2	3	4	5
Responsiveness	1	2	3	4	5
Courtesy	1	2	3	4	5
Overall impression	1	2	3	4	5

14. Please rate the following statements by circling the number that most clearly represents your opinion:

	strongly agree	somewhat agree	neither agree nor disagree	somewhat disagree	strongly disagree	don't know
I receive good value for the City of Troy taxes I pay	1	2	3	4	5	6
I am pleased with the overall direction that the City of Troy is taking	1	2	3	4	5	6
The City of Troy government welcomes citizen involvement	1	2	3	4	5	6
The City of Troy government listens to citizens	1	2	3	4	5	6

15. What impact, if any, do you think the economy will have on your family income in the next 6 months? Do you think the impact will be:

❑ very positive ❑ somewhat positive ❑ neutral ❑ somewhat negative ❑ very negative

16. Please check the response that comes closest to your opinion for each of the following questions:

a. To what degree would you support or oppose maintaining the current tax rate even if it results in a reduction of essential City Services (Police, Fire, Public Works, etc.)?

❑ strongly support ❑ somewhat oppose
❑ somewhat support ❑ strongly oppose
❑ neither support nor oppose ❑ don't know

b. To what degree would you support or oppose implementing new user fees (Library, Parks & Recreation uses/programs) where none currently exist before an increase in taxes?

❑ strongly support ❑ somewhat oppose
❑ somewhat support ❑ strongly oppose
❑ neither support nor oppose ❑ don't know

c. For non-essential services (Community Center, Museum, Nature Center) to what degree would you support or oppose an increase in user fees before an increase in taxes?

❑ strongly support ❑ somewhat oppose
❑ somewhat support ❑ strongly oppose
❑ neither support nor oppose ❑ don't know

d. Our last survey conducted in 1999 indicated that traffic congestion was Troy's #1 concern. What suggestions do you have for the City of Troy to address traffic congestion?

_____

_____

_____

e. The construction phase of the proposed I-75/Crooks/Long Lake Interchange Project, is contingent upon receiving an estimated $40 million from the Federal Highway Administration and the City of Troy will expend approximately $2.5 million for right-of-way acquisition. What do you think about the City of Troy proceeding with this project?

_____

_____

_____

Our last questions are about you and your household. Again, all of your responses to this survey are completely anonymous and will be reported in group form only.

17. Do you live within the City limits of the City of Troy?

❑ no ❑ yes

18. Are you currently employed?

❑ no *[go to question #19]* ❑ yes *[go to question #18a]*

18a. What one method of transportation do you *usually* use (for the longest distance of your commute) to travel to work?

❑ Motorized vehicle (e.g. car, truck, van, motorcycle etc…)
❑ Bus, Rail, Subway, or other public transportation
❑ Walk
❑ Work at home
❑ Other

18b. If you checked the motorized vehicle (e.g. car, truck, van, motorcycle, etc.) box in 18a, do other people (adults or children) *usually* ride with you to or from work?

❑ no ❑ yes

19. How many years have you lived in Troy?

❑ less than 2 years
❑ 2-5 years
❑ 6-10 years
❑ 11-20 years
❑ more than 20 years

20. Which best describes the building you live in?

❑ one family house detached from any other houses
❑ house attached to one or more houses (e.g. a duplex or town home)
❑ building with two or more apartments or condominiums
❑ mobile home
❑ other

21. Is this house, apartment, or mobile home...

❑ rented for cash or occupied without cash payment?
❑ owned by you or someone in this house with a mortgage or free and clear?

22. Do any children 12 or under live in your household?

❑ no ❑ yes

23. Do any teenagers aged between 13 and 17 live in your household?

❑ no ❑ yes

24. Are you or any other members of your household aged 65 or older?

❑ no ❑ yes

25. Does any member of your household have a physical handicap or is anyone disabled?

❑ no ❑ yes

26. What is the highest degree or level of school you have completed? (mark one box)

❑ 12th Grade or less, no diploma
❑ high school diploma
❑ some college, no degree
❑ associate's degree (e.g. AA, AS)
❑ bachelor's degree (e.g. BA, AB, BS)
❑ graduate degree or professional degree

27. How much do you anticipate your household's total income before taxes will be for the current year? (Please include in your total income money from all sources for all persons living in your household.)

❑ less than $24,999
❑ $25,000 to $49,999
❑ $50,000 to $99,999
❑ $100,000 or more

28. Are you Spanish/Hispanic/Latino?

❑ no ❑ yes

29. What is your race? (Mark one or more races to indicate what race you consider yourself to be)

❑ American Indian or Alaskan native
❑ Asian or Pacific Islander
❑ Black, African American
❑ White/Caucasian
❑ Other

30. In which category is your age?

❑ 18-24 years
❑ 25-34 years
❑ 35-44 years
❑ 45-54 years
❑ 55-64 years
❑ 65-74 years
❑ 75 years or older

31. What is your sex?

❑ female ❑ male

32. Are you registered to vote in your jurisdiction?

❑ no ❑ yes ❑ don't know

33. Did you vote in the last election?

❑ no ❑ yes ❑ don't know

34. Are you likely to vote in the next election?

❑ no ❑ yes ❑ don't know

Thank you for completing this survey. Please return the completed survey in the postage paid envelope to: National Research Center, Inc., 3005 30th St., Boulder, CO 80301

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City of Troy

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

Area code (248)

Assessing
524-3311

Bldg. Inspections
524-3344

Bldg. Maintenance
524-3368

City Clerk
524-3316

City Manager
524-3330

Community Affairs
524-1147

Engineering
524-3383

Finance
524-3411

Fire-Administration
524-3419

Human Resources
524-3339

Information Services
619-7279

Law
524-3320

Library
524-3545

Parks & Recreation
524-3484

Planning
524-3364

Police-Administration
524-3443

Public Works
524-3370

Purchasing
524-3338

Real Estate & Development
524-3498

Treasurer
524-3334

General Information
524-3300

January 2005

Dear Troy Resident:

The City of Troy wants to know what you think about our community and municipal government. You have been randomly selected to participate in Troy's 2005 Citizen Survey.

Please take a few minutes to fill out the enclosed Citizen Survey. Your answers will help the City Council make decisions that affect our community. You should find the questions interesting and we will definitely find your answers useful. Please participate!

To get a representative sample of Troy residents, the adult (anyone 18 years or older) in your household who most recently had a birthday should complete this survey. Year of birth of the adult does not matter.

Please have the appropriate member of the household spend a few minutes to answer all the questions and return the survey in the enclosed postage-paid envelope. **Your responses will remain completely anonymous.**

Your participation in this survey is very important – especially since your household is one of only a small number of households being surveyed. If you have any questions about the Citizen Survey please call (248) 524-1147.

Please help us shape the future of Troy. Thank you for your time and participation.

Sincerely,

John Szerlag
City Manager

City of Troy

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

Area code (248)

Assessing
524-3311

Bldg. Inspections
524-3344

Bldg. Maintenance
524-3368

City Clerk
524-3316

City Manager
524-3330

Community Affairs
524-1147

Engineering
524-3383

Finance
524-3411

Fire-Administration
524-3419

Human Resources
524-3339

Information Services
619-7279

Law
524-3320

Library
524-3545

Parks & Recreation
524-3484

Planning
524-3364

Police-Administration
524-3443

Public Works
524-3370

Purchasing
524-3338

Real Estate & Development
524-3498

Treasurer
524-3334

General Information
524-3300

January 2005

Dear City of Troy Resident:

About one week ago, you should have received a copy of the enclosed survey. **If you completed it and sent it back, we thank you for your time and ask you to discard this survey. Please do not respond twice.** If you have not had a chance to complete the survey, we would appreciate your response. The City of Troy wants to know what you think about our community and municipal government. You have been randomly selected to participate in the City of Troy's Citizen Survey.

Please take a few minutes to fill out the enclosed Citizen Survey. Your answers will help Troy City Council make decisions that affect our community. You should find the questions interesting and we will definitely find your answers useful. Please participate!

To get a representative sample of Troy residents, the adult (anyone 18 years or older) in your household who most recently had a birthday should complete this survey. Year of birth of the adult does not matter.

Please have the appropriate member of the household spend a few minutes to answer all the questions and return the survey in the enclosed postage-paid envelope. **Your responses will remain completely anonymous.**

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The National

CITIZEN SURVEY™

2005

Report of Normative Comparisons for the City of Troy, Michigan

DRAFT

Submitted by:

NATIONAL RESEARCH CENTER, INC.
3005 30th Street • Boulder, CO 80301
tel. 303-444-7863 • fax. 303-441-1145
e-mail: ncs@n-r-c.com • www.n-r-c.com

February 2005

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SURVEY BACKGROUND

ABOUT THE NATIONAL CITIZEN SURVEY™

The National Citizen Survey™ (The NCS™) is a collaborative effort between National Research Center, Inc. (NRC) and the International City/County Management Association (ICMA).

The National Citizen Survey™ was developed to provide local jurisdictions an accurate, affordable and easy way to assess and interpret resident opinion about important community issues. While standardization of question wording and survey methods provide the rigor to assure valid results, each jurisdiction has enough flexibility to construct a customized version of The National Citizen Survey™ that asks residents about key local services and important local issues.

Results offer insight into residents' perspectives about local government performance and as such provide important benchmarks for jurisdictions working on performance measurement. The National Citizen Survey™ is designed to help with budget, land use and strategic planning as well as to communicate with local residents. The National Citizen Survey™ permits questions to test support for local policies and answers to its questions also speak to community trust and involvement in community-building activities as well as to resident demographic characteristics.

The survey and its administration are standardized to assure high quality survey methods and comparable results across The National Citizen Survey™ jurisdictions. Participating households are selected at random and the household member who responds is selected without bias. Multiple mailings give each household more than one chance to participate with self-addressed and postage paid envelopes. Results are statistically reweighted to reflect the proper demographic composition of the entire community. The National Citizen Survey™ customized for this jurisdiction was developed in close cooperation with local jurisdiction staff. The City of Troy staff selected items from a menu of questions about services and community problems; they defined the jurisdiction boundaries NRC used for sampling; and they provided the appropriate letterhead

and signatures for mailings. City of Troy staff also determined local interest in a variety of add-on options for The National Citizen Survey™ Basic Service.

UNDERSTANDING THE NORMATIVE COMPARISONS

Comparison Data

National Research Center, Inc. has collected citizen surveys conducted in over 350 jurisdictions in the United States. Responses to over 4,000 survey questions dealing with resident perceptions about the quality of community life and services provided by local government were recorded, analyzed and stored in an electronic database.

The jurisdictions in the database represent a wide geographic and population range as shown in the table below.

Jurisdiction Characteristic	Percent of Jurisdictions
Region	
West Coast[1]	21%
West[2]	14%
North Central West[3]	12%
North Central East[4]	14%
South Central[5]	9%
South[6]	22%
Northeast West[7]	4%
Northeast East[8]	4%
Population	
less than 40,000	33%
40,000 to 74,999	25%
75,000 to 149,000	18%
150,000 or more	24%

[1]*Alaska, Washington, Oregon, California, Hawaii*
[2]*Montana, Idaho, Wyoming, Colorado, Utah, Nevada, Arizona, New Mexico*
[3]*North Dakota, South Dakota, Nebraska, Kansas, Iowa, Missouri, Minnesota*
[4]*Illinois, Indiana, Ohio, Michigan, Wisconsin*
[5]*Oklahoma, Texas, Louisiana, Arkansas*
[6]*West Virginia, Virginia, Kentucky, Tennessee, Mississippi, Alabama, Georgia, Florida, South Carolina, North Carolina, Maryland, Delaware, Washington DC*
[7]*New York, Pennsylvania, New Jersey*
[8]*Connecticut, Rhode Island, Massachusetts, New Hampshire, Vermont, Maine*

Use of the "Excellent, Good, Fair, Poor" Response Scale

The scale on which respondents are asked to record their opinions about service and community quality is "excellent," "good," "fair" or "poor" (EGFP). This scale has important advantages over other scale possibilities (very good to very bad; very satisfied to very dissatisfied; strongly agree to strongly disagree, as examples). EGFP is used by the plurality of jurisdictions conducting citizen surveys across the U.S. The advantage of familiarity is one we did not want to dismiss because elected officials, staff and residents already are acquainted with opinion surveys measured this way. EGFP also has the advantage of offering three positive options, rather than only two, over which a resident can offer an opinion. While symmetrical scales often are the right choice in other measurement tasks, we have found that ratings of almost every local government service in almost every jurisdiction tend, on average, to be positive (that is, above the scale midpoint). Therefore, to permit finer distinctions among positively rated services, EGFP offers three options across which to spread those ratings. EGFP is more neutral because it requires no positive statement of service quality to judge (as agree-disagree scales require) and, finally, EGFP intends to measure absolute quality of service delivery or community quality (unlike satisfaction scales which ignore residents' perceptions of quality in favor of their report on the acceptability of the level of service offered).

Putting Evaluations Onto a 100-Point Scale

Although responses to many of the evaluative questions were made on a 4 point scale with 4 representing the best rating and 1 the worst, many of the results in this summary are reported on a common scale where 0 is the worst possible rating and 100 is the best possible rating. If everyone reported "excellent," then the result would be 100 on the 100-point scale. Likewise, if all respondents gave a "poor" rating, the result would be 0 on the 100-point scale. If the average rating for quality of life was "good," then the result would be 67 on a 100-point scale; "fair" would be 33 on the 100-point scale. The 95 percent confidence interval around an average score on the 100-point scale is no greater than plus or minus 5 points based on all respondents.

Interpreting the Results

Comparisons are provided when similar questions are included in our database, and there are at least five other jurisdictions in which the question was asked. Where comparisons are available, three numbers are provided in the table. The first is the rank assigned to your jurisdiction's rating among jurisdictions where a similar question was asked. The second is the number of jurisdictions that asked a similar question. Third, the rank is expressed as a percentile to indicate its distance from the top score. This rank (5th highest out of 25 jurisdictions' results, for example) translates to a percentile (the 80th percentile in this example). A percentile indicates the percent of jurisdictions with identical or lower ratings. Therefore, a rating at the 80th percentile would mean that your jurisdiction's rating is equal to or better than 80 percent of the ratings from other jurisdictions. Conversely, 20 percent of the jurisdictions where a similar question was asked had higher ratings.

Alongside the rank and percentile appears a comparison: "above the norm," "below the norm" or "similar to the norm." This evaluation of "above," "below" or "similar to" comes from a statistical comparison of your jurisdiction's rating to the norm (the average rating from all the comparison jurisdictions where a similar question was asked). Differences of 3 or more points on the 100-point scale between your jurisdiction's ratings and the average based on the appropriate comparisons from the database are considered "statistically significant," and thus are marked as "above" or "below" the norm. When differences between your jurisdiction's ratings and the national norms are less than 3 points, they are marked as "similar to" the norm.

The data are represented visually in a chart that accompanies each table. Your jurisdiction's percentile for each compared item is marked with a black line on the chart.

