



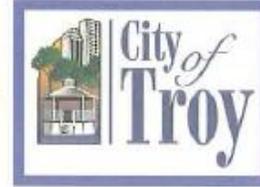
TROY CITY COUNCIL

REGULAR MEETING AGENDA

DECEMBER 17, 2012
CONVENING AT 7:30 P.M.

Submitted By
The City Manager

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



TO: The Honorable Mayor and City Council
Troy, Michigan

FROM: Brian Kischnick, City Manager

SUBJECT: Background Information and Reports

Ladies and Gentlemen:

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

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

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

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "B. Kischnick".

Brian Kischnick, City Manager



TROY CITY COUNCIL

VISION STATEMENT AND GOALS

Adopted: Monday, February 7, 2011

VISION:

To honor the legacy of the past and build a strong, vibrant future and be an attractive place to live, work, and grow a business.

GOALS:

Provide a safe, clean, and livable city

- Practice good stewardship of infrastructure
- Maintain high quality professional community oriented police and fire protection
- Conserve resources in an environmentally responsible manner
- Encourage development toward a walkable, livable community

Provide effective and efficient local government

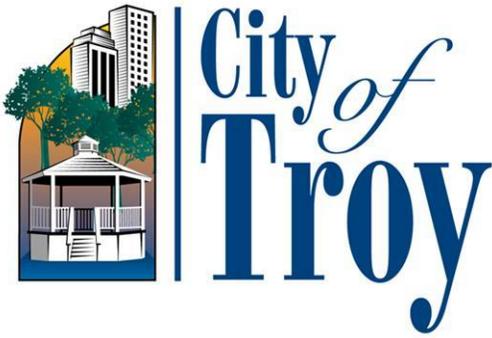
- Demonstrate excellence in community services
- Maintain fiscally sustainable government
- Attract and support a committed and innovative workforce
- Develop and maintain efficiencies with internal and external partners
- Conduct city business and engage in public policy formation in a clear and transparent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

Build a sense of community

- Communicate internally and externally in a timely and accurate manner
- Develop platforms for transparent, deliberative and meaningful community conversations
- Involve all stakeholders in communication and engagement activities
- Encourage volunteerism and new methods for community involvement
- Implement the connectedness of community outlines in the Master Plan 2008

Attract and retain business investment

- Clearly articulate an economic development plan
- Create an inclusive, entrepreneurial culture internally and externally
- Clarify, reduce and streamline investment hurdles
- Consistently enhance the synergy between existing businesses and growing economic sectors
- Market the advantages of living and working in Troy through partnerships



CITY COUNCIL AGENDA

December 17, 2012 – 7:30 PM
Council Chambers
City Hall - 500 West Big Beaver
Troy, Michigan 48084
(248) 524-3317

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INVOCATION: Pastor Randy Vinson from Bridge Community Church

PLEDGE OF ALLEGIANCE:

A. CALL TO ORDER:

B. ROLL CALL:

- a) Mayor Dane Slater
Jim Campbell
Mayor Pro Tem Wade Fleming
Dave Henderson
Maureen McGinnis
Doug Tietz

- b) Excuse Absent Council Members:

Suggested Resolution
Resolution #2012-12-
Moved by
Seconded by

RESOLVED, That Troy City Council hereby **EXCUSES** the absence of _____ at the Regular City Council Meeting of December 17, 2012, due to _____.

Yes:
No:

C. CERTIFICATES OF RECOGNITION AND SPECIAL PRESENTATIONS:

C-1 City of Troy Employees’ Casual for a Cause Program for the Months of September and October 2012 Presented to Troy People Concerned

C-2 Troy Garden Club and Telly’s Greenhouse for Beautification at the Troy Public Library and Troy Historical Village

C-3 Troy Public Library 2013-2015 Strategic Plan/Presentation

D. CARRYOVER ITEMS:

D-1 No Carryover Items

E. PUBLIC HEARINGS:

E-1 No Public Hearings

F. PUBLIC COMMENT FOR ITEMS ON THE AGENDA:**In accordance with the Rules of Procedure for the City Council, Article 17 – Members of the Public and Visitors:**

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

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

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

The audience should be aware that all comments are to be directed to the Council rather than to City Administration or the audience. Anyone who wishes to address the Council is required to sign up to speak within thirty minutes before or within fifteen minutes of the start of the meeting. There are two Public Comment portions of the Agenda. For Items On the Agenda, speakers can sign up to address Postponed, Regular Business, Consent Agenda, or Study items or any other item on the Agenda. Speakers can sign up to address all other topics under Items Not on the Agenda. Also, there is a timer on the City Council table in front of the Mayor that turns yellow when there is one minute of speaker time remaining, and turns red when the speaker's time is up.

In order to make the meeting more orderly and out of respect, please do not clap during the meeting, and please do not use expletives or make derogatory or disparaging comments

about any one person or group. If you do so, then there may be immediate consequences, including having the microphone turned off, being asked to leave the meeting, and/or the deletion of speaker comments for any re-broadcast of the meeting. Speakers should also be careful to avoid saying anything that would subject them to civil liability, such as slander and defamation.

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

G. CITY COUNCIL/CITY ADMINISTRATION RESPONSE/REPLY TO PUBLIC COMMENT:

H. POSTPONED ITEMS:

H-1 No Postponed Items

I. REGULAR BUSINESS:

I-1 Board and Committee Appointments: a) Mayoral Appointments – Downtown Development Authority; b) City Council Appointments – None

a) Mayoral Appointments – Downtown Development Authority

Suggested Resolution
Resolution #2012-12-
Moved by
Seconded by

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

Downtown Development Authority

Appointed by Mayor
13 Regular Members
4 Year Term

Nominations to the Downtown Development Authority:

Term Expires: 9/30/2016 Gregory Carnago (In District)

Term currently held by: Gregory Carnago

Term Expires: 9/30/2016 Laurence Keisling (At Large)

Term currently held by: Laurence Keisling

Term Expires: 9/30/2016 Alan Kiriluk (In District)

Term currently held by: Alan Kiriluk

Term Expires: 9/30/2016**Daniel MacLeish****(In District)**

Term currently held by: Daniel MacLeish

Term Expires: 9/30/2016**Arkan Jonna****(In District)**

Term currently held by: Harvey Weiss

Yes:

No:

b) City Council Appointments - None**I-2 Board and Committee Nominations: a) Mayoral Nominations – Planning Commission; b) City Council Nominations – Employee Retirement System Board of Trustees/Retiree Health Care Benefits Plan & Trust****a) Mayoral Nominations:**Suggested Resolution

Resolution #2012-12-

Moved by

Seconded by

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

Planning Commission

Appointed by Mayor

9 Regular Members

3 Year Term

Current Members:

Last Name	First Name	Appointment Date	Appointment Expire	Notes 1	Notes 3
Edmunds	Donald	4/4/2011	12/31/2013	EDC exp 4/30/3014	
Huang	Eric	5/14/2012	7/31/2013	Student Rep.	Requests Reappointment
Hutson	Michael	12/21/2009	12/31/2012		Requests Reappointment
Kempen	Edward	7/9/2012	12/31/2013	(Replaced Mark Maxwell-resigned)	
Krent	Thomas	12/13/2012	12/13/2014		
Sanzica	Philip	12/21/2009	12/31/2012	Alt. PC Rep on BZA	Requests Reappointment
Schepke	Gordon	2/20/2012	12/31/2014		

Schultz	Robert	2/20/2012	12/31/2014		
Strat	Thomas	2/20/2012	12/31/2014		
Tagle	John	12/21/2009	12/31/2012		Requests Reappointment

Nominations to the Planning Commission:

Term Expires: 12/31/2015

Term currently held by: Michael Hutson

Term Expires: 12/31/2015

Term currently held by: Philip Sanzica

Term Expires: 12/31/2015

Term currently held by: John Tagle

Interested Applicants:

Last Name	First Name	App Resume Date	App Resume Expire	Notes 2
Binkowski	Sarah	1/26/2012	1/26/2014	Traffic Comm. exp 01/31/2013
Johansson	Steven	1/23/2012	1/23/2014	
Kaltsounis	Andrew	12/13/2012	12/13/2014	Liquor Advisory Comm. exp. 1/31/2013
Kaltsounis	Orestis Rusty	1/20/2012	1/20/2014	P&R Bd exp 9/30/2015; ZBA (Alt.) exp 1/31/2015
Kempen	Edward	2/1/2012	2/1/2014	Replaced Mark Maxwell-resigned)
Lambert	Dave	2/19/2011	2/16/2013	ZBA exp. 4/30/2014
Lokken	Stephen	1/23/2012	1/23/2014	
Ragan	John	1/26/2012	1/26/2014	
Waters	Roy	2/6/2012	2/6/2014	Full Disclosure mailed 2/6/2012
Ziegenfelder	Peter	12/14/2010	12/14/2012	Traffic Committee exp 1/31/2014

Yes:

No:

b) City Council Nominations

Suggested Resolution

Resolution #2012-12-

Moved by

Seconded by

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

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

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

Current Members:

Last Name	First Name	Appointment Date	Appointment Expire	Notes 1	Notes 3
Calice	Mark	1/4/2010	12/31/2012	Council Appointed Citizen	Requests Reappointment
Darling	Thomas			Chapter 10	
Gordon II	Thomas	12/17/2010	12/31/2013	DB-Employee Rep. - Elected	
Henderson	Dave	5/14/2012	4/15/2015		
Kischnick	Brian			Chapter 10	
Need	William	2/21/2011	12/31/2013	Council Appointed Ex-Officio DB Retiree Rep.	
Pallotta	Steven		12/31/2014	DC Employee Rep. - Elected	
Stansbury	Milton	11/4/2011	12/31/2015	Employee elected	Reelected 12/10/2012

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

Term Expires: 12/31/2015

Term currently held by: Mark Calice

Interested Applicants:

Last Name	First Name	App Resume Date	App Resume Expire	Notes 2
Baughman	Deborah	2/28/2011	2/28/2013	Personnel Board Term exp. 4/30/2014
Doyle	Hugh Stephen	2/8/2012	2/8/2014	Historic Dist Comm exp 7/31/2013
Kornacki	Rosemary	11/15/2011	11/15/2013	Brownfield Redev Auth exp 4/30/2014
Ogg	David	11/15/2011	11/15/2013	Liquor Adv exp 1/31/2015; Traffic Com exp 1/31/2015

Witt	Francis	11/23/2011	11/23/2013	Personnel Board exp 4/30/2012
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Yes:

No:

I-3 No Closed Session Requested

I-4 Appointment of City Council Member

a) City Council Interviews of Candidates

- Richard Beaubien
- Bert Copple
- Daniel Fair
- Carmen Johnson
- Kessie Kaltsounis
- Edward Pennington

b) Appointment of City Council Member

Suggested Resolution

Resolution #2012-12-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **APPOINTS** _____ for the vacant City Council Member position with the term expiring November 11, 2013.

Yes:

No:

I-5 Oakland County Bid – Installment Purchase of Golf Cars

Suggested Resolution

Resolution #2012-12-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **APPROVES** a contract to purchase (150) Model 2013 Precedent 12 Electric IQ Club Golf Cars and two gas Turf I vehicles less (149) trade-ins under a lease-to-own agreement from Midwest Golf & Turf, Novi, MI, third party lending source, with pricing in accordance with the Oakland County bid at an estimated total cost of \$538,260.00 under a 55-month lease term payable May-October 2013-2017 at an estimated \$17,942/month with a \$1/car purchase price at lease end.

BE IT FURTHER RESOLVED, That the agreement is **CONTINGENT** upon execution of all contract documents once in acceptable form.

Yes:

No:

J. CONSENT AGENDA:

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

Suggested Resolution

Resolution #2012-12-

Moved by

Seconded by

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

Yes:

No:

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

J-2 Approval of City Council Minutes

Suggested Resolution

Resolution #2012-12-

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

- a) Regular City Council Meeting – December 3, 2012

J-3 No Proposed City of Troy Proclamations:

J-4 Standard Purchasing Resolutions:

- a) **Standard Purchasing Resolution 1: Award to Low Bidder – Bus Transportation Services - Recreation**

Suggested Resolution

Resolution #2012-12-

RESOLVED, That Troy City Council hereby **AWARDS** a contract to provide three (3) year requirements of complete bus transportation services for the City of Troy Recreation Department Summer and Winter Programs with an option to renew for two additional years to the low total bidder, First Student, of Naperville, IL, for an estimated annual cost of \$21,800.00, at unit prices contained in the bid tabulation opened November 28, 2012, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, with 2% annual rate increases allowed to cover expenses and the contract will expire December 31, 2015.

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

J-5 Request for Acceptance of Warranty Deed, Quit Claim Deed and Permanent Easements for Tuscany Estates Site Condominium – Sidwell #88-20-24-226-109 & 111

Suggested Resolution
Resolution #2012-12-

RESOLVED, That City Council hereby **ACCEPTS** a warranty deed for right-of-way and seven permanent easements for rear yard drainage, public utilities, clear vision and non-access landscape, non-access greenbelt and landscape, sanitary sewer, storm sewer and surface drainage, and grading from Heatherwood Homes, Inc., owner of the properties having Sidwell #88-20-24-226-109 & 111; and

BE IT FURTHER RESOLVED, That City Council hereby **ACCEPTS** a quit claim deed for right-of-way and seven permanent easements for rear yard drainage, public utilities, clear vision and non-access landscape, non-access greenbelt and landscape, sanitary sewer, storm sewer and surface drainage, and grading from Mondrian Properties Tuscany Estates, LLC, equity interest holders; and

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

J-6 Request to Abandon an Existing Detention Basin and Accept a Warranty Deed and Quit Claim Deed for Tuscany Estates Site Condominiums – Sidwell #88-20-24-226-110

Suggested Resolution
Resolution #2012-12-

WHEREAS, The City of Troy has received a request from the developers of Tuscany Estates Site Condominiums to redesign and reconfigure an existing detention basin identified with Sidwell #88-20-24-226-110, that will serve both Beaver Creek Subdivision and the new site condominiums; and

WHEREAS, The detention basin was previously granted to the City of Troy by Heatherwood Homes, Inc., as recorded in Liber 35251 Page 679;

THEREFORE, BE IT RESOLVED, That City Council **AUTHORIZES** the Mayor and City Clerk to **EXECUTE** a Quit Claim deed conveying the interest in the detention basin parcel having Sidwell #88-20-24-226-110 back to Heatherwood Homes, Inc.

BE IT FURTHER RESOLVED, That City Council **ACCEPTS** a Warranty Deed from Heatherwood Homes, Inc. for the new detention basin and a Quit Claim Deed from Mondrian

Properties Tuscany Estates, LLC, as the developer and land contract vendee in the properties to be developed as the new Tuscany Estates Site Condominiums proper; and

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

J-7 Sole Source – Purchase Freeance Mobile Application (app) Software

Suggested Resolution

Resolution #2012-12-

WHEREAS, In 2010 the City implemented Azteca Cityworks Asset Management and Customer Service Request software to better manage and update City infrastructure assets and process services requests from residents and businesses; and

WHEREAS, To further streamline Cityworks processes, it would be beneficial for field staff to create and receive work orders and service requests while in the field; and

WHEREAS, TDC Group, Inc. of Dayton, Ohio, has partnered with Azteca to develop a Cityworks specific Smartphone application for use in the field; and

WHEREAS, The deployment of Smartphone technology in December 2011 to field staff has not only reduced hardware costs, but enhanced efficiencies by utilizing the features and applications (apps) on these devices, and now could be used to access work orders and service requests that reside in Cityworks while in the field;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **APPROVES** and **AUTHORIZES** the installation and purchase of Freeance Mobile Application software, Forms Pro and ongoing annual maintenance from the sole source provider of the proprietary software, TDC, Group, Inc. of Dayton, Ohio, as detailed in Attachment A, Costs; a copy of which shall be **ATTACHED** to the original Minutes of this meeting, with annual adjustments allowed for ongoing maintenance in accordance with the Consumer Price Index (CPI) for the Detroit / Ann Arbor Area.

BE IT FURTHER RESOLVED, That Troy City Council hereby **AUTHORIZES** the purchase of additional user licenses estimated at \$500.00 each, plus annual maintenance costs subject to change each year, in accordance with the CPI for the Detroit / Ann Arbor Area.

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

J-8 Scheduled Contract Reopener with Detroit Water and Sewerage Department (Year 5)

Suggested Resolution

Resolution #2012-12-

WHEREAS, In 2008 the City of Troy and the Detroit Water and Sewerage Department (DWSD) entered into a 30 year contract to provide water to the City of Troy which included a contract reopener in the 5th year to adjust factors used to develop annual water rates and allow opportunity for minor clarifications of contract language; and

WHEREAS, These adjustment factors include pressures, peak hour, max day and annual volumes in which the City of Troy has been able to control successfully through shifting peak hour usage into the exclusionary period of 11PM to 5 AM; and

WHEREAS, The City of Troy continues to educate and invest in community capital improvement projects as required in this contract;

NOW, THEREFORE, BE IT RESOLVED, That the attached amendment to the 30 year contract to provide wholesale water between the City of Troy and the Detroit Water and Sewerage Department is hereby **APPROVED**, as recommended by City Administration, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

K. MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

K-1 Announcement of Public Hearings: None Submitted

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

L. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA:

M. COUNCIL REFERRALS:

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

M-1 No Council Referrals

N. COUNCIL COMMENTS:

N-1 No Council Comments Advanced

O. REPORTS:

O-1 Minutes – Boards and Committees:

- a) Animal Control Appeal Board-Final-September 26, 2012
 - b) Building Code Board of Appeals-Final-November 7, 2012
 - c) Planning Commission Special/Study-Final-November 27, 2012
-

O-2 Department Reports:

- a) Troy Public Library 2013-2015 Strategic Plan/Presentation
-

O-3 Letters of Appreciation: None Submitted

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

O-5 Robert Davis v City of Troy et al

O-6 Michigan Association of Home Builders et al v City of Troy

O-7 Special Elections Lawsuits

P. STUDY ITEMS:

P-1 No Study Items

Q. CLOSED SESSION:

Q-1 No Closed Session Requested

R. ADJOURNMENT:

Respectfully submitted,



Brian Kischnick, City Manager

FUTURE CITY COUNCIL PUBLIC HEARINGS:

SCHEDULED REGULAR CITY COUNCIL MEETINGS:

Monday, January 14, 2013.....	Regular Meeting
Monday, January 28, 2013.....	Regular Meeting
Monday, February 4, 2013.....	Regular Meeting
Monday, February 18, 2013.....	Regular Meeting
Monday, March 4, 2013.....	Regular Meeting
Monday, March 18, 2013.....	Regular Meeting
Monday, April 8, 2013.....	Regular Meeting
Monday, April 15, 2013.....	Regular Meeting
Monday, May 13, 2013.....	Regular Meeting
Monday, May 20, 2013.....	Regular Meeting
Monday, June 3, 2013.....	Regular Meeting
Monday, June 17, 2013.....	Regular Meeting
Monday, July 8, 2013.....	Regular Meeting
Monday, July 22, 2013.....	Regular Meeting
Monday, August 12, 2013.....	Regular Meeting
Monday, August 26, 2013.....	Regular Meeting
Monday, September 9, 2013.....	Regular Meeting
Monday, September 23, 2013.....	Regular Meeting
Monday, October 7, 2013.....	Regular Meeting
Monday, October 21, 2013.....	Regular Meeting
Monday, November 11, 2013.....	Regular Meeting
Monday, November 25, 2013.....	Regular Meeting
Monday, December 2, 2013.....	Regular Meeting
Monday, December 16, 2013.....	Regular Meeting

SCHEDULED SPECIAL CITY COUNCIL MEETINGS:

Monday, April 22, 2013.....	Regular Meeting
Monday, April 29, 2013.....	Regular Meeting



CITY COUNCIL ACTION REPORT

December 13, 2012

TO: Brian Kischnick, City Manager

FROM: Mark F. Miller, Director of Economic & Community Development
Tom Darling, Director of Financial Services
Susan A. Leirstein, Purchasing Director
Carol Anderson, Recreation Director

SUBJECT: Oakland County Bid—Installment Purchase of Golf Cars

Background

Club Car has long been the golf cart supplier meeting the needs of the City, at both Sylvan Glen Golf Course, and Sanctuary Lake Golf Course. In addition, Club Car LLC is the global leader in golf carts and is recognized worldwide for its exceptional quality standards. The Club Car vehicle has a lightweight aluminum frame which does not rust. Other manufacturer golf carts such as EZGO and Yamaha utilize a heavier steel frame which is prone to rust and because of its greater weight can add to turf compaction. The Club Car vehicle also uses an independent front suspension which offers the most comfortable ride in the industry.

The existing fleet of Club Car golf carts at Sylvan Glen GC was purchased in 2007, and Sanctuary Lake GC has been using the carts purchased when the course was opened in 2004. Billy Casper Golf, the management firm for both golf courses and the City has determined all of the carts at both courses are past their useful life and in need of replacement.

In February 2012, Oakland County issued a bid for Club Car Precedent 12 Electric IQ Golf Cars. Pricing on the bid has been extended to the City of Troy. These vehicles included hinged windshields, heavy duty 8 volt batteries, fully automatic power drive chargers, monsoon canopy top, power ribbed tires, Precedent wheel covers, sweater basket, number decals, and flexi drink cup holders.

Billy Casper Golf, LLC staff has determined that logos, informational holders, and tow plates and bars (20) are necessary options.

These options were not bid by Oakland County but were bid as part of a national cooperative purchasing agreement solicited by the City of Tucson. The cost for these items is identical to the cooperative purchasing agreement bid. The pricing for the carts is \$4119.60 each.

Sanctuary Lake has utilized a turf utility gas vehicle as a range picker. This vehicle was purchased in 2004 and is past its useful life and needs replacement. To adequately serve golfers, Billy Casper Golf, LLC has determined that an additional gas vehicle is essential to be used as a concession/beverage cart. In the past, a golf cart has been used for this service. The pricing for two gas turf vehicles with a communication display module and filler kit is estimated at a cost of \$6500 each.

In 2009, Oakland County issued a bid for gasoline turf vehicles. The base cost of the vehicles was bid at \$6380 each. If using the Oakland County bid price, and with the communication display module and filler kit, the cost would be \$6637.75.

The trade-in of the existing fleet is included in the agreement. Seventy five (75) 2004 model cars will be traded at a value of \$600/each and seventy four (74) 2008 models at \$1200/each for a total trade-in value of \$133,800.

The purchase of the equipment is a lease-to-own agreement and proposes to lease the carts at \$116.50/month/car. The lease-to-own payment for the turf vehicles is \$233.33/month/cart. Payments are to be made each month May through October, 2013—2017. At lease end, the City is obligated to purchase the cars for \$1/car.

Similarity to National IPA/City of Tucson

To ensure the city received excellent pricing on golf car accessories not included on the Oakland County bid, staff examined pricing of the National IPA cooperative contracting program. A bid by the City of Tucson for carts and accessories was extended nationwide. The cost of the accessories in the City's agreement is the same as the National IPA bid. The cost of the base cart was higher than the Oakland County bid and therefore, the carts in this program were not considered.

Recommendation

City management recommends approval of a contract to purchase (150) Club Car Precedent 12 Electric IQ Golf Cars with accessories and two (2) gas Turf I vehicles less (149) trade-ins under a lease-to-own agreement from Midwest Golf & Turf third party lending source for an estimated cost of \$538,260 under a 55-month lease term payable May-October 2013-2017 at an estimated \$17,942/month with a \$1/car purchase price at lease end.

Fund Availability

Funds for this purchase are available in the Golf Course Capital Vehicle Funds.

Precedent i2 Electric

- **48-volt** power plant
- **Excel Drive System** or the **IQ System**.
- **SportDrive™** - creates a sports-car-like driving experience
- **PowerShield™** - protective housing safeguards the electrical system
- **360° Bumper™** - a Club Car, Inc. exclusive
- **Club Car's Ergo Seat** - is larger, taller, and more erect for support
- **MonsoonTop™** - is the industry's first canopy with built-in drain spouts
- Body color is molded into the body panels
- IQDM hand-held diagnostic tool is a fast hassle-free way to keep your entire fleet operating at peak
- The industry's tightest clearance circle means superior maneuverability
- Spacious bagwell designed to keep bags from slipping



Options and Accessories



Turn Signals



Locking Glove Box



Heavy-Duty Bumper/
West Coast Mirror



Wheel Covers



Fold-Down
Windshield



Battery Capacity
Indicator



Canopy Top
White



Fuel Gauge
and Hour Meter



Custom Van Box



Stake-Side Kit



Certified ROPS
Cab Enclosure



Trailer Hitch



Pintle Hitch



Cab Heater



Safety Strobe Light



Toolbox

Value Packages

	Heavy-Duty Bumper	Trailer Hitch	Hour Meter*	Differential Guard	Radio/Beverage Holder	Cargo Box**	Extra-Traction Rear Tires	8.5-Inch Premium Tread Front Tires
Carryall 1 Electric	✓	✓	✓	✓	✓	Standard	✓	Standard
Carryall 1 Gasoline	✓	✓	Standard	✓	✓	Standard	✓	Standard

*Fuel Gauge/Hour Meter is standard on all gas vehicles listed.
**Priced separately from base vehicle.



Ingersoll Rand is a world leader in the field of compact vehicles and equipment. Our widely known Bobcat® brand includes an extensive line of powerful, nimble compact construction equipment and attachments, and our state-of-the-art engineering capabilities and stylish designs are reflected in our world famous Club Car® vehicles.

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Club Car

CARRYALL 1

UTILITY VEHICLE



CARRYALL

1

From airports to colleges to zoos, the Carryall 1 is the perfect utility vehicle for light-duty jobs. The Carryall 1 is powered by your choice of a 351 cc, 11.5 hp gas engine or Club Car's IQ System™ electric motor. With the standard IQ System, the



Carryall 1 electric model features programmable speed control, consistent hill climbing and the overall performance that makes it feel more like a gas model. And Club Car's exclusive aluminum frame is up to three times stronger than comparable steel frames.



Features

Club Car's exclusive IQ System electric or 11.5 hp gas engine



9.1 ft³ (0.3 m³) cargo box carries 300 lb (136.1 kg)



Rugged, rustproof aluminum frame, chassis and cargo box



Self-adjusting rack & pinion steering



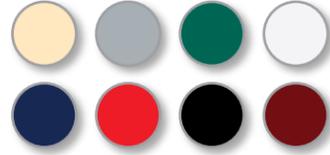
ArmorFlex® front body for fade-resistant color



Standard Color: Dark Gray



Optional Colors: Beige Gray, Green, White, Classic Blue, Red, Black and Burgundy



4-ply, premium tread tires



Smooth, independent front and semi-independent rear suspension

Additional Features

- **Maximum speed of 19 mph (30.6 kph)** (Electric vehicles only)
- **Side fuel fill**
- **800 lb (363.2 kg) total vehicle capacity**
- **48-volt IQ System electric motor or 351 cc, 11.5 hp gas, pedal-start engine**
- **Maximum hp @ 3,600 rpm exceeds SAE J1940 Performance Standards**
- **Reconfigured dash**
- **Redesigned hip restraint for maximum styling and comfort**

Specifications

	<i>Carryall 1 Electric</i> <small>with exclusive IQ System</small>	<i>Carryall 1 Gasoline</i>	
POWER SUPPLY	Engine	N/A	Kawasaki 4-cycle, OHV, 351 cc, single cylinder, air-cooled, pressure-lubricated, spin-on oil filter
	Drive Motor	48-volt Shunt/Sepex	N/A
	Horsepower	3.2 @ 2400 rpm (continuous) 10.0 @ 1125 RPM (intermittent)	11.5**
	Governor	N/A	Automatic ground speed sensing, internally geared-in unitized transaxle
	Governed RPM	N/A	3050±30
	Ignition	N/A	Electronic w/electronic RPM limiter
	Drive Unit	12.3:1 direct-drive axle, double-reduction helical gear	Unitized transaxle, helical gears: 11.8:1 forward, 17.1:1 reverse
	Electrical System	48-volt	12-volt, 500 cca 105 min. reserve
	Batteries	Six 8-volt 117 min. @ 56 amp	N/A
	Charger	Automatic 48-volt DC, 17 amp, UL and CUL listed	N/A
Controller	300 amp Solid State	N/A	
STEERING/ SUSPENSION	Steering	Self-adjusting rack & pinion	Self-adjusting rack & pinion
	Front Suspension	Independent leaf spring w/dual hydraulic shocks	Independent leaf spring w/dual hydraulic shocks
	Rear Suspension	Leaf springs w/dual hydraulic shocks	Leaf springs w/dual hydraulic shocks
	Brakes	Self-adjusting rear-wheel mechanical drum	Self-adjusting rear-wheel mechanical drum
	Park Brake	Foot-operated, multi-lock	Foot-operated, multi-lock
	Stabilizer Bar	No	Yes
FRAME/CHASSIS	Frame/Chassis	Aluminum I-Beam	Aluminum I-Beam
	Front Body	ArmorFlex®	ArmorFlex®
	Rear Body	All aluminum	All aluminum
	Body Finish	Matching paint over molded-in color	Matching paint over molded-in color
	Light Package	Optional	Optional
	Trailer Hitch	Optional	Optional
	Front Tires	18 x 8.50-8, 4-ply rated, Premium tread	18 x 8.50-8, 4-ply rated, Premium tread
	Rear Tires	18 x 8.50-8, 4-ply rated, Premium tread	18 x 8.50-8, 4-ply rated, Premium tread
	Instrumentation	Battery warning light	Electronic fuel gauge/hour meter, low-oil warning light
DIMENSIONS	Cargo Box Size	37.6" x 45.1" x 9.3" (9.1 ft ³) 95.6 cm x 114.6 cm x 23.5 cm	37.6" x 45.1" x 9.3" (9.1 ft ³) 95.6 cm x 114.6 cm x 23.5 cm
	Flat Bed Size	35.8" x 44.3" (90.8 cm x 112.4 cm)	35.8" x 44.3" (90.8 cm x 112.4 cm)
	Bed Height	27.5" (69.9 cm)	27.5" (69.9 cm)
	Bed Capacity	300 lb. (136.1 kg)	300 lb. (136.1 kg)
	Total Vehicle Capacity	800 lb. (363.2 kg)	800 lb. (363.2 kg)
	Overall Length	103.5" (262.9 cm)	103.5" (262.9 cm)
	Overall Width	48.0" (121.9 cm)	48.0" (121.9 cm)
	Overall Height	48.0" (121.9 cm)	48.0" (121.9 cm)
	Wheelbase	65.5" (166.4 cm)	65.5" (166.4 cm)
	Ground Clearance Under Differential	4.5" (11.4 cm)	4.5" (11.4 cm)
	Fuel Tank Capacity	N/A	7.0 gallons (26.5 Liters)
	Tread	34.5"/38.5" (87.6 cm/97.8 cm)	34.5"/38.5" (87.6 cm/97.8 cm)
	Dry Weight Less Batteries	530 lb. (240.6 kg)	658 lb. (298.7 kg)
	Speed Range	8-19 mph (12.8-30.6 kph)	12-15 mph (19.3-24.1 kph)
	Outside Clearance Circle	17.5 ft. (5.3 m) dia.	17.5 ft. (5.3 m) dia.
Turning Radius	8.4 ft. (2.6 m)	8.4 ft. (2.6 m)	
Intersecting Aisle Radius	72.0" (182.9 cm)	72.0" (182.9 cm)	
Vehicle Warranty	2-year limited*	2-year limited	

*4-year, limited battery warranty for electric vehicles
**Exceeds SAE J1940 Performance Standards



Skip Payment Lease / Purchase

To: City of Troy

Date: 12/11/2012

Midwest Golf & Turf’s third party lending source proposes to lease to City of Troy 150 new 2013 Precedent Electric powered golf cars equipped as stated on the quotation page. The lease rates are quoted herein and are subject to our third party lending source’s normal credit approval.

Skip Payments
(May – October 2013 - 2017)

Vehicles	Quantity	Term	Per Car Payment Per Month
2013 Precedent Electric	150	55	\$116.50*
2013 Turf I Gasoline	2	55	\$233.33

*The rates quoted include the trade-in of the City of Troy’s present fleet of golf cars and the trade-in values have been applied to lower the monthly payments. All trade-ins must be free of all liens and encumbrances, and in fleet running condition. Cars used for purposes other than golf car rental, damaged due to misuse, abuse or vandalism, and cars with missing equipment (electric cars must have a working charger) will be adjusted in value accordingly.

This is a conditional sales contract. You will be obligated to purchase the equipment described in the lease at the end of the lease term, for \$1 per car.

Accepted By:

City of Troy

Midwest Golf & Turf

By: _____

By: _____

Title: _____

Title: _____

Date: _____

Date: _____



Replacement Parts and Service

Factory authorized replacement parts, service and warranty work is handled through Club Car's factory authorized Dealer, . It is Club Car's objective that City of Troy's fleet will receive professional, timely and systematic service.

Club Car offers technical training seminars for City of Troy's employees involved with golf car operations. These seminars are held at Club Car's manufacturing facility in Augusta, Georgia, and are conducted by professional educators. City of Troy's employees will learn preventive maintenance and repair procedures to enhance City of Troy's fleet operations. They will also enjoy sharing ideas and experiences with golf club and resort personnel from all over the world.

Factory Authorized Dealer

Michigan Tournament Fleet
Steve Schickel
248-624-5155
2111 Haggerty Rd
Commerce Twp. 48390

Factory Authorized Distributor

Midwest Golf and Turf
Kent Heiden - President
800-555-8189
25125 Trans-X
Novi, MI 48376

LIMITED LIFETIME WARRANTY FOR PRECEDENT™ BY CLUB CAR®

WARRANTY:

CLUB CAR, INC., (CLUB CAR) hereby warrants its new Precedent golf car purchased from CLUB CAR or an authorized distributor, dealer, or agent shall be free from defects in material and workmanship under normal use and service for the period as stated in years below, as terms are defined herein, and subject to the provisions, limitations and exclusions contained in this warranty.

	Precedent i2L	Precedent i2	Villager 4
VEHICLE MAIN FRAME	LIFETIME*		
SUSPENSION defined as Steering Gearbox, Steering Column, Shocks, and Leaf Springs.	4	4	4
MAJOR ELECTRONICS defined as Onboard Computer (OBC), Solid State Speed Controller, and Battery Charger.	4	4	4
DEEP CYCLE BATTERY Four Years or 1000 Rounds or 20,000 Energy Units (EU's) as recorded by the OBC, whichever first occurs.	4	4	4
PEDAL GROUP defined as Pedal Group Mechanical Assembly, Brake Cluster Assemblies, and Brake Cables	4	4	4
SEATS defined as Seat Bottom, Seat Back, and Armrests	4	4	4
CANOPY SYSTEM defined as Canopy, Rear Canopy Supports, Drainage System and Structural Accessory Module	4	4	4
POWERTRAIN defined as Gasoline Engine, Electric Motor, Gasoline and Electric Transaxle, Starter Generator, Air Intake, Exhaust System, and Torque Converter (Drive and Driven).	3	3	3
BODY GROUP defined as Beauty Panels, and Front and Rear Underbody.	3	3	3
ALL REMAINING COMPONENTS defined as Solenoid, MCOR, GCOR, Limit Switches, Voltage Regulator, F&R Switch, and Options, and Accessories supplied by CLUB CAR, including components not specified otherwise.	2	2	2

IF THE WARRANTY REGISTRATION FORM IS NOT COMPLETED AND RETURNED TO CLUB CAR AT THE TIME OF THE ORIGINAL RETAIL SALE, PURCHASER MUST PROVIDE PROOF OF DATE OF PURCHASE WITH ANY WARRANTY CLAIM.

EXCLUSIONS:

Excluded from any CLUB CAR warranty is damage to a golf car or component resulting from a cause other than a defect including poor maintenance, neglect, abuse, accident & collision, maintenance adjustments, unreasonable or unintended strain or use, improper installation of accessories, installation of parts or accessories that are not original equipment, nonapproved alteration, and acts of god. Also excluded from any CLUB CAR warranty are all fuses, filters, decals (except safety decals), lubricants, routine wear items such as the charger plug and receptacle, brake shoes, belts, brushes, bushings, drive buttons, cosmetic deterioration, and items which deteriorate, fade or fail due to exposure or ordinary wear and tear.

Specific to the deep cycle battery, the provisions of this limited warranty shall not apply to failure due to:

- 1) Abuse such as overcharging, undercharging, improper fluid levels, loose wiring, or rusted or corroded hardware;
- 2) Lack of proper maintenance as outlined in the vehicle owner's manual;
- 3) Damages caused by improper installation of the battery;
- 4) Neglect, breakage, freezing, fire, explosion, wreckage, the addition of any chemical, or the operation of the battery in an uncharged condition (below half charge 1.200 specific gravity); the installation of the batteries in reverse or recharging in reverse, breakage of containers, covers, or terminal post, or batteries used in applications for which they were not designed.
- 5) A battery damaged by a defective charger.

Transportation expenses for warranty services are also excluded from this warranty.