COMPARISONS

Figure 1a: Quality of Life Ratings

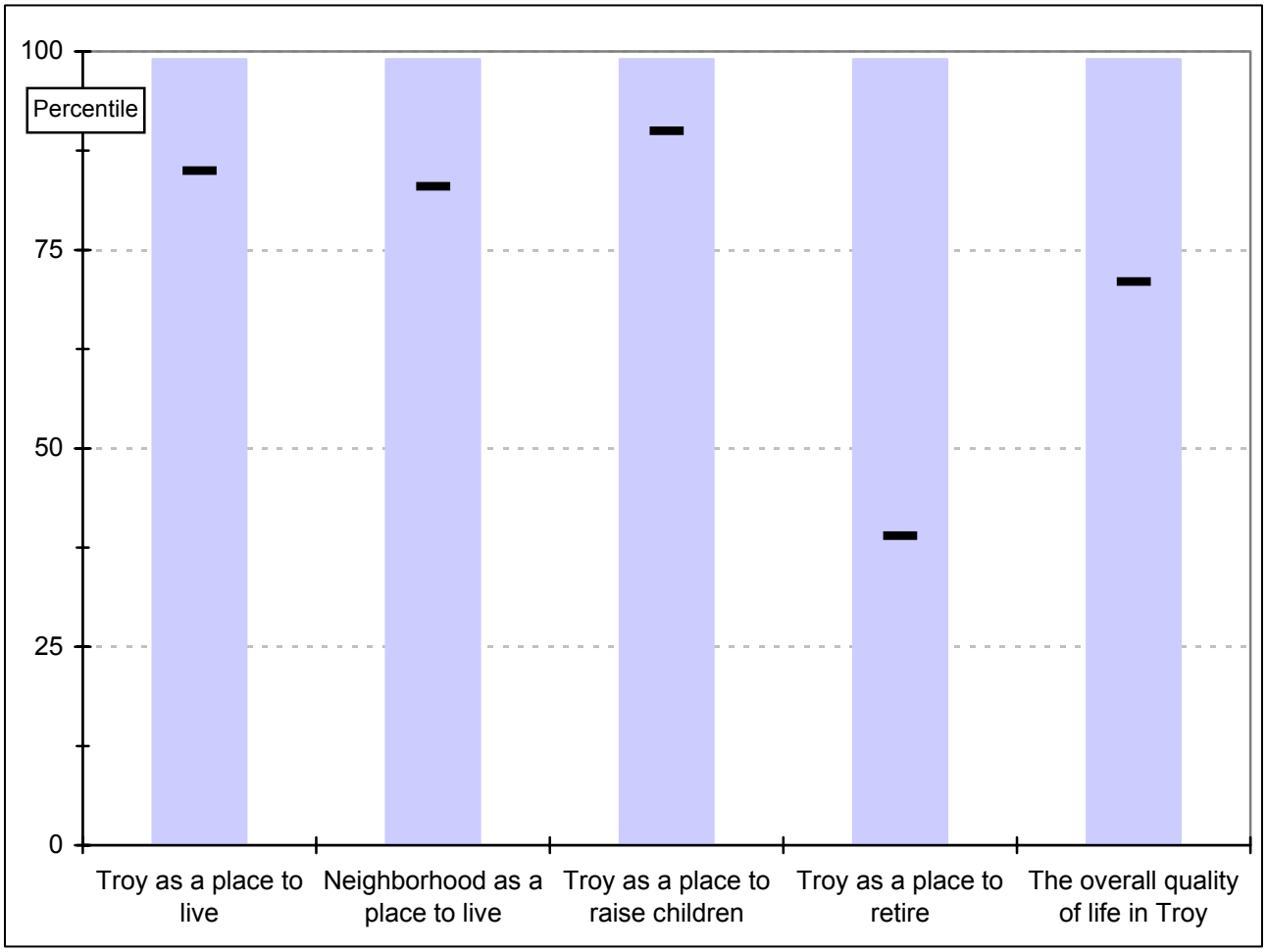

Figure 1b: Quality of Life Ratings					
	City of Troy Rating	Rank	Number of Jurisdictions for Comparison	City of Troy Percentile	Comparison of Troy Rating to Norm
Troy as a place to live	80	35	234	85%ile	above the norm
Neighborhood as a place to live	76	18	103	83%ile	above the norm
Troy as a place to raise children	80	14	129	90%ile	above the norm
Troy as a place to retire	55	65	105	39%ile	similar to the norm
The overall quality of life in Troy	75	54	184	71%ile	above the norm

Figure 2a: Characteristics of the Community: General and Opportunities

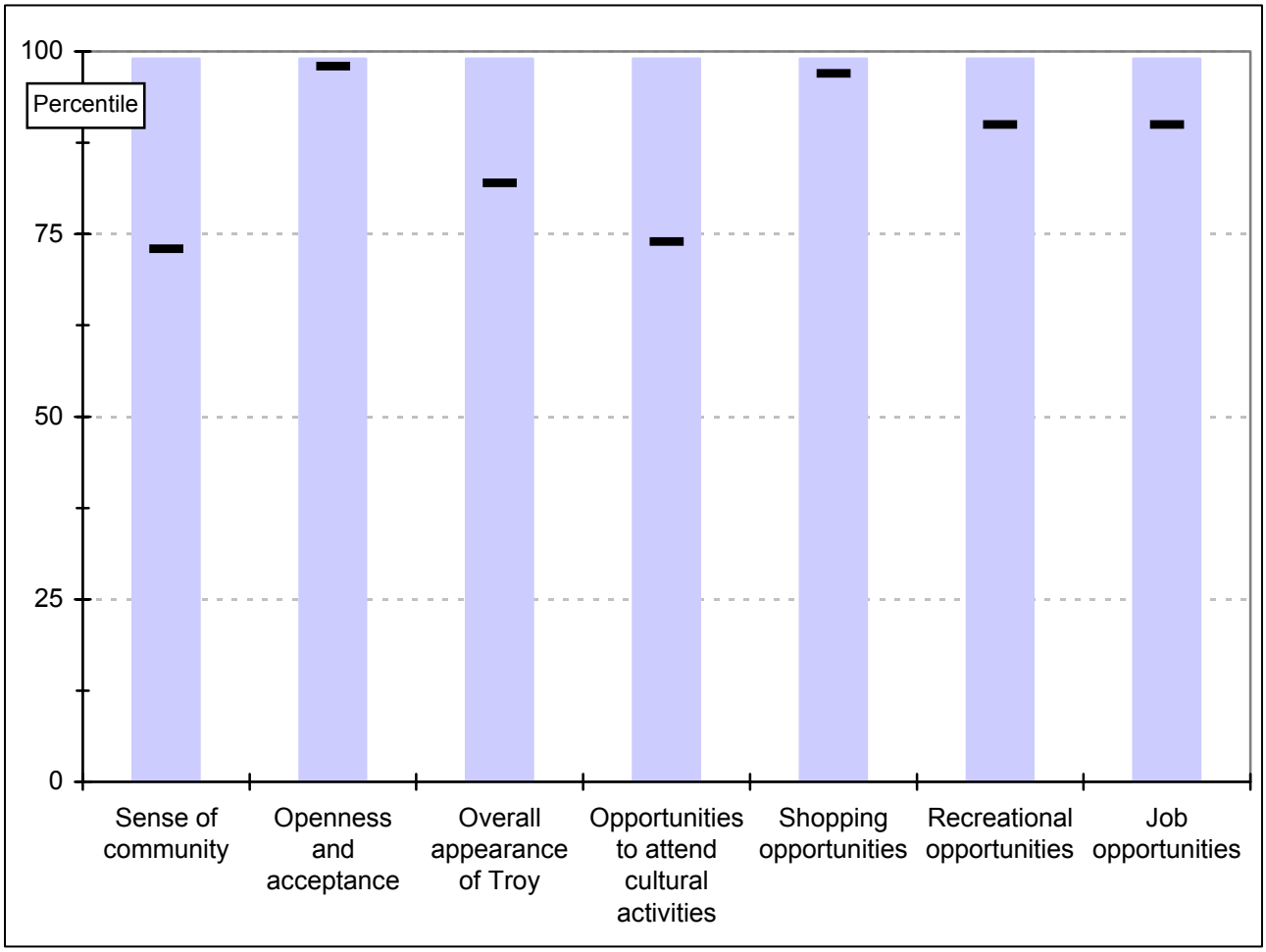

Figure 2b: Characteristics of the Community: General and Opportunities					
	City of Troy Rating	Rank	Number of Jurisdictions for Comparison	City of Troy Percentile	Comparison of Troy Rating to Norm
Sense of community	60	24	84	73%ile	above the norm
Openness and acceptance	71	2	65	98%ile	above the norm
Overall appearance of Troy	71	22	114	82%ile	above the norm
Opportunities to attend cultural activities	63	25	93	74%ile	above the norm
Shopping opportunities	84	4	91	97%ile	above the norm
Recreational opportunities	72	12	111	90%ile	above the norm
Job opportunities	59	15	135	90%ile	above the norm

Figure 3a: Characteristics of the Community: Access and Mobility

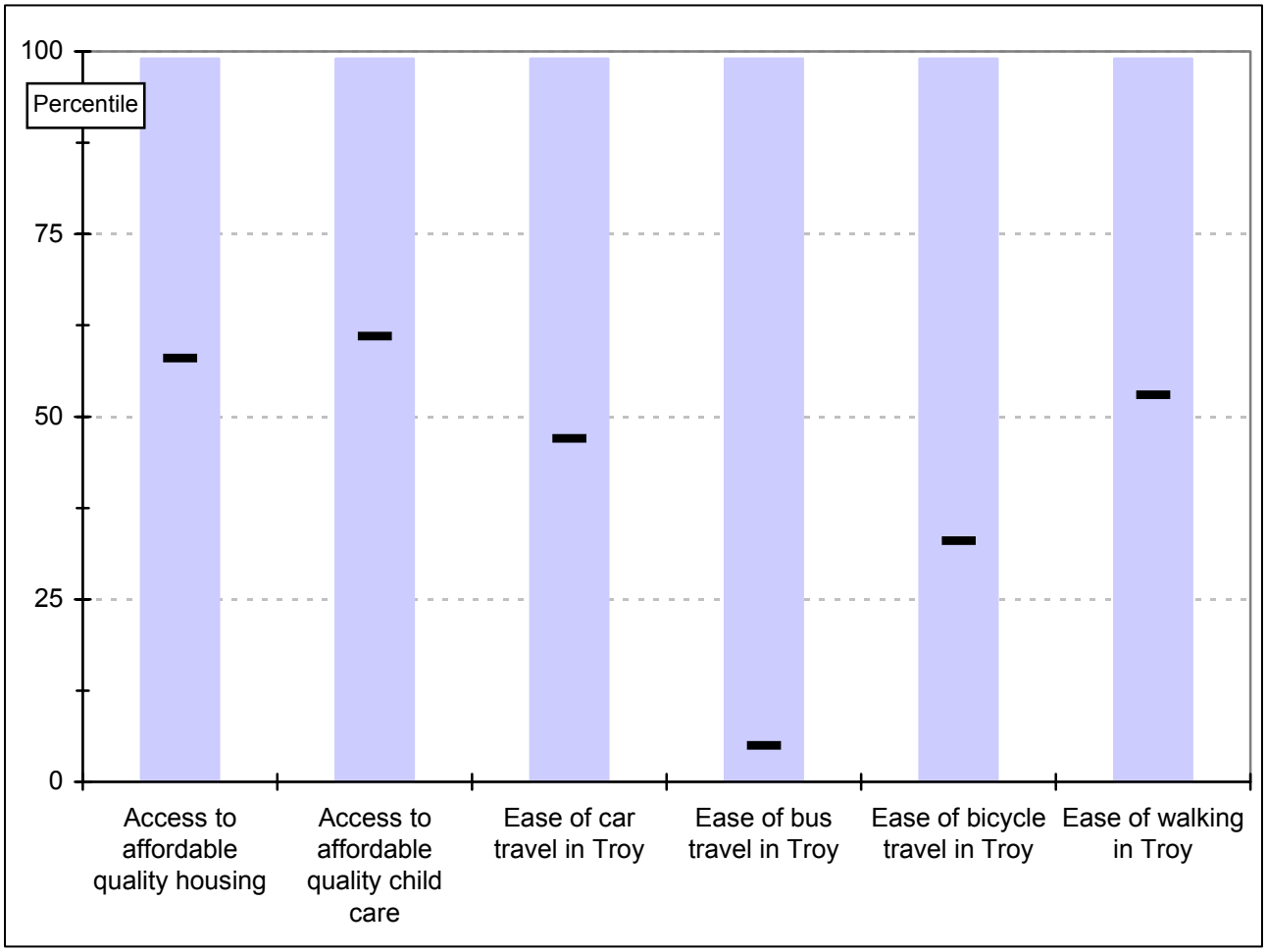

Figure 3b: Characteristics of the Community: Access					
	City of Troy Rating	Rank	Number of Jurisdictions for Comparison	City of Troy Percentile	Comparison of Troy Rating to Norm
Access to affordable quality housing	49	61	144	58%ile	similar to the norm
Access to affordable quality child care	53	24	59	61%ile	similar to the norm
Ease of car travel in Troy	49	48	88	47%ile	similar to the norm
Ease of bus travel in Troy	24	40	41	5%ile	below the norm
Ease of bicycle travel in Troy	42	49	72	33%ile	below the norm
Ease of walking in Troy	52	28	58	53%ile	similar to the norm

Figure 4a: Ratings of Safety from Various Problems

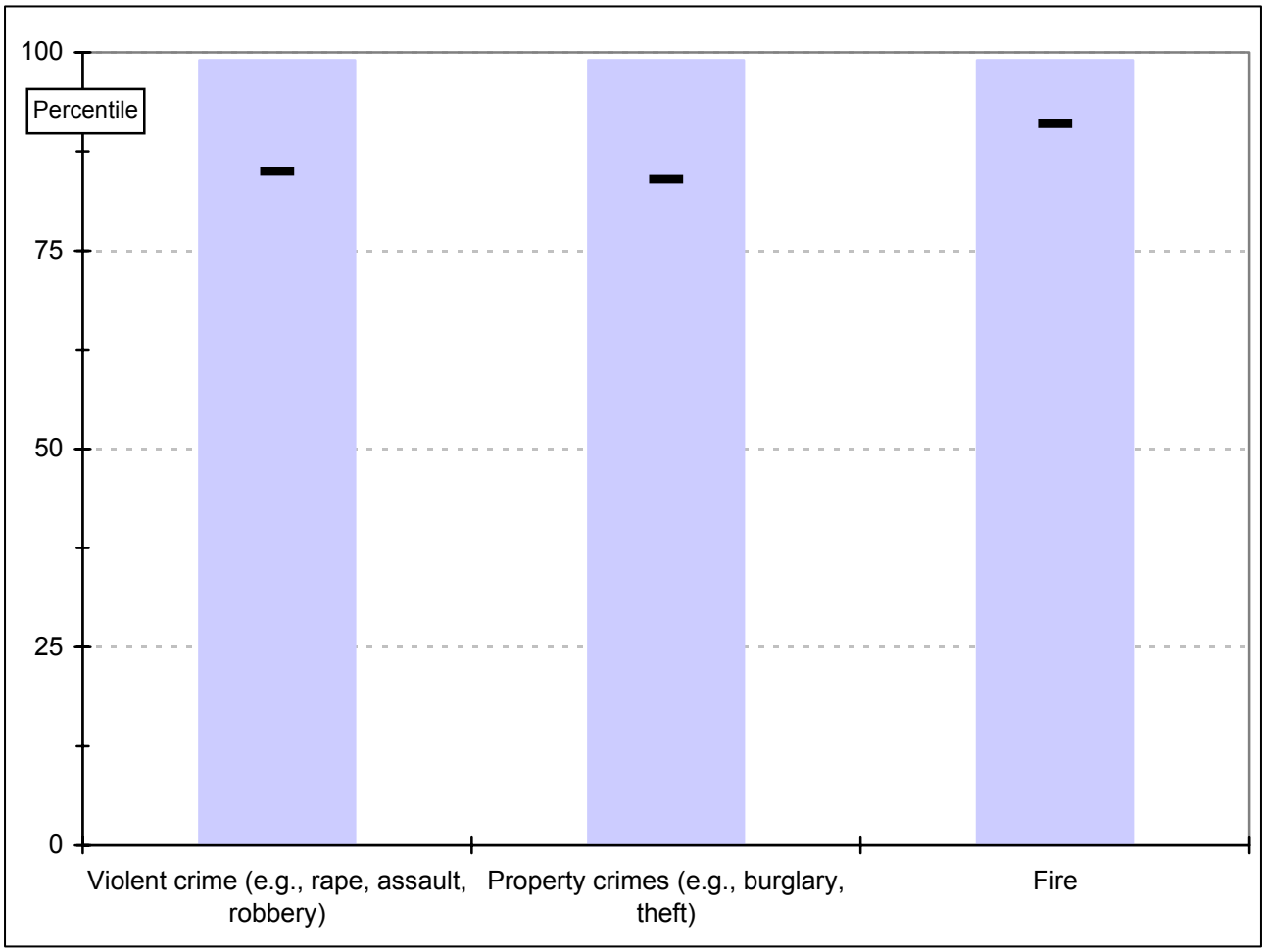

Figure 4b: Ratings of Safety From Various Problems					
	City of Troy Rating	Rank	Number of Jurisdictions for Comparison	City of Troy Percentile	Comparison of Troy Rating to Norm
Violent crime (e.g., rape, assault, robbery)	81	14	85	85%ile	above the norm
Property crimes (e.g., burglary, theft)	72	15	85	84%ile	above the norm
Fire	80	8	82	91%ile	above the norm

Figure 5a: Ratings of Safety in Various Areas

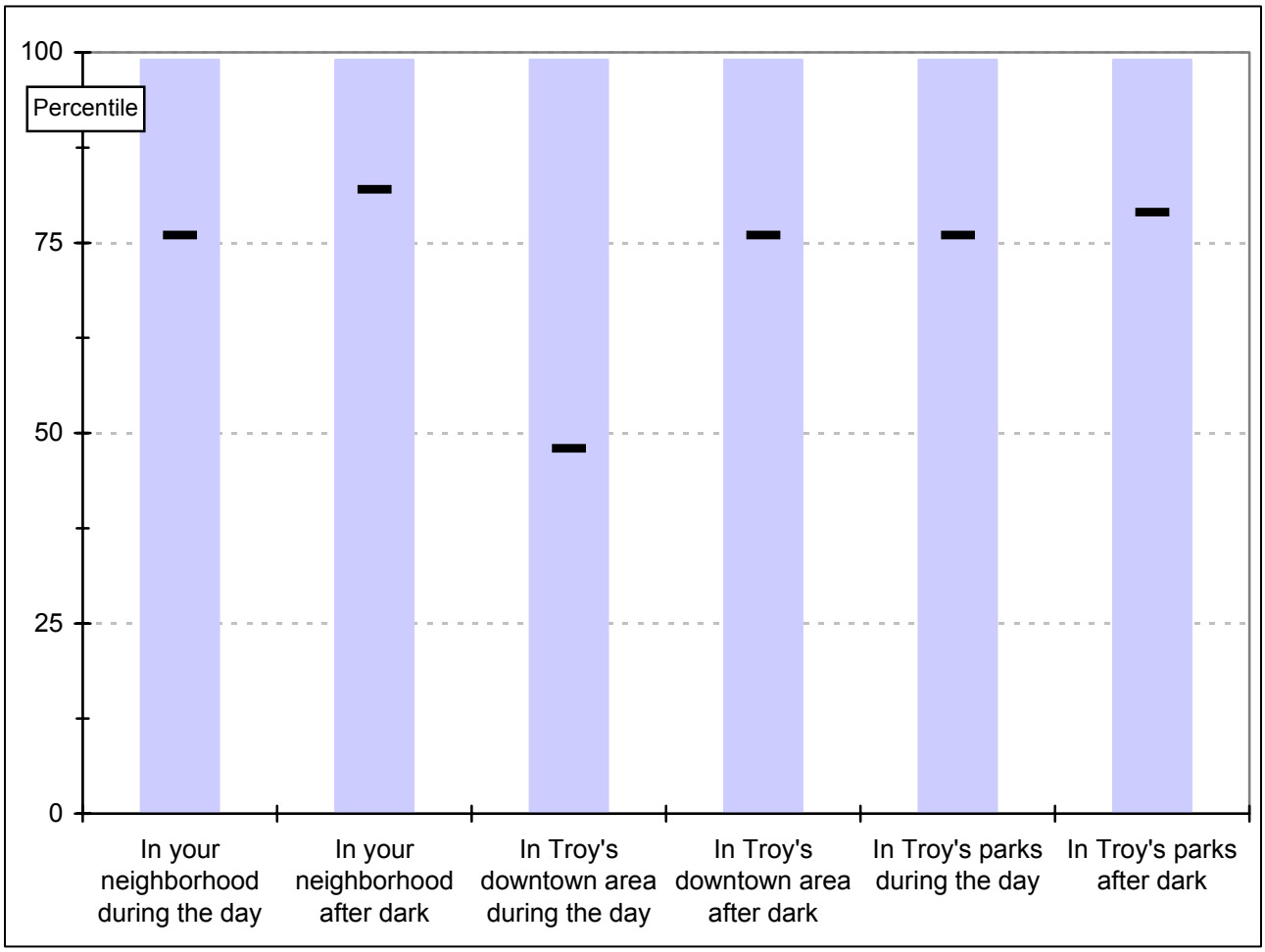

Figure 5b: Ratings of Safety in Various Areas					
	City of Troy Rating	Rank	Number of Jurisdictions for Comparison	City of Troy Percentile	Comparison of Troy Rating to Norm
In your neighborhood during the day	92	24	94	76%ile	similar to the norm
In your neighborhood after dark	79	34	185	82%ile	above the norm
In Troy's downtown area during the day	84	43	81	48%ile	similar to the norm
In Troy's downtown area after dark	70	27	107	76%ile	above the norm
In Troy's parks during the day	88	22	87	76%ile	above the norm
In Troy's parks after dark	62	18	81	79%ile	above the norm

Figure 6a: Quality of Public Safety Services

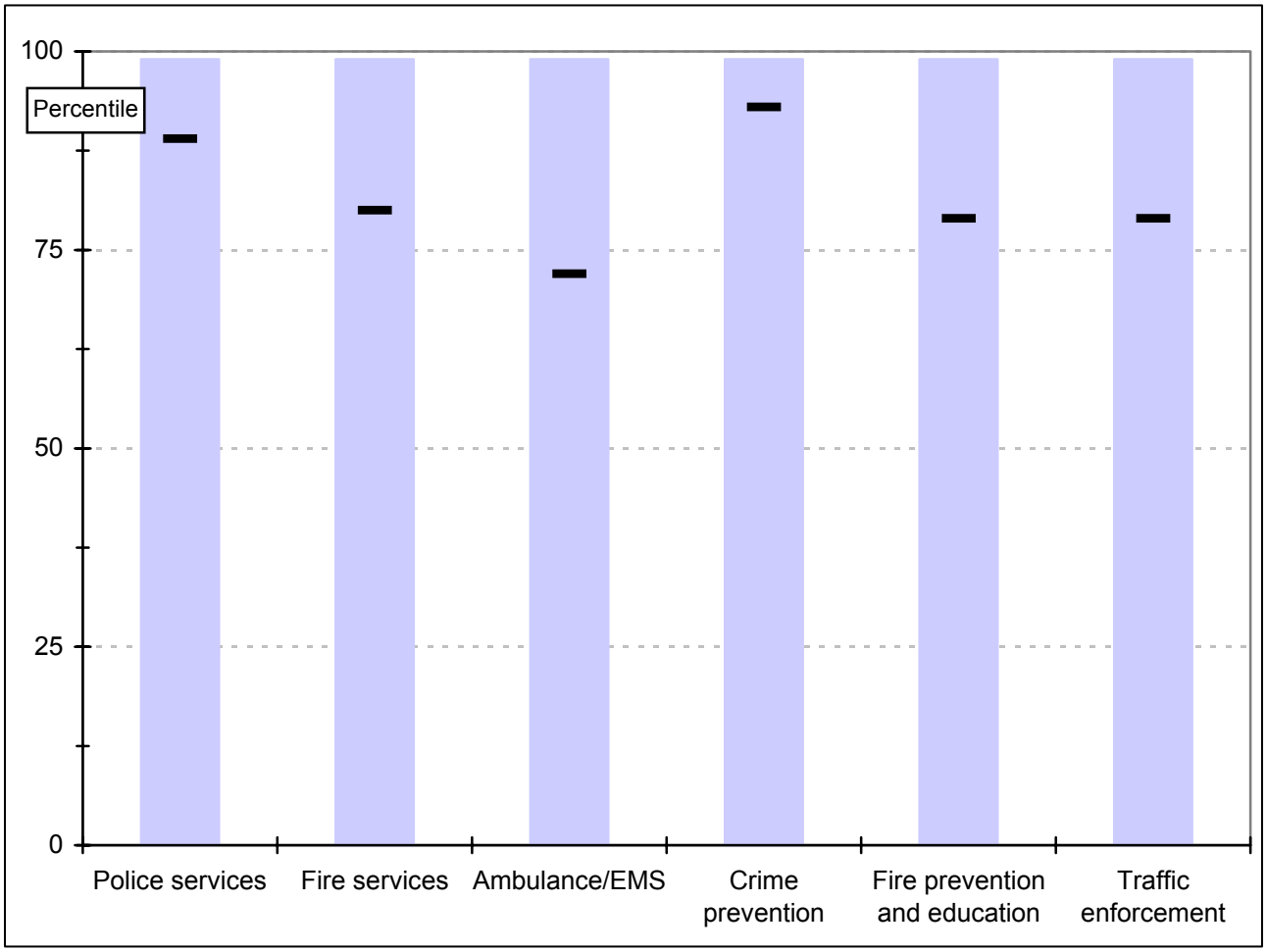

Figure 6b: Quality of Public Safety Services					
	City of Troy Rating	Rank	Number of Jurisdictions for Comparison	City of Troy Percentile	Comparison of Troy Rating to Norm
Police services	78	40	347	89%ile	above the norm
Fire services	82	54	268	80%ile	above the norm
Ambulance/emergency medical services	80	50	177	72%ile	similar to the norm
Crime prevention	71	8	96	93%ile	above the norm
Fire prevention and education	74	17	77	79%ile	above the norm
Traffic enforcement	64	33	155	79%ile	above the norm

Figure 7a: Quality of Transportation Services

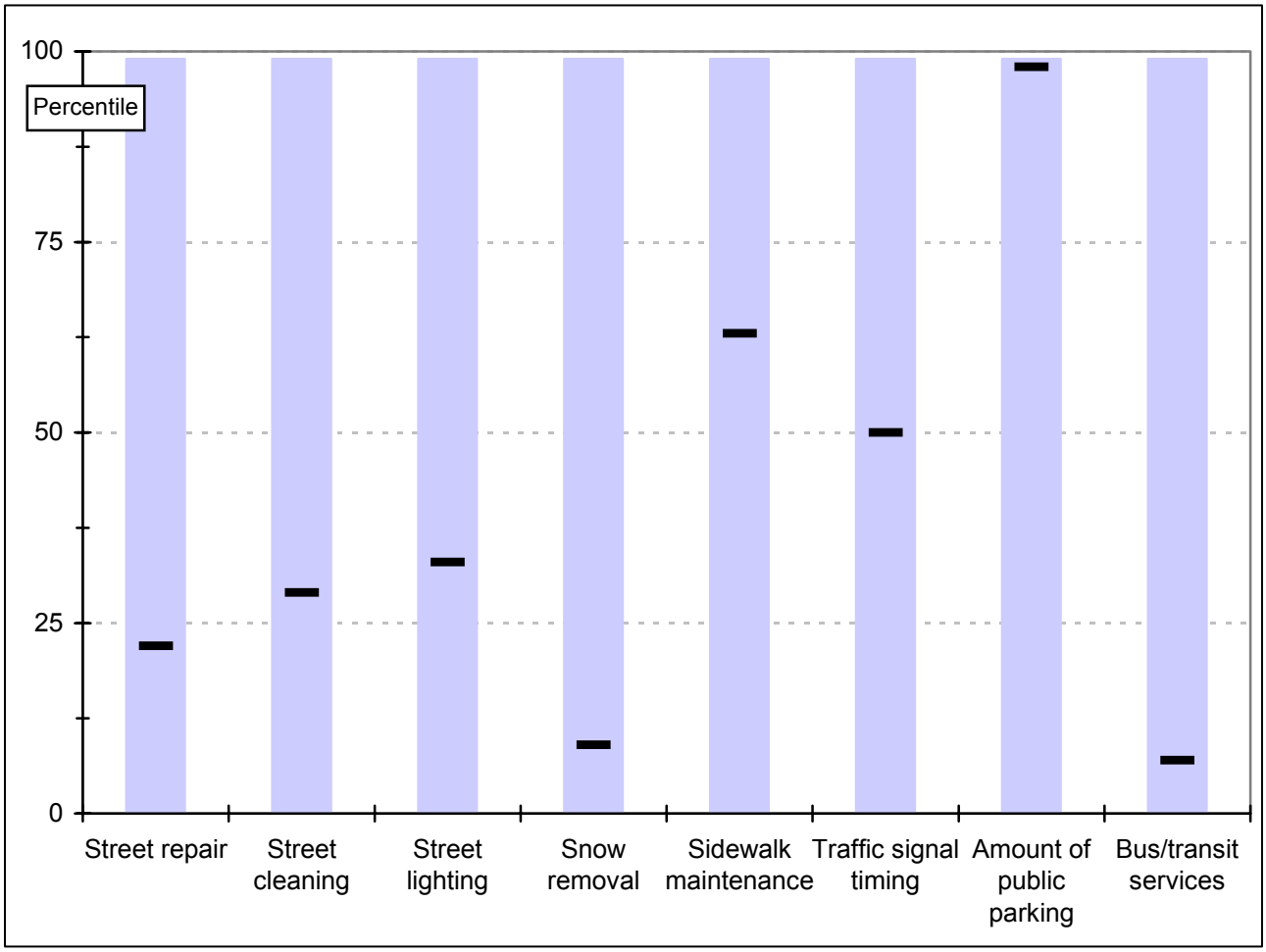

Figure 7b: Quality of Transportation Services					
	City of Troy Rating	Rank	Number of Jurisdictions for Comparison	City of Troy Percentile	Comparison of Troy Rating to Norm
Street repair	39	204	259	22%ile	below the norm
Street cleaning	51	120	168	29%ile	below the norm
Street lighting	52	105	155	33%ile	similar to the norm
Snow removal	46	128	140	9%ile	below the norm
Sidewalk maintenance	51	39	102	63%ile	similar to the norm
Traffic signal timing	45	38	74	50%ile	similar to the norm
Amount of public parking	63	2	49	98%ile	above the norm
Bus/transit services	33	93	99	7%ile	below the norm