VOIDING OF WARRANTY:

THIS AND ANY OTHER WARRANTY SHALL BE VOID IF THE GOLF CAR IS ABUSED OR USED IN AN UNINTENDED MANNER OR SHOWS INDICATIONS THAT IT HAS BEEN ALTERED IN ANY WAY, INCLUDING, BUT NOT LIMITED TO, MODIFICATION OF THE SPEED GOVERNOR, BRAKING SYSTEM, STEERING, TRANSAXLE, OR OTHER OPERATING SYSTEMS OF THE CAR TO CAUSE IT TO PERFORM OUTSIDE CLUB CAR SPECIFICATIONS. THE WARRANTY IS LIKEWISE VOID IF THE CAR INVOLVED SHOWS INDICATIONS THAT REASONABLE OR NECESSARY MAINTENANCE AS OUTLINED IN THE OWNER'S MANUAL AND MAINTENANCE AND SERVICE MANUAL WAS NOT PERFORMED AT THE TIME AND IN THE MANNER SPECIFIED IN SUCH MANUALS.

SOLE REMEDY:

CLUB CAR's liability under this limited warranty, or in any action whether based upon warranty, contract, negligence, strict product liability or otherwise, shall be the repair or replacement, at CLUB CAR's option, of the golf car or component thereof that CLUB CAR deems to be defective. Replacement shall mean furnishing, during the applicable limited warranty period, a new golf car or factory-reconditioned vehicle or component thereof that is identical or reasonably equivalent to the warranted product or component at no cost to the purchaser. Repair shall mean remedying a defect in the golf car or component thereof at no cost to the purchaser during the applicable limited warranty period. If CLUB CAR elects to repair the golf car, it may provide factory-reconditioned parts or components. All parts and components replaced under warranty shall become the property of CLUB CAR.

DISCLAIMER:

THIS LIMITED WARRANTY IS EXCLUSIVE. CLUB CAR MAKES NO OTHER WARRANTY OF ANY KIND, EXPRESSED OR IMPLIED. ANY IMPLIED WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE WHICH EXCEED THE OBLIGATIONS OR TIME LIMITS STATED IN THIS WARRANTY ARE HEREBY DISCLAIMED BY CLUB CAR AND EXCLUDED FROM THIS WARRANTY. THE PURCHASER AND CLUB CAR EXPRESSLY AGREE THAT THE SOLE REMEDY OF THE REPLACEMENT OR REPAIR OF THE DEFECTIVE GOLF CAR OR COMPONENT THEREOF IS THE SOLE REMEDY OF THE PURCHASER. CLUB CAR MAKES NO OTHER REPRESENTATION OR WARRANTY OF ANY KIND, AND NO REPRESENTATIVE, EMPLOYEE, DISTRIBUTOR OR DEALER OF CLUB CAR HAS THE AUTHORITY TO MAKE OR IMPLY ANY REPRESENTATION, PROMISE OR AGREEMENT, WHICH IN ANY WAY VARIES THE TERMS OF THIS WARRANTY.

NO CONSEQUENTIAL DAMAGES:

IN NO EVENT SHALL CLUB CAR BE LIABLE FOR ANY INCIDENTAL OR CONSEQUENTIAL DAMAGES INCLUDING, BUT NOT LIMITED TO, LOSS RELATED TO PROPERTY OTHER THAN THE GOLF CAR, LOSS OF USE, LOSS OF TIME, INCONVENIENCE, OR ANY OTHER ECONOMIC LOSS.

Some states allow neither limitation on the duration of an implied warranty nor exclusions or limitation of incidental or consequential damages. Therefore, the above limitations or exclusions may not apply to you.

This warranty gives you specific legal rights, and you may also have other rights, which vary from state to state.

In the event that another pre-printed warranty document and/or certificate offered by or through Club Car at the time of sale of this vehicle (each an "Additional Warranty Document") is deemed to conflict with the limitations or exclusions contained herein, the limitations and exclusions contained herein shall continue to apply with respect to both this limited warranty statement and, to the maximum extent permitted by law, to each Additional Warranty Document.

INFORMATION:

For further information contact WARRANTY SERVICES, CLUB CAR, INC., P.O. Box 204658, Augusta, Georgia 30917-4658, U.S.A., 706-863-3000.

WARRANTY TRANSFER:

The original owner shall have the right to transfer any remaining warranty coverage to one subsequent purchaser only. In order for the original owner to transfer any remaining warranty coverage to a subsequent purchaser, the vehicle must be re-registered by an Authorized Club Car Distributor or Dealer with the Warranty Department at Club Car, Inc.. Such transfer must take place within the first three years of the original in service date of the vehicle. *The Limited Lifetime section of the warranty coverage applies to the original purchaser or lessee only, and the subsequent purchaser will only have a four-year coverage period based on the original in service date. No transfers of any remaining warranty coverage shall be permitted by any subsequent purchasers.

WARNING:

Any modification or alteration of any golf car beyond factory specifications, including those that affect the weight distribution, stability, or speed of the golf car, can cause serious personal injury or death.

The only warranty is as provided by the manufacturer. Midwest Golf & Turf disclaims all warranties, specifically including any implied warranties such as warranties of fitness for intended use or merchantability.

Pastor Fred Betcher from Troy Assembly of God performed the Invocation. The Pledge of Allegiance to the Flag was given.

A. CALL TO ORDER:

A Regular Meeting of the Troy City Council was held on Monday, December 3, 2012, at City Hall, 500 W. Big Beaver Rd. Mayor Slater called the meeting to order at 7:32 PM.

B. ROLL CALL:

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

C. CERTIFICATES OF RECOGNITION AND SPECIAL PRESENTATIONS:

C-1 Proclamation for Arbor Day Celebration Presented to Kurt Bovensiep, Superintendent of Parks, Streets & Drains

C-2 City of Troy Fleet Recognized as 2012 Elite Fleet

C-3 City of Troy Fleet Recognized for Meeting Blue Seal of Excellence Recognition Program

C-4 June 30, 2012 Audit Presentation

D. CARRYOVER ITEMS:

D-1 No Carryover Items

E. PUBLIC HEARINGS:

E-1 No Public Hearings

F. PUBLIC COMMENT FOR ITEMS ON THE AGENDA:

Brake, Dan	N-01 Spoke about the process of filling the position of Mayor.
Wengrow, Irv	P-01 Spoke regarding submitting an application for the City Council appointment.

G. CITY COUNCIL/CITY ADMINISTRATION RESPONSE/REPLY TO PUBLIC COMMENT:

H. POSTPONED ITEMS:**H-1 No Postponed Items**

I. REGULAR BUSINESS:**I-1 Board and Committee Appointments: a) Mayoral Appointments – Downtown Development Authority; b) City Council Appointments – None****a) Mayoral Appointments – Downtown Development Authority**

City Council took **NO ACTION** on this Item.

b) City Council Appointments - None

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

I-3 No Closed Session Requested

J. CONSENT AGENDA:**J-1a Approval of “J” Items NOT Removed for Discussion**

Resolution #2012-12-214

Moved by Campbell

Seconded by McGinnis

RESOLVED, That Troy City Council hereby **APPROVES** all items on the Consent Agenda as presented.

Yes: All-6

No: None

MOTION CARRIED

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

J-2 Approval of City Council Minutes

Resolution #2012-12-214-J-2

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

- a) Special City Council Meeting – November 21, 2012
- b) Regular City Council Meeting – November 26, 2012

J-3 No Proposed City of Troy Proclamations:

J-4 Standard Purchasing Resolutions:

- a) **Standard Purchasing Resolution 2: Award to Low Bidder Meeting Specifications – Liquid Calcium Chloride**

Resolution #2012-12-214-J-4a

RESOLVED, That Troy City Council hereby **AWARDS** a contract to provide one (1) year requirements of liquid calcium chloride with an option to renew for one (1) additional year to the lowest bidder meeting specifications, Great Lakes Chloride Inc, of Shelbyville, MI, for both proposals A) and B) – at unit prices contained in the bid tabulation opened November 21, 2012 a copy of which shall be **ATTACHED** to the original Minutes of this meeting expiring November 30, 2013.

K. MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

K-1 Announcement of Public Hearings: None Submitted

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

The Meeting **RECESSED** at 8:37 PM.

The Meeting **RECONVENED** at 8:43 PM.

L. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA:

Walters, Allen	Spoke regarding traffic issues on Boyd Street.
Brake, Dan	Spoke about a Freedom of Information Act Request and about the process of filling the position of Mayor.
Wengrow, Irv	Spoke in support of City Administration's due diligence.
Dabish, Andrew	Spoke about the process of filling the position of Mayor.
Yagley, Barbara	Spoke about the process of filling the position of Mayor.
Clark, Glenn	Spoke about the process of filling the position of Mayor.
Savage, James	Spoke about the political climate and about the process of filling the position of Mayor.
Cherasaro, Nicholas	Spoke about the process of filling the position of Mayor.
Schepke, Gordon	Spoke about the political climate and about the process of filling the position of Mayor.
Kajma, Linda	Spoke in support of and to thank Administration for Item C-4 June 30, 2012 Audit Presentation.
Werpetinski, James	Spoke in support of City Administration and about the process of filling the position of Mayor.

M. COUNCIL REFERRALS:

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

M-1 Council Member Fleming Referral to Request Closed Session**Vote on Resolution to Suspend Rules of Procedure for the City Council, Rule #6A - Agenda**

Resolution #2012-12-215

Moved by Fleming

Seconded by Henderson

RESOLVED, That Troy City Council hereby **SUSPENDS** Rules of procedure for the City Council, Rule #6A Agenda to take action on an item that does not appear on the Agenda.

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

No: Campbell

MOTION CARRIED

I-3 Closed Session to Discuss Robert Davis and Citizens United Against Corrupt Government v Michigan Secretary of State, et al and Secretary of State Ruth Johnson v Aileen Bittner, Clerk, City of Troy

Resolution#2012-12-216

Moved by Fleming

Seconded by Henderson

BE IT RESOLVED, That Troy City Council **SHALL MEET** in Closed Session, as permitted by MCL 15.268 (e) Pending Litigation – *Robert Davis and Citizens United Against Corrupt Government v Michigan Secretary of State, et al and Secretary of State Ruth Johnson v Aileen Bittner, Clerk, City of Troy.*

Yes: Fleming, Henderson, McGinnis, Tietz, Slater

No: Campbell

MOTION CARRIED**N. COUNCIL COMMENTS:**

N-1 No Council Comments Advanced

Council Member Tietz commented on communication between City Council and City Administration.

Mayor Slater announced that the Christmas Tree Lighting Ceremony will be held on Wednesday, December 5, 2012 from 7:00 PM – 8:30 PM at Troy City Hall, 500 W. Big Beaver Rd., which is a free event sponsored by Genisys Credit Union.

O. REPORTS:

O-1 Minutes – Boards and Committees:

- a) Zoning Board of Appeals-Final-October 16, 2012
 - b) Planning Commission-Draft-November 13, 2012
 - c) Planning Commission-Final-November 13, 2012
Noted and Filed
-

O-2 Department Reports:

- a) DuPont's Imprelis Damage to ROW Trees
 - b) Michigan Commission on Law Enforcement Standards – Subject Matter Expert Committee
 - c) 2012 Comprehensive Annual Financial Report (CAFR)
Noted and Filed
-

O-3 Letters of Appreciation: None Submitted

Noted and Filed

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

Noted and Filed

O-5 Citizens United Against Corrupt Government v. Troy City Council

Noted and Filed

O-6 Notice of Hearing for the Customers of Consumers Energy Company Case No. U-17082

Noted and Filed

The Meeting **RECESSED** at 9:37 PM.

The Meeting **RECONVENED** at 9:47 PM.

P. STUDY ITEMS:

P-1 City Council Appointment

The Meeting **RECESSED** at 10:11 PM.

The Meeting **RECONVENED** at 10:14 PM.

Q. CLOSED SESSION:

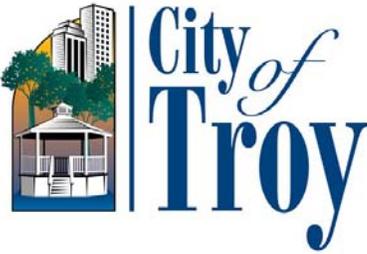
Q-1 No Closed Session Requested

R. ADJOURNMENT:

The Meeting **ADJOURNED** at 11:30 PM.

Mayor Dane Slater

M. Aileen Bittner, CMC
City Clerk



CITY COUNCIL ACTION REPORT

December 10, 2012

To: Brian M. Kischnick, City Manager

From: Mark F. Miller, Director of Economic & Community Development
Susan A. Leirstein, Purchasing Director
Carol K. Anderson, Acting Recreation Director

Subject: Standard Purchasing Resolution 1: Award To Low Bidder– Bus Transportation Services

Background

On November 28, 2012, bids were opened to provide three (3) year requirements of complete bus transportation services for the City of Troy Recreation Department Summer and Winter Programs with an option to renew for two (2) additional years. Thirty-eight (38) vendors were notified via the MITN website – www.mitn.info – with three (3) bidders responding. First Student, of Naperville, IL was the low total bidder.

For years, the City has utilized the services of the Troy School District for buses for the five-week downhill ski/snowboarding program. Last year the school district privatized those services and secured a contract with First Student. The bus depot is located within the City of Troy on Hart Drive. The same facility would be used by both the City and the school district.

The formal bid identified as ITB-COT12-23, for complete bus transportation services for the downhill ski program, safety town and day camps, senior and adaptive trips was competitively solicited as required by City Charter and Code. The award is contingent upon the recommended bidder's submission of proper contracts and bid documents, including insurance certificates and all other specified requirements.

Recommendation

City management recommends awarding a contract to provide three (3) year requirements of complete bus transportation services for the City of Troy Recreation Department Summer and Winter Programs with an option to renew for two (2) additional years to the low total bidder, First Student of Naperville, IL, for an estimated annual cost of \$21,800.00, at unit prices contained in the bid tabulation with a contract expiration of December 31, 2015.

Fund Availability

Funds are available in the various Recreation operating accounts and paid entirely through user fees. A 2% annual rate increase is requested to cover ongoing expenses.

VENDOR NAME:

	*	First Group America	Trinity
		First Student	Transportation Group
Ck Number		9299203489	000526290
Ck Amount		\$ 1,500.00	\$ 1,500.00

Bus Transportation Services for the City of Troy Recreation Dept Summer and Winter Programs

PROPOSAL A: Downhill Ski Program

Item	Description	# of Buses	Pick up and Return time	Cost (Hourly rates all inclusive)	Cost (Hourly rates all inclusive)
1	Friday pick up at Troy High	2	4:15 pm - 10:45 pm	\$ 50.00	\$ 84.00
2	Friday pick up at Athens High	2	4:15 pm - 10:45 pm	\$ 50.00	\$ 84.00
3	Saturday pick up at Community Center	2	7:45 am - 4:30 pm	\$ 50.00	\$ 84.00
4	Saturday pick up at Community Center	3	8:30 am - 4:00 pm	\$ 50.00	\$ 84.00
Estimated Grand Total - Proposal A				\$ 16,500.00	\$ 27,720.00

PROPOSAL B: Senior Trips, Safety Town, Day Camps and Adaptive Trips

Item	Description	Estimated # of trips (per year)	Average Duration Each Trip	Cost (Hourly rates all inclusive)	Cost (FLAT rates all inclusive)
1	Senior Trips with average of 25 participants per trip	6	6 hours/trip	\$ 50.00	\$ 353.00
2	Safety Town with average of 46 participants per trip	8	1 hour/trip	\$ 50.00	\$ 488.00
3	Day Camps with average of 42 participants per trip	10	3 hours/trip	\$ 50.00	\$ 552.00
4	Adaptive Trips with average of 30 participants per trip	8	4 hours/trip	\$ 50.00	\$ 476.00
Estimated Grand Total - Proposal B				\$ 5,300.00	\$ 15,350.00
Estimated Grand Total -All Proposals				\$ 21,800.00	\$ 43,070.00

Forms Attached (Y or N)	Legal Status of Bidder	Yes	Yes
	Non-Collusion Affidavit	Yes	Yes
	Indemnification Clause	Yes	Yes
	Certification Form	Yes	Yes
	Vendor Questionnaire	Yes	Yes
INSURANCE:	Can Meet	X	X
	Cannot Meet		
PAYMENT TERMS:		Net 30	Net 30
DELIVERY EXCEPTIONS:		As Specified	
	Listed in bid - 2% annual rate increase		Blank
ACKNOWLEDGEMENT:	Signed Y or N	Yes	Yes
CANCELLATION POLICY:		24 hrs prior - no cost	48 hour cancellation
		Within 24 hrs - \$50.00	policy. Inside of 48 hrs,
		On site cancel-\$100.00	fee of \$100.00

ATTESTED:
 Barb Rupas
 Susan K. Riesterer
 Susan Leirstein
 G:\ITB-COT 12-23 Bus Transportation Service.XLS

*Denotes Low Total Bidder

Susan Leirstein CPPO, CPPB
Purchasing Director

VENDOR NAME:

Great Lakes	
Transportation Holding LLC	
dba Metro Cars	
Ck Number	9165806313
Ck Amount	\$ 1,500.00

Bus Transportation Services for the City of Troy Recreation Dept Summer and Winter Programs

PROPOSAL A: Downhill Ski Program

Item	Description	# of Buses	Pick up and Return time	Cost (Hourly rates all inclusive)	
1	Friday pick up at Troy High	2	4:15 pm - 10:45 pm	\$ 95.00	
2	Friday pick up at Athens High	2	4:15 pm - 10:45 pm	\$ 95.00	
3	Saturday pick up at Community Center	2	7:45 am - 4:30 pm	\$ 95.00	
4	Saturday pick up at Community Center	3	8:30 am - 4:00 pm	\$ 95.00	
Estimated Grand Total - Proposal A				\$ 31,350.00	

PROPOSAL B: Senior Trips, Safety Town, Day Camps and Adaptive Trips

Item	Description	Estimated # of trips (per year)	Average Duration Each Trip	Cost (Hourly rates all inclusive)	
1	Senior Trips with average of 25 participants per trip	6	6 hours/trip	\$ 50.00	(3 hour minimum)
2	Safety Town with average of 46 participants per trip	8	1 hour/trip	\$ 95.00	(5 hour minimum)
3	Day Camps with average of 42 participants per trip	10	3 hours/trip	\$ 95.00	(5 hour minimum)
4	Adaptive Trips with average of 30 participants per trip	8	4 hours/trip	\$ 50.00	(3 hour minimum)
Estimated Grand Total - Proposal B				\$ 11,950.00	
Estimated Grand Total -All Proposals				\$ 43,300.00	

Forms Attached (Y or N)

Legal Status of Bidder
 Non-Collusion Affidavit
 Indemnification Clause
 Certification Form
 Vendor Questionnaire

Yes	

INSURANCE:

Can Meet
 Cannot Meet

X	

PAYMENT TERMS:

Net 30

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DELIVERY

EXCEPTIONS:

As Specified	
Listed in bid	
(minimum charges)	

ACKNOWLEDGEMENT:

Signed Y or N

Yes	
-----	--

CANCELLATION POLICY:

24 hours notice is required.	
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CITY COUNCIL AGENDA ITEM

Date: December 5, 2012

To: Brian Kischnik, City Manager

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

Subject: Request for Acceptance of a Warranty Deed, Quit Claim Deed and Permanent Easements for Tuscany Estates Site Condominium – Sidwell #88-20-24-226-109 & 111

Background

The Engineering Department has received several conveyances of real estate interest for the proposed Tuscany Estates Site Condominium project located in Section 24 on the west side of Dequindre, north of Winter.

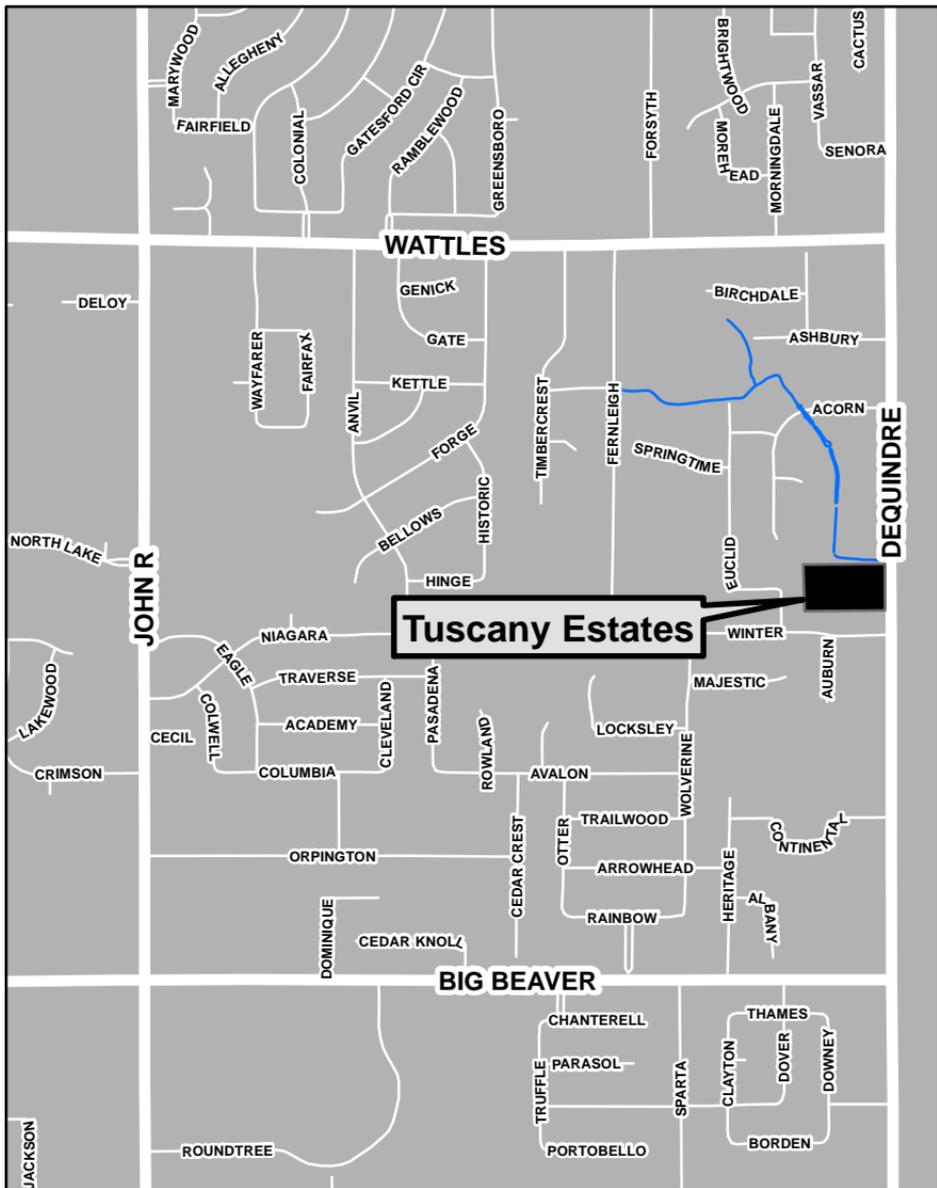
The first set of conveyances is from Heatherwood Homes, Inc., the fee simple owner of the properties having Sidwell #88-20-24-226-109 and 111. Included in the documents is a warranty deed for the proposed right-of-way, Cabernet Drive and Sienna Drive. Additionally there are seven permanent easements for rear yard drainage, public utilities, clear vision and non-access landscape, non-access greenbelt and landscape, sanitary sewer, storm sewer and surface drainage, and grading.

The second set of conveyances is from Mondrian Properties Tuscany Estates, LLC, the property developer who entered into a land contract with the fee simple owner. The quit claim deed and seven easements convey the Land Contract Vendee's equity interest in the property.

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

Recommendation

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



Tuscany Estates

Section 24, T2N,
R11E, City of Troy,
Oakland County, MI

LOCATION MAP



WARRANTY DEED

The Grantor(s) HEATHERWOOD HOMES, INC., a Michigan corporation, whose address is: 50466 Heatherwood Lane, Shelby Twp., MI 48317 convey(s) and warrant(s) to the CITY OF TROY, a Michigan municipal corporation, Grantee, whose address is 500 West Big Beaver Road., Troy, Michigan 48084, the following described premises situated in the City of Troy, County of Oakland and State of Michigan:

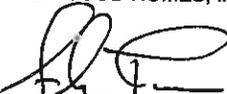
SEE EXHIBIT "A" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF

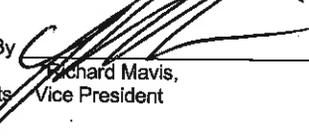
For the sum of One Dollar and no/cents (\$1.00)

Subject to easements and building and use restrictions of record.

Dated this 30 day of November, 2012.

HEATHERWOOD HOMES, INC., a Michigan corporation

By  (L.S.)
 *Anthony Fanelli,
 Its President

By  (L.S.)
 Richard Mavis,
 Its Vice President

STATE OF MICHIGAN)
 COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 30 day of November, 2012, by Anthony Fanelli, President and Richard Mavis, Vice President of Heatherwood Homes, Inc. a Michigan corporation on behalf of said corporation.

WAFEN LEE BAUER
 NOTARY PUBLIC, STATE OF MICHIGAN
 COUNTY OF MACOMB
 MY COMMISSION EXPIRES Dec 18, 2016
 COUNTY OF MACOMB


 Notary Public, MACOMB County, Michigan
 My Commission Expires on 12/22/2013
 Acting in the County of MACOMB, Michigan

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

Tax Parcel #83-20-24-226-109 & 111 (pt of) Recording Fee _____ Transfer Tax _____

EXHIBIT "A"

SKETCH OF RIGHT-OF-WAY

NE CORNER SECTION
24, T2N, R11E, CITY OF
TROY, OAKLAND
COUNTY, MICHIGAN.

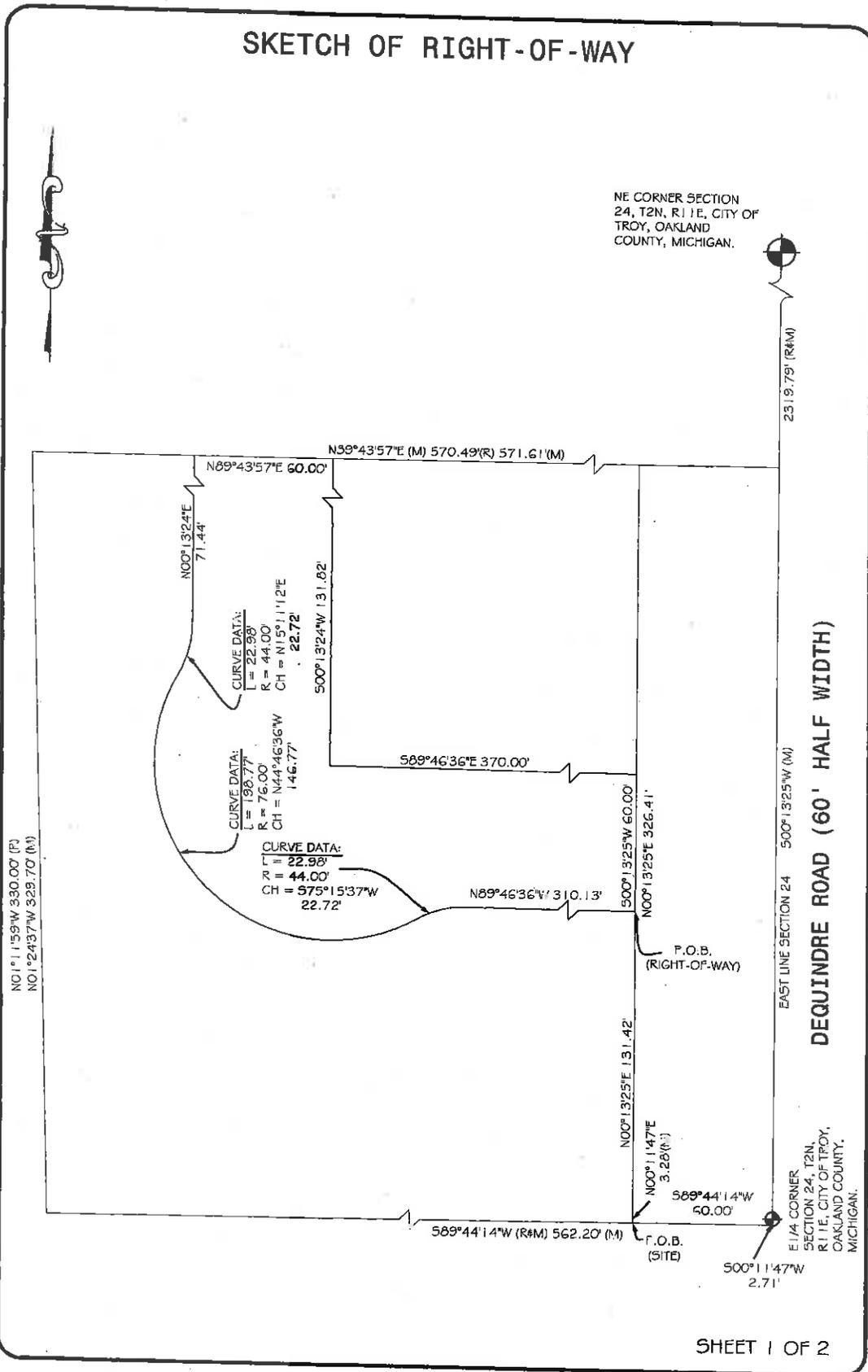


EXHIBIT "A"

DESCRIPTION OF RIGHT-OF-WAY

DESCRIPTION OF PROPERTY (FROM RECORD)

4.290 ACRE PARCEL

PART OF THE NORTHEAST 1/4 OF SECTION 24, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE EAST 1/4 CORNER OF SAID SECTION 24; THENCE S00°11'47"W 2.71 FEET ALONG THE EAST LINE OF SECTION 24; THENCE S89°44'14"W 60.00 FEET TO THE POINT OF BEGINNING, SAID POINT BEING THE NORTHEAST CORNER OF BEAVER TRAIL SUBDIVISION NO. 2 RECORDED IN LIBER 134, PAGE 20-23, OAKLAND COUNTY RECORDS; THENCE EXTENDING S89°44'14"W 562.20 FEET ALONG THE NORTH LINE OF SAID BEAVER TRAIL SUBDIVISION NO. 2, TO THE EAST LINE OF BEAVER CREEK SUBDIVISION, RECORDED IN LIBER 224 OF PLATS, PAGES 30-31, OAKLAND COUNTY RECORDS; THENCE N00°11'59"W 330.00 FEET (RECORDED) N01°24'37"W 329.70 FEET (MEASURED) ALONG THE EAST LINE OF SAID BEAVER CREEK SUBDIVISION; THENCE N89°44'14"E 570.49 FEET (RECORDED) N89°43'57"E 571.61 FEET (MEASURED); THENCE S00°13'25"W 330.00 (RECORDED) 326.41 FEET (MEASURED) AND S00°11'47"W 3.28 FEET ALONG THE 60 FOOT RIGHT-OF-WAY LINE OF DEQUINDRE ROAD TO THE POINT OF BEGINNING, CONTAINING 4.290 ACRES OF LAND. SUBJECT TO ANY EASEMENTS AND/OR RIGHT OF WAY RECORDED OR OTHERWISE.

DESCRIPTION OF RIGHT-OF-WAY

PART OF THE NORTHEAST 1/4 OF SECTION 24, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE EAST 1/4 CORNER OF SAID SECTION 24; THENCE S00°11'47"W 2.71 FEET ALONG THE EAST LINE OF SECTION 24; THENCE S89°44'14"W 60.00 FEET; THENCE N00°11'47"E 3.28 FEET; THENCE N00°13'25"E 131.42 FEET TO THE POINT OF BEGINNING; THENCE N89°46'36"W 310.13 FEET; THENCE 22.98 FEET ALONG A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 44.00 FEET AND A CHORD BEARING S75°15'37"W 22.72 FEET; THENCE 198.77 FEET ALONG A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 76.00 FEET AND A CHORD BEARING N44°46'36"W 146.77 FEET; THENCE 22.98 FEET ALONG A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 44.00 FEET AND A CHORD BEARING N15°11'2"E 22.72 FEET; THENCE N00°13'24"E 71.44 FEET; THENCE N89°43'57"E 60.00 FEET; THENCE S00°13'24"W 131.82 FEET; THENCE S89°46'36"E 370.00 FEET; THENCE S00°13'25"W 60.00 FEET TO THE POINT OF BEGINNING. SUBJECT TO ANY EASEMENTS AND/OR RIGHT OF WAY RECORDED OR OTHERWISE.

PERMANENT EASEMENT

Sidwell #88-20-24-226-109 & 111 (pt of)
Resolution #

HEATHERWOOD HOMES, INC., a Michigan CORPORATION, Grantor(s), whose address is 50466 Heatherwood Lane, Shelby Twp, MI 48317 for and in consideration of the sum of: One and no/100 Dollar (\$1.00) paid by the CITY OF TROY, a Michigan municipal corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, 48084 grants to the Grantee the right to construct, operate, maintain, repair and/or replace **rear yard drainage**, said easement for land situated in the City of Troy, Oakland County, Michigan described as:

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

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

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

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

IN WITNESS WHEREOF, the undersigned hereunto affixed _____ signature(s) this 30 day of November A.D. 2012.

HEATHERWOOD HOMES, INC.
a Michigan corporation

By [Signature] (L.S.)
*Anthony Fanelli,
Its President

By [Signature] (L.S.)
*Richard Mavis,
Its Vice President

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 30 day of November, 2012, by Anthony Fanelli, President and Richard Mavis, Vice President of Heatherwood Homes, Inc. a Michigan corporation on behalf of said corporation.

FAREN LEE BAUER
NOTARY PUBLIC, STATE OF MI
COUNTY OF MACOMB
MY COMMISSION EXPIRES Dec 29, 2015
ACTING IN COUNTY OF MACOMB

[Signature]
Notary Public, MACOMB County, Michigan
My Commission Expires on 12/29/2015
Acting in the County of MACOMB, Michigan

Prepared by and when recorded return to:
Larysa Figol, SR/WA
City of Troy
500 West Big Beaver
Troy, MI 48083

EXHIBIT "A"

DESCRIPTION OF REAR YARD DRAINAGE EASEMENT

DESCRIPTION OF PROPERTY (FROM RECORD)

4.290 ACRE PARCEL

PART OF THE NORTHEAST 1/4 OF SECTION 24, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE EAST 1/4 CORNER OF SAID SECTION 24; THENCE 500°11'47"W 2.71 FEET ALONG THE EAST LINE OF SECTION 24; THENCE S89°44'14"W 60.00 FEET TO THE POINT OF BEGINNING, SAID POINT BEING THE NORTHEAST CORNER OF BEAVER TRAIL SUBDIVISION NO.2 RECORDED IN LIBER 134, PAGE 20-23, OAKLAND COUNTY RECORDS; THENCE EXTENDING S89°44'14"W 562.20 FEET ALONG THE NORTH LINE OF SAID BEAVER TRAIL SUBDIVISION NO.2, TO THE EAST LINE OF BEAVER CREEK SUBDIVISION, RECORDED IN LIBER 224 OF PLATS, PAGES 30-31, OAKLAND COUNTY RECORDS; THENCE N00°11'59"W 330.00 FEET (RECORDED) N01°24'37"W 329.70 FEET (MEASURED) ALONG THE EAST LINE OF SAID BEAVER CREEK SUBDIVISION; THENCE N89°44'14"E 570.49 FEET (RECORDED) N89°43'57"E 571.61 FEET (MEASURED); THENCE 500°13'25"W 330.00 (RECORDED) 326.41 FEET (MEASURED) AND 500°11'47"W 3.28 FEET ALONG THE 60 FOOT RIGHT-OF-WAY LINE OF DEQUINDRE ROAD TO THE POINT OF BEGINNING. CONTAINING 4.290 ACRES OF LAND. SUBJECT TO ANY EASEMENTS AND/OR RIGHT OF WAY RECORDED OR OTHERWISE.

DESCRIPTION OF REAR YARD DRAINAGE EASEMENT - 1

PART OF THE NORTHEAST 1/4 OF SECTION 24, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE EAST 1/4 CORNER OF SAID SECTION 24; THENCE 500°11'47"W 2.71 FEET ALONG THE EAST LINE OF SECTION 24; THENCE S89°44'14"W 86.93 FEET TO THE POINT OF BEGINNING; THENCE EXTENDING S89°44'14"W 392.10 FEET ALONG THE NORTH LINE OF SAID BEAVER TRAIL SUBDIVISION NO.2, RECORDED IN LIBER 224 OF PLATS, PAGES 30-31, OAKLAND COUNTY RECORDS; THENCE N00°13'24"E 15.00 FEET; THENCE N89°44'14"E 391.97 FEET; THENCE 500°15'46"E 15.00 FEET TO THE POINT OF BEGINNING. SUBJECT TO ANY EASEMENTS AND/OR RIGHT OF WAY RECORDED OR OTHERWISE.

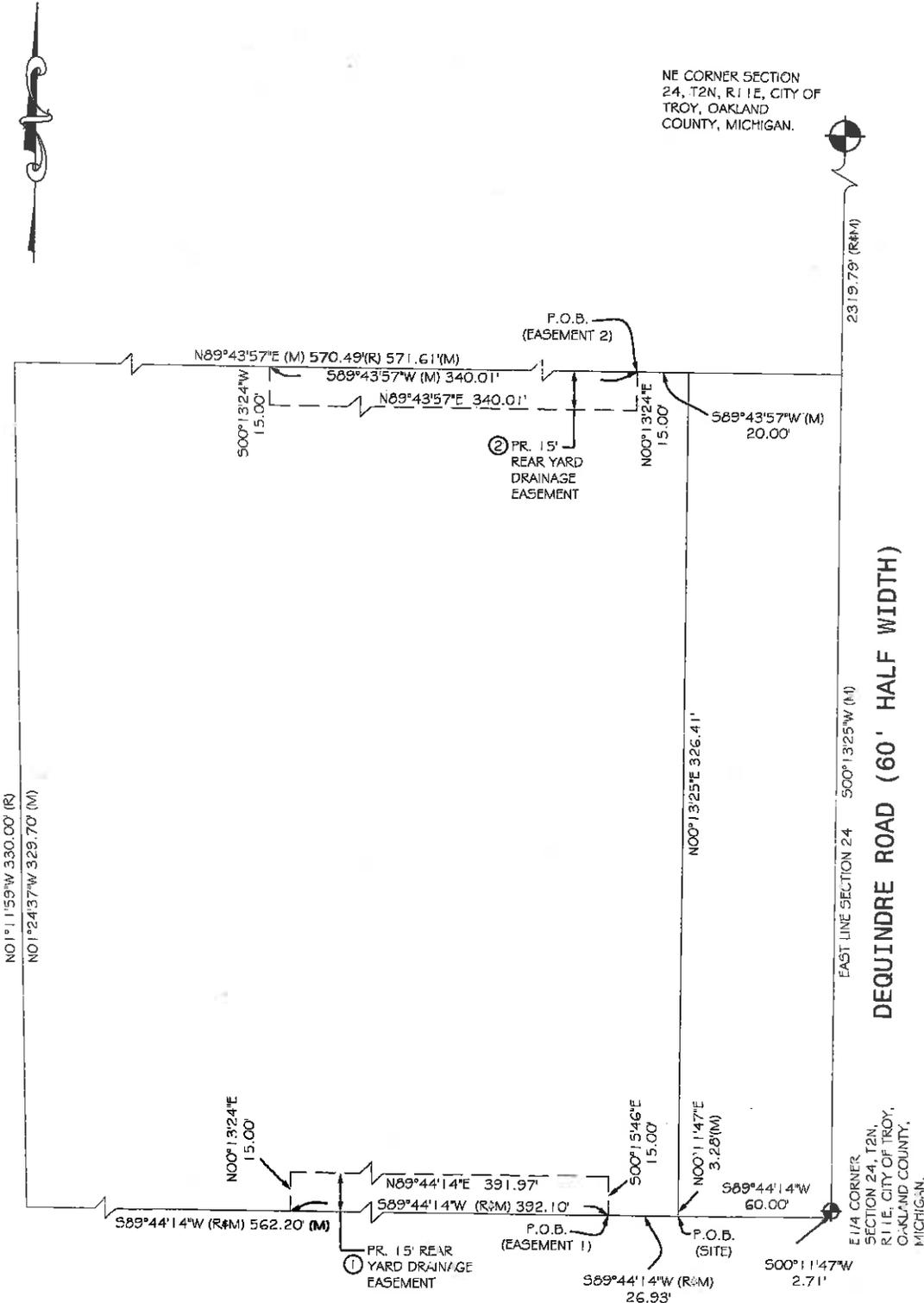
DESCRIPTION OF REAR YARD DRAINAGE EASEMENT - 2

PART OF THE NORTHEAST 1/4 OF SECTION 24, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE EAST 1/4 CORNER OF SAID SECTION 24; THENCE 500°11'47"W 2.71 FEET ALONG THE EAST LINE OF SECTION 24; THENCE S89°44'14"W 60.00 FEET; THENCE N00°11'47"E 3.28 FEET AND N00°13'25"E 326.41 FEET ALONG THE 60 FOOT RIGHT-OF-WAY LINE OF DEQUINDRE ROAD; THENCE S89°43'57"W 20.00 FEET TO THE POINT OF BEGINNING; THENCE EXTENDING S89°43'57"W (MEASURED) 340.01 FEET; THENCE 500°13'24"W 15.00 FEET; THENCE N89°43'57"E 340.01 FEET; THENCE N00°13'24"E 15.00 FEET TO THE POINT OF BEGINNING. SUBJECT TO ANY EASEMENTS AND/OR RIGHT OF WAY RECORDED OR OTHERWISE.

EXHIBIT "A"

SKETCH OF REAR YARD DRAINAGE EASEMENT

NE CORNER SECTION 24, T2N, R11E, CITY OF TROY, OAKLAND COUNTY, MICHIGAN.



DEQUINDRE ROAD (60' HALF WIDTH)

PERMANENT EASEMENT

Sidwell #88-20-24-226-109 & 111 (pt of)
Resolution #

HEATHERWOOD HOMES, INC., a Michigan CORPORATION, Grantor(s), whose address is 50466 Heatherwood Lane, Shelby Twp, MI 48317 for and in consideration of the sum of: One and no/100 Dollar (\$1.00) paid by the CITY OF TROY, a Michigan municipal corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, 48084 grants to the Grantee the right to construct, operate, maintain, repair and/or replace **public utilities**, said easement for land situated in the City of Troy, Oakland County, Michigan described as:

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

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

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

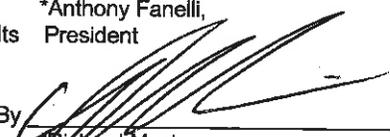
This instrument shall be binding upon and inure to the benefit of the parties hereto, their heirs, representatives, successors and assigns and the covenants contained herein shall run with the land.

IN WITNESS WHEREOF, the undersigned hereunto affixed _____ signature(s) this 30 day of November A.D. 2012.

HEATHERWOOD HOMES, INC.
a Michigan corporation

By  (L.S.)

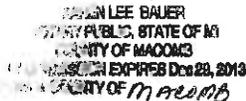
*Anthony Fanelli,
Its President

By  (L.S.)

*Richard Mavis,
Its Vice President

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 30 day of November, 2012, by Anthony Fanelli, President and Richard Mavis, Vice President of Heatherwood Homes, Inc. a Michigan corporation on behalf of said corporation.


KAREN LEE BAUER
NOTARY PUBLIC, STATE OF MI
COUNTY OF MACOMB
MY COMMISSION EXPIRES Dec 23, 2013
CITY OF MACOMB


*
Notary Public, MACOMB County, Michigan
My Commission Expires on 12/23/2013
Acting in the County of MACOMB, Michigan

Prepared by and when recorded return to:
Larysa Figol, SR/WA
City of Troy
500 West Big Beaver
Troy, MI 48063

EXHIBIT "A"

DESCRIPTION OF PUBLIC UTILITY EASEMENT

DESCRIPTION OF PROPERTY (FROM RECORD)

4.290 ACRE PARCEL

PART OF THE NORTHEAST 1/4 OF SECTION 24, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE EAST 1/4 CORNER OF SAID SECTION 24; THENCE 500°11'47"W 2.71 FEET ALONG THE EAST LINE OF SECTION 24; THENCE S89°44'14"W 60.00 FEET TO THE POINT OF BEGINNING, SAID POINT BEING THE NORTHEAST CORNER OF BEAVER TRAIL SUBDIVISION NO.2 RECORDED IN LIBER 134, PAGE 20-23, OAKLAND COUNTY RECORDS; THENCE EXTENDING S89°44'14"W 562.20 FEET ALONG THE NORTH LINE OF SAID BEAVER TRAIL SUBDIVISION NO.2, TO THE EAST LINE OF BEAVER CREEK SUBDIVISION, RECORDED IN LIBER 224 OF PLATS, PAGES 30-31, OAKLAND COUNTY RECORDS; THENCE N00°11'59"W 330.00 FEET (RECORDED) N01°24'37"W 329.70 FEET (MEASURED) ALONG THE EAST LINE OF SAID BEAVER CREEK SUBDIVISION; THENCE N89°44'14"E 570.49 FEET (RECORDED) N89°43'57"E 571.61 FEET (MEASURED); THENCE 500°13'25"W 330.00 (RECORDED) 326.41 FEET (MEASURED) AND 500°11'47"W 3.28 FEET ALONG THE 60 FOOT RIGHT-OF-WAY LINE OF DEQUINDRE ROAD TO THE POINT OF BEGINNING, CONTAINING 4.290 ACRES OF LAND. SUBJECT TO ANY EASEMENTS AND/OR RIGHT OF WAY RECORDED OR OTHERWISE.

DESCRIPTION OF PUBLIC UTILITY EASEMENT - 1

PART OF THE NORTHEAST 1/4 OF SECTION 24, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE EAST 1/4 CORNER OF SAID SECTION 24; THENCE 500°11'47"W 2.71 FEET ALONG THE EAST LINE OF SECTION 24; THENCE S89°44'14"W 60.00 FEET; THENCE N00°11'47"E 3.28 FEET; THENCE N00°13'25"E 111.42 FEET ALONG THE 60 FOOT RIGHT-OF-WAY LINE OF DEQUINDRE ROAD TO THE POINT OF BEGINNING; THENCE EXTENDING N00°13'25"E 20.00 FEET ALONG THE 60 FOOT RIGHT-OF-WAY LINE OF DEQUINDRE ROAD; THENCE N89°46'36"W 310.13 FEET; THENCE 22.98 FEET ALONG A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 44.00 FEET AND A CHORD BEARING N44°46'36"W 146.77 FEET; THENCE 22.98 FEET ALONG A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 76.00 FEET AND A CHORD BEARING S75°15'37"W 22.72 FEET; THENCE 198.77 FEET ALONG A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 44.00 FEET AND A CHORD BEARING N15°11'2"E 22.72 FEET; THENCE N00°13'24"E 71.44 FEET; THENCE S89°43'57"W 20.00 FEET; THENCE 500°13'24"W 71.27 FEET; THENCE 12.54 FEET ALONG A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 24.00 FEET AND A CHORD BEARING S15°11'2"W 12.39 FEET; THENCE 251.08 FEET ALONG A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 96.00 FEET AND A CHORD BEARING S44°46'36"E 185.39 FEET; THENCE 12.54 FEET ALONG A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 24.00 FEET AND A CHORD BEARING N75°15'37"E 12.39 FEET; THENCE S89°46'36"E 310.13 FEET TO THE POINT OF BEGINNING. SUBJECT TO ANY EASEMENTS AND/OR RIGHT OF WAY RECORDED OR OTHERWISE.

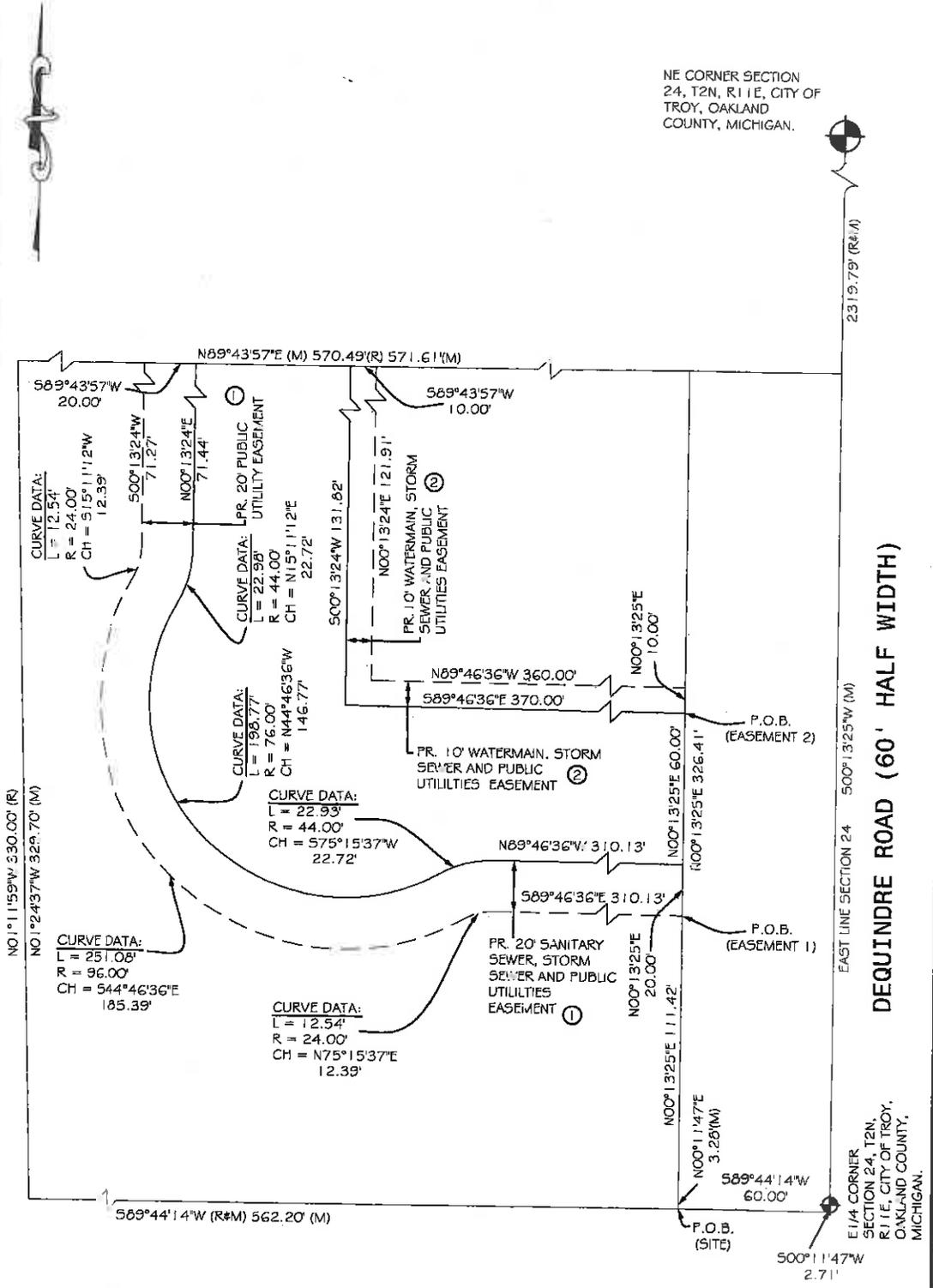
DESCRIPTION OF PUBLIC UTILITY EASEMENT - 2

PART OF THE NORTHEAST 1/4 OF SECTION 24, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE EAST 1/4 CORNER OF SAID SECTION 24; THENCE 500°11'47"W 2.71 FEET ALONG THE EAST LINE OF SECTION 24; THENCE S89°44'14"W 60.00 FEET; THENCE N00°11'47"E 3.28 FEET; THENCE N00°13'25"E 191.42 FEET ALONG THE 60 FOOT RIGHT-OF-WAY LINE OF DEQUINDRE ROAD TO THE POINT OF BEGINNING; THENCE EXTENDING N00°13'25"E 10.00 FEET ALONG THE 60 FOOT RIGHT-OF-WAY LINE OF DEQUINDRE ROAD; THENCE N89°46'36"W 360.00 FEET; THENCE N00°13'24"E 121.91 FEET; THENCE S89°43'57"W 10.00 FEET; THENCE 500°13'24"W 131.82 FEET; THENCE S89°46'36"E 370.00 FEET TO THE POINT OF BEGINNING. SUBJECT TO ANY EASEMENTS AND/OR RIGHT OF WAY RECORDED OR OTHERWISE.

EXHIBIT "A"

SKETCH OF PUBLIC UTILITY EASEMENT

NE CORNER SECTION
24, T2N, R11E, CITY OF
TROY, OAKLAND
COUNTY, MICHIGAN.



DEQUINDRE ROAD (60' HALF WIDTH)

2319.79' (R#1)

EAST LINE SECTION 24 500' 13'25"W (M)

E 1/4 CORNER
SECTION 24, T2N,
R11E, CITY OF TROY,
OAKLAND COUNTY,
MICHIGAN.

PERMANENT EASEMENT

Sidwell #88-20-24-226-109 & 111 (pt. of)
Resolution #

HEATHERWOOD HOMES, INC., a Michigan CORPORATION, Grantor(s), whose address is 50466 Heatherwood Lane, Shelby Twp, MI 48317 for and in consideration of the sum of: One and no/100 Dollar (\$1.00) paid by the CITY OF TROY, a Michigan municipal corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, 48084 grants to the Grantee the right to construct, operate, maintain, repair and/or replace clear vision and non-access landscape easement easement, said easement for land situated in the City of Troy, Oakland County, Michigan described as:

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

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

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

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

IN WITNESS WHEREOF, the undersigned hereunto affixed signature(s) this 30 day of November A.D. 2012.

HEATHERWOOD HOMES, INC.
a Michigan corporation

By [Signature] (L.S.)
*Anthony Fanelli,
Its President

By [Signature] (L.S.)
Richard Mavis,
Its Vice President

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 30 day of November, 2012, by Anthony Fanelli, President and Richard Mavis, Vice President of Heatherwood Homes, Inc. a Michigan corporation on behalf of said corporation.

[Signature]

Notary Public, Macomb County, Michigan
My Commission Expires on 12/31/2013
Acting in the County of Macomb, Michigan

ARREN LEO BULLOCH
NOTARY PUBLIC, STATE OF MICHIGAN
COUNTY OF MACOMB
MY COMMISSION EXPIRES ON 12/31, 2013
ACTING IN COUNTY OF MACOMB

Prepared by and when recorded return to:
Larysa Figol, SR/WA
City of Troy
500 West Big Beaver
Troy, MI 48083

EXHIBIT "A"

DESCRIPTION OF 25' CLEAR VISION AND NON-ACCESS GREENBELT EASEMENT

DESCRIPTION OF PROPERTY (FROM RECORD)

4.290 ACRE PARCEL

PART OF THE NORTHEAST 1/4 OF SECTION 24, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE EAST 1/4 CORNER OF SAID SECTION 24; THENCE 500°11'47"W 2.71 FEET ALONG THE EAST LINE OF SECTION 24; THENCE 589°44'14"W 60.00 FEET TO THE POINT OF BEGINNING, SAID POINT BEING THE NORTHEAST CORNER OF BEAVER TRAIL SUBDIVISION NO.2 RECORDED IN LIBER 134, PAGE 20-23, OAKLAND COUNTY RECORDS; THENCE EXTENDING 589°44'14"W 562.20 FEET ALONG THE NORTH LINE OF SAID BEAVER TRAIL SUBDIVISION NO.2, TO THE EAST LINE OF BEAVER CREEK SUBDIVISION, RECORDED IN LIBER 224 OF PLATS, PAGES 30-31, OAKLAND COUNTY RECORDS; THENCE N00°11'59"W 330.00 FEET (RECORDED) N01°24'37"W 329.70 FEET (MEASURED) ALONG THE EAST LINE OF SAID BEAVER CREEK SUBDIVISION; THENCE N89°44'14"E 570.49 FEET (RECORDED) N89°43'57"E 571.61 FEET (MEASURED); THENCE S00°13'25"W 330.00 (RECORDED) 326.41 FEET (MEASURED) AND 500°11'47"W 3.28 FEET ALONG THE 60 FOOT RIGHT-OF-WAY LINE OF DEQUINDRE ROAD TO THE POINT OF BEGINNING, CONTAINING 4.290 ACRES OF LAND, SUBJECT TO ANY EASEMENTS AND/OR RIGHT OF WAY RECORDED OR OTHERWISE.

DESCRIPTION OF 25' CLEAR VISION TRIANGLE - 1

PART OF THE NORTHEAST 1/4 OF SECTION 24, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE EAST 1/4 CORNER OF SAID SECTION 24; THENCE 500°11'47"W 2.71 FEET ALONG THE EAST LINE OF SECTION 24; THENCE 589°44'14"W 60.00 FEET; THENCE N00°11'47"E 3.28 FEET; THENCE N00°13'25"E 106.42 TO THE POINT OF BEGINNING; THENCE EXTENDING N00°13'25"E 25.00 FEET; THENCE N89°46'36"W 25.00 FEET; THENCE S44°46'36"E 35.36 FEET TO THE POINT OF BEGINNING, SUBJECT TO ANY EASEMENTS AND/OR RIGHT OF WAY RECORDED OR OTHERWISE.

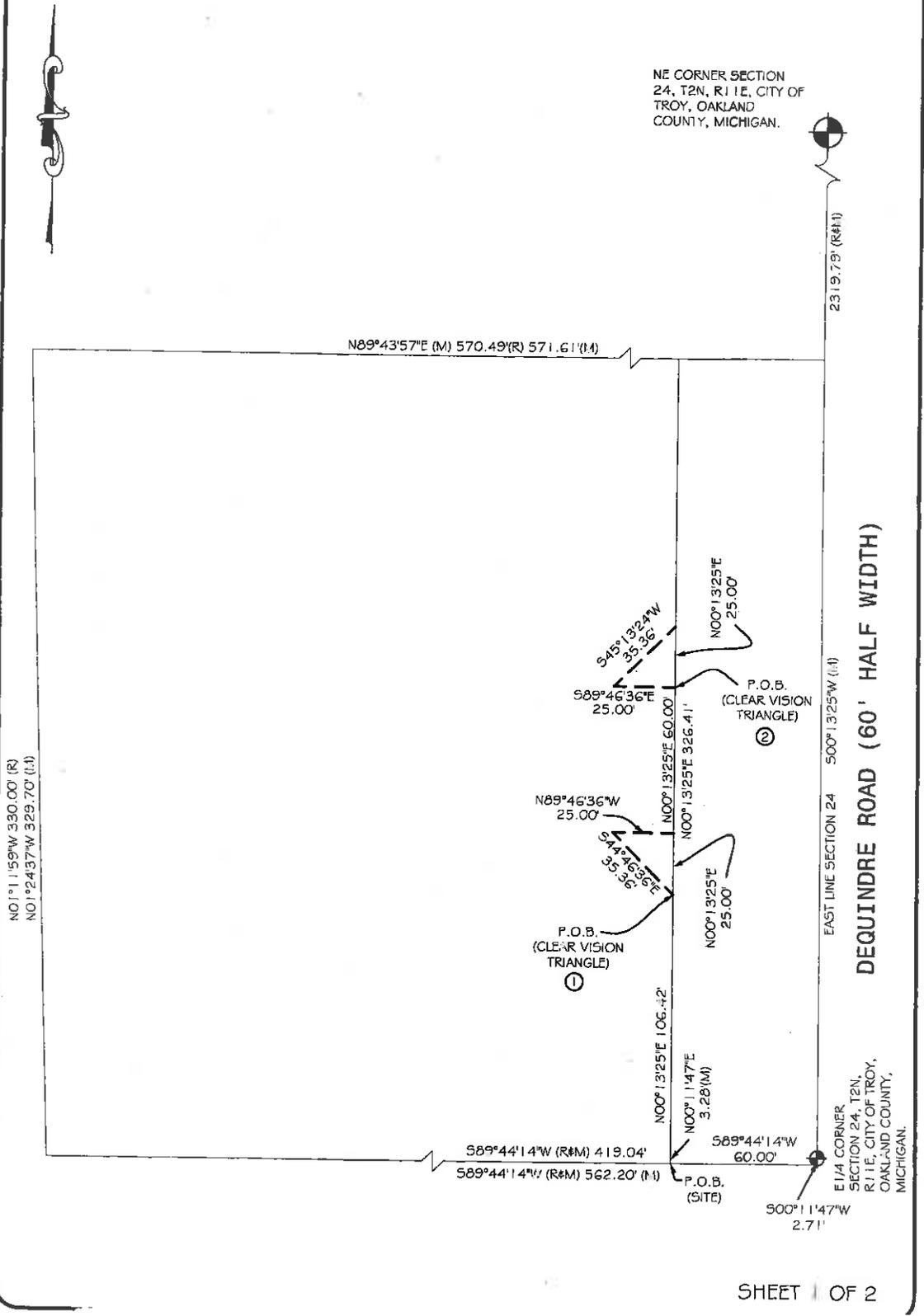
DESCRIPTION OF 25' CLEAR VISION TRIANGLE - 2

PART OF THE NORTHEAST 1/4 OF SECTION 24, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE EAST 1/4 CORNER OF SAID SECTION 24; THENCE 500°11'47"W 2.71 FEET ALONG THE EAST LINE OF SECTION 24; THENCE 589°44'14"W 60.00 FEET; THENCE N00°11'47"E 3.28 FEET; THENCE N00°13'25"E 191.42 TO THE POINT OF BEGINNING; THENCE EXTENDING N00°13'25"E 25.00 FEET; THENCE S45°13'24"W 35.36 FEET; THENCE S89°46'36"E 25.00 FEET TO THE POINT OF BEGINNING, SUBJECT TO ANY EASEMENTS AND/OR RIGHT OF WAY RECORDED OR OTHERWISE.

EXHIBIT "A"

SKETCH OF 25' CLEAR VISION AND NON-ACCESS GREENBELT EASEMENT

NE CORNER SECTION
24, T2N, R11E, CITY OF
TROY, OAKLAND
COUNTY, MICHIGAN.



PERMANENT EASEMENT

Sidwell #88-20-24-226-109 & 111 (pt of)
Resolution #

HEATHERWOOD HOMES, INC., a Michigan CORPORATION, Grantor(s), whose address is 50466 Heatherwood Lane, Shelby Twp, MI 48317 for and in consideration of the sum of: One and no/100 Dollar (\$1.00) paid by the CITY OF TROY, a Michigan municipal corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, 48084 grants to the Grantee the right to construct, operate, maintain, repair and/or replace **non-access greenbelt and landscape easement**, said easement for land situated in the City of Troy, Oakland County, Michigan described as:

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

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

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

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

IN WITNESS WHEREOF, the undersigned hereunto affixed _____ signature(s) this 30 day of November A.D. 2012.

HEATHERWOOD HOMES, INC.
a Michigan corporation

By [Signature] (L.S.)
*Anthony Fanelli

Its President

By [Signature] (L.S.)
*Richard Mavis,

Its Vice President

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 30 day of November, 2012, by Anthony Fanelli, President and Richard Mavis, Vice President of Heatherwood Homes, Inc. a Michigan corporation on behalf of said corporation.

KAREN LEE BAUER
NOTARY PUBLIC, STATE OF MI
COUNTY OF MADONIA
MY COMMISSION EXPIRES Dec 20, 2018
IN COUNTY OF Madonia

[Signature]
*
Notary Public, Madonia County, Michigan
My Commission Expires on 12/29/2013
Acting in the County of Madonia, Michigan

Prepared by and when recorded return to:
Larysa Figol, SR/WA
City of Troy
500 West Big Beaver
Troy, MI 48083

EXHIBIT "A"

DESCRIPTION OF LANDSCAPE AND NON-ACCESS GREENBELT EASEMENT

DESCRIPTION OF PROPERTY (FROM RECORD)

4.290 ACRE PARCEL

PART OF THE NORTHEAST 1/4 OF SECTION 24, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE EAST 1/4 CORNER OF SAID SECTION 24; THENCE 500°11'47"W 2.71 FEET ALONG THE EAST LINE OF SECTION 24; THENCE 589°44'14"W 60.00 FEET TO THE POINT OF BEGINNING, SAID POINT BEING THE NORTHEAST CORNER OF BEAVER TRAIL SUBDIVISION NO.2 RECORDED IN LIBER 134, PAGE 20-23, OAKLAND COUNTY RECORDS; THENCE EXTENDING 589°44'14"W 562.20 FEET ALONG THE NORTH LINE OF SAID BEAVER TRAIL SUBDIVISION NO.2, TO THE EAST LINE OF BEAVER CREEK SUBDIVISION, RECORDED IN LIBER 224 OF PLATS, PAGES 30-31, OAKLAND COUNTY RECORDS; THENCE 000°11'59"W 330.00 FEET (RECORDED) NO 1°24'37"W 329.70 FEET (MEASURED) ALONG THE EAST LINE OF SAID BEAVER CREEK SUBDIVISION; THENCE N89°44'14"E 570.49 FEET (RECORDED) N69°43'57"E 571.61 FEET (MEASURED); THENCE 500°13'25"W 330.00 (RECORDED) 326.41 FEET (MEASURED) AND 500°11'47"W 3.28 FEET ALONG THE 60 FOOT RIGHT-OF-WAY LINE OF DEQUINDRE ROAD TO THE POINT OF BEGINNING. CONTAINING 4.290 ACRES OF LAND. SUBJECT TO ANY EASEMENTS AND/OR RIGHT OF WAY RECORDED OR OTHERWISE.

DESCRIPTION OF LANDSCAPE EASEMENT - 1

PART OF THE NORTHEAST 1/4 OF SECTION 24, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE EAST 1/4 CORNER OF SAID SECTION 24; THENCE 500°11'47"W 2.71 FEET ALONG THE EAST LINE OF SECTION 24; THENCE 589°44'14"W 60.00 FEET TO THE POINT OF BEGINNING; THENCE EXTENDING 589°44'14"W 20.00 FEET ALONG THE NORTH LINE OF SAID BEAVER TRAIL SUBDIVISION NO.2, RECORDED IN LIBER 224 OF PLATS, PAGES 30-31, OAKLAND COUNTY RECORDS; THENCE 000°13'25"E 114.87 FEET; THENCE 589°46'36"E 20.00 FEET; THENCE 500°13'25"W 111.42 FEET; THENCE 500°11'47"W 3.28 FEET TO THE POINT OF BEGINNING. SUBJECT TO ANY EASEMENTS AND/OR RIGHT OF WAY RECORDED OR OTHERWISE.

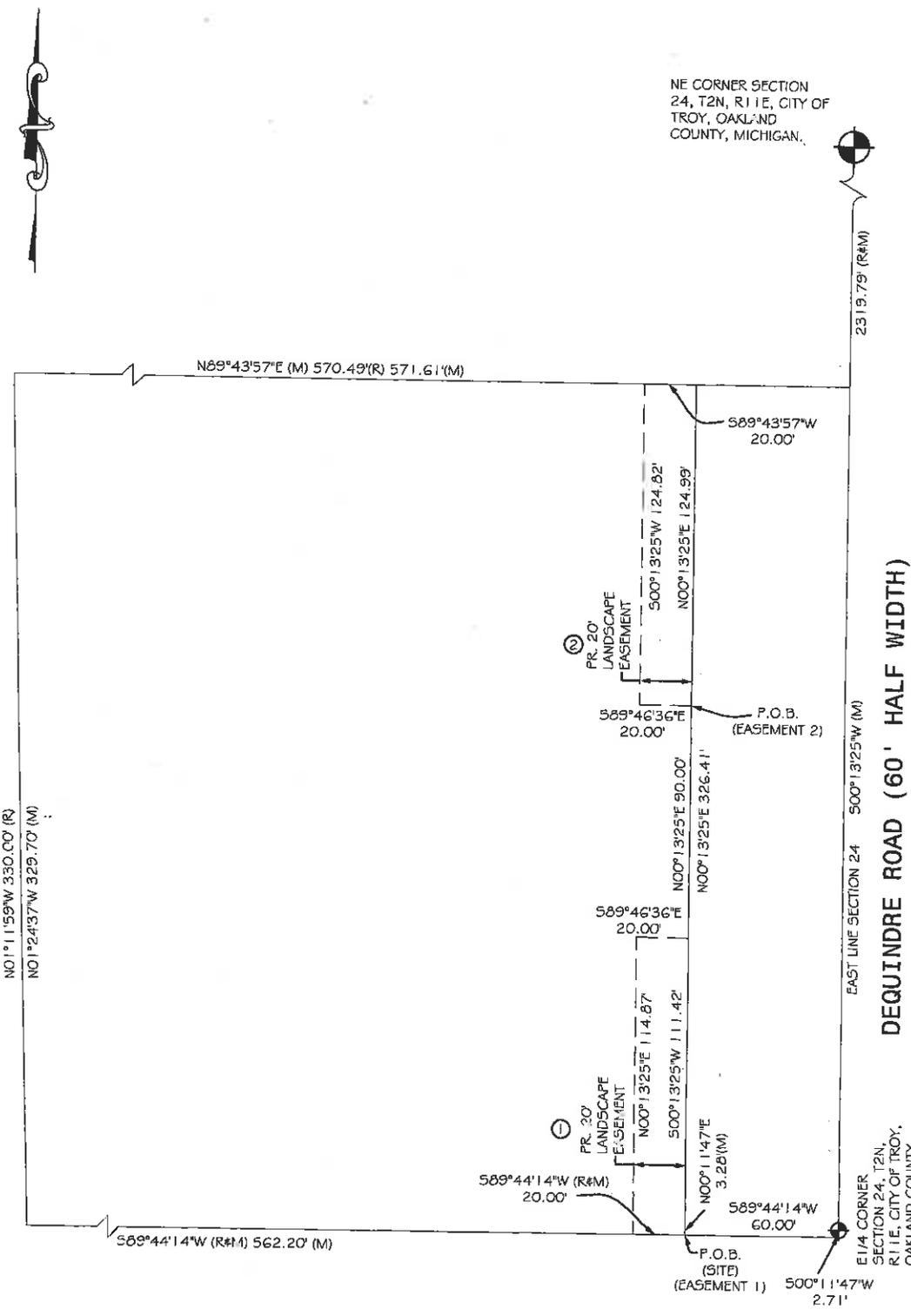
DESCRIPTION OF LANDSCAPE EASEMENT - 2

PART OF THE NORTHEAST 1/4 OF SECTION 24, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE EAST 1/4 CORNER OF SAID SECTION 24; THENCE 500°11'47"W 2.71 FEET ALONG THE EAST LINE OF SECTION 24; THENCE 589°44'14"W 60.00 FEET; THENCE 000°11'47"E 3.28 FEET; THENCE 000°13'25"E 201.42 FEET ALONG THE 60 FOOT RIGHT-OF-WAY LINE OF DEQUINDRE ROAD TO THE POINT OF BEGINNING; THENCE EXTENDING 000°13'25"E 124.99 FEET ALONG THE 60 FOOT RIGHT-OF-WAY LINE OF DEQUINDRE ROAD; THENCE 589°43'57"W 20.00 FEET; THENCE 500°13'25"W 124.82 FEET; THENCE 589°46'36"E 20.00 FEET TO THE POINT OF BEGINNING. SUBJECT TO ANY EASEMENTS AND/OR RIGHT OF WAY RECORDED OR OTHERWISE.

EXHIBIT "A"

SKETCH OF LANDSCAPE AND NON-ACCESS GREENBELT EASEMENT

NE CORNER SECTION
24, T2N, R11E, CITY OF
TROY, OAKLAND
COUNTY, MICHIGAN.



PERMANENT EASEMENT

Sidwell #88-20-24-226-109 & 111 (pt of)
Resolution #

HEATHERWOOD HOMES, INC., a Michigan CORPORATION, Grantor(s), whose address is 50466 Heatherwood Lane, Shelby Twp, MI 48317 for and in consideration of the sum of: One and no/100 Dollar (\$1.00) paid by the CITY OF TROY, a Michigan municipal corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, 48084 grants to the Grantee the right to construct, operate, maintain, repair and/or replace sanitary sewer, said easement for land situated in the City of Troy, Oakland County, Michigan described as:

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

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

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

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

IN WITNESS WHEREOF, the undersigned hereunto affixed _____ signature(s) this 30 day of November A.D. 2012.

HEATHERWOOD HOMES, INC.
a Michigan corporation

By [Signature] (L.S.)

*Anthony Fanelli
Its President

By [Signature] (L.S.)

*Richard Mavis,
Its Vice President

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 30 day of November, 2012, by Anthony Fanelli, President and Richard Mavis, Vice President of Heatherwood Homes, Inc. a Michigan corporation on behalf of said corporation.