Figure 8a: Quality of Leisure Services

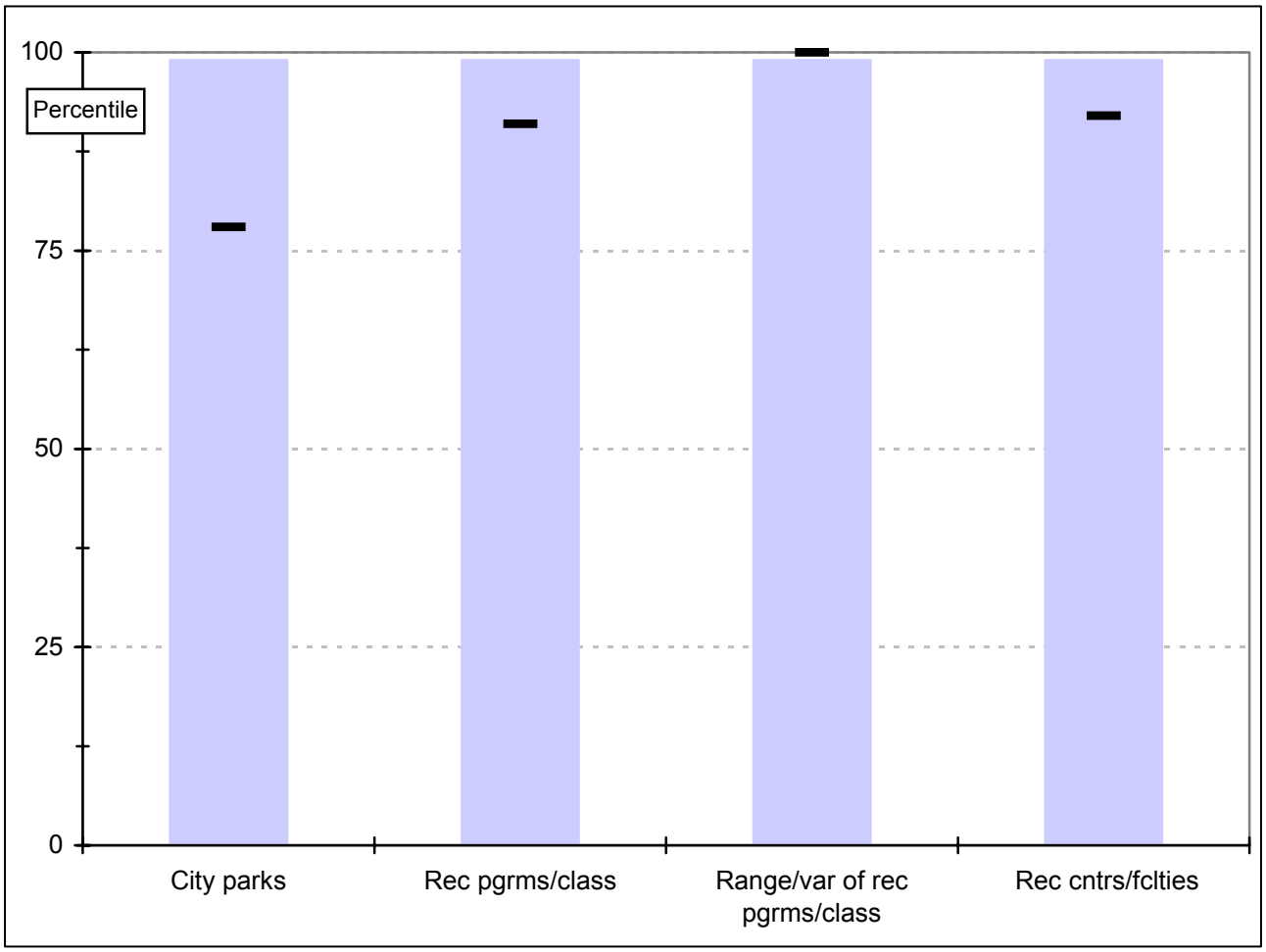

Figure 8b: Quality of Leisure Services continued

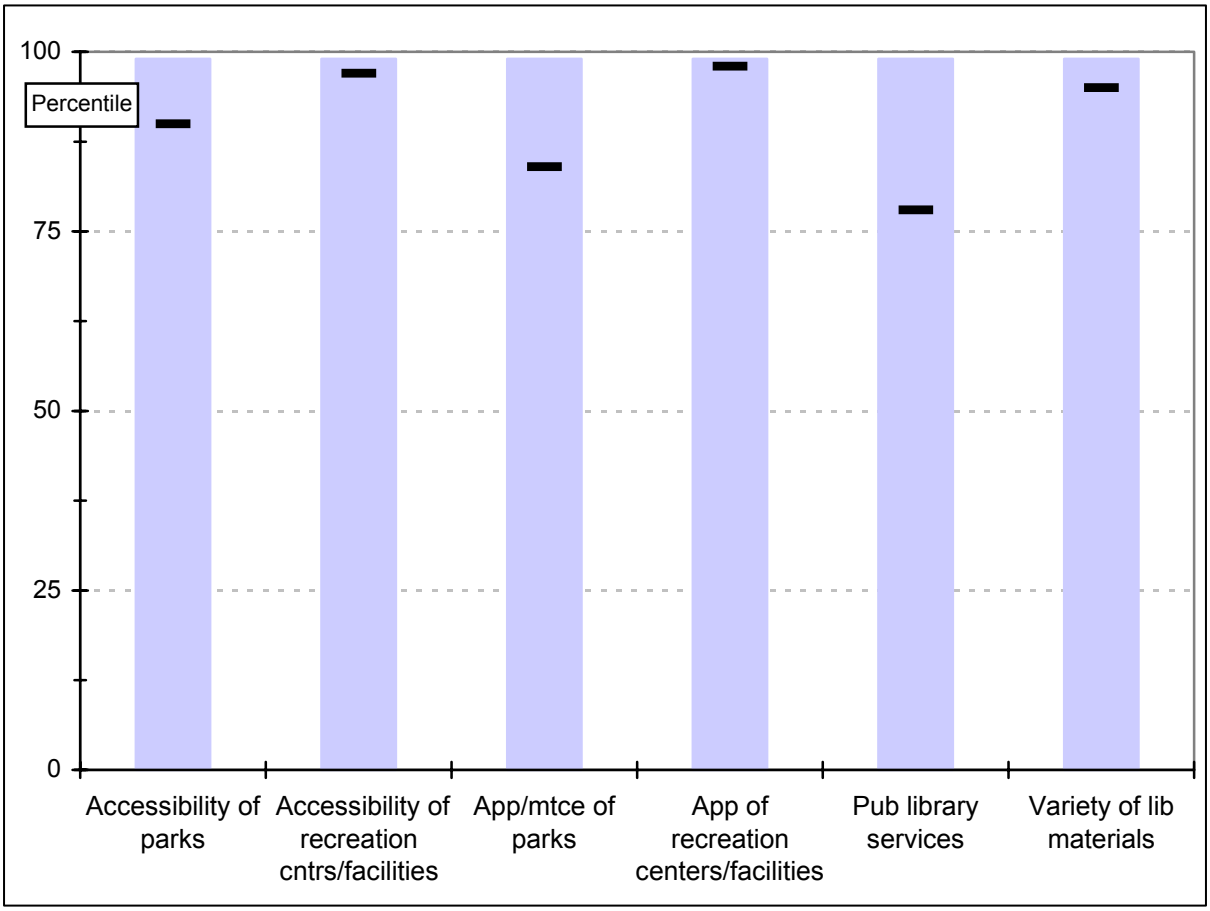

Figure 8c: Quality of Leisure Services					
	City of Troy Rating	Rank	Number of Jurisdictions for Comparison	City of Troy Percentile	Comparison of Troy Rating to Norm
City parks	75	39	173	78%ile	above the norm
Recreation programs or classes	77	18	191	91%ile	above the norm
Range/variety of recreation programs and classes	75	1	56	100%ile	above the norm
Recreation centers/facilities	78	11	119	92%ile	above the norm
Accessibility of parks	77	8	72	90%ile	above the norm
Accessibility of recreation centers/facilities	75	2	34	97%ile	above the norm
Appearance/maintenance of parks	74	30	177	84%ile	above the norm
Appearance of recreation centers/facilities	77	2	44	98%ile	above the norm
Public library services	77	51	229	78%ile	above the norm
Variety of library materials	75	4	55	95%ile	above the norm

Figure 9a: Quality of Utility Services

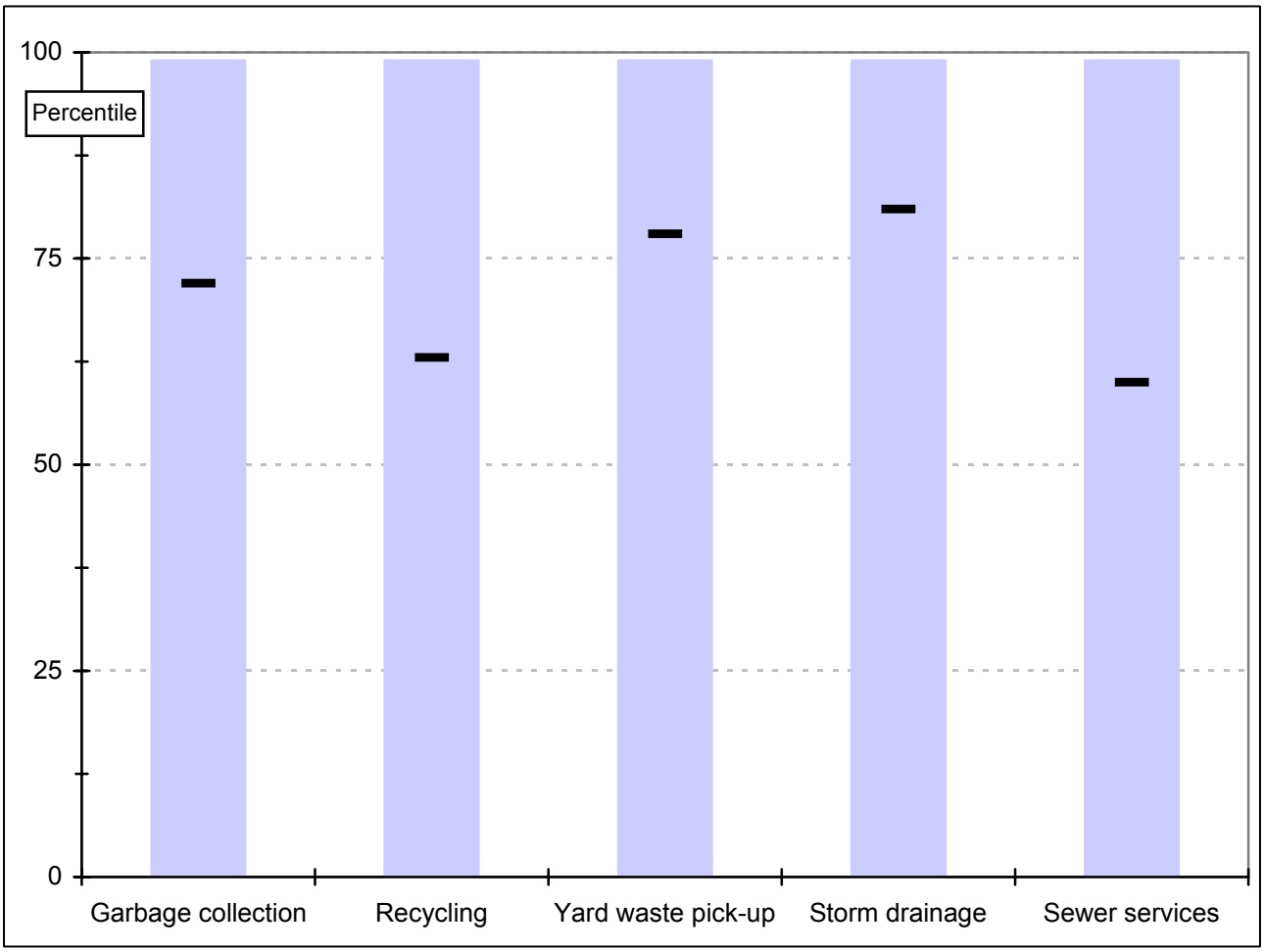

Figure 9b: Quality of Utility Services					
	City of Troy Rating	Rank	Number of Jurisdictions for Comparison	City of Troy Percentile	Comparison of Troy Rating to Norm
Garbage collection	76	63	219	72%ile	similar to the norm
Recycling	71	64	172	63%ile	similar to the norm
Yard waste pick-up	71	17	74	78%ile	above the norm
Storm drainage	61	29	145	81%ile	above the norm
Sewer services	64	49	120	60%ile	similar to the norm

Figure 10a: Quality of Planning and Code Enforcement Services

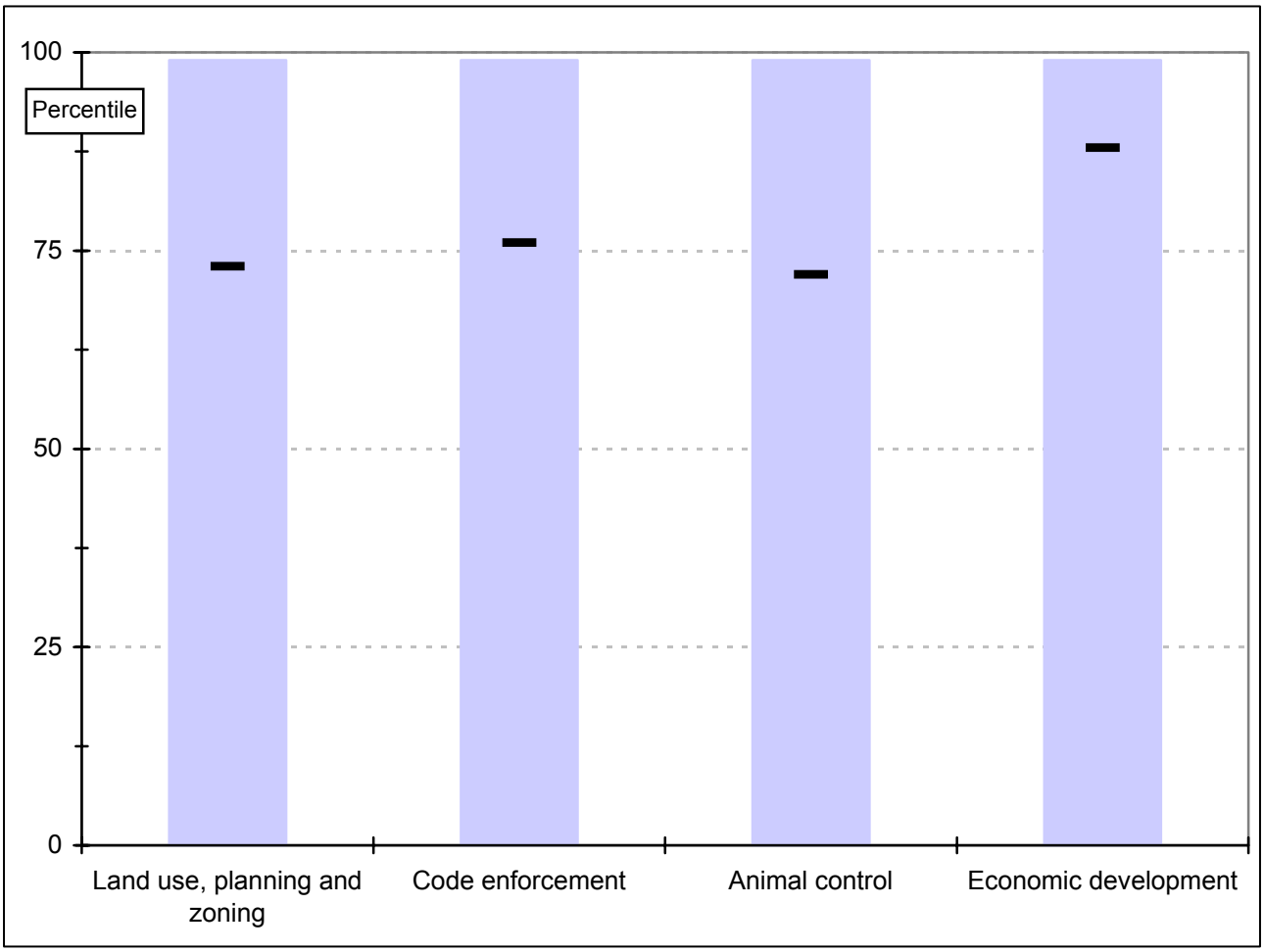

Figure 10b: Quality of Planning and Code Enforcement Services					
	City of Troy Rating	Rank	Number of Jurisdictions for Comparison	City of Troy Percentile	Comparison of Troy Rating to Norm
Land use, planning and zoning	50	30	108	73%ile	above the norm
Code enforcement	57	41	170	76%ile	above the norm
Animal control	63	41	142	72%ile	above the norm
Economic development	61	12	93	88%ile	above the norm

Figure 11a: Quality of Services to Special Populations and Other Services

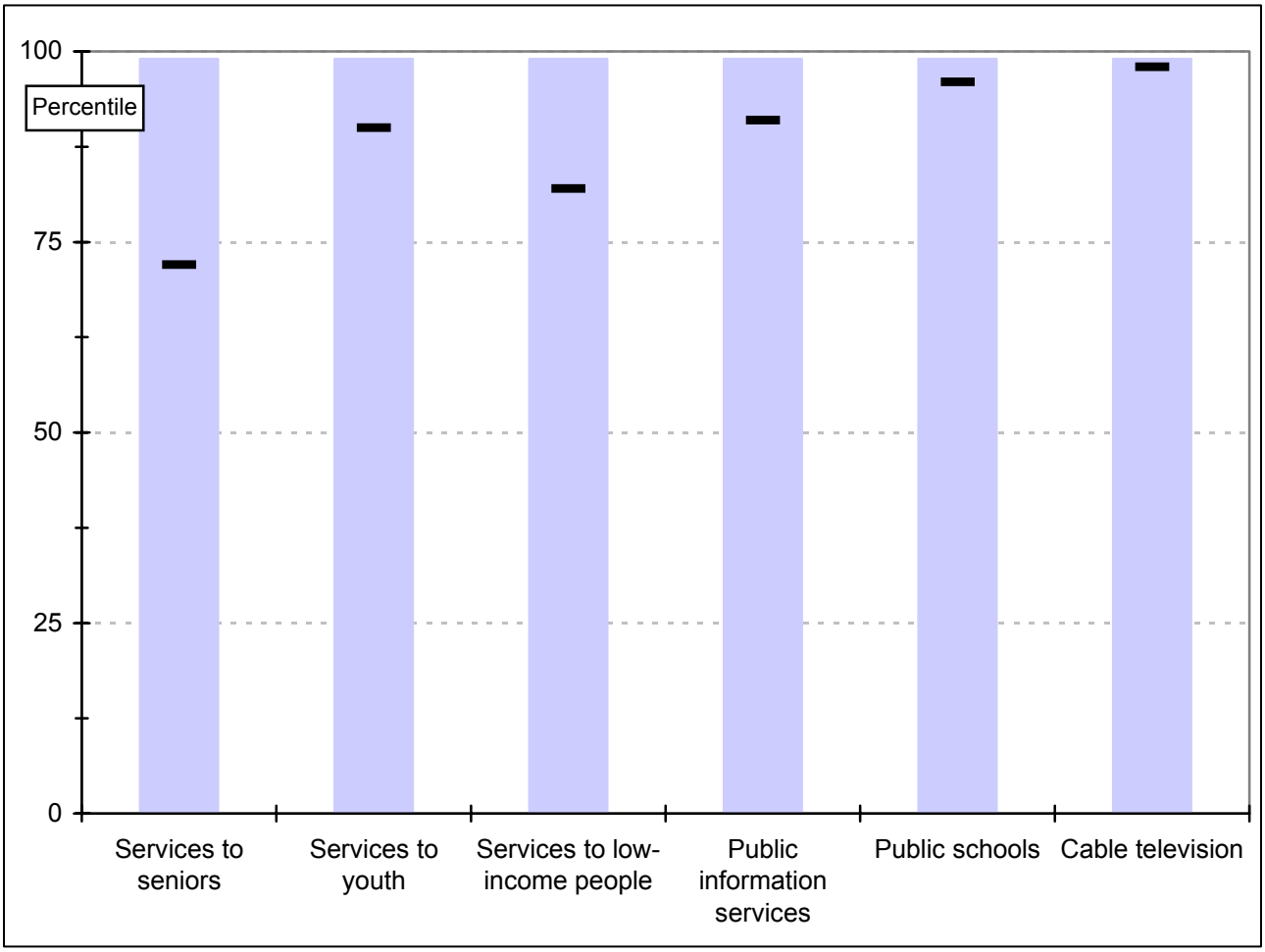

Figure 11b: Quality of Services to Special Populations and Other Services					
	City of Troy Rating	Rank	Number of Jurisdictions for Comparison	City of Troy Percentile	Comparison of Troy Rating to Norm
Services to seniors	65	37	129	72%ile	above the norm
Services to youth	66	12	115	90%ile	above the norm
Services to low-income people	48	12	61	82%ile	above the norm
Public information services	67	12	118	91%ile	above the norm
Public schools	81	9	179	96%ile	above the norm
Cable television	62	2	55	98%ile	above the norm

Figure 12a: Overall Quality of Services

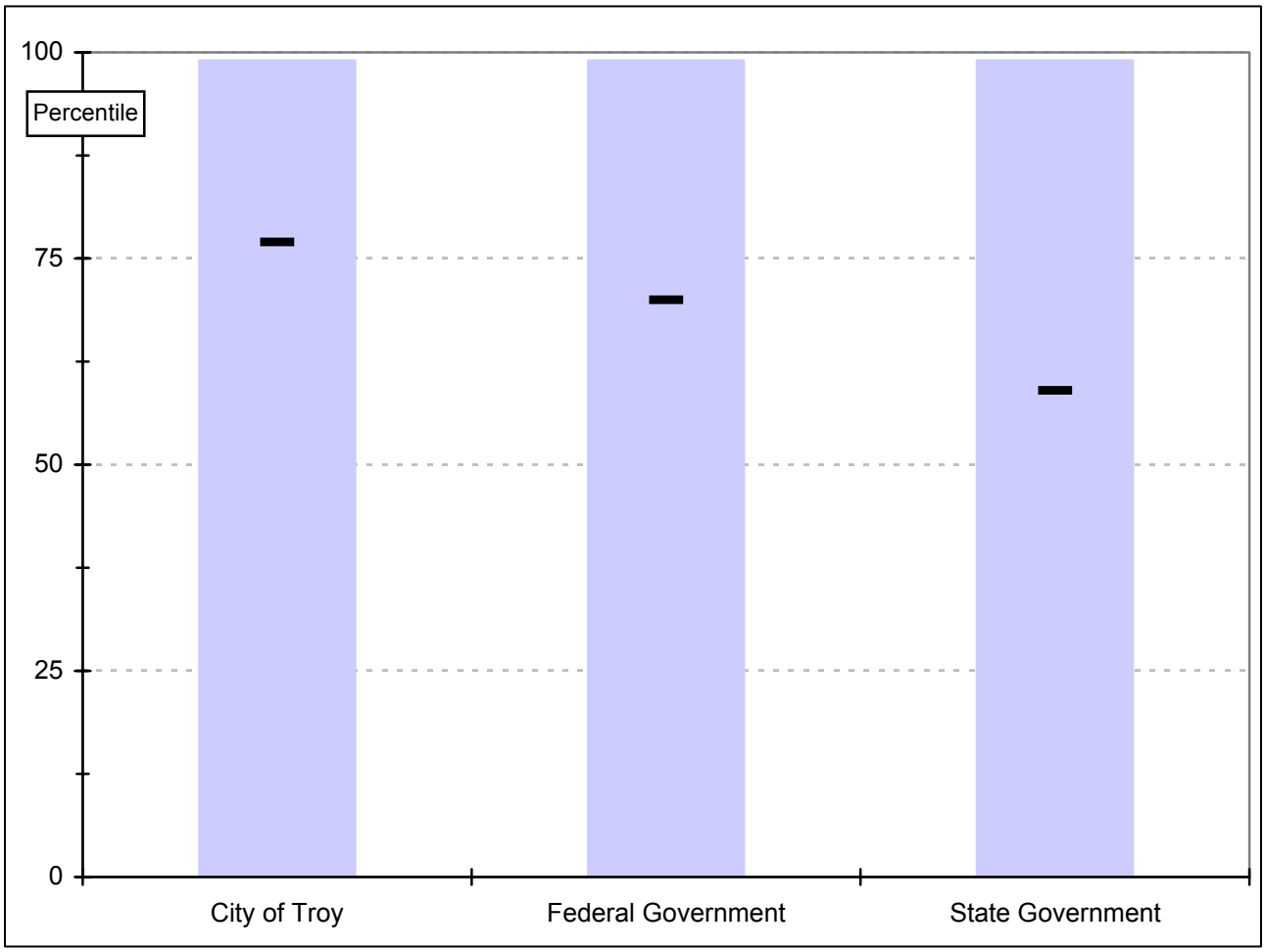

Figure 12b: Overall Quality of Services					
	City of Troy Rating	Rank	Number of Jurisdictions for Comparison	City of Troy Percentile	Comparison of Troy Rating to Norm
Services provided by the City of Troy	71	45	193	77%ile	above the norm
Services provided by the Federal Government	47	23	73	70%ile	similar to the norm
Services provided by the State Government	46	31	73	59%ile	similar to the norm

Figure 13a: Ratings of Contact with City Employees

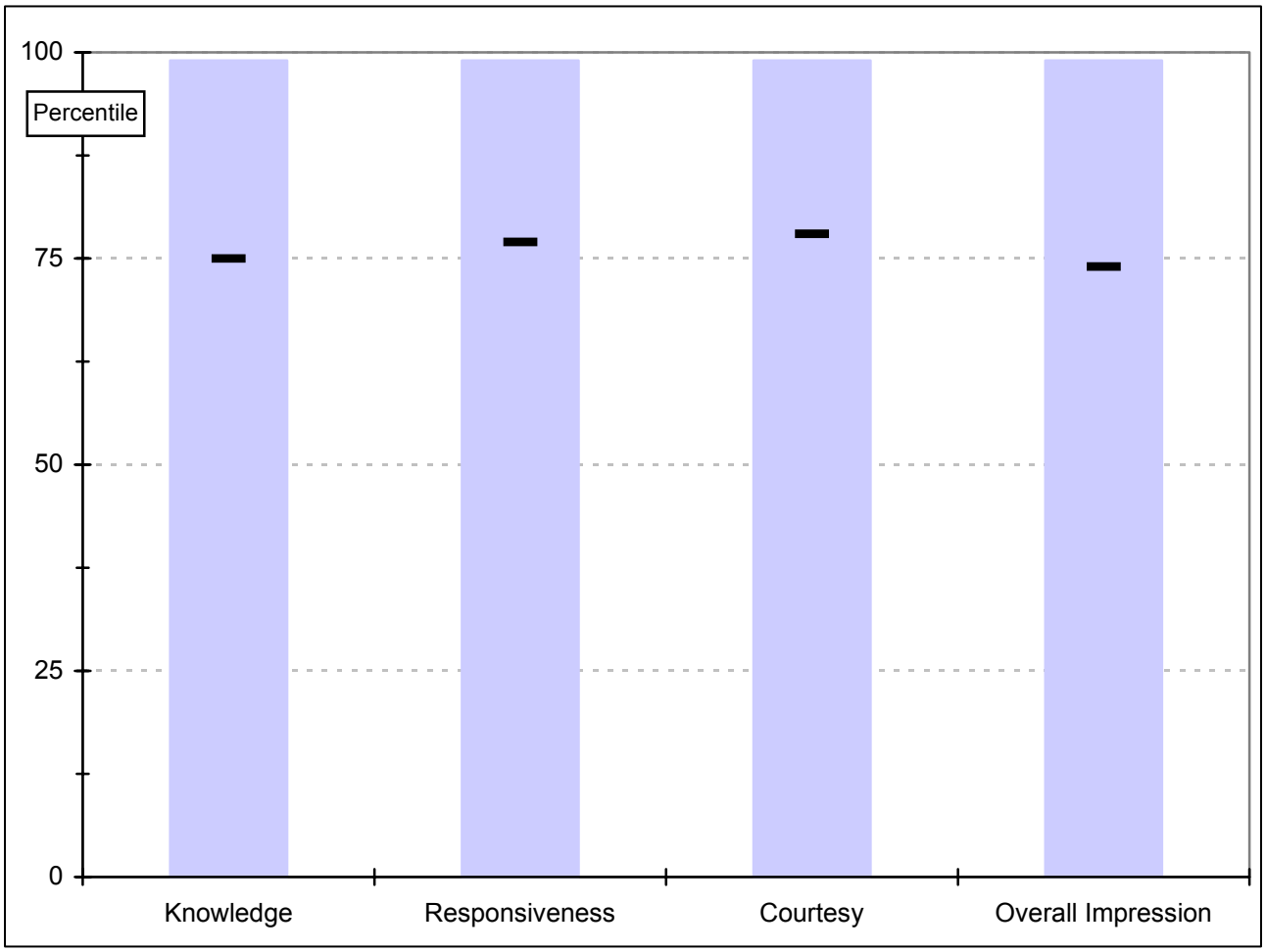

Figure 13b: Ratings of Contact with the City Employees					
	City of Troy Rating	Rank	Number of Jurisdictions for Comparison	City of Troy Percentile	Comparison of Troy Rating to Norm
Knowledge	76	31	122	75%ile	similar to the norm
Responsiveness	74	31	128	77%ile	above the norm
Courtesy	74	21	90	78%ile	above the norm
Overall Impression	74	42	155	74%ile	above the norm