[Signature]

Notary Public, Macomb County, Michigan
My Commission Expires on 12/24/2013
Acting in the County of Macomb, Michigan

KAREN LEE GAUER
NOTARY PUBLIC, STATE OF MI
COUNTY OF MACOMB
MY COMMISSION EXPIRES Dec 23, 2013
ACTING IN COUNTY OF MACOMB

Prepared by and when recorded return to:
Larysa Figol, SRWA
City of Troy
500 West Big Beaver
Troy, MI 48083

EXHIBIT "A"

DESCRIPTION OF SANITARY SEWER EASEMENT

DESCRIPTION OF PROPERTY (FROM RECORD)

4.290 ACRE PARCEL

PART OF THE NORTHEAST 1/4 OF SECTION 24, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE EAST 1/4 CORNER OF SAID SECTION 24; THENCE 500°11'47"W 2.71 FEET ALONG THE EAST LINE OF SECTION 24; THENCE S89°44'14"W 60.00 FEET TO THE POINT OF BEGINNING, SAID POINT BEING THE NORTHEAST CORNER OF BEAVER TRAIL SUBDIVISION NO.2 RECORDED IN LIBER 134, PAGE 20-23, OAKLAND COUNTY RECORDS; THENCE EXTENDING S89°44'14"W 562.20 FEET ALONG THE NORTH LINE OF SAID BEAVER TRAIL SUBDIVISION NO.2, TO THE EAST LINE OF BEAVER CREEK SUBDIVISION, RECORDED IN LIBER 224 OF PLATS, PAGES 30-31, OAKLAND COUNTY RECORDS; THENCE N00°11'59"W 330.00 FEET (RECORDED) NO1°24'37"W 329.70 FEET (MEASURED) ALONG THE EAST LINE OF SAID BEAVER CREEK SUBDIVISION; THENCE N89°44'14"E 570.49 FEET (RECORDED) N89°43'57"E 571.61 FEET (MEASURED); THENCE 500°13'25"W 330.00 (RECORDED) 326.41 FEET (MEASURED) AND 500°11'47"W 3.28 FEET ALONG THE 60 FOOT RIGHT-OF-WAY LINE OF DEQUINDRE ROAD TO THE POINT OF BEGINNING. CONTAINING 4.290 ACRES OF LAND. SUBJECT TO ANY EASEMENTS AND/OR RIGHT OF WAY RECORDED OR OTHERWISE.

DESCRIPTION OF SANITARY SEWER EASEMENT-1

PART OF THE NORTHEAST 1/4 OF SECTION 24, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE EAST 1/4 CORNER OF SAID SECTION 24; THENCE 500°11'47"W 2.71 FEET ALONG THE EAST LINE OF SECTION 24; THENCE S89°44'14"W 60.00 FEET; THENCE N00°11'47"E 3.28 FEET; THENCE N00°13'25"E 201.42 TO THE POINT OF BEGINNING 1; THENCE EXTENDING N00°13'25"E 124.99 FEET; THENCE S89°43'57"W 20.00 FEET; THENCE 500°13'25"W 124.82 FEET; THENCE S89°46'36"E 20.00 FEET TO THE POINT OF BEGINNING 1. SUBJECT TO ANY EASEMENTS AND/OR RIGHT OF WAY RECORDED OR OTHERWISE.

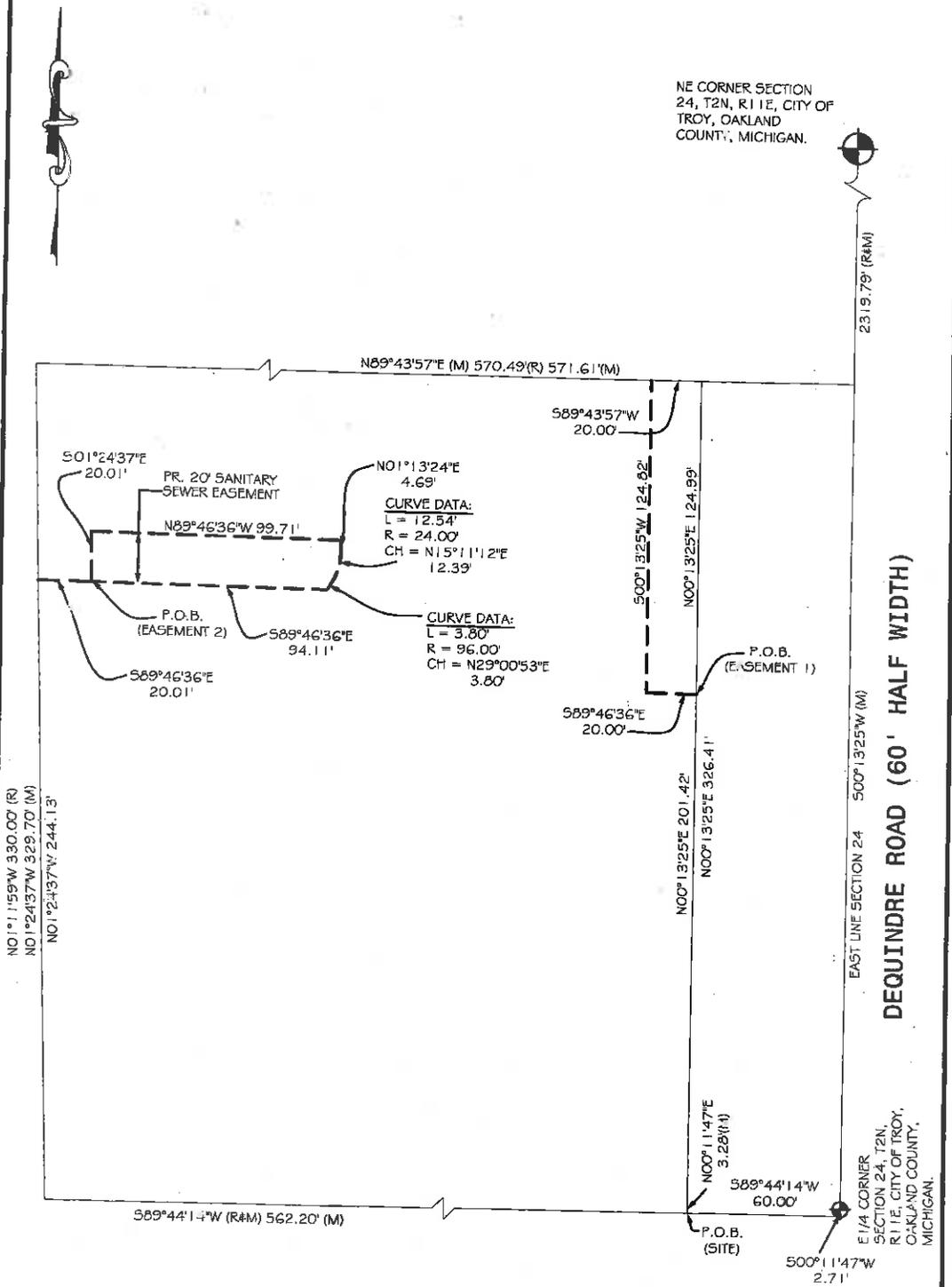
DESCRIPTION OF SANITARY SEWER EASEMENT-2

PART OF THE NORTHEAST 1/4 OF SECTION 24, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE EAST 1/4 CORNER OF SAID SECTION 24; THENCE 500°11'47"W 2.71 FEET ALONG THE EAST LINE OF SECTION 24; THENCE S89°44'14"W 60.00 FEET; THENCE EXTENDING S89°44'14"W 562.20 FEET ALONG THE NORTH LINE OF SAID BEAVER TRAIL SUBDIVISION NO.2, TO THE EAST LINE OF BEAVER CREEK SUBDIVISION, RECORDED IN LIBER 224 OF PLATS, PAGES 30-31, OAKLAND COUNTY RECORDS; THENCE N01°24'37"W 244.13 FEET ALONG THE EAST LINE OF SAID BEAVER CREEK SUBDIVISION; THENCE S89°46'36"E 20.01 FEET TO THE POINT OF BEGINNING 2; THENCE EXTENDING S89°46'36"E 94.11 FEET; THENCE 3.80 FEET ALONG A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 96.00 FEET AND A CHORD BEARING N25°00'53"E 3.80 FEET; THENCE 12.54 FEET ALONG A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 24.00 FEET AND A CHORD BEARING N15°11'12"E 12.39 FEET; THENCE N01°13'24"E 4.69 FEET; THENCE N89°46'36"W 99.71 FEET; THENCE S01°24'37"E 20.01 FEET TO THE POINT OF BEGINNING 2. SUBJECT TO ANY EASEMENTS AND/OR RIGHT OF WAY RECORDED OR OTHERWISE.

EXHIBIT "A"

SKETCH OF SANITARY SEWER EASEMENT

NE CORNER SECTION
24, T2N, R11E, CITY OF
TROY, OAKLAND
COUNTY, MICHIGAN.



DEQUINDRE ROAD (60' HALF WIDTH)

2319.79' (RAM)

EAST LINE SECTION 24 500'13'25"W (M)

E 1/4 CORNER
SECTION 24, T2N,
R11E, CITY OF TROY,
OAKLAND COUNTY,
MICHIGAN.

19/Jul/06, Mod, 11/6/00, 6:25:33 AM

PERMANENT EASEMENT

Sidwell #88-20-24-226-109 & 111 (pt of)
Resolution #

HEATHERWOOD HOMES, INC., a Michigan CORPORATION, Grantor(s), whose address is 50466 Heatherwood Lane, Shelby Twp, MI 48317 for and in consideration of the sum of: One and no/100 Dollar (\$1.00) paid by the CITY OF TROY, a Michigan municipal corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, 48084 grants to the Grantee the right to construct, operate, maintain, repair and/or replace **storm sewer and surface drainage**, said easement for land situated in the City of Troy, Oakland County, Michigan described as:

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

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

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

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

IN WITNESS WHEREOF, the undersigned hereunto affixed _____ signature(s) this 30 day of November A.D. 2012.

HEATHERWOOD HOMES, INC.
a Michigan corporation

By [Signature] (L.S.)

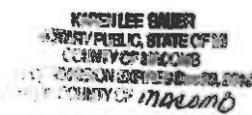
*Anthony Fanelli,
Its President

By [Signature] (L.S.)

*Richard Mavis,
Its Vice President

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 30 day of November, 2012, by Anthony Fanelli, President and Richard Mavis, Vice President of Heatherwood Homes, Inc. a Michigan corporation on behalf of said corporation.



[Signature]

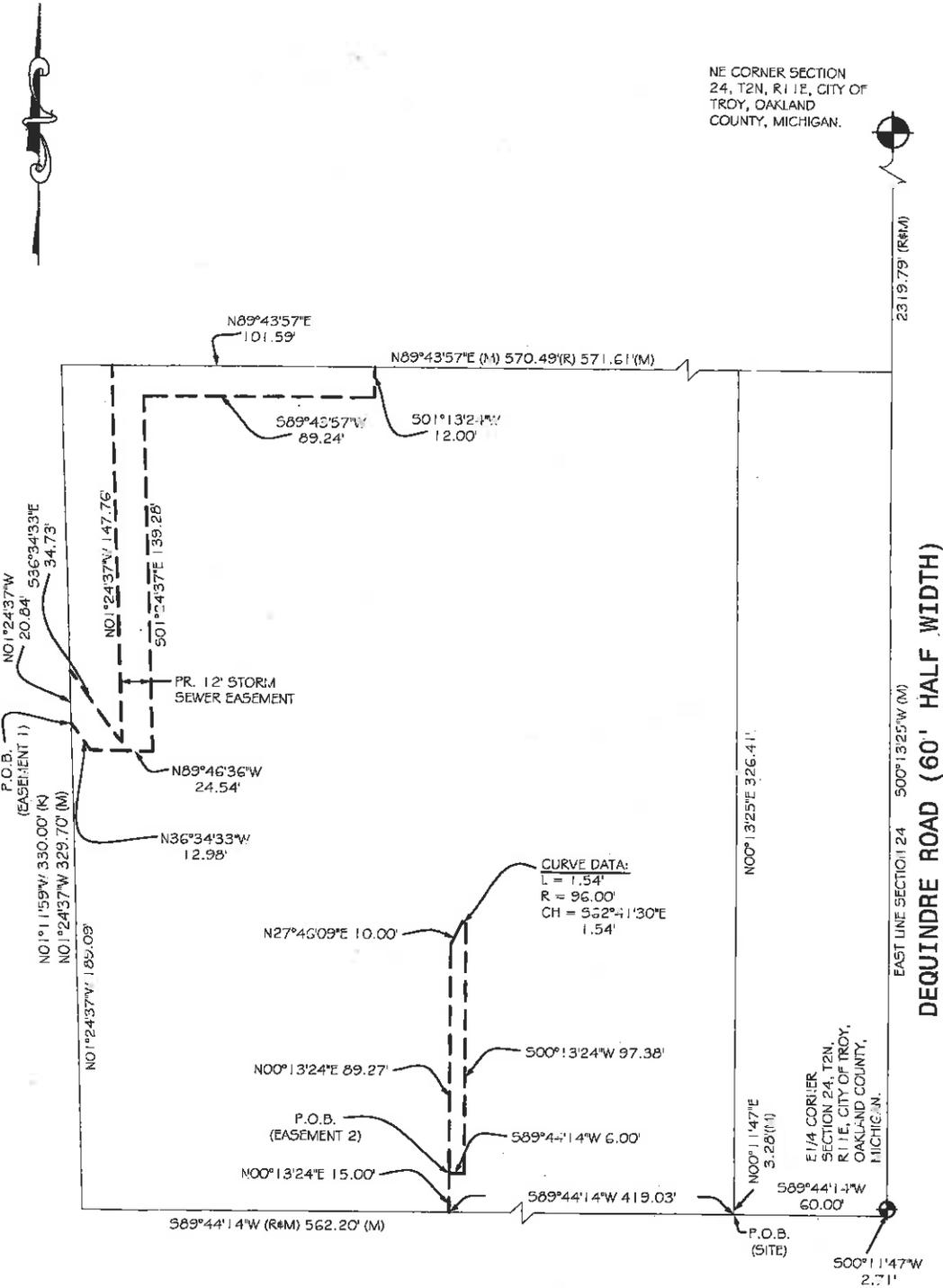
Notary Public, MACOMB County, Michigan
My Commission Expires on 12/29/2013
Acting in the County of MACOMB, Michigan

Prepared by and when recorded return to:
Larysa Figl, SR/WA
City of Troy
500 West Big Beaver
Troy, MI 48083

EXHIBIT "A"

SKETCH OF STORM SEWER EASEMENT

NE CORNER SECTION
24, T2N, R11E, CITY OF
TROY, OAKLAND
COUNTY, MICHIGAN.



9/16/09 10/19/2012 11:55:05 AM

EXHIBIT "A"

DESCRIPTION OF STORM SEWER EASEMENT

DESCRIPTION OF PROPERTY (FROM RECORD)

4.290 ACRE PARCEL

PART OF THE NORTHEAST 1/4 OF SECTION 24, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE EAST 1/4 CORNER OF SAID SECTION 24; THENCE 500°11'47"W 2.71 FEET ALONG THE EAST LINE OF SECTION 24; THENCE S89°44'14"W 60.00 FEET TO THE POINT OF BEGINNING, SAID POINT BEING THE NORTHEAST CORNER OF BEAVER TRAIL SUBDIVISION NO.2 RECORDED IN LIBER 134, PAGE 20-23, OAKLAND COUNTY RECORDS; THENCE EXTENDING S89°44'14"W 562.20 FEET ALONG THE NORTH LINE OF SAID BEAVER TRAIL SUBDIVISION NO.2, TO THE EAST LINE OF BEAVER CREEK SUBDIVISION, RECORDED IN LIBER 224 OF PLATS, PAGES 30-31, OAKLAND COUNTY RECORDS; THENCE N00°11'59"W 330.00 FEET (RECORDED) N01°24'37"W 329.70 FEET (MEASURED) ALONG THE EAST LINE OF SAID BEAVER CREEK SUBDIVISION; THENCE N89°44'14"E 570.40 FEET (RECORDED) N89°43'57"E 571.61 FEET (MEASURED); THENCE 500°13'25"W 330.00 (RECORDED) 326.41 FEET (MEASURED) AND 500°11'47"W 3.28 FEET ALONG THE 60 FOOT RIGHT-OF-WAY LINE OF DEQUINDRE ROAD TO THE POINT OF BEGINNING. CONTAINING 4.290 ACRES OF LAND. SUBJECT TO ANY EASEMENTS AND/OR RIGHT OF WAY RECORDED OR OTHERWISE.

DESCRIPTION OF STORM SEWER EASEMENT - 1

PART OF THE NORTHEAST 1/4 OF SECTION 24, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE EAST 1/4 CORNER OF SAID SECTION 24; THENCE 500°11'47"W 2.71 FEET ALONG THE EAST LINE OF SECTION 24; THENCE S89°44'14"W 60.00 FEET; THENCE EXTENDING S89°44'14"W 562.20 FEET ALONG THE NORTH LINE OF SAID BEAVER TRAIL SUBDIVISION NO. 2, TO THE EAST LINE OF BEAVER CREEK SUBDIVISION, RECORDED IN LIBER 224 OF PLATS, PAGES 30-31, OAKLAND COUNTY RECORDS; THENCE N01°24'37"W 189.09 FEET ALONG THE EAST LINE OF SAID BEAVER CREEK SUBDIVISION TO THE POINT OF BEGINNING 1; THENCE EXTENDING N01°24'37"W 20.84 FEET; THENCE S36°34'33"E 34.75 FEET; THENCE N01°24'37"W 147.76 FEET; THENCE N89°43'57"E 101.59 FEET; THENCE S01°13'24"W 12.00 FEET; THENCE S89°43'57"W 89.24 FEET; THENCE S01°24'37"E 139.28 FEET; THENCE N89°46'36"W 24.54 FEET; THENCE N35°34'33"W 12.98 FEET TO THE POINT OF BEGINNING 1. SUBJECT TO ANY EASEMENTS AND/OR RIGHT OF WAY RECORDED OR OTHERWISE.

DESCRIPTION OF STORM SEWER EASEMENT - 2

PART OF THE NORTHEAST 1/4 OF SECTION 24, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE EAST 1/4 CORNER OF SAID SECTION 24; THENCE 500°11'47"W 2.71 FEET ALONG THE EAST LINE OF SECTION 24; THENCE S89°44'14"W 60.00 FEET; THENCE EXTENDING S89°44'14"W 419.03 FEET ALONG THE NORTH LINE OF SAID BEAVER TRAIL SUBDIVISION NO.2, TO THE EAST LINE OF BEAVER CREEK SUBDIVISION, RECORDED IN LIBER 224 OF PLATS, PAGES 30-31, OAKLAND COUNTY RECORDS; THENCE N00°13'24"E 15.00 FEET TO THE POINT OF BEGINNING 2; THENCE EXTENDING N00°13'24"E 83.27 FEET; THENCE N27°46'09"E 10.00 FEET; THENCE 1.54 FEET ALONG A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 96.00 FEET AND A CHORD BEARING S62°41'30"E 1.54 FEET; THENCE S00°13'24"W 97.38 FEET; THENCE S89°44'14"W 6.00 FEET TO THE POINT OF BEGINNING 2. SUBJECT TO ANY EASEMENTS AND/OR RIGHT OF WAY RECORDED OR OTHERWISE.

PERMANENT EASEMENT

Sidwell #88-20-24-226-109 & 111 (pt of)
Resolution #

HEATHERWOOD HOMES, INC., a Michigan CORPORATION, Grantor(s), whose address is 50466 Heatherwood Lane, Shelby Twp, MI 48317 for and in consideration of the sum of: One and no/100 Dollar (\$1.00) paid by the CITY OF TROY, a Michigan municipal corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, 48084 grants to the Grantee the right to construct, operate, maintain, repair and/or replace **grading easement**, said easement for land situated in the City of Troy, Oakland County, Michigan described as:

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

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

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

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

IN WITNESS WHEREOF, the undersigned hereunto affixed _____ signature(s) this 30 day of November A.D. 2012.

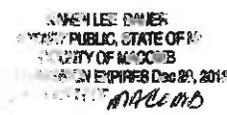
HEATHERWOOD HOMES, INC.
a Michigan corporation

By [Signature] (L.S.)
*Anthony Fanelli,
Its President

By [Signature] (L.S.)
*Richard Mavis,
Its Vice President

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 30 day of November, 2012, by Anthony Fanelli, President and Richard Mavis, Vice President of Heatherwood Homes, Inc. a Michigan corporation on behalf of said corporation.



[Signature]
Notary Public, Macomb County, Michigan
My Commission Expires on 12/20/2013
Acting in the County of Macomb, Michigan

Prepared by and when recorded return to:
Larysa Figol, SRWA
City of Troy
500 West Big Beaver
Troy, MI 48063

EXHIBIT "A"

DESCRIPTION OF GRADING EASEMENT

DESCRIPTION OF PROPERTY (FROM RECORD)

4.290 ACRE PARCEL

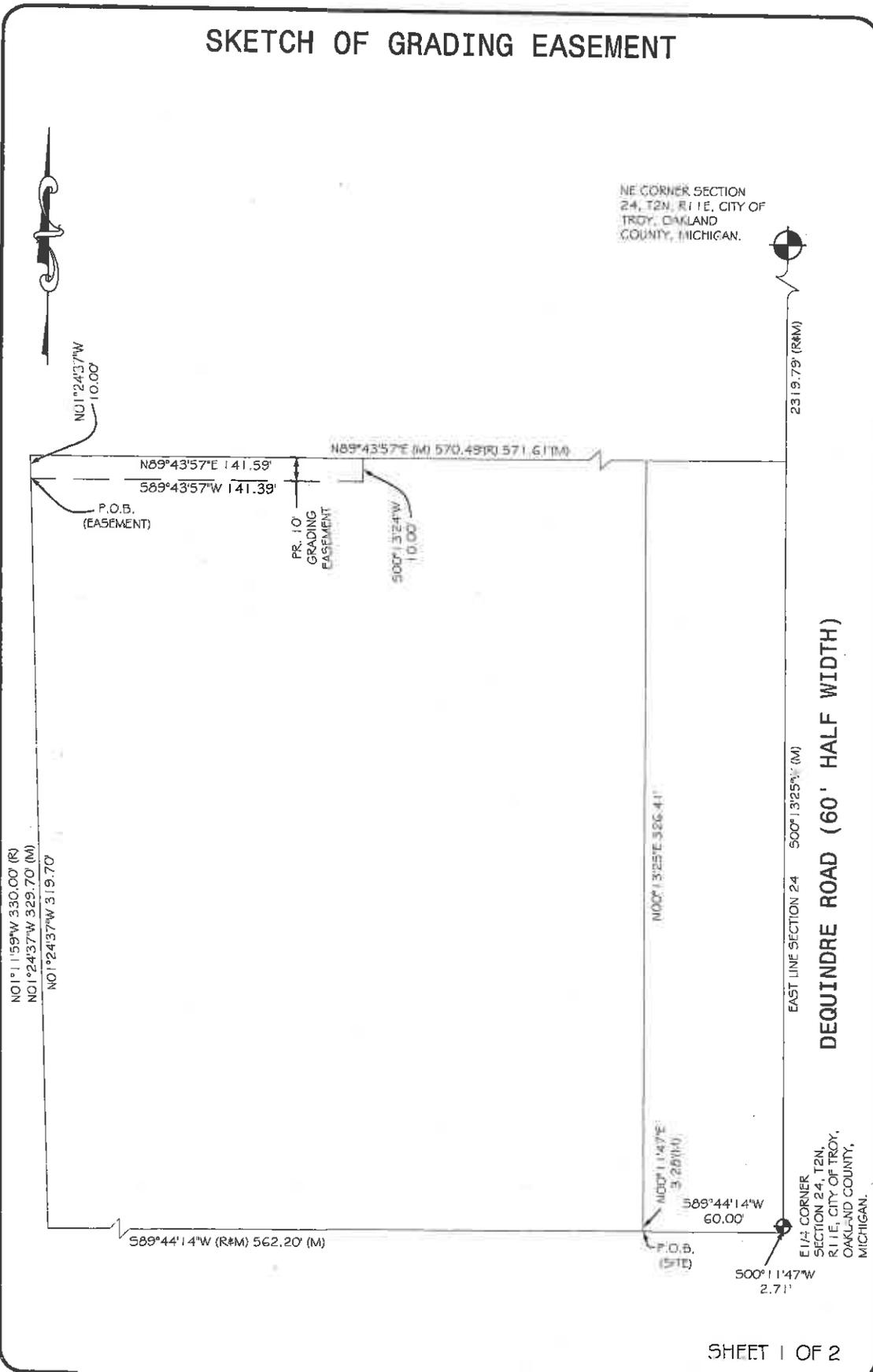
PART OF THE NORTHEAST 1/4 OF SECTION 24, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE EAST 1/4 CORNER OF SAID SECTION 24; THENCE 500°11'47"W 2.71 FEET ALONG THE EAST LINE OF SECTION 24; THENCE 589°44'14"W 60.00 FEET TO THE POINT OF BEGINNING, SAID POINT BEING THE NORTHEAST CORNER OF BEAVER TRAIL SUBDIVISION NO.2 RECORDED IN LIBER 134, PAGE 20-23, OAKLAND COUNTY RECORDS; THENCE EXTENDING 589°44'14"W 562.20 FEET ALONG THE NORTH LINE OF SAID BEAVER TRAIL SUBDIVISION NO.2, TO THE EAST LINE OF BEAVER CREEK SUBDIVISION, RECORDED IN LIBER 224 OF PLATS, PAGES 30-31, OAKLAND COUNTY RECORDS; THENCE N00°11'59"W 330.00 FEET (RECORDED) N01°24'37"W 329.70 FEET (MEASURED) ALONG THE EAST LINE OF SAID BEAVER CREEK SUBDIVISION; THENCE N89°44'14"E 570.49 FEET (RECORDED) N89°43'57"E 571.61 FEET (MEASURED); THENCE 500°13'25"W 330.00 (RECORDED) 326.41 FEET (MEASURED) AND 500°11'47"W 3.28 FEET ALONG THE 60 FOOT RIGHT-OF-WAY LINE OF DEQUINDRE ROAD TO THE POINT OF BEGINNING, CONTAINING 4.290 ACRES OF LAND. SUBJECT TO ANY EASEMENTS AND/OR RIGHT OF WAY RECORDED OR OTHERWISE.

DESCRIPTION OF GRADING EASEMENT

PART OF THE NORTHEAST 1/4 OF SECTION 24, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE EAST 1/4 CORNER OF SAID SECTION 24; THENCE 500°11'47"W 2.71 FEET ALONG THE EAST LINE OF SECTION 24; THENCE 589°44'14"W 60.00 FEET; THENCE EXTENDING 589°44'14"W 562.20 FEET ALONG THE NORTH LINE OF SAID BEAVER TRAIL SUBDIVISION NO.2, TO THE EAST LINE OF BEAVER CREEK SUBDIVISION, RECORDED IN LIBER 224 OF PLATS, PAGES 30-31, OAKLAND COUNTY RECORDS; THENCE N01°24'37"W 319.70 FEET ALONG THE EAST LINE OF SAID BEAVER CREEK SUBDIVISION TO THE POINT OF BEGINNING; THENCE EXTENDING N01°24'37"W 10.00 FEET; THENCE N89°43'57"E 141.59 FEET; THENCE 500°13'24"W 10.00 FEET; THENCE 589°43'57"W 141.39 FEET TO THE POINT OF BEGINNING. SUBJECT TO ANY EASEMENTS AND/OR RIGHT OF WAY RECORDED OR OTHERWISE.

EXHIBIT "A"

SKETCH OF GRADING EASEMENT



QUIT CLAIM DEED

Sidwell #88-20-24-226-109 & 111 (pt of)
Resolution #

The Grantor(s), MONDRIAN PROPERTIES TUSCANY ESTATES, L.L.C., a Michigan limited liability company, Grantor(s), whose address is 50215 Schoenherr Road, Shelby Twp, MI 48315 quit claims to the City of Troy, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver, Troy, MI 48084, all right, title and interest it has as Land Contract Vendee, the following described premises situated in the City of Troy, County of Oakland and State of Michigan:

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

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

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

Dated this 1 day of November, 2012.

MONDRIAN PROPERTIES TUSCANY ESTATES, LLC,
a Michigan limited liability company

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

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 1st day of November, 2012, by Joseph Maniaci, Member, of MONDRIAN PROPERTIES TUSCANY ESTATES, L.L.C., a Michigan limited liability company on behalf of the company.

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

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

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

Tax Parcel #88-20-24-226-109 & 111 (pT of) Recording Fee _____ Transfer Tax _____

*TYPE OR PRINT NAMES UNDER SIGNATURES

EXHIBIT "A"

DESCRIPTION OF RIGHT-OF-WAY

DESCRIPTION OF PROPERTY (FROM RECORD)

4.290 ACRE PARCEL

PART OF THE NORTHEAST 1/4 OF SECTION 24, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE EAST 1/4 CORNER OF SAID SECTION 24; THENCE 500°11'47"W 2.71 FEET ALONG THE EAST LINE OF SECTION 24; THENCE S89°44'14"W 60.00 FEET TO THE POINT OF BEGINNING, SAID POINT BEING THE NORTHEAST CORNER OF BEAVER TRAIL SUBDIVISION NO. 2 RECORDED IN LIBER 134, PAGE 20-23, OAKLAND COUNTY RECORDS; THENCE EXTENDING S89°44'14"W 562.20 FEET ALONG THE NORTH LINE OF SAID BEAVER TRAIL SUBDIVISION NO. 2, TO THE EAST LINE OF BEAVER CREEK SUBDIVISION, RECORDED IN LIBER 224 OF PLATS, PAGES 30-31, OAKLAND COUNTY RECORDS; THENCE N00°11'59"W 330.00 FEET (RECORDED) N01°24'37"W 329.70 FEET (MEASURED) ALONG THE EAST LINE OF SAID BEAVER CREEK SUBDIVISION; THENCE N89°44'14"E 570.49 FEET (RECORDED) N89°43'57"E 571.61 FEET (MEASURED); THENCE S00°13'25"W 330.00 (RECORDED) 326.41 FEET (MEASURED) AND S00°11'47"W 3.28 FEET ALONG THE 60 FOOT RIGHT-OF-WAY LINE OF DEQUINDRE ROAD TO THE POINT OF BEGINNING. CONTAINING 4.290 ACRES OF LAND. SUBJECT TO ANY EASEMENTS AND/OR RIGHT OF WAY RECORDED OR OTHERWISE.

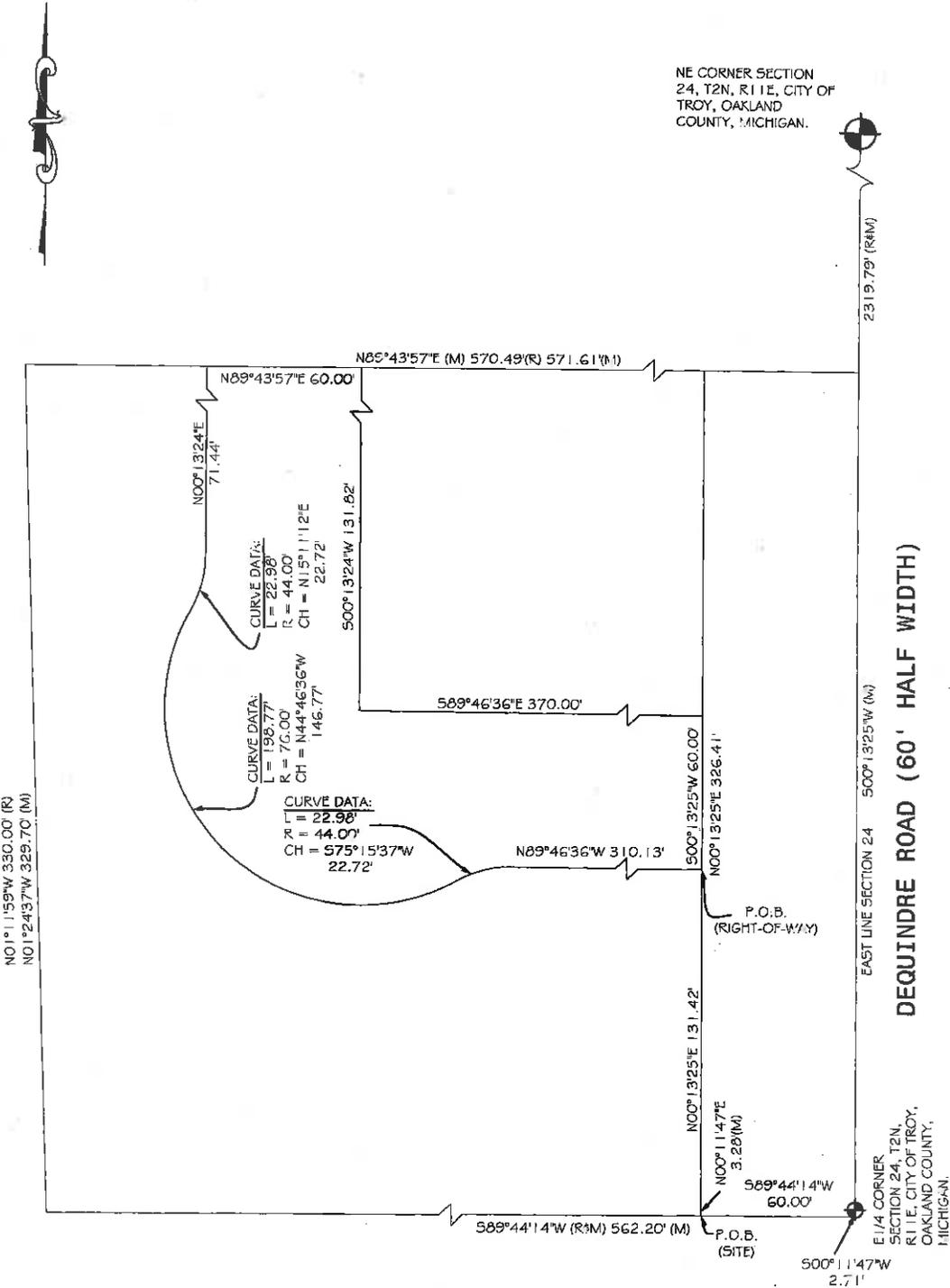
DESCRIPTION OF RIGHT-OF-WAY

PART OF THE NORTHEAST 1/4 OF SECTION 24, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE EAST 1/4 CORNER OF SAID SECTION 24; THENCE S00°11'47"W 2.71 FEET ALONG THE EAST LINE OF SECTION 24; THENCE S89°44'14"W 60.00 FEET; THENCE N00°11'47"E 3.28 FEET; THENCE N00°13'25"E 131.42 FEET TO THE POINT OF BEGINNING; THENCE N89°46'36"W 310.13 FEET; THENCE 22.98 FEET ALONG A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 44.00 FEET AND A CHORD BEARING S75°15'37"W 22.72 FEET; THENCE 198.77 FEET ALONG A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 76.00 FEET AND A CHORD BEARING N44°46'36"W 146.77 FEET; THENCE 22.98 FEET ALONG A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 44.00 FEET AND A CHORD BEARING N15°11'12"E 22.72 FEET; THENCE N00°13'24"E 71.44 FEET; THENCE N89°43'57"E 60.00 FEET; THENCE S00°13'24"W 131.82 FEET; THENCE S89°46'36"E 370.00 FEET; THENCE S00°13'25"W 60.00 FEET TO THE POINT OF BEGINNING. SUBJECT TO ANY EASEMENTS AND/OR RIGHT OF WAY RECORDED OR OTHERWISE.

EXHIBIT "A"

SKETCH OF RIGHT-OF-WAY

NE CORNER SECTION
24, T2N, R11E, CITY OF
TROY, OAKLAND
COUNTY, MICHIGAN.



DEQUINDRE ROAD (60' HALF WIDTH)

EXHIBIT "A"

DESCRIPTION OF REAR YARD DRAINAGE EASEMENT

DESCRIPTION OF PROPERTY (FROM RECORD) 4.290 ACRE PARCEL

PART OF THE NORTHEAST 1/4 OF SECTION 24, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE EAST 1/4 CORNER OF SAID SECTION 24; THENCE $500^{\circ}11'47''$ W 2.71 FEET ALONG THE EAST LINE OF SECTION 24; THENCE $589^{\circ}44'14''$ W 60.00 FEET TO THE POINT OF BEGINNING, SAID POINT BEING THE NORTHEAST CORNER OF BEAVER TRAIL SUBDIVISION NO.2 RECORDED IN LIBER 134, PAGE 20-23, OAKLAND COUNTY RECORDS; THENCE EXTENDING $589^{\circ}44'14''$ W 562.20 FEET ALONG THE NORTH LINE OF SAID BEAVER TRAIL SUBDIVISION NO.2, TO THE EAST LINE OF BEAVER CREEK SUBDIVISION, RECORDED IN LIBER 224 OF PLATS, PAGES 30-31, OAKLAND COUNTY RECORDS; THENCE $000^{\circ}11'59''$ W 330.00 FEET (RECORDED) $01^{\circ}24'37''$ W 329.70 FEET (MEASURED) ALONG THE EAST LINE OF SAID BEAVER CREEK SUBDIVISION; THENCE $089^{\circ}44'14''$ E 570.49 FEET (RECORDED) $089^{\circ}43'57''$ E 571.61 FEET (MEASURED); THENCE $500^{\circ}13'25''$ W 330.00 (RECORDED) 326.41 FEET (MEASURED) AND $500^{\circ}11'47''$ W 3.28 FEET ALONG THE 60 FOOT RIGHT-OF-WAY LINE OF DEQUINDRE ROAD TO THE POINT OF BEGINNING, CONTAINING 4.290 ACRES OF LAND. SUBJECT TO ANY EASEMENTS AND/OR RIGHT OF WAY RECORDED OR OTHERWISE.