Figure 14a: Ratings of Public Trust

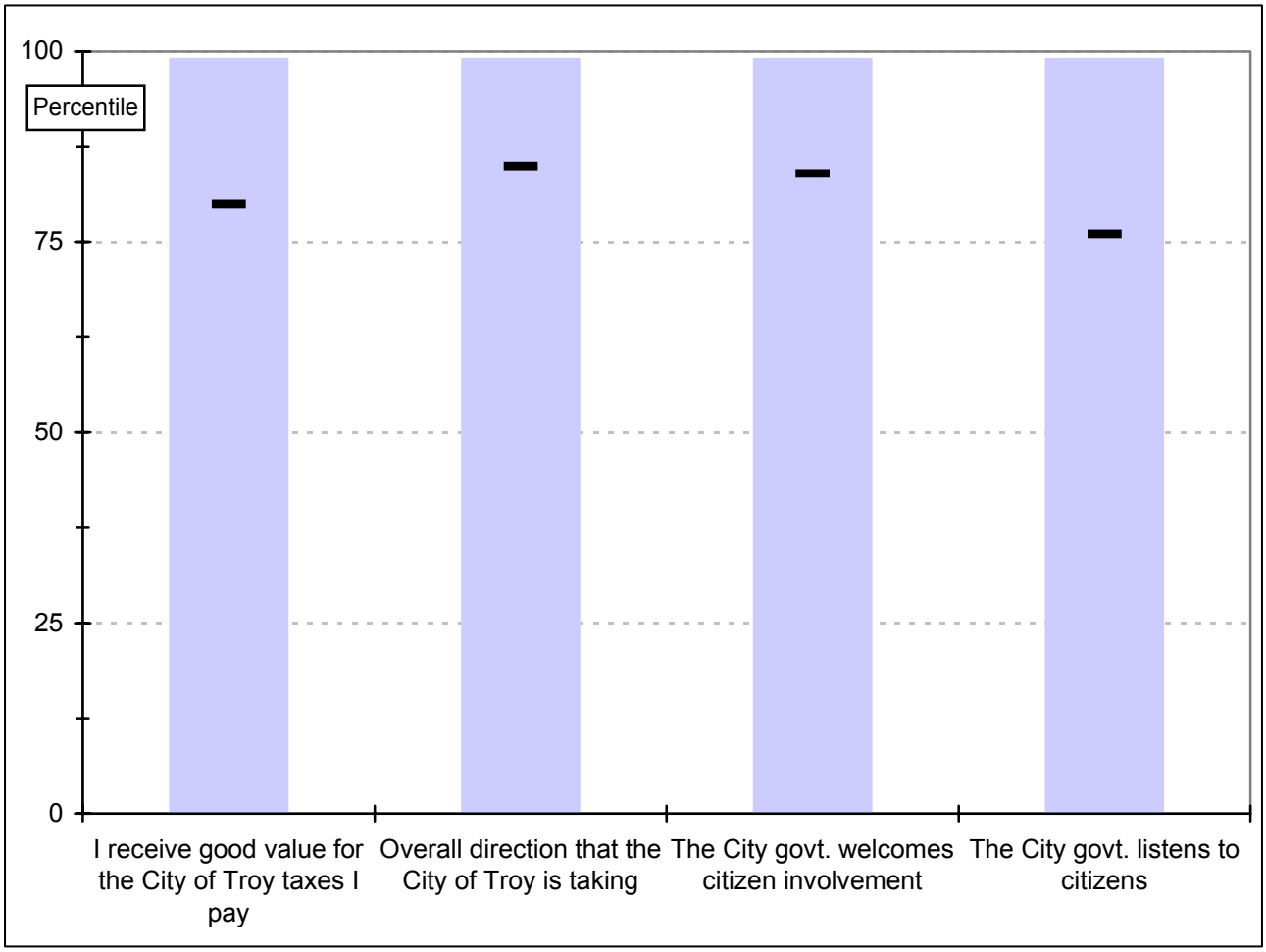

Figure 14b: Ratings of Public Trust					
	City of Troy Rating	Rank	Number of Jurisdictions for Comparison	City of Troy Percentile	Comparison of Troy Rating to Norm
I receive good value for the City of Troy taxes I pay	67	11	49	80%ile	above the norm
Overall direction that the City of Troy is taking	68	17	106	85%ile	above the norm
The City govt. welcomes citizen involvement	68	16	91	84%ile	above the norm
The City govt. listens to citizens	60	21	84	76%ile	above the norm

APPENDIX I: LIST OF JURISDICTIONS INCLUDED IN NORMATIVE COMPARISONS

Jurisdiction Name	State	2000 Population
Homer	AK	3,946
Auburn	AL	42,987
Huntsville	AL	158,216
Phenix City	AL	28,265
Fayetteville	AR	58,047
Fort Smith	AR	80,268
Hot Springs	AR	35,613
Little Rock	AR	183,133
Siloam Springs	AR	10,000
Chandler	AZ	176,581
Gilbert	AZ	109,697
Mesa	AZ	396,375
Phoenix	AZ	1,321,045
Safford	AZ	9,232
Scottsdale	AZ	202,705
Sedona	AZ	10,192
Tempe	AZ	158,625
Tucson	AZ	486,699
Antioch	CA	90,532
Arcadia	CA	53,054
Bakersfield	CA	247,057
Berkeley	CA	102,743
Claremont	CA	33,998
Concord	CA	121,780
Coronado	CA	24,100
Cypress	CA	46,229
El Cerrito	CA	23,171
Encinitas	CA	54,014
Fremont	CA	203,413
Garden Grove	CA	165,196
Gilroy	CA	41,464
Hercules	CA	19,488
Highland	CA	44,605
La Mesa	CA	54,749
Lakewood	CA	79,345
Livermore	CA	73,345
Lompoc	CA	41,103
Long Beach	CA	461,522
Los Alamitos	CA	11,536
Los Gatos	CA	28,592
Menlo Park	CA	30,785
Monterey	CA	29,674

Jurisdiction Name	State	2000 Population
Mountain View	CA	70,708
Novato	CA	47,630
Oceanside	CA	161,029
Oxnard	CA	170,358
Palm Springs	CA	42,807
Palo Alto	CA	58,598
Pasadena	CA	133,936
Pleasanton	CA	63,654
Pomona	CA	149,473
Poway	CA	48,044
Redding	CA	80,865
Ridgecrest	CA	24,927
Riverside	CA	255,166
Rosemead	CA	53,505
Sacramento County	CA	1,223,499
San Francisco	CA	776,733
San Jose	CA	894,943
San Luis Obispo County	CA	247,900
San Mateo	CA	92,482
San Rafael	CA	56,063
San Ramon	CA	44,722
Santa Clara	CA	102,361
Santa Clarita	CA	151,088
Santa Monica	CA	84,084
Santa Rosa	CA	147,595
Simi Valley	CA	111,351
Solana Beach	CA	12,979
South Gate	CA	96,375
Sunnyvale	CA	131,760
Temecula	CA	57,716
Thousand Oaks	CA	117,005
Torrance	CA	137,946
Visalia	CA	91,565
Walnut Creek	CA	64,296
Yuba City	CA	36,758
Arvada	CO	102,153
Boulder	CO	94,673
Boulder County	CO	291,288
Broomfield	CO	38,272
Castle Rock	CO	20,224
Denver (City and County)	CO	554,636
Englewood	CO	31,727
Fort Collins	CO	118,652
Golden	CO	17,159
Greeley	CO	76,930
Greenwood Village	CO	11,035
Jefferson County	CO	527,056
Lafayette	CO	23,197
Lakewood	CO	144,126

Jurisdiction Name	State	2000 Population
Larimer County	CO	251,494
Littleton	CO	40,340
Longmont	CO	71,093
Louisville	CO	18,937
Loveland	CO	50,608
Northglenn	CO	31,575
Parker	CO	23,558
Thornton	CO	82,384
Vail	CO	4,531
Westminster	CO	100,940
Wheat Ridge	CO	32,913
Hartford	CT	121,578
Manchester	CT	54,740
New London	CT	25,671
Vernon	CT	28,063
West Hartford	CT	63,589
Wethersfield	CT	26,271
Dover	DE	32,135
Newark	DE	28,547
Altamonte Springs	FL	41,200
Boca Raton	FL	74,764
Bradenton	FL	49,504
Broward County	FL	1,623,018
Cape Coral	FL	102,286
Collier County	FL	251,377
Cooper City	FL	27,939
Coral Springs	FL	117,549
Deerfield Beach	FL	64,583
Delray Beach	FL	60,020
Fort Lauderdale	FL	152,397
Jacksonville	FL	735,617
Kissimmee	FL	47,814
Lee County	FL	454,918
Miami	FL	362,470
Miami-Dade County	FL	2,253,362
Ocoee	FL	24,391
Orange County	FL	896,344
Orlando	FL	185,951
Palm Bay	FL	79,413
Palm Beach County	FL	1,131,184
Palm Coast	FL	32,732
Pinellas County	FL	921,482
Pinellas Park	FL	45,658
Port Orange	FL	45,823
Port St. Lucie	FL	88,769
St. Petersburg	FL	248,232
Tallahassee	FL	150,624
Titusville	FL	42,715
Walton County	FL	40,601

Jurisdiction Name	State	2000 Population
Atlanta	GA	416,474
Cartersville	GA	15,925
Columbus	GA	185,781
Douglas County	GA	92,174
Macon	GA	97,255
Milledgeville	GA	18,757
Savannah	GA	131,510
Adams County	IA	4,482
Ames	IA	50,731
Ankeny	IA	27,117
Cedar Rapids	IA	120,758
Clarke County	IA	9,133
Des Moines County	IA	42,351
Fort Dodge	IA	25,136
Fort Madison	IA	10,715
Indianola	IA	12,998
Iowa County	IA	15,671
Louisa County	IA	12,183
Marion	IA	7,144
Newton	IA	15,579
Polk County	IA	374,601
West Des Moines	IA	46,403
Lewiston	ID	30,904
Moscow	ID	21,291
Twin Falls	ID	34,469
Addison Village	IL	35,914
Decatur	IL	81,860
Downers Grove	IL	48,724
Elmhurst	IL	42,762
Evanston	IL	74,239
Highland Park	IL	31,365
Homewood	IL	19,543
Park Ridge	IL	37,775
Peoria	IL	112,936
Skokie	IL	63,348
St. Charles	IL	27,896
Streamwood	IL	36,407
Urbana	IL	36,395
Village of Oak Park	IL	52,524
Wilmette	IL	27,651
Fort Wayne	IN	205,727
Gary	IN	102,746
Marion County	IN	860,454
Lawrence	KS	80,098
Overland Park	KS	149,080
Shawnee	KS	47,996
Wichita	KS	344,284
Ashland	KY	21,981
Bowling Green	KY	49,296

Jurisdiction Name	State	2000 Population
Lexington	KY	260,512
Jefferson Parish	LA	455,466
Orleans Parish	LA	484,674
Andover	MA	31,247
Barnstable	MA	47,821
Boston	MA	589,141
Brookline	MA	57,107
Worcester	MA	172,648
Greenbelt	MD	21,456
Rockville	MD	47,388
Ann Arbor	MI	114,024
Battle Creek	MI	53,364
Delhi Township	MI	22,569
Detroit	MI	951,270
East Lansing	MI	46,525
Grand Rapids	MI	197,800
Kentwood	MI	45,255
Meridian Charter Township	MI	38,987
Muskegon	MI	40,105
Novi	MI	47,386
Port Huron	MI	32,338
Rochester Hills	MI	68,825
Blaine	MN	44,942
Dakota County	MN	355,904
Duluth	MN	86,918
Eagan	MN	63,557
Golden Valley	MN	20,281
Grand Forks	MN	231
Mankato	MN	32,427
Maplewood	MN	34,947
Minnetonka	MN	51,301
Plymouth	MN	65,894
Polk County	MN	31,369
Richfield	MN	34,439
Roseville	MN	33,690
Scott County	MN	89,498
St. Clair Shores	MN	827
St. Paul	MN	287,151
Ballwin	MO	31,283
Columbia	MO	84,531
Ellisville	MO	9,104
Kansas City	MO	441,545
Kirkwood	MO	27,324
Platte County	MO	73,791
Saint Joseph	MO	73,990
Saint Peters	MO	51,381
Springfield	MO	151,580
Biloxi	MS	50,644
Pascagoula	MS	26,200

Jurisdiction Name	State	2000 Population
Great Falls	MT	56,690
Yellowstone County	MT	129,352
Cary	NC	94,536
Charlotte	NC	540,828
Durham	NC	187,038
Greensboro	NC	223,891
Hickory	NC	37,222
Hudson	NC	3,078
Rocky Mount	NC	55,893
Wilmington	NC	90,400
Wilson	NC	44,405
Fargo	ND	90,599
Grand Forks	ND	49,321
Kearney	NE	27,431
Dover	NH	26,884
Merrimack	NH	25,119
Salem	NH	28,112
Hackensack	NJ	42,677
Medford	NJ	22,253
Willingboro Township	NJ	33,008
Albuquerque	NM	448,607
Los Alamos County	NM	18,343
Rio Rancho	NM	51,765
Taos	NM	4,700
Henderson	NV	175,381
North Las Vegas	NV	115,488
Reno	NV	180,480
Sparks	NV	66,346
Genesee County	NY	60,370
New York City	NY	8,008,278
Ontario County	NY	100,224
Rochester	NY	219,773
Rye	NY	14,955
Watertown	NY	26,705
Akron	OH	217,074
Cincinnati	OH	331,285
Columbus	OH	711,470
Dayton	OH	166,179
Dublin	OH	31,392
Fairborn	OH	32,052
Huber Heights	OH	38,212
Kettering	OH	57,502
Shaker Heights	OH	29,405
Springfield	OH	65,358
Westerville	OH	35,318
Oklahoma City	OK	506,132
Albany	OR	40,852
Ashland	OR	19,522
Corvallis	OR	49,322

Jurisdiction Name	State	2000 Population
Eugene	OR	137,893
Gresham	OR	90,205
Jackson County	OR	181,269
Lake Oswego	OR	35,278
Multnomah County	OR	660,486
Portland	OR	529,121
Springfield	OR	52,864
Lower Merion Township	PA	59,850
Manheim	PA	4,784
Philadelphia	PA	1,517,550
State College	PA	38,420
Upper Merion Township	PA	28,863
Newport	RI	26,475
Columbia	SC	116,278
Mauldin	SC	15,224
Myrtle Beach	SC	22,759
Pickens County	SC	110,757
Rock Hill	SC	49,765
York County	SC	164,614
Aberdeen	SD	24,658
Cookville	TN	23,923
Franklin	TN	41,842
Knoxville	TN	173,890
Memphis	TN	650,100
Oak Ridge	TN	27,387
Arlington	TX	332,969
Austin	TX	656,562
Bedford	TX	47,152
Carrollton	TX	109,576
College Station	TX	67,890
Corpus Christi	TX	277,454
Dallas	TX	1,188,580
Denton	TX	80,537
DeSoto	TX	37,646
Fort Worth	TX	534,694
Garland	TX	215,768
Grand Prairie	TX	127,427
Lewisville	TX	77,737
Lubbock	TX	199,564
Lufkin	TX	32,709
McAllen	TX	106,414
McKinney	TX	54,369
Missouri City	TX	52,913
Mount Pleasant	TX	13,935
Nacogdoches	TX	29,914
Pasadena	TX	141,674
Plano	TX	222,030
Round Rock	TX	61,136
Sugar Land	TX	63,328

Jurisdiction Name	State	2000 Population
Temple	TX	54,514
Victoria	TX	60,603
Bountiful	UT	41,301
Ogden	UT	77,226
West Valley City	UT	108,896
Albemarle County	VA	79,236
Bedford County	VA	60,371
Blacksburg	VA	39,357
Chesapeake	VA	199,184
Chesterfield County	VA	259,903
Hampton	VA	146,437
Hopewell	VA	22,354
James City County	VA	48,102
Lynchburg	VA	65,269
Norfolk	VA	234,403
Northampton County	VA	13,093
Prince William County	VA	280,813
Richmond	VA	197,790
Roanoke County	VA	85,778
Stafford County	VA	92,446
Virginia Beach	VA	425,257
Williamsburg	VA	11,998
Bellevue	WA	109,569
Bothell	WA	30,150
Kent	WA	79,524
Kitsap County	WA	231,969
Lynnwood	WA	33,847
Marysville	WA	12,268
Olympia	WA	42,514
Redmond	WA	45,256
Renton	WA	50,052
Richland	WA	38,708
Seattle	WA	563,374
University Place	WA	29,933
Vancouver	WA	143,560
Walla Walla	WA	29,686
Appleton	WI	70,087
Eau Claire	WI	61,704
Janesville	WI	59,498
Kenosha	WI	90,352
Madison	WI	208,054
Marquette County	WI	15,832
Milton	WI	5,132
Superior	WI	27,368
Village of Brown Deer	WI	12,170
Wausau	WI	38,426
Winnebago County	WI	156,763
Laramie	WY	27,204

APPENDIX II: FREQUENTLY ASKED QUESTIONS ABOUT THE CITIZEN SURVEY DATABASE

Q: What is in the citizen survey database?

A: National Research Center's database includes the results from citizen surveys conducted in over 300 jurisdictions in the United States. These are public opinion polls answered by more than 250,000 residents around the country. We have recorded, analyzed and stored responses to over 6,000 survey questions dealing with resident perceptions about the quality of community life and public trust and residents' report of their use of public facilities. Respondents to these surveys are intended to represent over 40 million Americans.

Q: What kinds of questions are included?

A: Residents' ratings of the quality of virtually every kind of local government service are included – from police, fire and trash haul to animal control, planning and cemeteries. Many dimensions of quality of life are included such as feeling of safety and opportunities for dining, recreation and shopping as well as ratings of the overall quality of community life and community as a place to raise children and retire.

Q: What is so unique about National Research Center's Citizen Survey database?

A: It is the only database of its size that contains the people's perceptions about government service delivery and quality of life. For example, others use government statistics about crime to deduce the quality of police services or speed of pot hole repair to draw conclusions about the quality of street maintenance. Only National Research Center's database adds the opinion of service recipients themselves to the service quality equation. We believe that conclusions about service or community quality are made prematurely if opinions of the community's residents themselves are missing.

Q: What is the database used for?

A: Benchmarking. Our clients use the comparative information in the database to help interpret their own citizen survey results, to create or revise community plans, to evaluate the success of policy or budget decisions, to measure local government performance. We don't know what is small or tall without comparing. Taking the pulse of the community has little meaning without knowing what pulse rate is too high and what is too low. So many surveys of service satisfaction turn up at least "good" citizen evaluations that we need to know how others rate their services to understand if "good" is good enough. Furthermore, in the absence of national or peer community comparisons, a jurisdiction is left with comparing its fire protection rating to its street maintenance rating. That comparison is unfair. Streets always lose to fire. We need to ask more important and harder questions. We need to know how our residents' ratings of fire service compare to opinions about fire service in other communities.

Q: So what if we find that our public opinions are better or – for that matter – worse than opinions in other communities? What does it mean?

A: A police department that provides the fastest and most efficient service—one that closes most of its cases, solves most of its crimes and keeps the crime rate low—still has a problem to fix if its clients believe services are not very good compared to ratings received by objectively "worse" departments.

National Research Center's database can help that police department – or any city department – to understand how well citizens think it is doing. Without the comparative data from National Research Center's database, it would be like bowling in a tournament without knowing what the other teams are scoring. We recommend that citizen opinion be used in conjunction with other sources of data to help managers know how to respond to comparative results.

Q: Aren't comparisons of questions from different surveys like comparing apples and oranges?

A: It is true that you can't simply take a given result from one survey and compare it to the result from a different survey. National Research Center, Inc. principals have pioneered and reported their methods for converting all survey responses to the same scale. Because scales responses will differ among types of survey questions, National Research Center, Inc. statisticians have developed statistical algorithms, which adjust question results based on many characteristics of the question, its scale and the survey methods. All results are then converted to the PTM (percent to maximum) scale with a minimum score of 0 (equaling the lowest possible rating) to a maximum score of 100 (equaling the highest possible rating). We then can provide a norm that not only controls for question differences, but also controls for differences in types of survey methods. This way we put all questions on the same scale and a norm can be offered for communities of given sizes or in various regions.

Q: How can managers trust the comparability of results?

A: Principals of National Research Center, Inc. have submitted their work to peer reviewed scholarly journals where its publication fully describes the rigor of our methods and the quality of our findings. We have published articles in *Public Administration Review, Journal of Policy Analysis* and *Management* and *Governing,* and we wrote a book, *Citizen Surveys: How to do them, how to use them, what they mean,* that describes in detail how survey responses can be adjusted to provide fair comparisons for ratings among many jurisdictions. Our work on calculating national norms for resident opinions about service delivery and quality of life won the Samuel C. May award for research excellence from the Western Governmental Research Association.

April 2005

April 2005

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May 2005

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Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
				April 1	2 3
4 6:00pm Updated: CC-Closed Session (Council Boardroom) 6:45pm Updated: CC-Closed Session (council boa 7:30pm City Council-Regular (Council Chambers)	5 7:30pm Updated: Planning Commission-Study (Council Boardroom)	6 8:30am BUILDING CODE BOARD OF APPEALS (Conference Room LL) 7:00pm ADVISORY COMMITTEE FOR PERSONS WITH	7 10:00am Senior Advisory Board meeting (Comm Ctr conf rm)	8	9 10
11	12 7:30pm Planning Commission-Regular (Council Chambers)	13	14 7:30pm Park Board meeting (Comm Ctr conf rm)	15	16 17
18 7:30pm City Council-Regular (Council Chambers)	19 7:30pm BZA (Chambers) 7:30pm Historic District Commission (Conference Room C)	20 7:30am DDA Meeting (Conference Room Lower Level)	21	22	23 24
25 6:30pm City Council-Special/Study (Council Boardroom) 7:30pm City Council-Regular (Council Chambers)	26 7:30pm Planning Commission-Study (Council Boardroom)	27 7:00pm Youth Council Meeting - City Hall - LLCR	28	29	30

May 2005

May 2005

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June 2005

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Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
					May 1
2 6:30pm City Council-Special/Study (Council Boardroom)	3 7:30pm Updated: Planning Commission-Study (Council Boardroom)	4 8:30am BUILDING CODE BOARD OF APPEALS (Conference Room L 7:00pm ADVISORY COMMITTEE FOR	5	6	7 9:00am City Council-Special/Study 8
9 7:30pm City Council-Regular (Council Chambers)	10 7:30pm Planning Commission-Regular (Council Chambers) 7:30pm City Council-Special/Study	11	12 10:00am Senior Advisory Board meeting (Comm Ctr conf rm) 7:30pm Park Board meeting (Comm Ctr conf rm)	13	14 15
16 7:30pm City Council-Regular (Council Chambers)	17 7:30pm BZA (Chambers) 7:30pm Historic District Commission (Conference Room C)	18 7:30am DDA Meeting (Conference Room Lower Level)	19	20	21 22
23 7:30pm City Council-Regular (Council Chambers)	24 7:30pm Planning Commission-Study (Council Boardroom)	25	26	27	28 29
30	31				

June 2005

June 2005

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July 2005

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24	25	26	27	28	29	30
31						

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
		June 1 8:30am BUILDING CODE BOARD OF APPEALS (Conference Room LL) 7:00pm ADVISORY COMMITTEE FOR PERSONS WITH	2 10:00am Senior Advisory Board meeting (Comm Ctr conf rm)	3	4 5
6 7:30pm City Council-Regular (Council Chambers)	7 7:30pm Updated: Planning Commission-Study (Council Boardroom)	8	9 7:30pm Park Board meeting (Comm Ctr conf rm)	10	11 12
13	14 7:30pm Planning Commission-Regular (Council Chambers)	15 7:30am DDA Meeting (Conference Room Lower Level)	16	17	18 19
20 7:30pm City Council-Regular (Council Chambers)	21 7:30pm BZA (Chambers) 7:30pm Historic District Commission (Conference Room C)	22	23	24	25 26
27	28 7:30pm Planning Commission-Study (Council Boardroom)	29	30		

April 8, 2005

TO: John Szerlag, City Manager

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

SUBJECT: **Agenda Item** – Realignment of Coolidge Road/Wattles Intersection Under Full Closure of Coolidge Road

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Coolidge Road, from Wattles north to the existing boulevard near Briar Grove will be removed and replaced this summer with a new four-lane concrete boulevard. This project will realign the road to remove the existing offset between the north and south sides of the Wattles intersection and at the same time replace a badly deteriorated segment of roadway.

During the design phase Engineering considered reconstructing Coolidge under a full roadway closure while maintaining local traffic to existing residential homes and the church located within the construction zone. All through traffic on Coolidge would be detoured to Crooks or Adams. This mode of construction has several advantages, shorter construction time, less cost, and increased safety among others, which were communicated by letter to residents (see attachment). Responses to the survey card included with our letter indicated overwhelming support for full closure. As of April 7th 92.7% favor full closure, plus or minus 2.3% at 95% confidence level (5.8% no and 1.5% undecided). Of 962 letters sent, 328 survey cards were returned, many with constructive comments and some compliments.

An April 7th information meeting was held with residents, as indicated in our letter, with staff from Engineering, Traffic, Police and Fire Departments on hand to discuss the project and answer questions or concerns. Turnout was extremely light but all who attended were in favor of full closure. There will be another information meeting with residents after the contract is awarded and the contractor submits a detailed construction schedule.

Project bids will be opened April 28th and a bid award recommendation will be presented at the May 9th council meeting. It is anticipated that construction will start in June 2005 and all lanes open to traffic in August, if the project is done under full closure . Restoration would take place in the fall as weather allows and any final project cleanup, if needed, would be completed in the spring of 2006.

500 West Big Beaver
Troy, Michigan 48084
www.troymi.gov

Area code (248)

Assessing
524-3311

Bldg. Inspections
524-3344

Bldg. Maintenance
524-3368

City Clerk
524-3316

City Manager
524-3330

Community Affairs
524-1147

Engineering
524-3383

Finance
524-3411

Fire-Administration
524-3419

Human Resources
524-3339

Information Services
619-7279

Law
524-3320

Library
524-3545

Parks & Recreation
524-3484

Planning
524-3364

Police-Administration
524-3443

Public Works
524-3370

Purchasing
524-3338

Real Estate & Development
524-3498

Treasurer
524-3334

General Information
524-3300

March 22, 2005

To: Property Owners

Re: **Proposed Coolidge Road Closure, North of Wattles**
Contract No. 05-3

Dear Property Owner:

The City of Troy plans to reconstruct and realign the Coolidge Road/Wattles intersection beginning in June 2005. The project will eliminate the offset between the north and south sides of the Wattles intersection by moving a section of Coolidge Road, north of Wattles, to the west. The work will entail the complete removal of the existing concrete pavement from Wattles to just south of Briar Grove and the construction of a new four (4) lane concrete boulevard, which will match the boulevard to the north and south.

The City is considering reconstructing Coolidge Road from Wattles to just south of Briar Grove under a full roadway closure. Local traffic to existing residential homes and the church located within this construction zone would be maintained throughout construction. All Coolidge through traffic would be detoured to Crooks or Adams as shown on the attached diagram.

The City is considering a full closure rather than reconstructing the road under traffic for the following reasons:

1. Road construction would be completed sooner, ten (10) weeks rather than sixteen (16) weeks (not including restoration of grass areas).
2. A reduction in the construction cost, estimated at $200,000 for temporary pavement for shifting traffic during various construction stages that would not have to be constructed.
3. Reduces impact to residents within the construction zone.
4. The Troy Police Traffic Division recommends construction under full closure as it provides a safer environment for workers and traveling public.
5. Eliminates the need for several stages of construction to shift traffic on Coolidge and through the Wattles intersection. Traditional staged construction would also require that left turns be prohibited at the Coolidge-Wattles intersection during several stages of construction, as only one lane of traffic on Coolidge would be maintained in each direction.
6. Residents, outside of the construction zone, have multiple road options to access Wattles and Coolidge while the closure is in place.
7. Police, Fire and EMS services would not be impaired by the full closure.