DESCRIPTION OF REAR YARD DRAINAGE EASEMENT - 1

PART OF THE NORTHEAST 1/4 OF SECTION 24, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE EAST 1/4 CORNER OF SAID SECTION 24; THENCE $500^{\circ}11'47''$ W 2.71 FEET ALONG THE EAST LINE OF SECTION 24; THENCE $589^{\circ}44'14''$ W 86.93 FEET TO THE POINT OF BEGINNING; THENCE EXTENDING $589^{\circ}44'14''$ W 392.10 FEET ALONG THE NORTH LINE OF SAID BEAVER TRAIL SUBDIVISION NO.2, RECORDED IN LIBER 224 OF PLATS, PAGES 30-31, OAKLAND COUNTY RECORDS; THENCE $000^{\circ}13'24''$ E 15.00 FEET; THENCE $089^{\circ}44'14''$ E 391.97 FEET; THENCE $500^{\circ}15'46''$ E 15.00 FEET TO THE POINT OF BEGINNING. SUBJECT TO ANY EASEMENTS AND/OR RIGHT OF WAY RECORDED OR OTHERWISE.

DESCRIPTION OF REAR YARD DRAINAGE EASEMENT - 2

PART OF THE NORTHEAST 1/4 OF SECTION 24, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE EAST 1/4 CORNER OF SAID SECTION 24; THENCE $500^{\circ}11'47''$ W 2.71 FEET ALONG THE EAST LINE OF SECTION 24; THENCE $589^{\circ}44'14''$ W 60.00 FEET; THENCE $000^{\circ}11'47''$ E 3.28 FEET AND $000^{\circ}13'25''$ E 326.41 FEET ALONG THE 60 FOOT RIGHT-OF-WAY LINE OF DEQUINDRE ROAD; THENCE $589^{\circ}43'57''$ W 20.00 FEET TO THE POINT OF BEGINNING; THENCE EXTENDING $589^{\circ}43'57''$ W (MEASURED) 340.01 FEET; THENCE $500^{\circ}13'24''$ W 15.00 FEET; THENCE $089^{\circ}43'57''$ E 340.01 FEET; THENCE $000^{\circ}13'24''$ E 15.00 FEET TO THE POINT OF BEGINNING. SUBJECT TO ANY EASEMENTS AND/OR RIGHT OF WAY RECORDED OR OTHERWISE.

EXHIBIT "A"

SKETCH OF REAR YARD DRAINAGE EASEMENT

NE CORNER SECTION
24, T2N, R11E, CITY OF
TROY, OAKLAND
COUNTY, MICHIGAN.



2319.79' (R#M)

P.O.B.
(EASEMENT 2)

N89°43'57"E (M) 570.49'(R) 571.61'(M)

589°43'57"W (M) 340.01'

N89°43'57"E 340.01'

500'13'24"E
15.00'

② PR. 15'
REAR YARD
DRAINAGE
EASEMENT

500'13'24"E
15.00'

589°43'57"W (M)
20.00'

DEQUINDRE ROAD (60' HALF WIDTH)

EAST LINE SECTION 24 500'13'25"W (M)

N01°11'59"W 330.00' (R)
N01°24'37"W 329.70' (M)

N00°13'25"E 325.41'

N00°13'24"E
15.00'

500'15'46"E
15.00'

N00°11'47"E
3.28'(M)

E 1/4 CORNER
SECTION 24, T2N,
R11E, CITY OF TROY,
OAKLAND COUNTY,
MICHIGAN.

589°44'14"W (R#M) 582.20' (M)

① PR. 15' REAR
YARD DRAINAGE
EASEMENT

P.O.B.
(EASEMENT 1)

P.O.B.
(SITE)

589°44'14"W
60.00'

589°44'14"W (R#M)
26.93'

500'11'47"W
2.71'

PERMANENT EASEMENT

Sidwell #88-20-24-226-109 & 111 (pt of)
Resolution #

MONDRIAN PROPERTIES TUSCANY ESTATES, L.L.C., a Michigan limited liability company, Grantor(s), whose address is 50215 Schoenherr Road, Shelby Twp, MI 48315 for and in consideration of the sum of: One and no/100 Dollar (\$1.00) paid by the CITY OF TROY, a Michigan municipal corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, 48084 grants to the Grantee as Land Contract Vendee, the right to construct, operate, maintain, repair and/or replace **public utilities**, said easement for land situated in the City of Troy, Oakland County, Michigan described as:

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

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

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

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

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

MONDRIAN PROPERTIES TUSCANY ESTATES, LLC,
a Michigan limited liability company

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

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 1st day of November, 2012, by Joseph Maniaci, Member, of MONDRIAN PROPERTIES TUSCANY ESTATES, L.L.C., a Michigan limited liability company on behalf of the company.

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

[Signature]
*
Notary Public, _____ County, Michigan

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

Prepared by and when recorded return to:
Larysa Figol
City of Troy
500 W. Big Beaver Road
Troy, MI 48064

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

EXHIBIT "A"

DESCRIPTION OF PUBLIC UTILITY EASEMENT

DESCRIPTION OF PROPERTY (FROM RECORD) 4.290 ACRE PARCEL

PART OF THE NORTHEAST 1/4 OF SECTION 24, TOWN-2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE EAST 1/4 CORNER OF SAID SECTION 24; THENCE 500°11'47"W 2.71 FEET ALONG THE EAST LINE OF SECTION 24; THENCE S89°44'14"W 60.00 FEET TO THE POINT OF BEGINNING, SAID POINT BEING THE NORTHEAST CORNER OF BEAVER TRAIL SUBDIVISION NO.2 RECORDED IN LIBER 134, PAGE 20-23, OAKLAND COUNTY RECORDS; THENCE EXTENDING S89°44'14"W 562.20 FEET ALONG THE NORTH LINE OF SAID BEAVER TRAIL SUBDIVISION NO.2, TO THE EAST LINE OF BEAVER CREEK SUBDIVISION, RECORDED IN LIBER 224 OF PLATS, PAGES 30-31, OAKLAND COUNTY RECORDS; THENCE N00°11'59"W 330.00 FEET (RECORDED) N01°24'37"W 329.70 FEET (MEASURED) ALONG THE EAST LINE OF SAID BEAVER CREEK SUBDIVISION; THENCE N89°44'14"E 570.49 FEET (RECORDED) N89°43'57"E 571.61 FEET (MEASURED); THENCE 500°13'25"W 330.00 (RECORDED) 326.41 FEET (MEASURED) AND 500°11'47"W 3.28 FEET ALONG THE 60 FOOT RIGHT-OF-WAY LINE OF DEQUINDRE ROAD TO THE POINT OF BEGINNING, CONTAINING 4.290 ACRES OF LAND. SUBJECT TO ANY EASEMENTS AND/OR RIGHT OF WAY RECORDED OR OTHERWISE.

DESCRIPTION OF PUBLIC UTILITY EASEMENT - 1

PART OF THE NORTHEAST 1/4 OF SECTION 24, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE EAST 1/4 CORNER OF SAID SECTION 24; THENCE 500°11'47"W 2.71 FEET ALONG THE EAST LINE OF SECTION 24; THENCE S89°44'14"W 60.00 FEET; THENCE N00°11'47"E 3.28 FEET; THENCE N00°13'25"E 191.42 FEET ALONG THE 60 FOOT RIGHT-OF-WAY LINE OF DEQUINDRE ROAD TO THE POINT OF BEGINNING; THENCE EXTENDING N00°13'25"E 20.00 FEET ALONG THE LEFT, SAID CURVE HAVING A RADIUS OF 44.00 FEET AND A CHORD BEARING 575°15'37"W 22.72 FEET; THENCE 198.77 FEET ALONG A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 76.00 FEET AND A CHORD BEARING N44°46'36"W 146.77 FEET; THENCE 22.98 FEET ALONG A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 44.00 FEET AND A CHORD BEARING N15°11'12"E 22.72 FEET; THENCE N00°13'24"E 71.44 FEET; THENCE S89°43'57"W 20.00 FEET; THENCE 500°13'24"W 71.27 FEET; THENCE 12.54 FEET ALONG A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 24.00 FEET AND A CHORD BEARING S15°11'12"W 12.39 FEET; THENCE 251.08 FEET ALONG A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 96.00 FEET AND A CHORD BEARING S44°46'36"E 185.39 FEET; THENCE 12.54 FEET ALONG A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 24.00 FEET AND A CHORD BEARING N75°15'37"E 12.39 FEET; THENCE S89°46'36"E 310.13 FEET TO THE POINT OF BEGINNING. SUBJECT TO ANY EASEMENTS AND/OR RIGHT OF WAY RECORDED OR OTHERWISE.

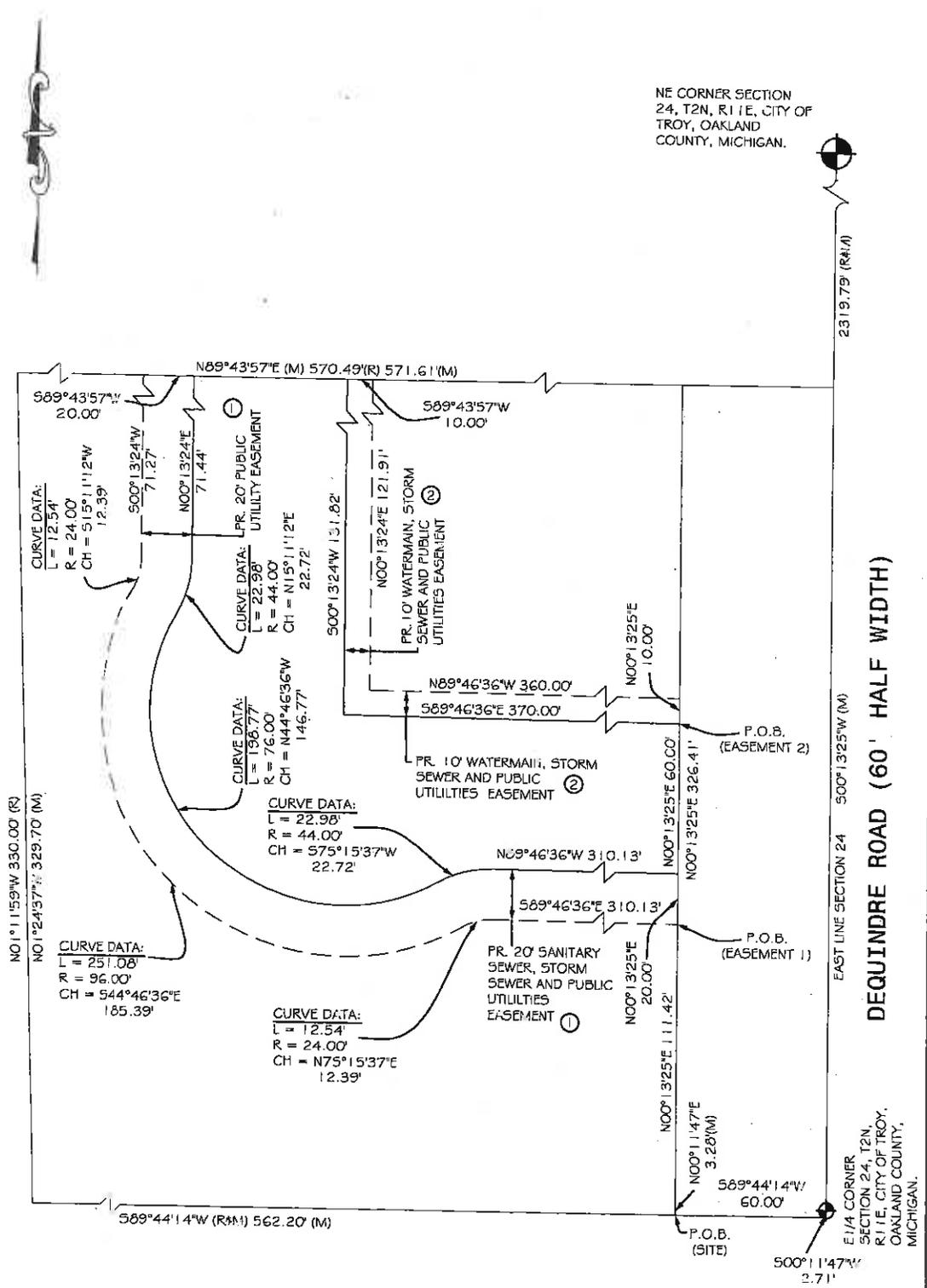
DESCRIPTION OF PUBLIC UTILITY EASEMENT - 2

PART OF THE NORTHEAST 1/4 OF SECTION 24, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE EAST 1/4 CORNER OF SAID SECTION 24; THENCE 500°11'47"W 2.71 FEET ALONG THE EAST LINE OF SECTION 24; THENCE S89°44'14"W 60.00 FEET; THENCE N00°11'47"E 3.28 FEET; THENCE N00°13'25"E 191.42 FEET ALONG THE 60 FOOT RIGHT-OF-WAY LINE OF DEQUINDRE ROAD TO THE POINT OF BEGINNING; THENCE EXTENDING N00°13'25"E 10.00 FEET ALONG THE 60 FOOT RIGHT-OF-WAY LINE OF DEQUINDRE ROAD; THENCE N89°46'36"W 360.00 FEET; THENCE N00°13'24"E 121.91 FEET; THENCE S89°43'57"W 10.00 FEET; THENCE 500°13'24"W 131.82 FEET; THENCE S89°46'36"E 370.00 FEET TO THE POINT OF BEGINNING. SUBJECT TO ANY EASEMENTS AND/OR RIGHT OF WAY RECORDED OR OTHERWISE.

EXHIBIT "A"

SKETCH OF PUBLIC UTILITY EASEMENT

NE CORNER SECTION
24, T2N, R11E, CITY OF
TROY, OAKLAND
COUNTY, MICHIGAN.



DEQUINDRE ROAD (60' HALF WIDTH)

E 1/4 CORNER
SECTION 24, T2N
R11E, CITY OF TROY,
OAKLAND COUNTY,
MICHIGAN.

PERMANENT EASEMENT

Sidwell #88-20-24-226-109 & 111 (pt of)
Resolution #

MONDRIAN PROPERTIES TUSCANY ESTATES, L.L.C., a Michigan limited liability company, Grantor(s), whose address is 50215 Schoenherr Road, Shelby Twp, MI 48315 for and in consideration of the sum of: One and no/100 Dollar (\$1.00) paid by the CITY OF TROY, a Michigan municipal corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, 48084 grants to the Grantee as Land Contract Vendee, the right to construct, operate, maintain, repair and/or replace **clear vision and non-access landscape easement**, said easement for land situated in the City of Troy, Oakland County, Michigan described as:

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

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

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

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

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

MONDRIAN PROPERTIES TUSCANY ESTATES, LLC,
a Michigan limited liability company

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

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 15th day of November, 2012, by Joseph Maniaci, Member, of MONDRIAN PROPERTIES TUSCANY ESTATES, L.L.C., a Michigan limited liability company on behalf of the company.

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

Janet M Parsons
*
Notary Public, OAKLAND County, Michigan

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

Prepared by and when recorded return to:
Larysa Figol
City of Troy
500 W. Big Beaver Road
Troy, MI 48084

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

EXHIBIT "A"

DESCRIPTION OF 25' CLEAR VISION AND NON-ACCESS GREENBELT EASEMENT

DESCRIPTION OF PROPERTY (FROM RECORD)

4.290 ACRE PARCEL

PART OF THE NORTHEAST 1/4 OF SECTION 24, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE EAST 1/4 CORNER OF SAID SECTION 24; THENCE 500°11'47"W 2.71 FEET ALONG THE EAST LINE OF SECTION 24; THENCE S89°44'14"W 60.00 FEET TO THE POINT OF BEGINNING, SAID POINT BEING THE NORTHEAST CORNER OF BEAVER TRAIL SUBDIVISION NO.2 RECORDED IN LIBER 134, PAGE 20-23, OAKLAND COUNTY RECORDS; THENCE EXTENDING S89°44'14"W 562.20 FEET ALONG THE NORTH LINE OF SAID BEAVER TRAIL SUBDIVISION NO.2, TO THE EAST LINE OF BEAVER CREEK SUBDIVISION, RECORDED IN LIBER 224 OF PLATS, PAGES 30-31, OAKLAND COUNTY RECORDS; THENCE N00°11'59"W 330.00 FEET (RECORDED) N01°24'37"W 329.70 FEET (MEASURED) ALONG THE EAST LINE OF SAID BEAVER CREEK SUBDIVISION; THENCE N89°44'14"E 570.49 FEET (RECORDED) N89°43'57"E 571.61 FEET (MEASURED); THENCE 500°13'25"W 330.00 (RECORDED) 326.41 FEET (MEASURED) AND 500°11'47"W 3.28 FEET ALONG THE 60 FOOT RIGHT-OF-WAY LINE OF DEQUINDRE ROAD TO THE POINT OF BEGINNING. CONTAINING 4.290 ACRES OF LAND. SUBJECT TO ANY EASEMENTS AND/OR RIGHT OF WAY RECORDED OR OTHERWISE.

DESCRIPTION OF 25' CLEAR VISION TRIANGLE - 1

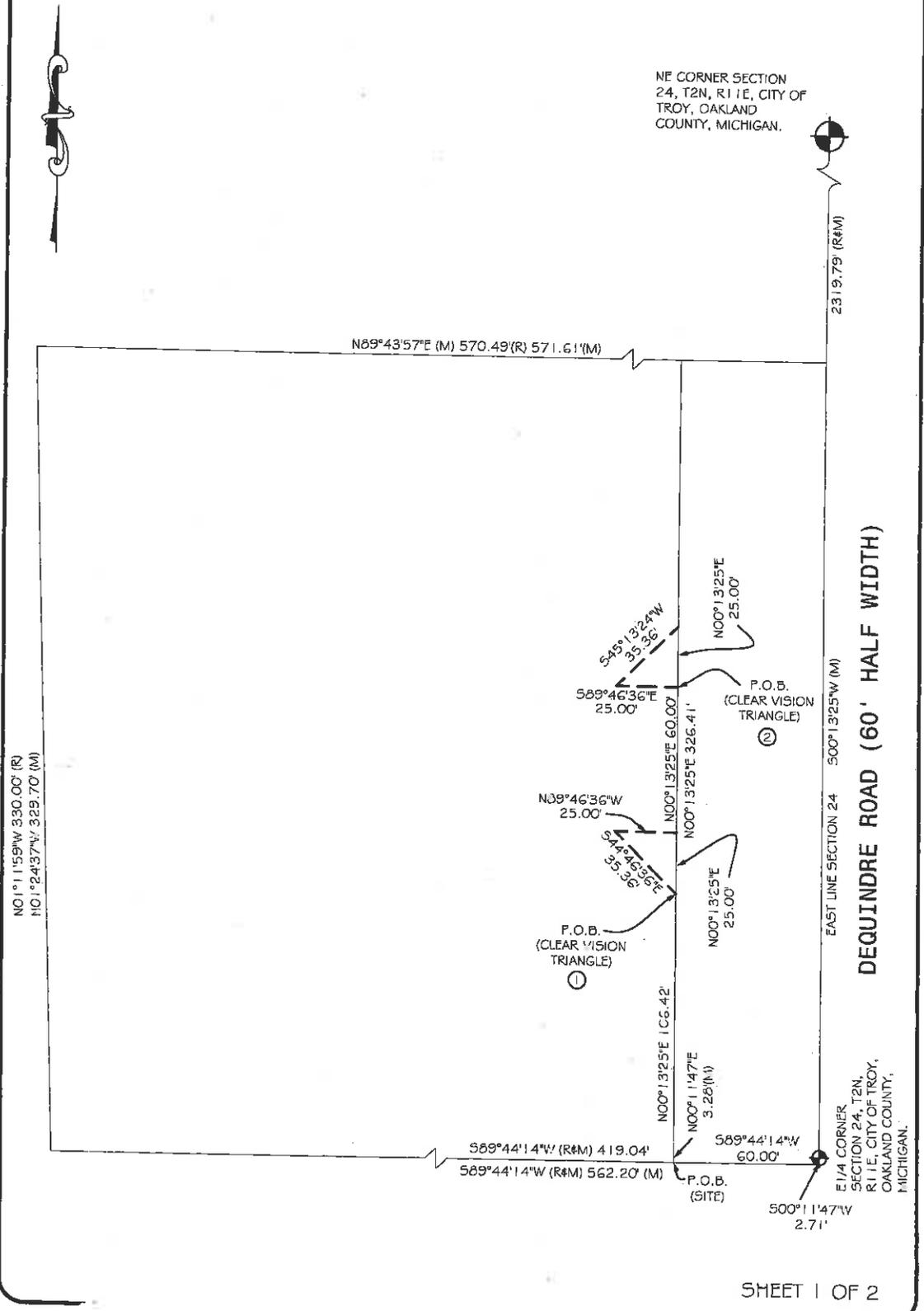
PART OF THE NORTHEAST 1/4 OF SECTION 24, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE EAST 1/4 CORNER OF SAID SECTION 24; THENCE 500°11'47"W 2.71 FEET ALONG THE EAST LINE OF SECTION 24; THENCE S89°44'14"W 60.00 FEET; THENCE N00°11'47"E 3.28 FEET; THENCE N00°13'25"E 106.42 TO THE POINT OF BEGINNING; THENCE EXTENDING N00°13'25"E 25.00 FEET; THENCE N89°46'36"W 25.00 FEET; THENCE S44°46'36"E 35.36 FEET TO THE POINT OF BEGINNING. SUBJECT TO ANY EASEMENTS AND/OR RIGHT OF WAY RECORDED OR OTHERWISE.

DESCRIPTION OF 25' CLEAR VISION TRIANGLE - 2

PART OF THE NORTHEAST 1/4 OF SECTION 24, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE EAST 1/4 CORNER OF SAID SECTION 24; THENCE 500°11'47"W 2.71 FEET ALONG THE EAST LINE OF SECTION 24; THENCE S89°44'14"W 60.00 FEET; THENCE N00°11'47"E 3.28 FEET; THENCE N00°13'25"E 191.42 TO THE POINT OF BEGINNING; THENCE EXTENDING N00°13'25"E 25.00 FEET; THENCE S45°13'24"W 35.36 FEET; THENCE S89°46'36"E 25.00 FEET TO THE POINT OF BEGINNING. SUBJECT TO ANY EASEMENTS AND/OR RIGHT OF WAY RECORDED OR OTHERWISE.

EXHIBIT "A"

SKETCH OF 25' CLEAR VISION AND NON-ACCESS GREENBELT EASEMENT



PERMANENT EASEMENT

Sidwell #88-20-24-226-109 & 111 (pt of)
Resolution #

MONDRIAN PROPERTIES TUSCANY ESTATES, L.L.C., a Michigan limited liability company, Grantor(s), whose address is 50215 Schoenherr Road, Shelby Twp, MI 48315 for and in consideration of the sum of: One and no/100 Dollar (\$1.00) paid by the CITY OF TROY, a Michigan municipal corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, 48084 grants to the Grantee as Land Contract Vendee, the right to construct, operate, maintain, repair and/or replace **non-access greenbelt and landscape easement**, said easement for land situated in the City of Troy, Oakland County, Michigan described as:

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

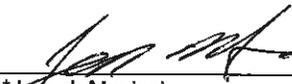
and to enter upon sufficient land adjacent to said improvement(s) for the purpose of the construction, operation, maintenance, repair and/or replacement thereof.

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

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

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

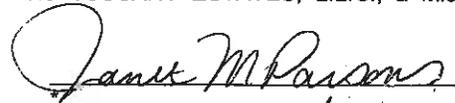
MONDRIAN PROPERTIES TUSCANY ESTATES, LLC,
a Michigan limited liability company

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

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 1st day of November, 2012, by Joseph Maniaci, Member, of MONDRIAN PROPERTIES TUSCANY ESTATES, L.L.C., a Michigan limited liability company on behalf of the company.

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


Notary Public, Oakland County, Michigan

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

Prepared by and when recorded return to:
Larysa Figol
City of Troy
500 W. Big Beaver Road
Troy, MI 48084

EXHIBIT "A"

DESCRIPTION OF LANDSCAPE AND NON-ACCESS
GREENBELT EASEMENT

DESCRIPTION OF PROPERTY (FROM RECORD)
4.290 ACRE PARCEL

PART OF THE NORTHEAST 1/4 OF SECTION 24, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE EAST 1/4 CORNER OF SAID SECTION 24; THENCE 500°11'47"W 2.71 FEET ALONG THE EAST LINE OF SECTION 24; THENCE 589°44'14"W 60.00 FEET TO THE POINT OF BEGINNING, SAID POINT BEING THE NORTHEAST CORNER OF BEAVER TRAIL SUBDIVISION NO.2 RECORDED IN LIBER 134, PAGE 20-23, OAKLAND COUNTY RECORDS; THENCE EXTENDING 589°44'14"W 562.20 FEET ALONG THE NORTH LINE OF SAID BEAVER TRAIL SUBDIVISION NO.2, TO THE EAST LINE OF BEAVER CREEK SUBDIVISION, RECORDED IN LIBER 224 OF PLATS, PAGES 30-31, OAKLAND COUNTY RECORDS; THENCE 000°11'59"W 330.00 FEET (RECORDED) N01°24'37"W 329.79 FEET (MEASURED) ALONG THE EAST LINE OF SAID BEAVER CREEK SUBDIVISION; THENCE N89°44'14"E 570.49 FEET (RECORDED) N89°43'57"E 571.61 FEET (MEASURED); THENCE 500°13'25"W 330.00 (RECORDED) 326.41 FEET (MEASURED) AND 500°11'47"W 3.28 FEET ALONG THE 60 FOOT RIGHT-OF-WAY LINE OF DEQUINDRE ROAD TO THE POINT OF BEGINNING. CONTAINING 4.290 ACRES OF LAND. SUBJECT TO ANY EASEMENTS AND/OR RIGHT OF WAY RECORDED OR OTHERWISE.

DESCRIPTION OF LANDSCAPE EASEMENT - 1

PART OF THE NORTHEAST 1/4 OF SECTION 24, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE EAST 1/4 CORNER OF SAID SECTION 24; THENCE 500°11'47"W 2.71 FEET ALONG THE EAST LINE OF SECTION 24; THENCE 589°44'14"W 60.00 FEET TO THE POINT OF BEGINNING; THENCE EXTENDING 589°44'14"W 20.00 FEET ALONG THE NORTH LINE OF SAID BEAVER TRAIL SUBDIVISION NO.2, RECORDED IN LIBER 224 OF PLATS, PAGES 30-31, OAKLAND COUNTY RECORDS; THENCE N00°13'25"E 114.87 FEET; THENCE 589°46'36"E 20.00 FEET; THENCE 500°13'25"W 111.42 FEET; THENCE 500°11'47"W 3.28 FEET TO THE POINT OF BEGINNING. SUBJECT TO ANY EASEMENTS AND/OR RIGHT OF WAY RECORDED OR OTHERWISE.

DESCRIPTION OF LANDSCAPE EASEMENT - 2

PART OF THE NORTHEAST 1/4 OF SECTION 24, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE EAST 1/4 CORNER OF SAID SECTION 24; THENCE 500°11'47"W 2.71 FEET ALONG THE EAST LINE OF SECTION 24; THENCE 589°44'14"W 60.00 FEET; THENCE N00°11'47"E 3.28 FEET; THENCE N00°13'25"E 201.42 FEET ALONG THE 60 FOOT RIGHT-OF-WAY LINE OF DEQUINDRE ROAD TO THE POINT OF BEGINNING; THENCE EXTENDING N00°13'25"E 124.99 FEET ALONG THE 60 FOOT RIGHT-OF-WAY LINE OF DEQUINDRE ROAD; THENCE 589°43'57"W 20.00 FEET; THENCE 500°13'25"W 124.82 FEET; THENCE 589°46'36"E 20.00 FEET TO THE POINT OF BEGINNING. SUBJECT TO ANY EASEMENTS AND/OR RIGHT OF WAY RECORDED OR OTHERWISE.

EXHIBIT "A"

SKETCH OF LANDSCAPE AND NON-ACCESS GREENBELT EASEMENT

NE CORNER, SECTION 24, T2N, R11E, CITY OF TROY, OAKLAND COUNTY, MICHIGAN.



2319.79' (R&M)

N89°43'57"E (M) 570.49'(R) 571.61'(M)

N01°11'59"W 330.00' (R)
N01°24'37"W 329.70' (M)

⊙ PR. 20' LANDSCAPE EASEMENT

589°43'57"W 20.00'

500°13'25"W 124.82'
N00°13'25"E 124.99'

589°46'36"E 20.00' P.O.B. (EASEMENT 2)

DEQUINDRE ROAD (60' HALF WIDTH)

EAST LINE SECTION 24 500°13'25"W (M)

⊙ PR. 20' LANDSCAPE EASEMENT

589°46'36"E 20.00'

N00°13'25"E 114.87'
500°13'25"W 111.42'

539°44'14"W (R&M) 20.00'

N00°11'47"E 3.28'(M)

589°44'14"W 60.00'

P.O.B. (SITE) (EASEMENT 1) 500°11'47"W 2.71'

E1/4 CORNER SECTION 24, T2N, R11E, CITY OF TROY, OAKLAND COUNTY, MICHIGAN.

PERMANENT EASEMENT

Sidwell #88-20-24-226-109 & 111 (pt of)
Resolution #

MONDRIAN PROPERTIES TUSCANY ESTATES, L.L.C., a Michigan limited liability company, Grantor(s), whose address is 50215 Schoenherr Road, Shelby Twp, MI 48315 for and in consideration of the sum of: One and no/100 Dollar (\$1.00) paid by the CITY OF TROY, a Michigan municipal corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, 48084 grants to the Grantee as Land Contract Vendee, the right to construct, operate, maintain, repair and/or replace **sanitary sewer**, said easement for land situated in the City of Troy, Oakland County, Michigan described as:

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

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

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

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

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

MONDRIAN PROPERTIES TUSCANY ESTATES, LLC,
a Michigan limited liability company

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

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 1st day of November, 2012, by Joseph Maniaci, Member, of MONDRIAN PROPERTIES TUSCANY ESTATES, L.L.C., a Michigan limited liability company on behalf of the company.

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

Janet M Parsons
Notary Public, _____ County, Michigan

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

Prepared by and when recorded return to:
Larysa Figoi
City of Troy
500 W. Big Beaver Road
Troy, MI 48064

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

EXHIBIT "A"

DESCRIPTION OF SANITARY SEWER EASEMENT

DESCRIPTION OF PROPERTY (FROM RECORD)

4.290 ACRE PARCEL

PART OF THE NORTHEAST 1/4 OF SECTION 24, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE EAST 1/4 CORNER OF SAID SECTION 24; THENCE 500°11'47"W 2.71 FEET ALONG THE EAST LINE OF SECTION 24; THENCE 589°44'14"W 60.00 FEET TO THE POINT OF BEGINNING, SAID POINT BEING THE NORTHEAST CORNER OF BEAVER TRAIL SUBDIVISION NO.2 RECORDED IN LIBER 134, PAGE 20-23, OAKLAND COUNTY RECORDS; THENCE EXTENDING 589°44'14"W 562.20 FEET ALONG THE NORTH LINE OF SAID BEAVER TRAIL SUBDIVISION NO.2, TO THE EAST LINE OF BEAVER CREEK SUBDIVISION, RECORDED IN LIBER 224 OF PLATS, PAGES 30-31, OAKLAND COUNTY RECORDS; THENCE 100°11'59"W 330.00 FEET (RECORDED) NO1°24'37"W 329.70 FEET (MEASURED) ALONG THE EAST LINE OF SAID BEAVER CREEK SUBDIVISION; THENCE N89°43'57"E 571.61 FEET (MEASURED); THENCE 500°13'25"W 330.00 (RECORDED) 326.41 FEET (MEASURED) AND 500°11'47"W 3.28 FEET ALONG THE 60 FOOT RIGHT-OF-WAY LINE OF DEQUINDRE ROAD TO THE POINT OF BEGINNING, CONTAINING 4.290 ACRES OF LAND, SUBJECT TO ANY EASEMENTS AND/OR RIGHT OF WAY RECORDED OR OTHERWISE.

DESCRIPTION OF SANITARY SEWER EASEMENT-1

PART OF THE NORTHEAST 1/4 OF SECTION 24, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE EAST 1/4 CORNER OF SAID SECTION 24; THENCE 500°11'47"W 2.71 FEET ALONG THE EAST LINE OF SECTION 24; THENCE 589°44'14"W 60.00 FEET; THENCE N00°11'47"E 3.28 FEET; THENCE N00°13'25"E 201.42 TO THE POINT OF BEGINNING 1; THENCE EXTENDING N00°13'25"E 124.99 FEET; THENCE 589°43'57"W 20.00 FEET; THENCE 500°13'25"W 124.82 FEET; THENCE 589°46'36"E 20.00 FEET TO THE POINT OF BEGINNING 1. SUBJECT TO ANY EASEMENTS AND/OR RIGHT OF WAY RECORDED OR OTHERWISE.

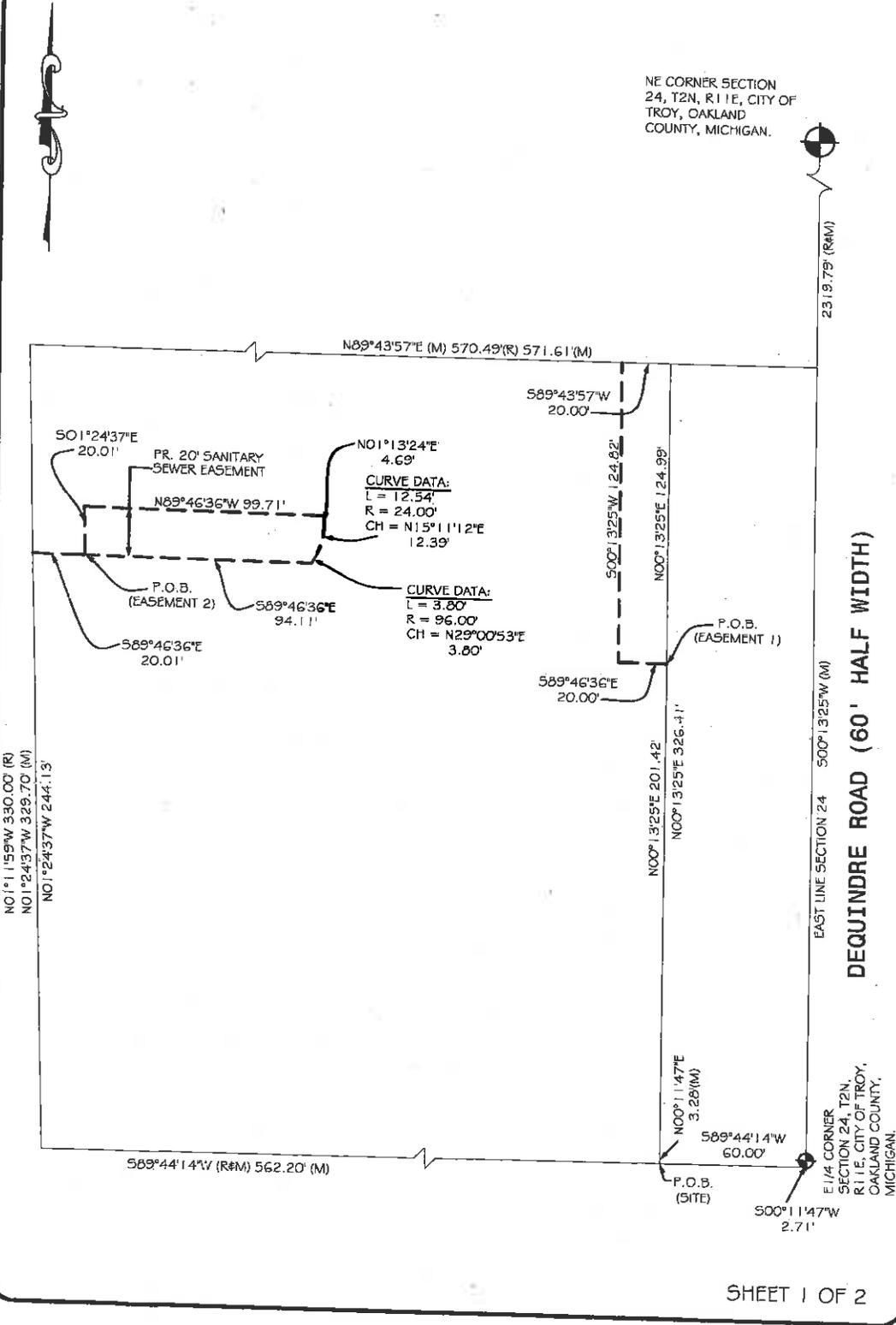
DESCRIPTION OF SANITARY SEWER EASEMENT-2

PART OF THE NORTHEAST 1/4 OF SECTION 24, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE EAST 1/4 CORNER OF SAID SECTION 24; THENCE 500°11'47"W 2.71 FEET ALONG THE EAST LINE OF SECTION 24; THENCE 589°44'14"W 60.00 FEET; THENCE EXTENDING 589°44'14"W 562.20 FEET ALONG THE NORTH LINE OF SAID BEAVER TRAIL SUBDIVISION NO.2, TO THE EAST LINE OF BEAVER CREEK SUBDIVISION, RECORDED IN LIBER 224 OF PLATS, PAGES 30-31, OAKLAND COUNTY RECORDS; THENCE N01°24'37"W 244.13 FEET ALONG THE EAST LINE OF SAID BEAVER CREEK SUBDIVISION; THENCE 589°46'36"E 20.01 FEET TO THE POINT OF BEGINNING 2; THENCE EXTENDING 589°46'36"E 94.11 FEET; THENCE 3.80 FEET ALONG A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 96.00 FEET AND A CHORD BEARING N29°00'53"E 3.80 FEET; THENCE 12.54 FEET ALONG A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 24.00 FEET AND A CHORD BEARING N15°11'12"E 12.39 FEET; THENCE N01°13'24"E 4.69 FEET; THENCE N89°46'36"W 99.71 FEET; THENCE S01°24'37"E 20.01 FEET TO THE POINT OF BEGINNING 2. SUBJECT TO ANY EASEMENTS AND/OR RIGHT OF WAY RECORDED OR OTHERWISE.