The City of Troy invites your comments or concerns on the proposed closure of Coolidge Road. For this purpose we have enclosed a comment card and scheduled an informational meeting:

DATE:	**Thursday, April 7, 2005**
TIME:	**7:00 p.m.**
PLACE:	**Troy City Council Chambers, 500 W. Big Beaver**

At this informational meeting, staff from the Engineering, Traffic, Police and Fire Departments will be on hand to discuss the project and answer questions or concerns. Please return the enclosed self-addressed, stamped postcard to indicate your opinion on the proposed closure and make any comments.

If you have any questions regarding the above, please contact the Engineering Department at 524-3383.

Sincerely,

Steven J. Vandette, P.E.
City Engineer

cc: John Szerlag, City Manager
Brian Murphy, Assistant City Manager/Services
Laura Fitzpatrick, Acting Assistant City Manager/Services
Charles Craft, Police Chief
William Nelson, Fire Chief
Cindy Stewart, Community Affairs Director
Neall Schroeder, Civil Engineer
William Jawlik, Inspector Supervisor
Nancy Faught; Jennifer Nelson, HRC

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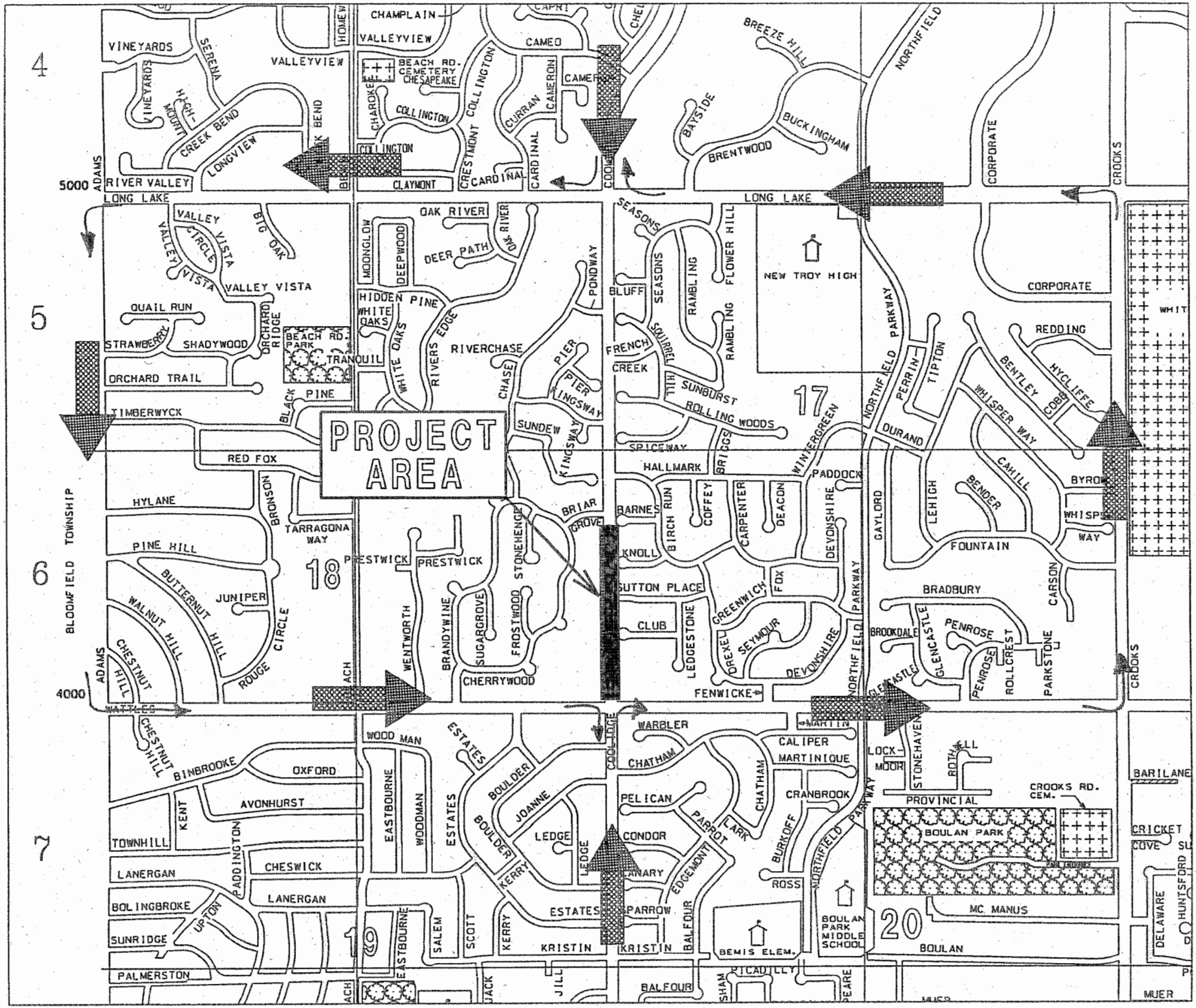

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Proposed Coolidge Road Closure, North of Wattles

Please place an "X" in one of the boxes below, fill out your name, address, date and any comments you may have and return this card by **Monday, April 4, 2005**.

☐ **YES**, I **support** full closure of Coolidge Rd from north of Wattles Rd to Briar Grove.

☐ **NO**, I **do not support** full closure of Coolidge Rd from north of Wattles Rd to Briar Grove.

COMMENTS:

_____

_____

_____

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_____

Name(s) _____

Address _____

Date: _____

Proposed Coolidge Road Closure, North of Wattles

Please place an "X" in one of the boxes below, fill out your name, address, date and any comments you may have and return this card by **Monday, April 4, 2005**.

☐ **YES**, I **support** full closure of Coolidge Rd from north of Wattles Rd to Briar Grove.

☐ **NO**, I **do not support** full closure of Coolidge Rd from north of Wattles Rd to Briar Grove.

COMMENTS:

_____

_____

_____

_____

_____

_____

Name(s) _____

Address _____

Date: _____

J-07

April 13, 2005

Troy City Council
500 W. Big Beaver Road
Troy, MI 48084

Dear City Council Members:

Several weeks ago, on March 21, 2005, we had attended a Troy City Council meeting for the purpose of seeking a renewal of our contract to provide audit services to the City of Troy. At the meeting, the City's Finance Department had indicated that Doeren Mayhew was being recommended to City Council as the "preferred bidder" based on a comprehensive bidding and evaluation process. Furthermore, during the course of the council meeting, we had been asked to answer several questions as posed by council members. In particular, we were asked the following two questions:

1. Are there any term limit requirements for auditors?
2. Explanation of Doeren Mayhew's administrative proceeding with the Securities and Exchange Commission.

Please permit us to further answer and clarify the questions posed during the meeting.

First, as mentioned during the council meeting, local units of government, state government, privately held companies and school districts are not required to rotate auditors. To our knowledge, the State of Michigan has never required any type of term limitations for auditors of municipalities.

In our opinion, there are benefits to maintaining the same auditor for the city year after year. Doeren Mayhew has been auditing the City of Troy for the past 14 years. Many other municipalities such as the City of Novi, City of Farmington Hills, City of Sterling Heights and many others have been represented by the same auditing firm for over 20 years. Due to the complexities of the financial structure of most municipalities, in particular, the City of Troy, it becomes beneficial to utilize the same auditor for extended periods. The longevity of the auditor provides the continued familiarity and experience with the city's accounting records, which aides in the identification of potential problem areas. Our experience in auditing the City of Troy provides us with the ability to make proper inquiries and to ease the burden on the city's finance department throughout the six-week audit process. In addition, our professional staffs are required to annually attend professional education courses in governmental auditing.

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Second, we were asked by a member of Troy City Council as to Doeren Mayhew's administrative proceeding with the Securities and Exchange Commission. In order to clearly answer the question, it is pertinent to identify the following facts:

1. Doeren Mayhew assisted Grant Thornton, a national accounting firm, to conduct an audit of a mortgage bank which had publicly traded corporate debentures.

2. The mortgage bank filed for bankruptcy protection under the Federal Bankruptcy Code in 1999.

3. Because of the failure of the mortgage bank, the Securities and Exchange Commission investigated and initiated certain allegations against Grant Thornton. The allegations also included Doeren Mayhew since our firm assisted Grant Thornton in the financial audit process.

4. There was a settlement with the Securities and Exchange Commission by Grant Thornton and Doeren Mayhew. Grant Thornton was imposed a fine of $1.5 Million. **Doeren Mayhew was <u>not</u> <u>imposed</u> <u>any</u> <u>fine</u>.**

Doeren Mayhew had a made a reasoned business decision to reach a settlement with the Securities and Exchange since our firm had made the decision years ago not to audit companies with publicly traded stock. As mentioned above, Doeren Mayhew was not the lead auditor, but rather, our firm assisted Grant Thornton in the financial audit. Furthermore, it should be noted that the Doeren Mayhew auditors that were involved in the mortgage bank audit do not participate as part of the auditing group which performs audits for municipalities.

It was evident from the bidding process conducted by the City that Doeren Mayhew's fee proposal was $8,125 less than the Rehmann Robson proposal. In a time when cities are cutting costs, this annual savings of $8,125 over a three-year contract amounts to $24,375.

Doeren Mayhew has been ranked by *"Inside Public Accounting"* as one of America's top 25 public accounting firms. We take much pride in the audit service that we have provided to the City of Troy over the past 14 years. We truly look forward to continuing our long term relationship. As many of you know, Doeren Mayhew which has been headquartered in the City of Troy since 1978, and many of our personnel take an active role in community events. We view our role as not only your auditors, but as citizens and business owners taking pride in the Troy community. We look forward to our continuing relationship as your auditors.

Very truly yours,

DOEREN MAYHEW

Lawrence A. Simon, CPA
Director

Frank A. Borschke, CPA
Director

Peter J. Treboldi, CPA
Director

LASFABPJTlms
cc John Szerlag, City Manager
John M. Lamerato, Assistant City Manager

April 8, 2004

TO: The Honorable Mayor and City Council Members

FROM: John Szerlag, City Manager

SUBJECT: Letter of Transmittal; Proposed Fiscal Year 2005/06 Annual Budget

The proposed fiscal year 2005/06 budget is being submitted for your review; it will be handed out to you at Monday night's meeting. The first 25 pages of this document provide a concise summary of the entire budget. Based on your direction to me at our January 17, 2005 study session, as well as my instructions to staff, this budget advances the following:

1) The City's millage rate remains at 9.45 mils for the fourth consecutive year.

2) The total City budget of $140.2 million decreased by $ .4 million or .3% from the previous year.

3) A transfer of .25 mills from the Debt Service Fund to the General Fund is included in this budget. This results in a large decrease in the reliance on Fund Balance reserves when compared with last year ($3.1 million versus $1.3 million).

   The undesignated General Fund reserves are anticipated to equal at least 15.3% of the recommended budget. In addition, $100,000 will be transferred to the Budget Stabilization Fund.

4) Capital projects funds are contained on pages 216-267 of the proposed budget and I'll once again be providing a condensed listing of proposed projects greater than $50,000

5) We have reduced the full-time workforce by three positions to a lean 485. Our full-time work force equates to 5.65 employees for every 1,000 Troy residents, and with an estimated citywide workforce of 102,571, this equates to about 4.73 full-time City of Troy employees per 1,000 people who work here.

The three positions were reduced through attrition and include one in the Building Department, and two in Public Works. Of course, we'll endeavor to maintain the same level of service by redistributing tasks amongst current employees and through the addition of part-time employees.

Thank you for your direction which assisted greatly in developing this document.

John Lamerato, Brian Murphy, and I stand ready to respond to any comments you may have.

K-01

April 8, 2005

TO: John Szerlag, City Manager

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

SUBJECT: **Agenda Item** – Premature Concrete Pavement Deterioration from Alkali-Silica Reactivity (ASR)

During the spring freeze-thaw cycles perhaps no road in Troy sustained more damage than southbound Livernois south of Long Lake and eastbound Long Lake, east and west of Livernois. Despite both roads being County roads, the City received numerous complaints about their poor condition and several claims for vehicle damage that were referred to the County.

The Engineering Department assisted the Road Commission for Oakland County (RCOC) in gathering information about the construction of these roads and subsequently received a copy of the testing report and engineer's report concerning their findings. Their conclusion was that the freeze-thaw damage was accelerated by the presence of Alkali-Silica Reactivity (ASR) in the concrete.

Alkali-Silica Reactivity is a pervasive concrete durability problem responsible for premature deterioration of pavement and structures in the United States and around the world. ASR is a chemical reaction that occurs between silica in the aggregates used to make concrete and alkalis (sodium or potassium) present in the cement. The reaction causes the formation of a gel that absorbs water and swells, exerting internal pressure that leads to cracking. The cracking weakens the concrete and facilitates further damage by traffic and environmental stresses, particularly freeze-thaw cycles. As ASR progresses, the cracks in the surface of the concrete join to create a map-cracking pattern which ultimately can lead to spalling and popouts (see attachment).

Although ASR was identified in other states in the early 1980s, Michigan did not begin to see the condition until the early to mid 1990s. ASR is often not apparent for five (5) to fifteen (15) years after placement and in the early years was often misdiagnosed. As the condition became more apparent, research increasingly focused on native aggregates that were found to be more reactive than aggregates that came from now depleted areas of Michigan gravel pits. Much research has been done to develop strategies to combat ASR, which continues today.

The most widely used strategy to reduce ASR is the use of a mineral filler to replace some of the cement in the concrete, thereby reducing the alkali in the mix. This is done through the use of ground-granulated blast-furnace slag (GGBFS); an iron making byproduct formed when molten iron blast furnace slag is rapidly chilled (quenched) by immersion in water. It is material that is readily available in this area,

highly cementitious in nature and, when ground to the fineness of cement, hydrates like portland cement. This strategy has been used in Troy since the mid 1990s on numerous projects including Big Beaver, Rochester Road, Long Lake, Livernois, Coolidge and Maplelawn among others. Studies have shown GGBFS to be effective but no guarantee that concrete will be free of ASR.

There are also new lithium-based products added to fresh concrete and lithium treatments of hardened concrete that are showing some promise in retarding the effects of ASR. Currently these products are extremely expensive, adding approximately $30 per cubic yard to concrete. Lithium compounds are on the short list of recommended preventatives and remedies but high cost and general availability of lower cost GGBFS and other materials naturally inhibit the use of these new chemicals in this area.

Lithium-based products are currently the only effective treatment for hardened concrete. These products are expensive and most effective in the early stages of ASR. Pavements in Troy currently exhibiting ASR, such as southbound Livernois south of Long Lake and eastbound Long Lake east and west of Livernois, are too far-gone to benefit from this treatment. The testing company for the Road Commission for Oakland County reported the presence of ASR throughout the thickness of the pavement. The County's engineer recommends complete replacement of this roadway, built in 1989 and only 16 years old, but the high cost and shortage of road repair funds will certainly delay this for many years. In the meantime, the engineering department is discussing with the RCOC the possibility of overlaying the pavement with asphalt to hold it together. This is not a long-term fix but a temporary one since the ASR will continue to cause premature breakup of the concrete pavement beneath the asphalt.

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Alkali-Silica Reactivity (ASR) Crack Pattern