EXHIBIT "A"

SKETCH OF SANITARY SEWER EASEMENT

NE CORNER SECTION
24, T2N, R11E, CITY OF
TROY, OAKLAND
COUNTY, MICHIGAN.



DEQUINDRE ROAD (60' HALF WIDTH)

E 1/4 CORNER
SECTION 24, T2N,
R11E, CITY OF TROY,
OAKLAND COUNTY,
MICHIGAN.

Right of Way, Model 11/5/2012 9:27:23 AM

PERMANENT EASEMENT

Sidwell #88-20-24-226-109 & 111 (pt of) Resolution #

MONDRIAN PROPERTIES TUSCANY ESTATES, L.L.C., a Michigan limited liability company, Grantor(s), whose address is 50215 Schoenherr Road, Shelby Twp, MI 48315 for and in consideration of the sum of: One and no/100 Dollar (\$1.00) paid by the CITY OF TROY, a Michigan municipal corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, 48084 grants to the Grantee as Land Contract Vendee, the right to construct, operate, maintain, repair and/or replace storm sewer and surface drainage, said easement for land situated in the City of Troy, Oakland County, Michigan described as:

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

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

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

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

IN WITNESS WHEREOF, the undersigned hereunto affixed 1 signature(s) this 10th day of November A.D. 2012.

MONDRIAN PROPERTIES TUSCANY ESTATES, LLC, a Michigan limited liability company

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

STATE OF MICHIGAN) COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 15th day of November, 2012, by Joseph Maniaci, Member, of MONDRIAN PROPERTIES TUSCANY ESTATES, L.L.C., a Michigan limited liability company on behalf of the company.

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

[Signature] Notary Public, Oakland County, Michigan

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

Prepared by and when recorded return to: Larisa Figol City of Troy 500 W. Big Beaver Road Troy, MI 48084

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

EXHIBIT "A"

DESCRIPTION OF STORM SEWER EASEMENT

DESCRIPTION OF PROPERTY (FROM RECORD)

4.290 ACRE PARCEL

PART OF THE NORTHEAST 1/4 OF SECTION 24, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE EAST 1/4 CORNER OF SAID SECTION 24; THENCE 500°11'47"W 2.71 FEET ALONG THE EAST LINE OF SECTION 24; THENCE 589°44'14"W 60.00 FEET TO THE POINT OF BEGINNING, SAID POINT BEING THE NORTHEAST CORNER OF BEAVER TRAIL SUBDIVISION NO.2 RECORDED IN LIBER 134, PAGE 20-23, OAKLAND COUNTY RECORDS; THENCE EXTENDING 589°44'14"W 562.20 FEET ALONG THE NORTH LINE OF SAID BEAVER TRAIL SUBDIVISION NO.2, TO THE EAST LINE OF BEAVER CREEK SUBDIVISION, RECORDED IN LIBER 224 OF PLATS, PAGES 30-31, OAKLAND COUNTY RECORDS; THENCE N00°11'59"W 330.00 FEET (RECORDED) NO1°24'37"W 329.70 FEET (MEASURED) ALONG THE EAST LINE OF SAID BEAVER CREEK SUBDIVISION; THENCE N89°43'57"E 570.49 FEET (RECORDED) N89°43'57"E 571.61 FEET (MEASURED); THENCE 500°13'25"W 330.00 (RECORDED) 326.41 FEET (MEASURED) AND 500°11'47"W 3.28 FEET ALONG THE 60 FOOT RIGHT-OF-WAY LINE OF DEQUINDRE ROAD TO THE POINT OF BEGINNING, CONTAINING 4.290 ACRES OF LAND, SUBJECT TO ANY EASEMENTS AND/OR RIGHT OF WAY RECORDED OR OTHERWISE.

DESCRIPTION OF STORM SEWER EASEMENT - 1

PART OF THE NORTHEAST 1/4 OF SECTION 24, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE EAST 1/4 CORNER OF SAID SECTION 24; THENCE 500°11'47"W 2.71 FEET ALONG THE EAST LINE OF SECTION 24; THENCE 589°44'14"W 60.00 FEET; THENCE EXTENDING 589°44'14"W 562.20 FEET ALONG THE NORTH LINE OF SAID BEAVER TRAIL SUBDIVISION NO.2, TO THE EAST LINE OF BEAVER CREEK SUBDIVISION, RECORDED IN LIBER 224 OF PLATS, PAGES 30-31, OAKLAND COUNTY RECORDS; THENCE NO1°24'37"W 189.09 FEET ALONG THE EAST LINE OF SAID BEAVER CREEK SUBDIVISION TO THE POINT OF BEGINNING 1; THENCE EXTENDING NO1°24'37"W 20.84 FEET; THENCE 536°34'33"E 34.73 FEET; THENCE NO1°24'37"W 147.76 FEET; THENCE N89°43'57"E 101.59 FEET; THENCE S01°13'24"W 12.00 FEET; THENCE 589°43'57"W 89.24 FEET; THENCE S01°24'37"E 139.28 FEET; THENCE N89°46'36"W 24.54 FEET; THENCE N36°34'33"W 12.98 FEET TO THE POINT OF BEGINNING 1, SUBJECT TO ANY EASEMENTS AND/OR RIGHT OF WAY RECORDED OR OTHERWISE.

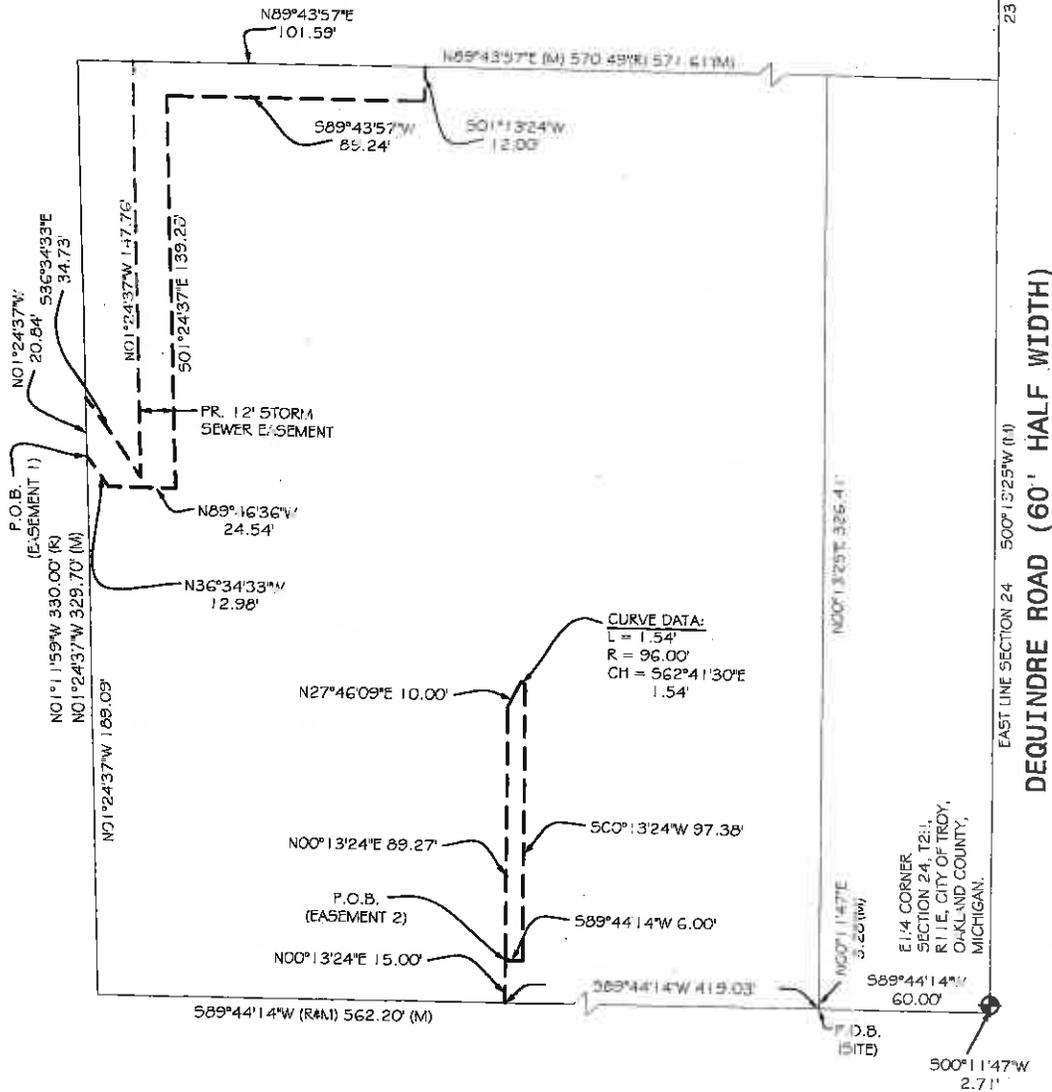
DESCRIPTION OF STORM SEWER EASEMENT -2

PART OF THE NORTHEAST 1/4 OF SECTION 24, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE EAST 1/4 CORNER OF SAID SECTION 24; THENCE 500°11'47"W 2.71 FEET ALONG THE EAST LINE OF SECTION 24; THENCE 589°44'14"W 60.00 FEET; THENCE EXTENDING 589°44'14"W 419.03 FEET ALONG THE NORTH LINE OF SAID BEAVER TRAIL SUBDIVISION NO.2, TO THE EAST LINE OF BEAVER CREEK SUBDIVISION, RECORDED IN LIBER 224 OF PLATS, PAGES 30-31, OAKLAND COUNTY RECORDS; THENCE N00°13'24"E 15.00 FEET TO THE POINT OF BEGINNING 2; THENCE EXTENDING N00°13'24"E 89.27 FEET; THENCE N27°46'09"E 10.00 FEET; THENCE 1.54 FEET ALONG A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 96.00 FEET AND A CHORD BEARING S62°41'30"E 1.54 FEET; THENCE 500°13'24"W 97.38 FEET; THENCE 589°44'14"W 6.00 FEET TO THE POINT OF BEGINNING 2, SUBJECT TO ANY EASEMENTS AND/OR RIGHT OF WAY RECORDED OR OTHERWISE.

EXHIBIT "A"

SKETCH OF STORM SEWER EASEMENT

NE CORNER SECTION
24, T2N, R11E, CITY OF
TROY, OAKLAND
COUNTY, MICHIGAN.



PERMANENT EASEMENT

Sidwell #88-20-24-226-109 & 111 (pt of)
Resolution #

MONDRIAN PROPERTIES TUSCANY ESTATES, L.L.C., a Michigan limited liability company, Grantor(s), whose address is 50215 Schoenherr Road, Shelby Twp, MI 48315 for and in consideration of the sum of: One and no/100 Dollar (\$1.00) paid by the CITY OF TROY, a Michigan municipal corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, 48084 grants to the Grantee as Land Contract Vendee, the right to construct, operate, maintain, repair and/or replace **grading easement**, said easement for land situated in the City of Troy, Oakland County, Michigan described as:

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

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

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

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

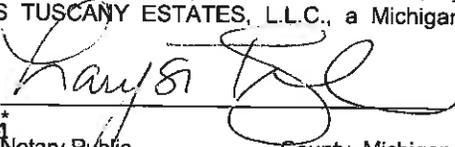
IN WITNESS WHEREOF, the undersigned hereunto affixed 1 signature(s) this Nov day of November A.D. 2012.

MONDRIAN PROPERTIES TUSCANY ESTATES, LLC,
a Michigan limited liability company

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

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 1st day of November, 2012, by Joseph Maniaci, Member, of MONDRIAN PROPERTIES TUSCANY ESTATES, L.L.C., a Michigan limited liability company on behalf of the company.

LARYSA FIGOL 
Notary Public, Oakland County, Michigan* Notary Public, _____ County, Michigan
Acting in Oakland County, Michigan
My Commission Expires 03/02/2018 Commission Expires on _____
Acting in the County of _____, Michigan

Prepared by and when recorded return to:
Larysa Figol
City of Troy
500 W. Big Beaver Road
Troy, MI 48084

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

EXHIBIT "A"

DESCRIPTION OF GRADING EASEMENT

DESCRIPTION OF PROPERTY (FROM RECORD)

4.290 ACRE PARCEL

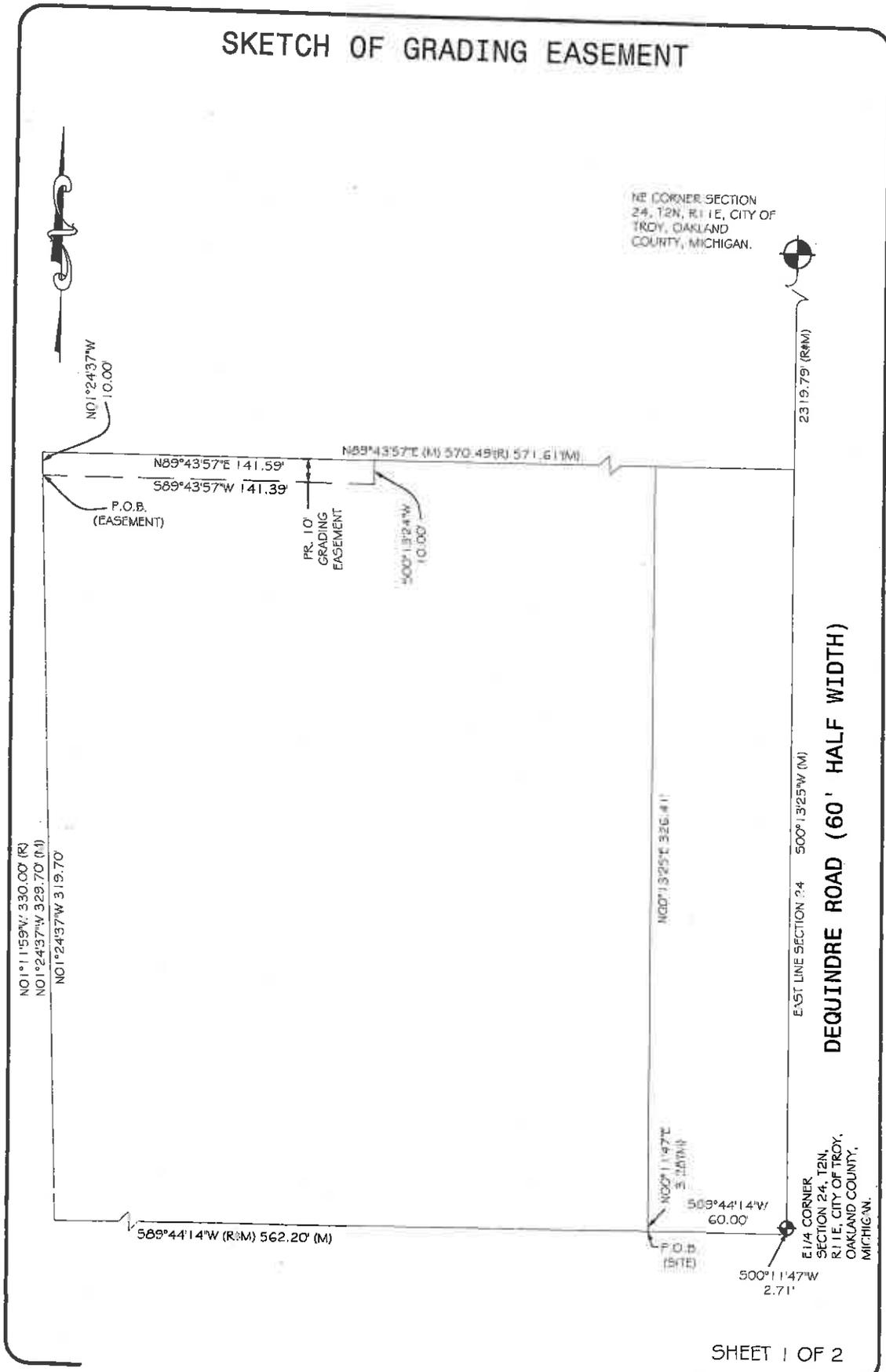
PART OF THE NORTHEAST 1/4 OF SECTION 24, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE EAST 1/4 CORNER OF SAID SECTION 24; THENCE $500^{\circ}11'47''$ W 2.71 FEET ALONG THE EAST LINE OF SECTION 24; THENCE $589^{\circ}44'14''$ W 60.00 FEET TO THE POINT OF BEGINNING, SAID POINT BEING THE NORTHEAST CORNER OF BEAVER TRAIL SUBDIVISION NO.2 RECORDED IN LIBER 134, PAGE 20-23, OAKLAND COUNTY RECORDS; THENCE EXTENDING $589^{\circ}44'14''$ W 562.20 FEET ALONG THE NORTH LINE OF SAID BEAVER TRAIL SUBDIVISION NO.2, TO THE EAST LINE OF BEAVER CREEK SUBDIVISION, RECORDED IN LIBER 224 OF PLATS, PAGES 30-31, OAKLAND COUNTY RECORDS; THENCE $000^{\circ}11'59''$ W 330.00 FEET (RECORDED) $01^{\circ}24'37''$ W 329.70 FEET (MEASURED) ALONG THE EAST LINE OF SAID BEAVER CREEK SUBDIVISION; THENCE $000^{\circ}13'25''$ W 330.00 (RECORDED) 326.41 FEET (MEASURED) AND $500^{\circ}11'47''$ W 3.28 FEET ALONG THE 60 FOOT RIGHT-OF-WAY LINE OF DEQUINDRE ROAD TO THE POINT OF BEGINNING, CONTAINING 4.290 ACRES OF LAND, SUBJECT TO ANY EASEMENTS AND/OR RIGHT OF WAY RECORDED OR OTHERWISE.

DESCRIPTION OF GRADING EASEMENT

PART OF THE NORTHEAST 1/4 OF SECTION 24, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE EAST 1/4 CORNER OF SAID SECTION 24; THENCE $500^{\circ}11'47''$ W 2.71 FEET ALONG THE EAST LINE OF SECTION 24; THENCE $589^{\circ}44'14''$ W 60.00 FEET; THENCE EXTENDING $589^{\circ}44'14''$ W 562.20 FEET ALONG THE NORTH LINE OF SAID BEAVER TRAIL SUBDIVISION NO.2, TO THE EAST LINE OF BEAVER CREEK SUBDIVISION, RECORDED IN LIBER 224 OF PLATS, PAGES 30-31, OAKLAND COUNTY RECORDS; THENCE $01^{\circ}24'37''$ W 319.70 FEET ALONG THE EAST LINE OF SAID BEAVER CREEK SUBDIVISION TO THE POINT OF BEGINNING; THENCE EXTENDING $01^{\circ}24'37''$ W 10.00 FEET; THENCE $089^{\circ}43'57''$ E 141.59 FEET; THENCE $500^{\circ}13'24''$ W 10.00 FEET; THENCE $589^{\circ}43'57''$ W 141.39 FEET TO THE POINT OF BEGINNING. SUBJECT TO ANY EASEMENTS AND/OR RIGHT OF WAY RECORDED OR OTHERWISE.

EXHIBIT "A"

SKETCH OF GRADING EASEMENT





CITY COUNCIL AGENDA ITEM

Date: December 4, 2012

To: Brian Kischnik, City Manager

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

Subject: Request to Abandon an Existing Detention Basin and Accept a Warranty Deed and Quit Claim Deed for Tuscany Estates Site Condominiums – Sidwell #88-20-24-226-110

Background

In 2005 the Troy City Council accepted a Warranty Deed for a detention basin from Heatherwood Homes, Inc, as part of the Beaver Creek Subdivision development located in Section 24. The warranty deed was recorded with Oakland County Register of Deeds in Liber 35251 Page 679. The detention basin is identified with the Sidwell # 88-20-24-226-010.

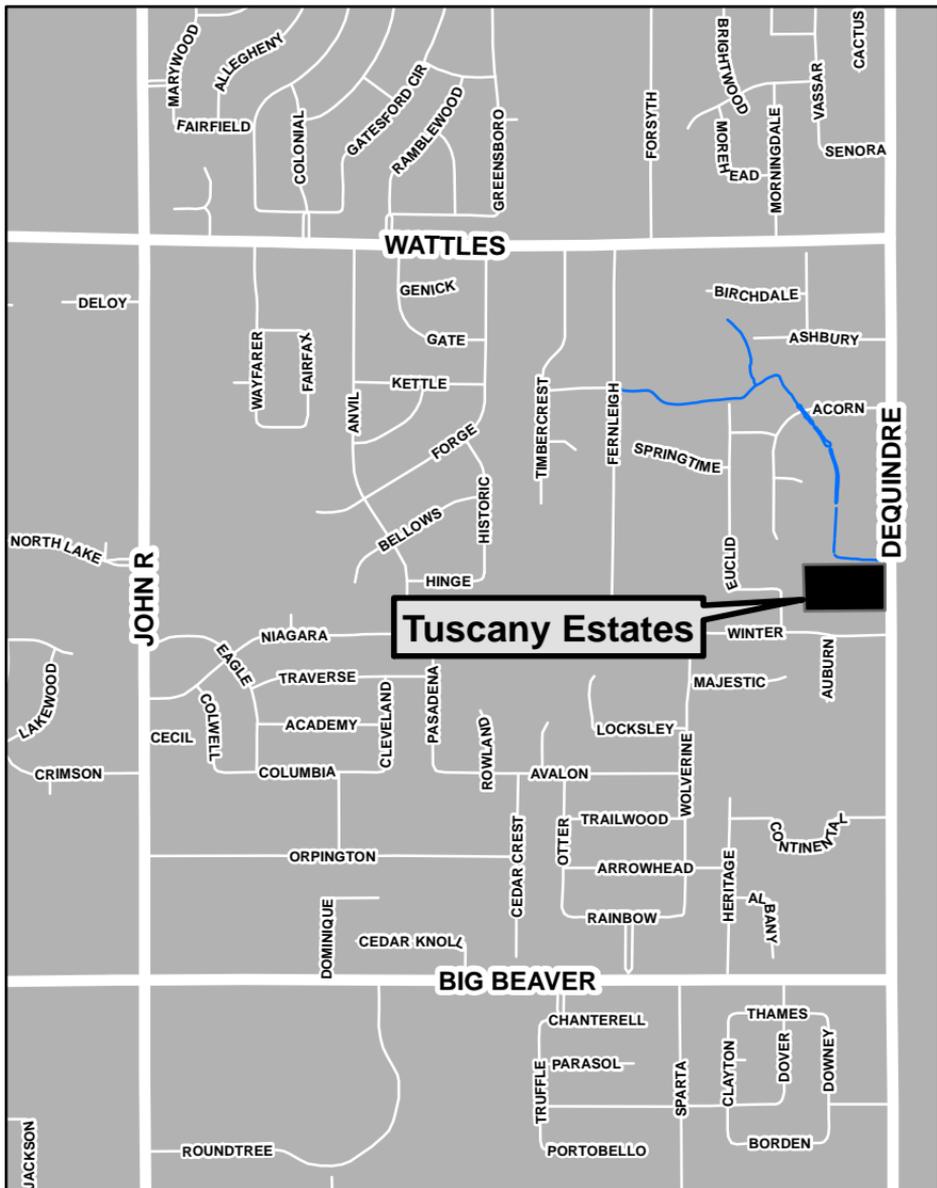
The City of Troy recently approved plans for a proposed site Condominiums to be developed adjacent to the Beaver Creek Subdivision. The plans reconfigure the current detention pond area necessitating a new legal description.

To ensure that the correct legal description for detention purposes is recorded and vested with the City of Troy, city staff recommends that the current detention basin property identified with the Sidwell #88-20-24-226-110 be abandoned and the real estate interest be conveyed back to Heatherwood Homes, Inc., the fee simple owner of the property on which the new Tuscany Estates Site Condominiums will be developed. In turn, Heatherwood Homes, Inc. has provided the City of Troy with a warranty deed for the new and redesigned detention basin that will serve both the Beaver Creek Subdivision and the new Tuscany Estates Site Condominiums.

Additionally, Mondrian Properties Tuscany Estates, LLC, the site Condominiums developer, entered into a land contract with Heatherwood Homes, Inc. to purchase the 2 parcels identified with Sidwell #88-20-24-226-109 & 111. As the land contract vendee, Mondrian Properties Tuscany Estates, LLC has provided the City of Troy with a quit claim deed conveying any equity interest in the proposed detention area site that it may hold.

Recommendation

City Management recommends that City Council convey its fee interest ownership in the current parcel identified with Sidwell #88-20-24-226-110 by means of a quit claim deed and in its place accept a new warranty deed for the redesigned detention basin from Heatherwood Homes, Inc., and a quit claim deed from Mondrian Properties Tuscany Estates, LLC, the land contract holder and developer of the site Condominiums.



Section 24, T2N,
R11E, City of Troy,
Oakland County, MI

LOCATION MAP





Legend

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

1:1,443



Notes

Tuscany Estates Site Condominiums



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

QUIT CLAIM DEED

Sidwell # 20-24-226-010
Resolution #

The Grantor, **CITY OF TROY**, a Michigan municipal corporation whose address is 500 West Big Beaver, Troy, MI 48084 quit claims to **Heatherwood Homes, Inc.** a Michigan corporation, whose address is 50466 Heatherwood Lane, Shelby Twp, MI 48317, the following described premises situated in the City of Troy, County of Oakland and State of Michigan as previously recorded in Liber 35251 Page 679 a copy of which is attached hereto (Exhibit "A"):

A parcel of land located in and being part of the East ¼ of Section 24, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan and being more particularly described as beginning at a point on the East and West ¼ line of said Section 24, a distance of 622.48 feet North 89 degrees 22 minutes West of the East ¼ post of said Section 24; thence North 01 degrees 11 minutes 59 seconds West 199.40 feet; thence North 89 degrees 44 minutes 14 seconds East 180.00 feet; thence South 01 degrees 11 minutes 59 seconds East 207.96 feet; thence South 89 degrees 44 minutes 14 seconds West 180.00 feet along the North Line of "Beaver Trail Sub. No. 2" as recorded in Liber 134 of Plats, on pages 20, 21, 22 and 23 of the Oakland County Records, thence North 01 degrees 11 minutes 59 seconds West 8.56 feet to the point of beginning. Containing 0.86 of one acre of land.

For the sum of One Dollar (\$ 1.00)

Dated this _____ day of December, 2012.

CITY OF TROY
a Michigan municipal corporation

By _____
* Dane M. Slater, Mayor

By _____
* M. Aileen Bittner, City Clerk

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this _____ day of December, 2012, by Dane M. Slater, Mayor and M. Aileen Bittner, City Clerk of The City of Troy, a Michigan municipal corporation, on behalf of the municipal corporation.

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

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

Tax Parcel # 88-20-24-226-110 Recording Fee _____ Transfer Tax _____

EXHIBIT "A"

WARRANTY DEED FOR CORPORATION - 862

LIBER 35251 PG 679

The Grantor Heatherwood Homes, Inc. a Michigan corporation, whose address is 50507 Heatherwood Lane, Utica, Michigan 48317 conveys and warrants to City of Troy, a Municipal Corporation whose address is 500 West Big Beaver Road, Troy, MI 48084

(88-20-24-226-043) (89-20-24-226-044) (now pt of 20-24-226-050 & pt of 20-24-226-051)

the following described premises situated in the City of Troy County of Oakland and State of Michigan:

A parcel of land located in and being a part of the East 1/2 of Section 24, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan and being more particularly described as beginning at a point on the East and West 1/4 line of said Section 24, a distance of 622.48 feet North 89 degrees 22 minutes West of the East 1/4 post of said Section 24; thence North 01 degrees 11 minutes 59 seconds West 199.40 feet; thence North 89 degrees 44 minutes 14 seconds East 180.00 feet; thence South 01 degrees 11 minutes 59 seconds East 207.96 feet; thence South 89 degrees 44 minutes 14 seconds West 180.00 feet along the North line of "BEAVER TRAIL SUB. NO. 2" as recorded in Liber 134 of Plats, on pages 20, 21, 22 and 23 of the Oakland County Records, thence North 01 degrees 11 minutes 59 seconds West 8.56 feet to the point of beginning. Containing 0.86 of one acre of land.

for the sum of One Dollar (\$1.00)

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

OAKLAND COUNTY REGISTER OF DEEDS LIBER 35251, PAGE 679 2005 \$13.00 DEED & COMBINED \$4.00 REMUNERATION 04/04/2005 03:00:28; RECEIPT# 35742

Dated this 11th day of November 19 92

Signed in presence of:

Patricia A. Petitto Patricia A. Petitto

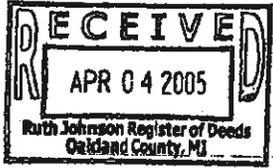
Coletta M. Teifke Coletta M. Teifke

PAID RECORDED OAKLAND COUNTY REGISTER OF DEEDS GRANTOR

By Richard W. Mavis President Its Anthony Fanelli Vice President

STATE OF MICHIGAN, } COUNTY OF OAKLAND } SS.

The foregoing instrument was acknowledged before me this 11th day of November 19 92 by Richard W. Mavis and Anthony Fanelli the President and Vice President of Heatherwood Homes, Inc. a Michigan corporation, on behalf of the corporation.



Patricia A. Petitto Notary Public, Macomb County, Michigan, Acting in Oakland County, Michigan My commission expires: 3-30-93

County Treasurer's Certificate City Treasurer's Certificate

When Recorded Return To: City Clerk, City of Troy 500 West Big Beaver Road Troy, Michigan 48084 Send Subsequent Tax Bills To: Drafted By: Patricia A. Petitto Business Address: 500 West Big Beaver Rd. Troy, Michigan 48084

Tax Parcel # Recording Fee Transfer Tax

* TYPE OR PRINT NAMES UNDER SIGNATURES.

WARRANTY DEED

The Grantor(s) HEATHERWOOD HOMES, INC., a Michigan corporation, whose address is: 50466 Heatherwood Lane, Shelby Twp., MI 48317 convey(s) and warrant(s) to the CITY OF TROY, a Michigan municipal corporation, Grantee, whose address is 500 West Big Beaver Road., Troy, Michigan 48084, the following described premises situated in the City of Troy, County of Oakland and State of Michigan:

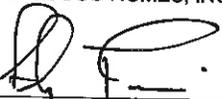
SEE EXHIBIT "A" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF

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

Subject to easements and building and use restrictions of record

Dated this 30 day of November, 2012.

HEATHERWOOD HOMES, INC., a Michigan corporation

By  (L.S.)
 *Anthony Fanelli,
 Its President

By  (L.S.)
 Richard Mavis,
 Its Vice President

STATE OF MICHIGAN)
 COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 30 day of November, 2012, by Anthony Fanelli, President and Richard Mavis, Vice President of Heatherwood Homes, Inc. a Michigan corporation on behalf of said corporation.

BARBARA LEE BAUER
 Notary Public, State of Michigan
 County of Macomb
 My Commission Expires 12/31/2013
 Notary in County of Macomb


 Notary Public, Macomb County, Michigan
 My Commission Expires on 12/31/2013
 Acting in the County of Macomb, Michigan

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

Tax Parcel #88-20-24-226-110 Recording Fee _____ Transfer Tax _____

EXHIBIT "A"

DESCRIPTION OF DETENTION POND AREA DEEDED TO
THE CITY OF TROY

DESCRIPTION OF PROPERTY (FROM RECORD)
4.290 ACRE PARCEL

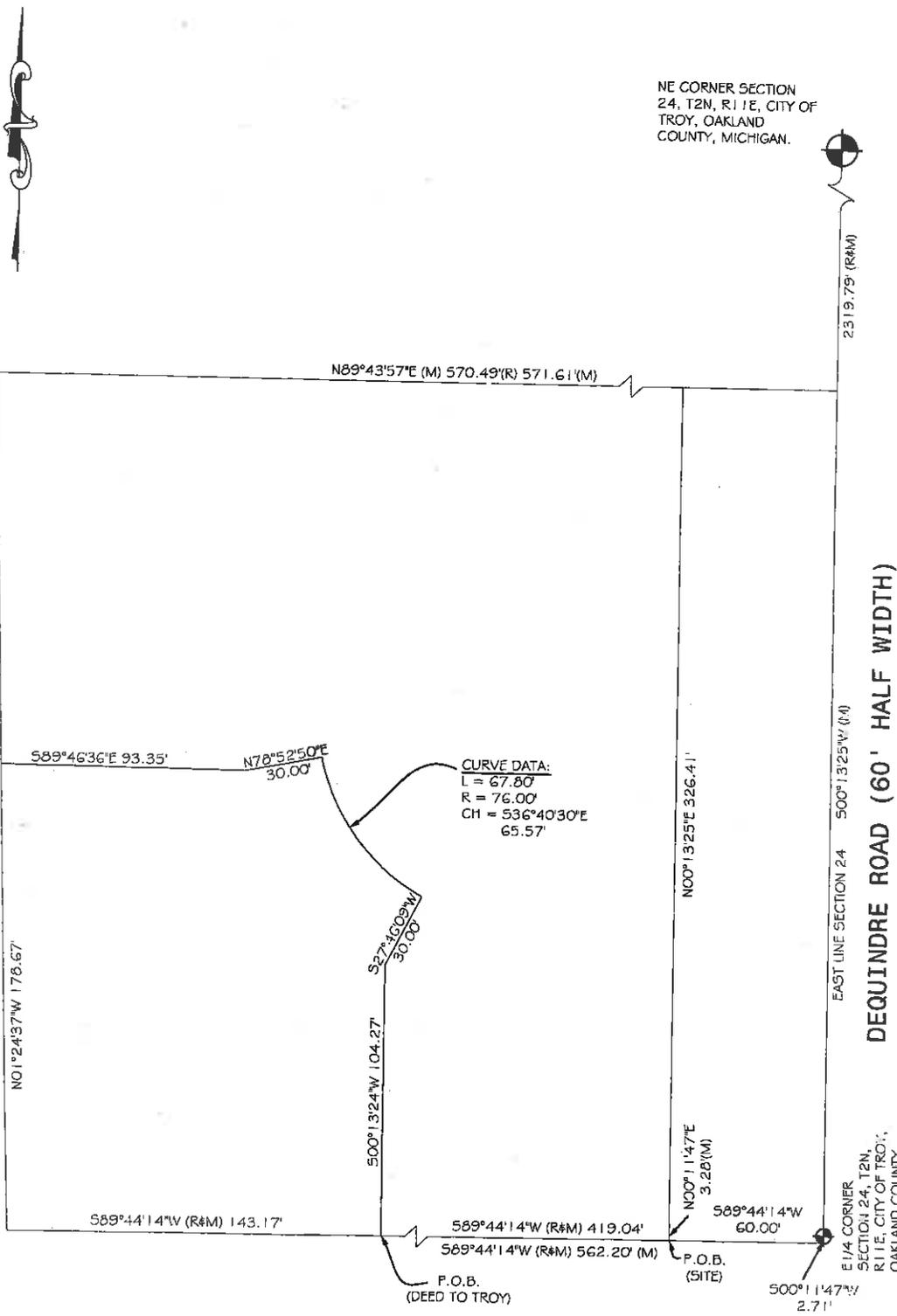
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DESCRIPTION OF DETENTION POND AREA DEEDED TO THE CITY OF TROY

PART OF THE NORTHEAST 1/4 OF SECTION 24, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE EAST 1/4 CORNER OF SAID SECTION 24; THENCE 500°11'47"W 2.71 FEET ALONG THE EAST LINE OF SECTION 24; THENCE S89°44'14"W 479.04 FEET ALONG THE NORTH LINE OF SAID BEAVER TRAIL SUBDIVISION NO.2, RECORDED IN LIBER 224 OF PLATS, PAGES 30-31, OAKLAND COUNTY RECORDS TO THE POINT OF BEGINNING; THENCE EXTENDING S89°44'14"W 143.17 FEET; THENCE N01°24'37"W 178.67 FEET ALONG THE EAST LINE OF SAID BEAVER CREEK SUBDIVISION; THENCE S89°46'36"E 93.35 FEET; THENCE N78°52'50"E 30.00 FEET; THENCE 67.80 FEET ALONG A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 76.00 FEET AND A CHORD BEARING S36°40'30"E 65.57 FEET; THENCE S27°46'09"W 30.00 FEET; THENCE 500°13'24"W 104.27 FEET TO THE POINT OF BEGINNING. SUBJECT TO ANY EASEMENTS AND/OR RIGHT OF WAY RECORDED OR OTHERWISE.

EXHIBIT "A"

SKETCH OF DETENTION POND AREA DEEDED TO THE CITY OF TROY



QUIT CLAIM DEED

Sidwell #88-20-24-226-110 (pt of)
Resolution #

The Grantor(s), MONDRIAN PROPERTIES TUSCANY ESTATES, L.L.C., a Michigan limited liability company, Grantor(s), whose address is 50215 Schoenherr Road, Shelby Twp, MI 48315 quit claims to the City of Troy, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver, Troy, MI 48084, all right, title and interest it has as Land Contract Vendee, the following described premises situated in the City of Troy, County of Oakland and State of Michigan:

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

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

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

Dated this 11th day of December, 2012.

MONDRIAN PROPERTIES TUSCANY ESTATES, LLC,
a Michigan limited liability company

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

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 11th day of December, 2012, by Joseph Maniaci, Member, of MONDRIAN PROPERTIES TUSCANY ESTATES, L.L.C., a Michigan limited liability company on behalf of the company.

[Signature]
* LARYSA FIGOL
Notary Public, Oakland County, MI
My commission expires: 3-2-2018
Acting in Macomb County, MI

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

Tax Parcel #88-20-24-226-110 (pt of) Recording Fee _____ Transfer Tax _____

*TYPE OR PRINT NAMES UNDER SIGNATURES

EXHIBIT "A"

DESCRIPTION OF DETENTION POND AREA DEEDED TO
THE CITY OF TROY

DESCRIPTION OF PROPERTY (FROM RECORD)
4.290 ACRE PARCEL

PART OF THE NORTHEAST 1/4 OF SECTION 24, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE EAST 1/4 CORNER OF SAID SECTION 24; THENCE $500^{\circ}11'47''W$ 2.71 FEET ALONG THE EAST LINE OF SECTION 24; THENCE $589^{\circ}44'14''W$ 60.00 FEET TO THE POINT OF BEGINNING, SAID POINT BEING THE NORTHEAST CORNER OF BEAVER TRAIL SUBDIVISION NO.2 RECORDED IN LIBER 134, PAGE 20-23, OAKLAND COUNTY RECORDS; THENCE EXTENDING $589^{\circ}44'14''W$ 562.20 FEET ALONG THE NORTH LINE OF SAID BEAVER TRAIL SUBDIVISION NO.2, TO THE EAST LINE OF BEAVER CREEK SUBDIVISION, RECORDED IN LIBER 224 OF PLATS, PAGES 30-31, OAKLAND COUNTY RECORDS; THENCE $N00^{\circ}11'59''W$ 330.00 FEET (RECORDED) $N01^{\circ}24'37''W$ 329.70 FEET (MEASURED) ALONG THE EAST LINE OF SAID BEAVER CREEK SUBDIVISION; THENCE $N89^{\circ}44'14''E$ 570.49 FEET (RECORDED) $N89^{\circ}43'57''E$ 571.61 FEET (MEASURED); THENCE $500^{\circ}13'25''W$ 330.00 (RECORDED) 326.41 FEET (MEASURED) AND $500^{\circ}11'47''W$ 3.28 FEET ALONG THE 60 FOOT RIGHT-OF-WAY LINE OF DEQUINDRE ROAD TO THE POINT OF BEGINNING. CONTAINING 4.290 ACRES OF LAND. SUBJECT TO ANY EASEMENTS AND/OR RIGHT OF WAY RECORDED OR OTHERWISE.

DESCRIPTION OF DETENTION POND AREA DEEDED TO THE CITY OF TROY

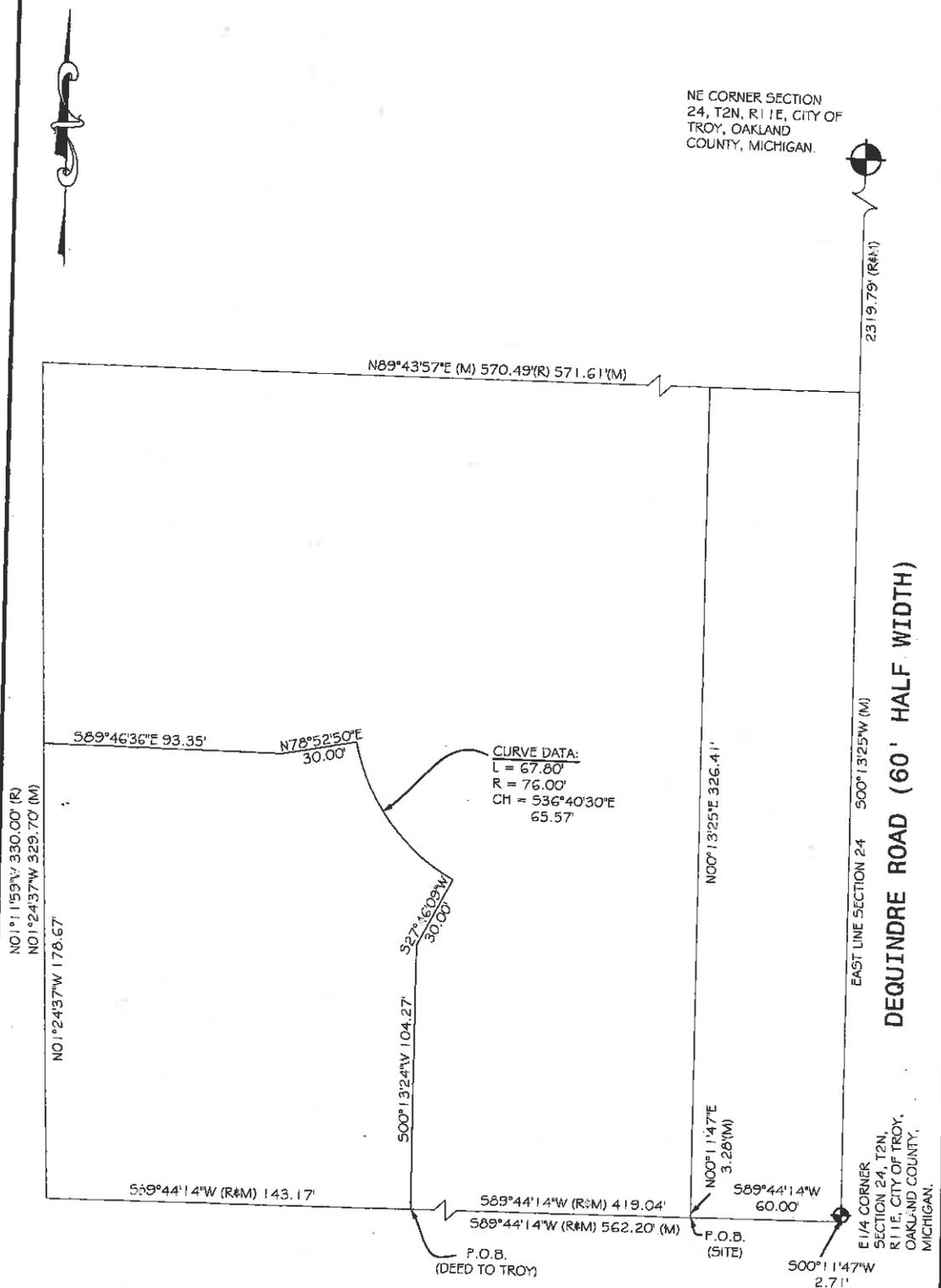
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EXHIBIT "A"

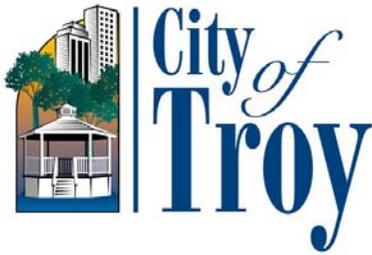
SKETCH OF DETENTION POND AREA DEEDED TO THE CITY OF TROY



NE CORNER SECTION 24, T2N, R11E, CITY OF TROY, OAKLAND COUNTY, MICHIGAN.



DEQUINDRE ROAD (60' HALF WIDTH)



CITY COUNCIL ACTION REPORT

December 11, 2012

TO: Brian M. Kischnick, City Manager

FROM: Thomas Darling, Director of Financial Services
Susan A. Leirstein, Purchasing Director
Gertrude Paraskevin, IT Director
Timothy L. Richnak, Public Works Director

SUBJECT: Sole Source – Purchase Freeance Mobile Application (app) Software

Background

The City implemented Azteca Cityworks Asset Management and Customer Service Request software in 2010. This system integrates with the City's ESRI Geographical Information System (GIS) providing tools to better manage and update City infrastructure assets such as water, sewer and sanitary utilities, fire hydrants, streets, sidewalks, street signs, pavement, parks facilities, trees, publicly owned parking lots, and Engineering benchmarks and control points. The Customer Service Request module is utilized by Public Works and Engineering to manage issues related to residents and businesses. It is also used by the Fire department to track equipment maintenance and staffing requests.

The City has been very happy with Cityworks and the flexibility inherent in the software which has allowed customizations to help manage many assets and processes. However, the City is always looking for ways to further streamline processes, and one way to accomplish that is to enable field staff to create and receive work orders and service requests in the field. This has been a goal for quite some time but the available technology of client software on laptops has been cost prohibitive to deploy in the scale required. However, since Council approved the move to Smartphone technology in December 2011, a less expensive alternative is now available. Some field workers have already been issued Smartphones and have gained efficiencies utilizing the features of the devices as well as some no/low cost applications (apps). Additional Smartphones would cost approximately \$150 each versus the cost of a ruggedized laptop at \$2,300 each. The City could leverage these devices to access work orders and service requests that reside in Cityworks while in the field.

TDC Group, Inc of Dayton Ohio has partnered with Azteca to develop a Cityworks specific Smartphone app. They offer a product, Freeance Mobile for Cityworks, for the Android and Apple iOS platforms that would cost \$21,000 initially for 20 licenses including implementation, plus 25% annual maintenance. Detailed pricing can be found in Attachment A. This product would allow Smartphone access to Cityworks work orders, service requests and inspections in the field. In addition to the Freeance Mobile for Cityworks product, TDC is offering the City, as a special promotion, their Freeance Mobile Forms Pro product at no additional cost including maintenance, which is a \$15,000 value. The Forms Pro product could be used to interface to other systems in use by the City outside of Cityworks, for example BS&A Software and GIS data to further provide access to critical systems to workers while in the field.

December 11, 2012

To: Brian Kischnick, City Manager

Re: Sole Source – Purchase Freeance Mobile Application (app) Software

The functionality the Freeance product offers such as the ability to create, update and complete work orders and service requests in the field, will assist the City in its continuous improvement efforts and address ICMA recommendations to: “Continue utilization of City Works GIS infrastructure management system. Explore utilization of hand-held devices for field work.” Although we have been able to streamline various workflows, there are still many paper based forms and processes in use. Some of the areas that would be addressed include streamlining weed mowing, street lighting maintenance, catch basin cleaning, tree maintenance, park management, and building maintenance operations, which was merged into Public Works as part of the City reorganization and ICMA recommendation.

Freeance Mobile would provide the necessary tool to allow the City to implement a more efficient process, faster access to information and improved customer service. It would also reduce clerical time devoted to this process, and therefore free staff time to address other pressing tasks. Tasks that otherwise would be overlooked or sit for longer periods of time as a result of staff reductions in the past few years. Estimated clerical labor savings would be at least 2 hours per week which translates to 104 hours per year at a cost savings of approximately \$4,576 per year.

By providing direct access to Cityworks in the field there would be no need to handle paper forms or have additional clerical staff involved in printing forms and transcribing results. Purchase of the Freeance product would allow for automated notifications of newly created work orders and service requests to our field staff and give them immediate access to the information pertinent to that work activity. In addition they would be able to update information and even create new service requests or work orders as they see issues while in the field, providing an instant stream of feedback to their supervisors and clerical staff who need that information to address inquiries from the public.

Recommendation

City management is requesting authorization to purchase Freeance Mobile for Cityworks from TDC Group, Inc of Dayton Ohio as outlined in Attachment A for an estimated total cost of \$21,000 with a yearly software maintenance fee of approximately \$3,750 that could change annually based on the Consumer Price Index (CPI) for the then current year when compared with the previous year. In addition, City management is requesting the authorization to purchase additional licenses in the future at a cost of approximately \$500 each, plus 25% annual maintenance costs also subject to increases in the CPI, should they be necessary in the City’s continuous improvement efforts.

The recommendation will be contingent upon TDC Group, Inc submitting proper contract documents and insurance certificates.

Fund Availability

Funds are budgeted and available in the Water Fund and Streets Department in the General Fund.

ATTACHMENT A

Costs

Software Module	Initial Cost	Annual Maintenance
Freeance Mobile for Cityworks (20 users)	\$ 15,000	\$ 3,750
Freeance Mobile Pro Forms (20 users)	0	0
Installation and Training	6,000	
Total	\$ \$21,000	\$ 3,750

(Note: Additional licenses purchased beyond the initial 20 would cost \$500 each plus 25% maintenance or approximately \$125 per year.)



CITY COUNCIL AGENDA ITEM

Date: December 17, 2012

To: Brian Kischnick, City Manager

From: Tom Darling, Director of Financial Services
Timothy Richnak, Public Works Director
Rick Shepler, Water and Sewer Superintendent

Subject: Scheduled Contract Reopener with Detroit Water and Sewerage Department (Year 5)

Background

- The 2008 wholesale water contract between DWSD and the City of Troy is a 30 year contract with reopeners scheduled at the end of the 2nd and 5th year and every 5 years there after through the life of the contract. This is the 5th year reopener.
- The primary purpose for the reopeners is to make adjustment to the peak hour, max day, and annual usage factors as they are affected by economic conditions and technological advancements. These items play an important role into the rates developed annually by DWSD and to minimize volatility and create equity among wholesale customers.
- These reopeners also give opportunity to have minor clarifications of contract language.
- Troy's adoption of an ordinance that limits outdoor automated underground irrigation systems to between 11P.M. to 5 A.M. has successfully shifted our peak hour in each of the first five years of this contract (see attached graph).
- The City of Troy continues to invest in community education and capital improvement programs as part of our commitment to this contract.
- The proposed amendment #2 to the water contract between DWSD and the City of Troy is attached for City Council review and consideration.

Recommendation

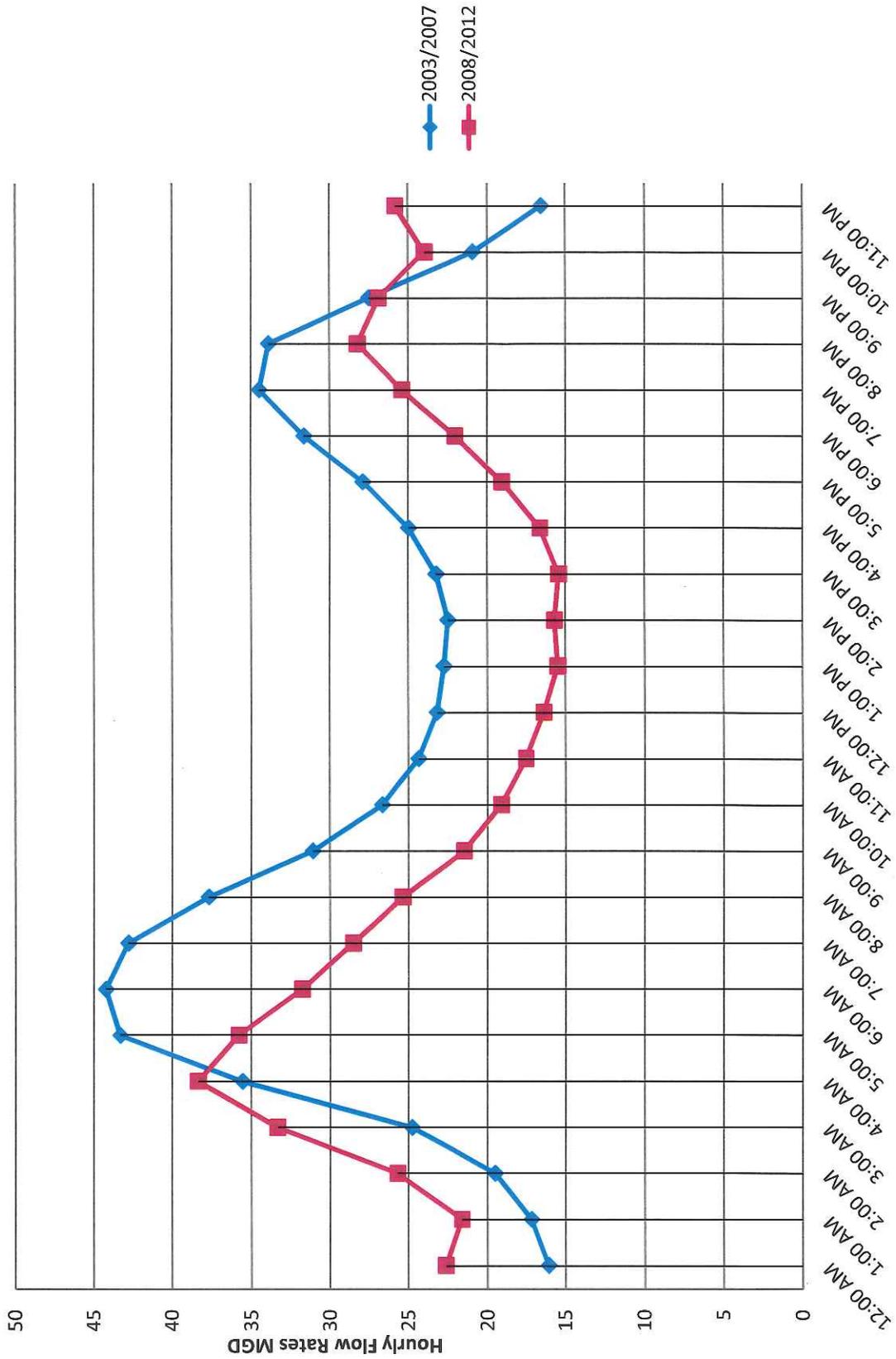
City Management recommends City Council approval of changes in this amendment #2 to the 2008 water contract between DWSD and the City of Troy.

City Attorney's Review as to Form and Legality

Approved as to Form and Legality:

Lori Grigg Bluhm, City Attorney

Peak Hour Averages Before vs After Sprinkler Ordinance



**AMENDMENT NO. 2 TO WATER SERVICE CONTRACT
BETWEEN
CITY OF DETROIT
AND
CITY OF TROY**

This Amendment Agreement No. 2 (“Amendment”) is made between the City of Detroit, a municipal corporation, by its Water and Sewerage Department and Board of Water Commissioners (the “Board”), and the City of Troy, a municipal corporation (“Customer”). The Board and Customer are collectively referred to as the “Parties”.

Whereas, the City of Detroit owns a public water supply system (“System”) operated by the Board; and

Whereas, on June 24, 2008, the Parties entered into a Water Service Contract (“Contract”) reflecting the terms and conditions governing the delivery and purchase of potable water, as amended on March 23, 2010; and

Whereas, the purpose of the Contract is to provide for the long-term service of potable water to Customer; and

Whereas, Article 15 of the Contract permits the Parties to amend the Contract by mutual agreement; and

Whereas, in October 2011, the Technical Advisory Committee recommended that the Board consider certain modifications to the Contract terms, including the addition of a new defined term in Section 1.01, the revision of Article 5, and modifications to Sections 21.01 and 22.01; and

Whereas, on November 4, 2011, the United States District Court, Eastern District of Michigan, issued an order in Case No. 77-71100 that provides the Board full and final authority to approve contracts with its wholesale customers such that the approval of the Detroit City Council is no longer legally required; and

Whereas, it is the mutual desire of the Parties to enter into this Amendment to amend the Contract as set out in detail in the following sections; and

ACCORDINGLY, THE PARTIES AGREE AS FOLLOWS:

1. Section 1.01 of the Contract is amended to add the following definition:

“Allocation Flow Rate” shall mean the value that is established as a result of a breach of Section 5.03 herein and which value shall replace the contractual Maximum Flow Rate in the rate calculation process in the event that Section 5.04(C) herein is applied by the Board.

2. Section 1.01 of the Contract is amended by deleting the existing definition of “Contract” in its entirety and substituting the following definition in its place:

“Contract” shall mean each of the various provisions and parts of this document, including all attached Exhibits and any amendments thereto, as may be executed and approved by Customer’s governing body and the Board.

3. Section 2.01 of the Contract is amended by deleting in its entirety the existing language and substituting the following language in its place:

Term. The Board shall sell and supply water to Customer from the System in accordance with the terms of this Contract for a period of thirty years from the effective date of this Contract and any ten-year renewal terms (collectively the “Contract Term”), subject to Article 3 herein. The effective date of this Contract shall be the date that this Contract is approved by Customer’s governing body or the Board whichever is later. This Contract replaces and supersedes any prior water service contracts between the Parties.

4. Section 3.04 of the Contract is amended by deleting in its entirety the existing language and substituting the following language in its place:

Formation of Water Authority. Customer may join with another authority, city, township, village or other municipal corporation recognized by the State of Michigan to form a water authority for the sole purpose of collectively contracting for water service from the Board. The exercise of this right shall not be construed as an early termination of this Contract and this Contract shall be voided upon the approval of a new water service contract by Customer’s governing body and the Board.

5. Article 5 of the Contract is amended by deleting in its entirety the existing Article 5 and substituting the following revised Article 5 in its place:

Article 5.

Pressure; Maximum Flow Rate; Minimum Annual Volume

- 5.01 Pressure Range. The Board shall use its best efforts to deliver water at the Water Distribution Points at a pressure range (“Pressure Range”) adequate to meet the reasonable requirements of Customer. For purposes of evaluating this effort, water pressure shall be determined by reviewing the average hourly pressure measured from top-of-the-hour to top-of-the-hour (e.g. 7:00 a.m. to 8:00 a.m.). The Pressure Range to be provided by the Board to Customer’s Water Distribution Points is specified in Exhibit B. The location at which the water pressure will be measured shall be specified in Exhibit A and identified as point “P”. A Pressure Range will not be established for water meters that are not located on a DWSD transmission main, or which are located on a DWSD transmission main and are downstream of and subject to the flow demands of a water meter for another Board customer.

5.02 Remedy for Non-Compliance with Pressure Range. If the water pressure at Customer's Water Distribution Points is above or below the Pressure Range, at Customer's request the Parties shall meet within thirty (30) calendar days to discuss the reasons for the non-compliance and, if agreed necessary, develop and implement a mutually agreeable written corrective action plan within sixty (60) calendar days of the meeting, or as otherwise agreed. The corrective action plan shall include a timetable for resolution of the non-compliance issue(s).

- A. If it is determined that another customer's exceedance of the rates of flow established by that customer's Maximum Flow Rate caused or contributed to the Board's inability to meet its Pressure Range agreement with Customer, then the corrective action plan shall provide for the resolution of the issue.
- B. If Customer is exceeding the rates of flow established by its Maximum Flow Rate on a day other than the DWSD Maximum Day at the time Customer experiences a variation from the Pressure Range, then the Board shall be relieved from its obligation to provide water to Customer within the Pressure Range for that period of time during which Customer is exceeding the rates of flow established by its Maximum Flow Rate.

5.03 Maximum Flow Rate. Customer's Maximum Flow Rate is specified in Exhibit B. Customer shall not exceed the Maximum Flow Rate specified in Exhibit B, as measured in million gallons on the DWSD Maximum Day and during the DWSD Peak Hour.

- A. The Board shall notify all customers in writing on or before October 1 of each calendar year if Customer or any other wholesale customer is alleged to have exceeded its Maximum Flow Rate in a given calendar year. The notice shall state the day and/or hour that Customer or any other wholesale water customer is alleged to have exceeded its Maximum Flow Rate.
- B. If Customer is alleged to be in breach of its obligations under this Section 5.03, the Board and Customer shall endeavor to meet before November 1 of the then current calendar year, or as soon as practicable, for the purposes of validating the breach, reviewing and analyzing the causes, and to negotiate a possible remedy pursuant to Sections 5.04 and 5.05 herein.
- C. The Technical Advisory Committee's Analytical Work Group, or its successor shall review any alleged breach of this Section 5.03.
 - i. The Analytical Work Group shall meet once, at a minimum, on or before November 1 of each calendar year to review the alleged breaches, if any, and may thereafter schedule subsequent meetings as necessary to conclude its review.

- ii. The Board will seek a recommendation from the Analytical Work Group on (1) an Allocation Flow Rate, if any, and/or (2) concurrence with the remedy tentatively negotiated between Customer and the Board, if any. Customer and the Board shall have the right to present any information related to the alleged breach a Party deems necessary to the deliberations.
- iii. Any recommendation submitted by the Analytical Work Group shall be received by the Board on or before December 1 of each calendar year.

5.04 Remedy for Non-Compliance with Maximum Flow Rate. The Board has no obligation to supply to Customer more than the Maximum Flow Rate. If Customer exceeds its Maximum Flow Rate on the DWSD Maximum Day or during the DWSD Peak Hour, the Board and Customer may, as needed, take one or more of the following actions set forth in this Section 5.04. The applicability of any particular action shall be evaluated by the Board on a case-by-case basis.

- A. The Board may require that Customer take all reasonable steps to reduce its consumption to the Maximum Flow Rate. Such steps may include water conservation measures, outdoor water use restrictions, water loss studies and remediation, and an internal system operation evaluation.
- B. The Parties may meet to negotiate a new Maximum Flow Rate. If so negotiated, Customer shall pay the rate associated with the new Maximum Flow Rate in the subsequent rate year.
- C. For ratemaking and cost allocation purposes only, the Board may recalculate Customer's rate for the current and/or subsequent fiscal years utilizing a revised cost allocation formula as follows:
 - i. The Board shall, as set forth below, establish an Allocation Flow Rate to replace the contractual Maximum Flow Rate in the rate calculation process.
 - ii. The Allocation Flow Rate shall be applied from no earlier than the first exceedance date forward.
 - iii. The Allocation Flow Rate will be at least equal to the flow rate demonstrated by Customer on the DWSD Maximum Day, and may be higher than the actual flow rate demonstrated by Customer.
 - iv. Pursuant to Section 5.03(C), if the Board receives a recommendation on the Allocation Flow Rate to be applied from the Analytical Work Group and the recommendation is higher than twice the amount by which the demonstrated flow rate exceeded the original Maximum Flow Rate, then the Board shall be limited to establishing an Allocation Flow Rate that is at least equal to the

flow rate demonstrated by Customer on the DWSD Maximum Day and no higher than the recommendation provided by the Analytical Work Group.

- v. If no recommendation on the Allocation Flow Rate to be applied is received by the Board, or if the Board receives a recommendation and the recommendation is less than twice the amount by which the demonstrated flow rate exceeded the original Maximum Flow Rate, then the Board shall be limited to establishing an Allocation Flow Rate that is at least equal to the flow rate demonstrated by Customer on the DWSD Maximum Day and no higher than twice the amount by which the demonstrated flow rate exceeded the original Maximum Flow Rate.
- vi. The Allocation Flow Rate will continue to be applied to each subsequent year's rate calculation process until the Maximum Flow Rate is renegotiated.
- vii. If a rate has been approved for the subsequent fiscal year (July 1st to June 30th) but the rate has not yet been applied, the Board may modify Customer's rate for that subsequent fiscal year to account for an exceedance of its Maximum Flow Rate.
- viii. If the Board has built capital facilities based upon Customer's negotiated Maximum Flow Rate and Customer consistently exceeds its Maximum Flow Rate, then the Board may re-calculate the amount of Customer's percentage of the capital cost of such facilities

5.05 Procedure for Non-Compliance with Maximum Flow Rate. In addition to the remedies specified in Section 5.04, if Customer has failed in its obligations under Section 5.03, the Parties shall meet to discuss the reasons for the non-compliance and if agreed necessary, develop a mutually agreeable written corrective action plan by December 31 of the year in which the non-compliance occurred, or as otherwise agreed. Any corrective action plan required under this Section 5.05 shall include a timetable for resolution of the non-compliance issue(s).

- A. If the Parties determine that a corrective action plan is not required and an incident of non-compliance occurs in the subsequent calendar year, the Parties shall meet to develop a mutually agreeable written corrective action plan by December 31 of the year in which the non-compliance occurred, or as otherwise agreed.
- B. In the event the reason for Customer's non-compliance under Section 5.03 is due to a Customer water main break, fire or meter calibration performed by DWSD, these events will be taken into consideration in determining (1) whether a corrective action plan is warranted and (2) the extent to which, if any, the steps specified in Section 5.04 should apply.

- 5.06 Minimum Annual Volume. Customer shall purchase from the Board not less than the Minimum Annual Volume of water specified in Exhibit B. If Customer's Annual Volume is less than the Minimum Annual Volume, Customer shall pay to the Board an amount computed by applying the current rate to the Minimum Annual Volume less any amounts already billed to the Customer by the Board.
- 5.07 Periodic Review. For Customer and System planning purposes and, with regard to the Minimum Annual Volume, enforcement of the provisions of Article 3, a Maximum Flow Rate, Pressure Range, Projected Annual Volume and Minimum Annual Volume shall be established by mutual agreement for the Contract Term. A contractually binding Maximum Flow Rate, Pressure Range, Projected Annual Volume and Minimum Annual Volume shall be established by mutual agreement for first two years of the Contract Term. Not later than the second year of the Contract Term, the Board and Customer shall negotiate a contractually binding Maximum Flow Rate, Pressure Range, Projected Annual Volume and Minimum Annual Volume for the succeeding three years of the Contract Term. Not later than the fifth year of the Contract Term, and every five years thereafter, the Board and Customer shall negotiate a contractually binding Maximum Flow Rate, Pressure Range, Projected Annual Volume and Minimum Annual Volume for the succeeding five years of the Contract Term. If the Parties do not negotiate new or revised Maximum Flow Rates, Pressure Ranges, Projected Annual Volumes and Minimum Annual Volumes according to the aforementioned schedule, then the figures established for planning purposes (as shown in italicized type in Exhibit B) shall become contractually binding for the then-current three or five year term.
- 5.08 Remedy for Excessive Rate(s) of Flow Causing Pressure Problem(s). Customer acknowledges that Customer's rates of flow may cause and/or contribute to the Board's inability to meet its Pressure Range agreements with Customer and/or the Board's other customers (hereinafter, "Pressure Problem"). The Board may review or monitor Customer's daily rates of flow if a Pressure Problem occurs and the Board's Pressure Range agreement with Customer and/or another customer of the Board is alleged to have been breached. The approximate rate of flow by individual meter location used to establish the Pressure Range and Maximum Flow Rate is specified in Exhibit B. If a Pressure Problem occurs, the Parties shall meet to discuss the reasons for the Pressure Problem and develop and implement a mutually agreeable written corrective action plan within sixty calendar days of the Pressure Problem, or as otherwise agreed. The corrective action plan may require one or both of the following steps:
- A. The Board may require that Customer take all reasonable steps to reduce its consumption to the rate of flow established by the Maximum Flow Rate. Such steps may include water conservation measures, outdoor water use restrictions, water loss studies and remediation, and an internal system operation evaluation. In addition, the Board may require that Customer adjust its rate of flow at individual meters, including the establishment of a not-to-exceed flow rate for individual meters.

- B. The Parties may meet to negotiate a new Maximum Flow Rate. If so negotiated, Customer shall pay the rate associated with the new Maximum Flow Rate in the subsequent rate year.

If the Parties determine that a corrective action plan is not required and a subsequent Pressure Problem occurs, the Parties shall meet to develop and implement a mutually agreeable written corrective action plan within sixty calendar days of the subsequent Pressure Problem, or as otherwise agreed. Any corrective action plan required under this Section 5.08 shall include a timetable for resolution of the Pressure Problem. In the event the reason for the Pressure Problem is due to a Customer water main break, fire or meter calibration performed by DWSD, these events will be taken into consideration in determining (1) whether a corrective action plan is warranted and (2) the extent to which, if any, the steps specified above in this Section 5.08 should apply.

5.09 Board Costs for Corrective Action Plan. If at any time the Board is required under the terms of this Article 5 to develop and implement a corrective action plan and the plan involves incurring capital costs, the Board will determine whether the costs will be charged as a System cost or whether the cost will be borne by a specific customer or customers. If the Board determines that all or part of the costs should be borne by a specific customer or customers, the Board will seek a recommendation from the Technical Advisory Committee on the assessment of the costs.

5.10 Customer Costs for Corrective Action Plan. If at any time Customer is required under the terms of this Article 5 to develop and implement a corrective action plan, Customer shall be so informed in writing and Customer will pay all costs related to the corrective action plan.

- 6. Section 15.02 of the Contract is amended by deleting in its entirety the existing language and substituting the following language in its place:

No amendment to this Contract shall be effective and binding upon the Parties unless it expressly makes reference to this Contract, is in writing, is signed and acknowledged by duly authorized representatives of both Parties, and is approved by Customer's governing body and the Board.

- 7. Section 21.01 of the Contract is amended by deleting in its entirety the existing language and substituting the following language in its place:

The Board shall have the right to review and approve Customer's construction plans for Meter Facilities at new Water Distribution Points, water mains sized twenty-four inches and larger, pump stations, reservoirs, water towers, and any other construction that will cross, or be within close proximity to, or have influence upon the Board's infrastructure. The Board's approval of construction plans shall be timely and shall not be unreasonably withheld.

8. Section 22.01 of the Contract is amended by deleting in its entirety the existing language and substituting the following language in its place:

Prior to Customer's operation of any new or existing water storage facility, Customer shall seek the Board's written approval of the filling schedule ("Filling Schedule") of the storage facility. The Board may periodically require Customer to change or adjust a previously approved Filling Schedule. The Parties shall collaborate on devising a mutually beneficial Filling Schedule. If the Parties are unable to agree upon a Filling Schedule, the Board's determination of a Filling Schedule shall be final. All Filling Schedules shall be for a period of six consecutive hours. Customer shall at all times abide by the then-current Board approved Filling Schedule. The Board shall act promptly in approving Filling Schedule requests. Nothing in this Article 22 shall prevent Customer from operating its storage facility at any time, provided that any storage operation that falls outside of the approved Filling Schedule shall not be exempt from the terms of Article 5 herein.

9. Exhibit A of the Contract is amended by deleting in its entirety the existing First Amended Exhibit A and substituting the attached Second Amended Exhibit A in its place.
10. Exhibit B of the Contract is amended by deleting in its entirety the existing First Amended Exhibit B and substituting the attached Second Amended Exhibit B in its place.
11. With the exception of the provisions of the Contract specifically contained in this Amendment, all other terms, conditions and covenants contained in the Contract shall remain in full force and effect and as set forth in the Contract.
12. This Amendment to the Contract shall be effective and binding upon the Parties when it is signed and acknowledged by the duly authorized representatives of both Parties, and is approved by Customer's governing body and the Board.

(Signatures appear on next page)

In Witness Whereof, the City and Customer, by and through their duly authorized officers and representatives, have executed this Amendment.

City of Troy:

By: _____
Dane Slater
Its: Mayor

By: _____
Aileen Bittner
Its: City Clerk

City of Detroit:

By: _____
Sue F. McCormick
Its: Director, Water and Sewerage Department

APPROVED BY
TROY CITY COUNCIL ON:

Date

APPROVED BY DETROIT
BOARD OF WATER COMMISSIONERS ON:

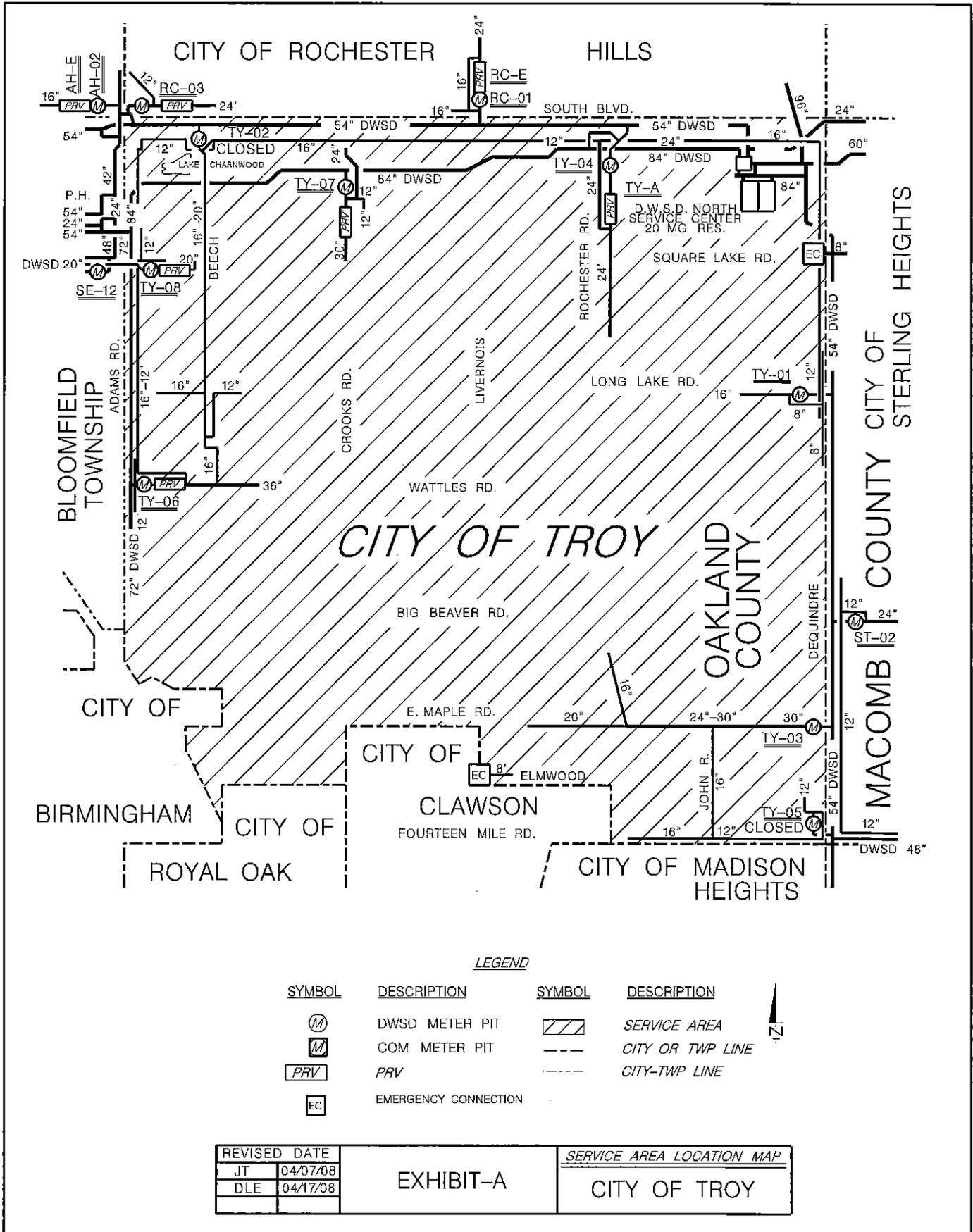
Date

SECOND AMENDED EXHIBIT A

Customer's Water Distribution Points

This Exhibit contains the following information:

1. The corporate limits of Customer;
2. The agreed upon water Service Area of Customer which (a) may or may not be entirely within the corporate limits of Customer and (b) which may or may not include the entire area within the Customer's corporate limits;
3. The specific location of the Water Distribution Points, including any Board approved emergency connections;
4. The designation of appurtenances to be maintained by Customer and those to be maintained by the Board; and
5. A list of any closed meter locations.



REVISED DATE		EXHIBIT-A	SERVICE AREA LOCATION MAP	
JT	04/07/08		CITY OF TROY	
DLE	04/17/08			

EXHIBIT A

City of Troy Emergency Connections:

Connection to Clawson (SOCWA)

8" GV&W – at the intersection of Main and Elmwood

Connection to Sterling Heights

8" GV&W – across from Beaumont Hospital at 44201 Dequindre Road

City of Troy Water Customers Outside of Corporate Limits:

3300 W. South Blvd., Rochester Hills

3061 Adams Rd., Bloomfield Twp.

6001 Adams Rd., Bloomfield Twp.

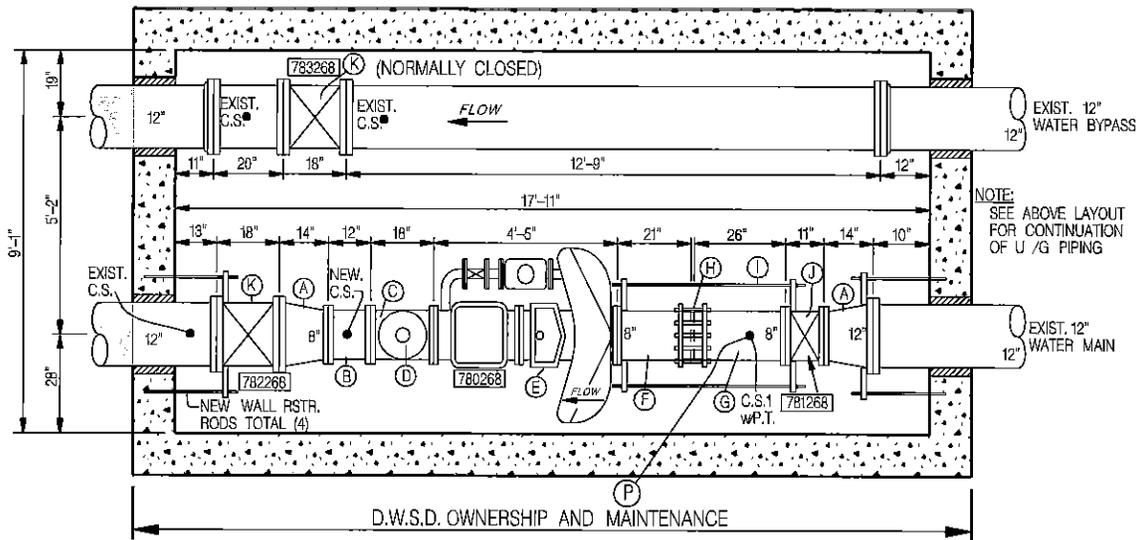
City of Troy Master Meters Not In Service:

TY-02

TY-05

EXHIBIT A TY-01

DEQUINDRE & LONG LAKE RD.
CITY OF TROY



METER PIT DETAIL
NOT TO SCALE

CITY OF TROY
OWNERSHIP & MAINTENANCE

LEGEND			
TAG	QTY.	DESCRIPTION	SIZE
A	2	12"x8" FLGD. CONCENTRIC REDUCERS, 14" F-F	12"x8"
B	1	8"x1" F-F PIPE w/1" TAP, D.I.	8"
C	1	8"x3" FLGD. TEST TEE, D.I., 9" C-F	8"x3"
D	1	TEST TEE ASSEMBLY w/3" COMPANION FLANGE	-
E	1	8"x2" FLGD. FIRELINE COMPACT METER, W3500, 53" F-F	8"x2"
F	1	8"x1'-9" F-PE PIPE, GADR, D.I.	8"
G	1	8"x2'-2" F-PE PIPE, w/1" TAP, GADR, D.I.	8"
H	1	8" 'DRESSER STYLE' PIPE COUPLING	8"
I	LOT	COUPLING RESTRAINTS: (4) 60" LONG THRD. RODS, (8) EAR PLATES, 75" DIA.	
J	1	8" FLDG. GATE VALVE, RESILIENT SEAT, 11.5" F-F, 'A.F.C.'	8"
K	2	GATE VALVE	12"

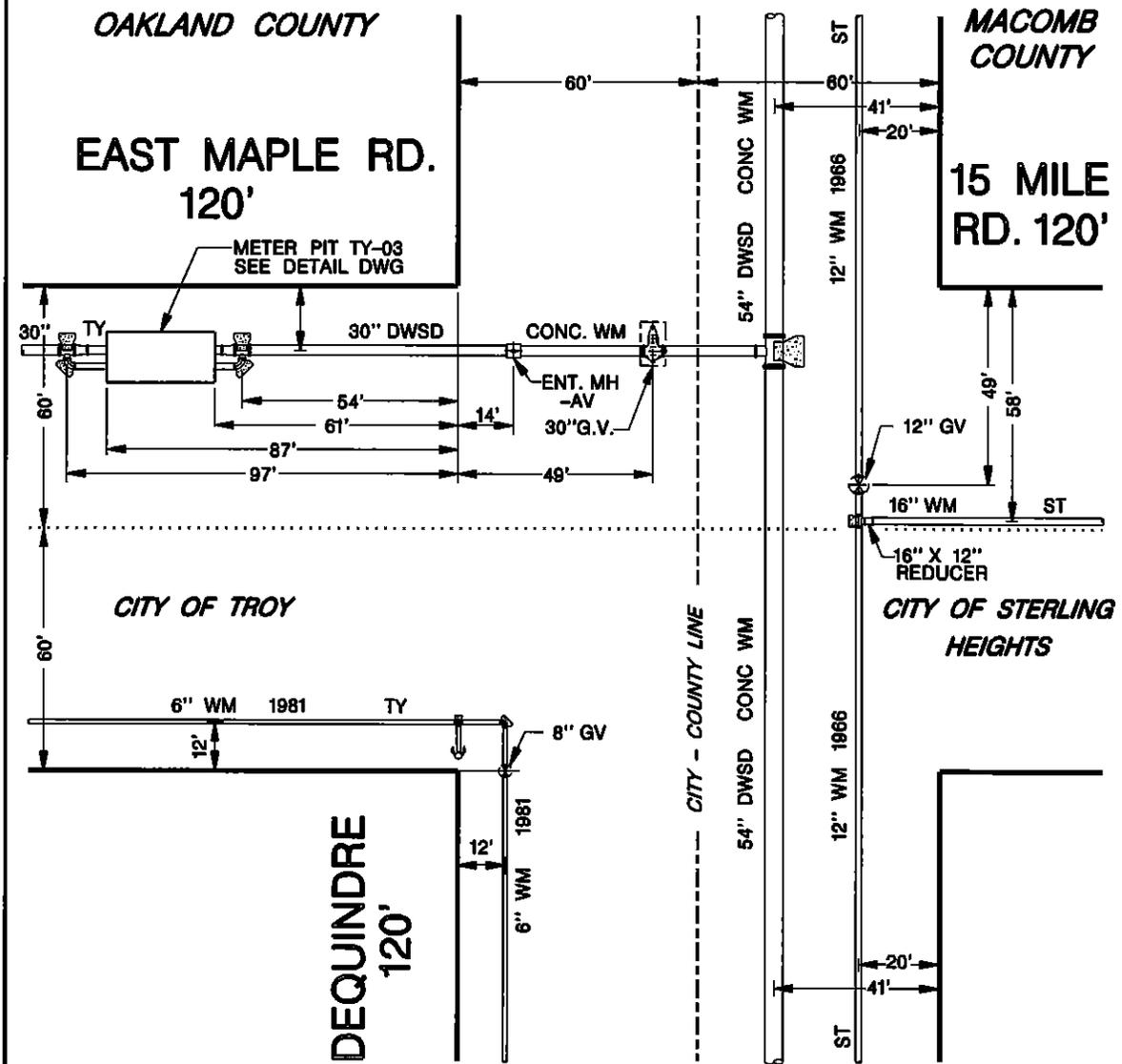
TYPICAL PRESSURE LOSS THRU METER	
METER TYPE	P.S.I. LOSS
VENTURI	1 TO 2
MAG	0
TURBINE	4 - 6

Ⓟ - UPSTREAM PRESSURE TRANSMITTER,
D.W.S.D. OWNERSHIP & MAINTENANCE

ADDRESS _____ 40999 DEQUINDRE
 FEED TO _____ CITY OF TROY
 FEED FROM _____ 54" D.W.S.D. TRANS. MAIN
 TYPE OF METER _____ SENSUS TURBO
 SIZE OF METER _____ 8"x2"
 METER NUMBER _____ 8")1413582 & 2")1565827
 DATE METER SET _____ 5 / 4 / 2001
 METER PIT CONST & SIZE _____ 18'-0" x 9'-1" REINF. CONCRETE
 SECTION MAP _____ 20-Y
 REMARKS _____ NONE
 GATE BOOK _____ N-1073
 DRAWN BY _____ NICHOLS 2 / 14 / 08



EXHIBIT A TY-03 EAST MAPLE ROAD AND DEQUINDRE CITY OF TROY



TY - CITY OF TROY
OWNERSHIP & MAINTENANCE
ST - CITY OF STERLING HEIGHTS
OWNERSHIP & MAINTENANCE

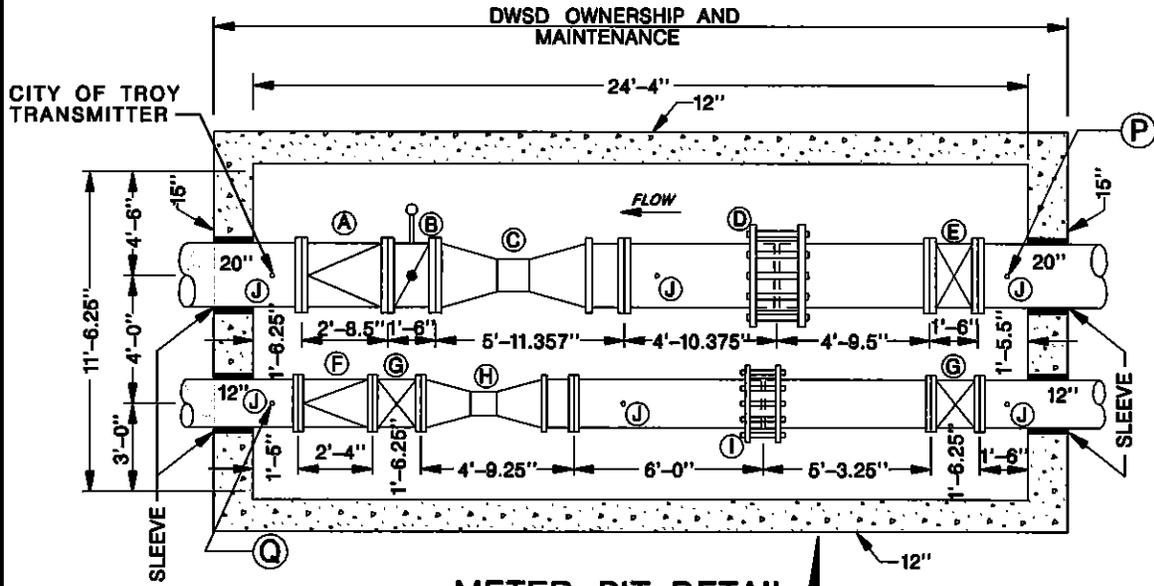
SITE PLAN
NOT TO SCALE



LOCATIONS SUBJECT
TO VERIFICATION IN
THE FIELD.



EXHIBIT A TY-03 EAST MAPLE ROAD AND DEQUINDRE CITY OF TROY



CITY OF TROY OWNERSHIP & MAINTENANCE

NOT TO SCALE



TYPICAL PRESSURE LOSS THRU METER	
METER TYPE	P.S.I. LOSS
VENTURI	1 TO 2
MAG	0
TURBINE	4 - 6

LEGEND			
TAG	QTY.	DESCRIPTION	SIZE
A	1	CHECK VALVE	20"
B	1	BUTTERFLY VALVE /HYDRAULIC OPERATOR	20"
C	1	B.I.F VENTURI TUBE	20" X 14.046"
D	1	DRESSER COUPLING	20"
E	1	GATE VALVE (CCW)	20"
F	1	CHECK VALVE	12"
G	2	GATE VALVE	12"
H	1	B.I.F VENTURI TUBE	12" X 6.773"
I	1	DRESSER COUPLING	12"
J	6	CORP	1"

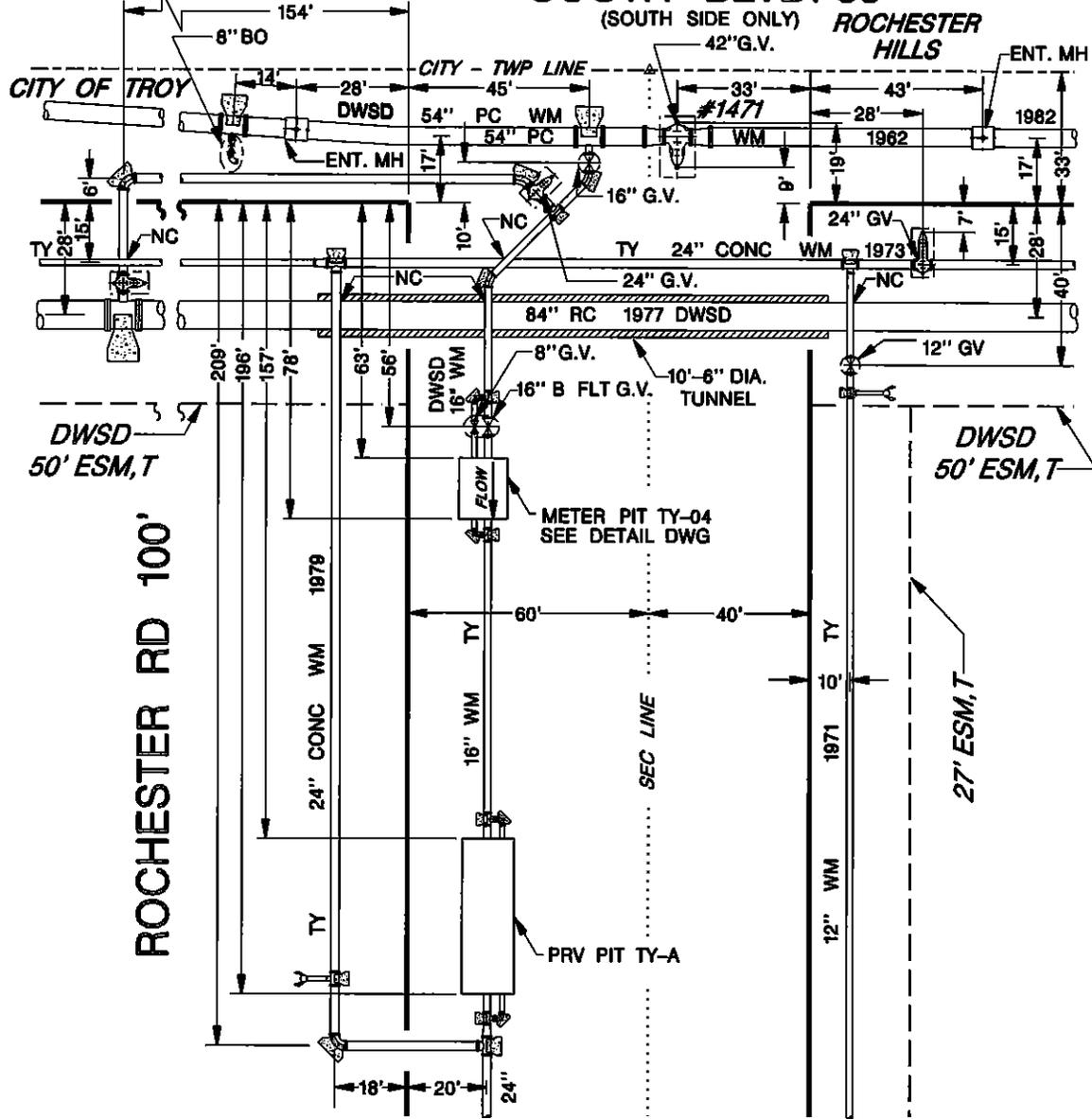
- (P)** -UPSTREAM PRESSURE TRANSMITTER, D.W.S.D. OWNERSHIP & MAINTENANCE
- (Q)** -DOWNSTREAM PRESSURE TRANSMITTER, D.W.S.D. OWNERSHIP & MAINTENANCE

ADDRESS _____ 2971 E. MAPLE
 FEED TO _____ CITY OF TROY
 FEED FROM _____ 54" DWSD TRANS. MAIN
 TYPE OF METER _____ B.I.F. VENTURI TUBES (2)
 SIZE OF METER _____ 20" X 14.046" 12" X 6.773"
 METER NUMBER _____ 12"-55424-1 20"-55424-2
 DATE METER SET _____ 12/7/1966
 METER PIT CONST & SIZE _____ 24'-4" x 11'-6.25" ID REINF. CONC
 SECTION MAP _____ 20-Y
 GATE BOOK _____ E-1064
 FIELD BOOK _____ 1967-MP-32-35
 DRAWN BY _____ A.D. BOLTON 2/14/08
 REMARKS _____



EXHIBIT A TY-04 ROCHESTER AND SOUTH BLVD. CITY OF TROY

SOUTH BLVD. 66'



SITE PLAN
NOT TO SCALE

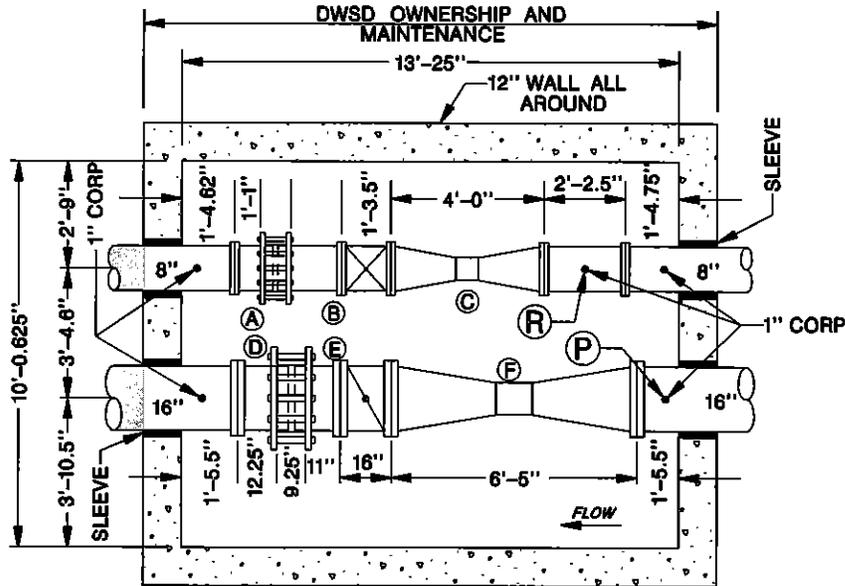


TY - CITY OF TROY
OWNERSHIP & MAINTENANCE

LOCATIONS SUBJECT
TO VERIFICATION IN
THE FIELD.



EXHIBIT A TY-04 ROCHESTER AND SOUTH BLVD. CITY OF TROY



CITY OF TROY
OWNERSHIP & MAINTENANCE

METER PIT DETAIL +Z

NOT TO SCALE

TYPICAL PRESSURE LOSS THRU METER	
METER TYPE	P.S.I. LOSS
VENTURI	1 TO 2
MAG	0
TURBINE	4 - 6

LEGEND			
TAG	QTY.	DESCRIPTION	SIZE
A	1	DRESSER COUPLING	8"
B	1	GATE VALVE (CCW) 785271	8"
C	1	B.I.F. VENTURI TUBE 783271	8" X 3.494"
D	1	DRESSER COUPLING	16"
E	1	B.FLY VALVE HYD. OPER. 782271	16"
F	1	B.I.F. VENTURI TUBE 780271	16" X 9.142"

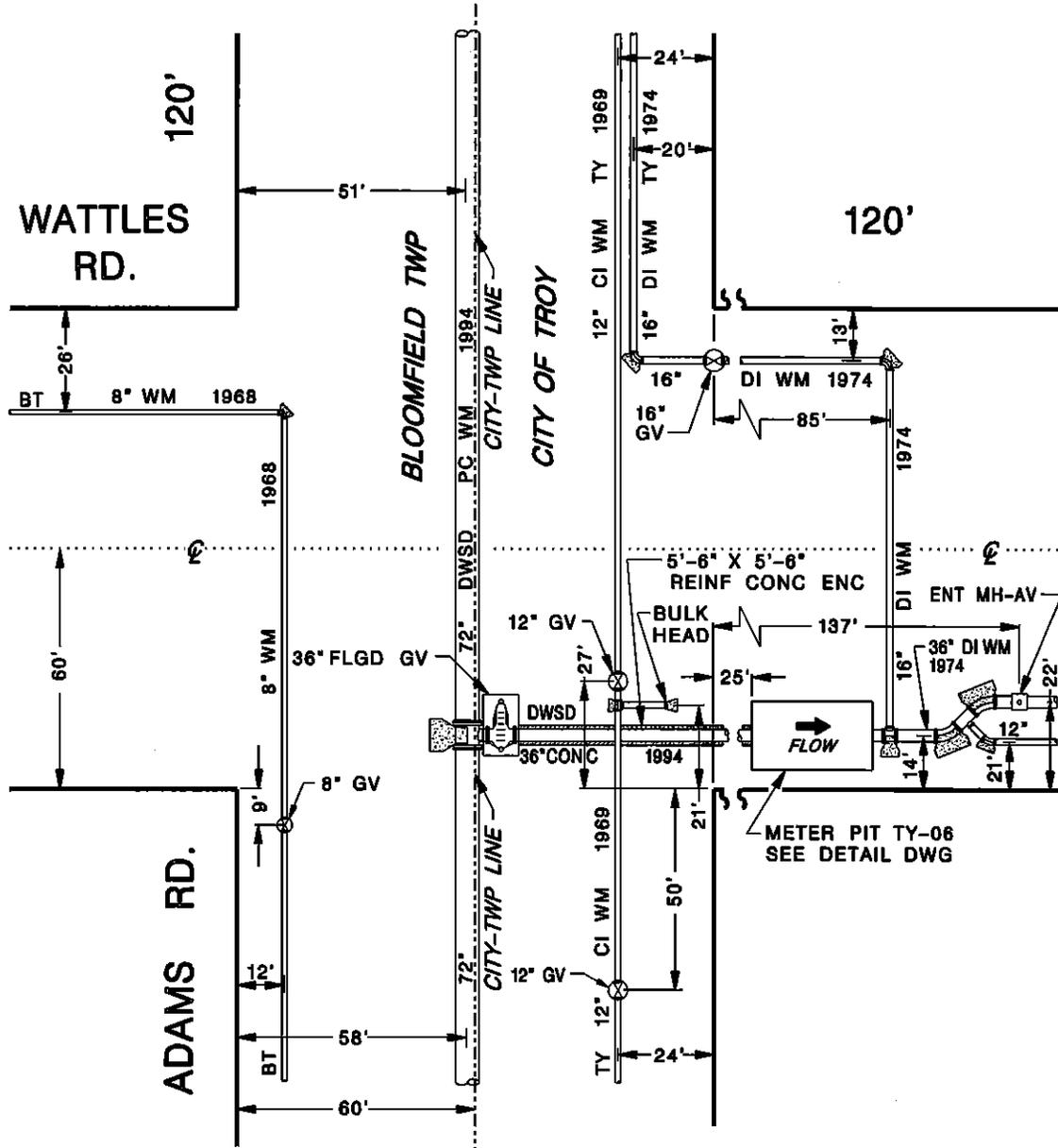
- P - UPSTREAM PRESSURE TRANSMITTER,
D.W.S.D. OWNERSHIP & MAINTENANCE
- R - OTHER PRESSURE TRANSMITTER
- D.W.S.D. OWNERSHIP & MAINTENANCE

ADDRESS _____ 6971 ROCHESTER
 FEED TO _____ CITY OF TROY
 FEED FROM _____ 54" DWSD TRANS MAIN
 TYPE OF METER _____ 2 - B.I.F. VENTURI TUBES
 SIZE OF METER _____ 16" X 9.142" 8" X 3.494"
 METER NUMBER _____ 16") 83870-1 8") 83869-1
 DATE METER SET _____ 02/02/1971
 METER PIT CONST & SIZE _____ 13'-0.25" X 10'-0.625" ID REINF CONC
 SECTION MAP _____ 18-4
 GATE BOOK _____ N-1087
 FIELD BOOK _____
 DRAWN BY _____ A.D. BOLTON 02/19/2008
 REMARKS _____



EXHIBIT A TY-06

ADAMS AND WATTLES CITY OF TROY



TY - CITY OF TROY
OWNERSHIP & MAINTENANCE

BT - BLOOMFIELD TOWNSHIP
OWNERSHIP & MAINTENANCE

SITE PLAN
N.T.S.



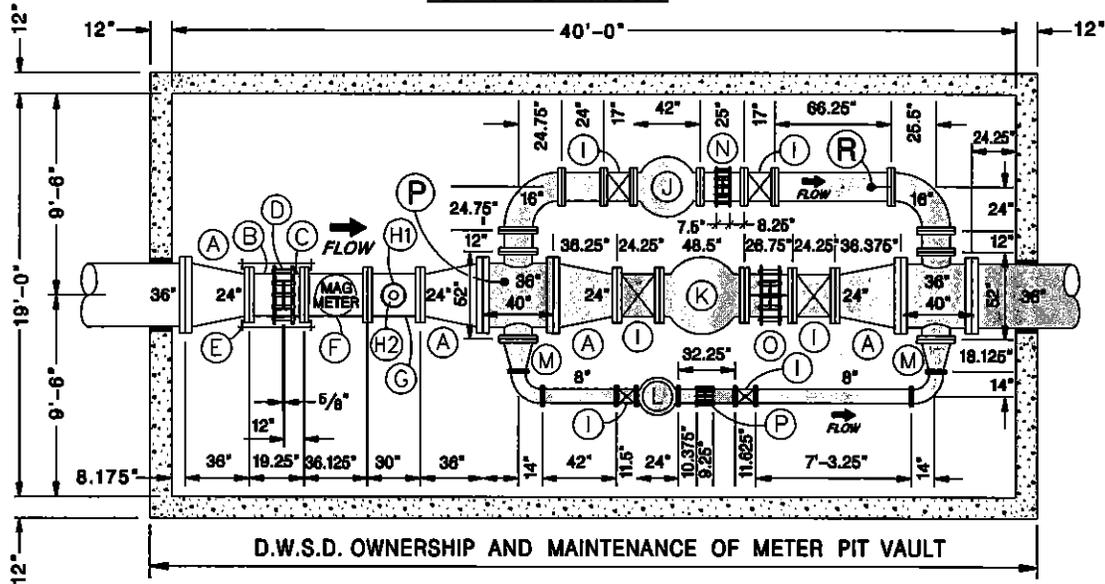
LOCATIONS SUBJECT
TO VERIFICATION IN
THE FIELD.



EXHIBIT A TY-06

ADAMS AND WATTLES

CITY OF TROY



 CITY OF TROY OWNERSHIP & MAINTENANCE

TYPICAL PRESSURE LOSS THRU METER	
METER TYPE	P.S.I. LOSS
VENTURI	1 TO 2
MAG	0
TURBINE	4 - 6

METER PIT DETAIL

N.T.S.

P UPSTREAM PRESSURE TRANSMITTER, DWSD OWNERSHIP & MAINTENANCE

R OTHER PRESSURE TRANSMITTER, DWSD OWNERSHIP & MAINTENANCE

LEGEND		
TAG QTY.	DESCRIPTION	SIZE
A 4	36" x 24" FLGD. CONCENTRIC REDUCERS, D.I. 16" F-F	36" x 24"
B 1	24" x 1'-7 1/4" F-PE PIPE, GADR. D.I.	24"
C 1	24" x 1'-0" F-PE PIPE, GADR. D.I.	24"
D 1	24" 'DRESSER STYLE' PIPE COUPLING	24"
E LOT	COUPLING RESTR.: (8) 43" LONG THRD. RODS. (12) EAR PLATES	1"Ø
F 1	24" FLGD. MAGNETIC FLOWMETER, 36.125" F-F	24"
G 1	24" x 8" FLGD. TEST TEE, D.I. 16" C-F	24" x 8"
H1	6" x 4" FLGD. CONC. REDUCER, D.I., 9" F-F	6" x 4"

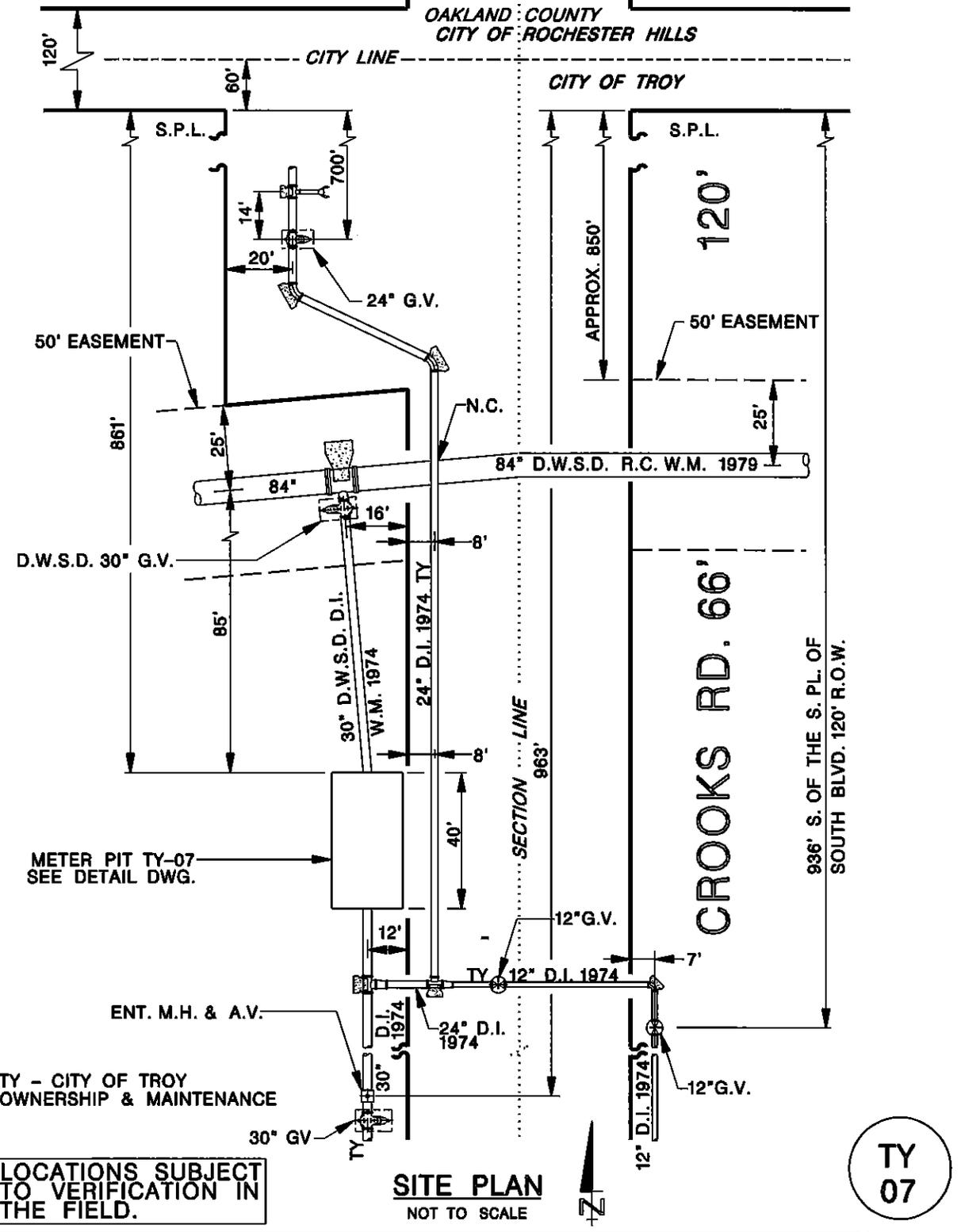
TAG QTY.	DESCRIPTION	SIZE
H2 1	TEST TEE ASSEMBLY w/ 3" x 9" O.D. COMPANION FLANGE	-
I 6	GATE VALVE	6", 16", 24"
J 1	16" ROSS P.R.V.	16"
K 1	24" ROSS P.R.V.	24"
L 1	8" ROSS P.R.V.	8"
M 1	8" x 16" REDUCER	8" x 16"
N 1	16" 'DRESSER STYLE' PIPE COUPLING	16"
O 1	24" 'DRESSER STYLE' PIPE COUPLING	24"
P 1	8" 'DRESSER STYLE' PIPE COUPLING	8"

LOCATION _____ ADAMS AND WATTLES
 FEED TO _____ CITY OF TROY
 FEED FROM _____ 72" DWSD TRANSMISSION MAIN
 TYPE OF METER _____ ABB MAG
 SIZE OF METER _____ 24"
 METER NUMBER _____ V/34729/17/1
 DATE OF METER SET _____ 5/12/2000
 METER PIT SIZE & CONST. _____ 19'-0" x 40'-0" REINF CONCRETE
 TYPE & SIZE OF P.R.V. _____ ROSS PRV - 24", 16" & 8"
 DATE VALVE SET _____
 SECTION MAP NO. _____ 13-1
 GATE BOOK NO. _____ NONE
 REMARKS _____ NONE
 DRAWN BY: _____ DWS-805 01/01/2003
 DRAWN BY: _____ D.G. LLAMAS 03/08



EXHIBIT A TY-07
CROOKS AND SOUTH BLVD.
CITY OF TROY

SOUTH BLVD. (TWENTY MILE RD.) N.P.L. 120'

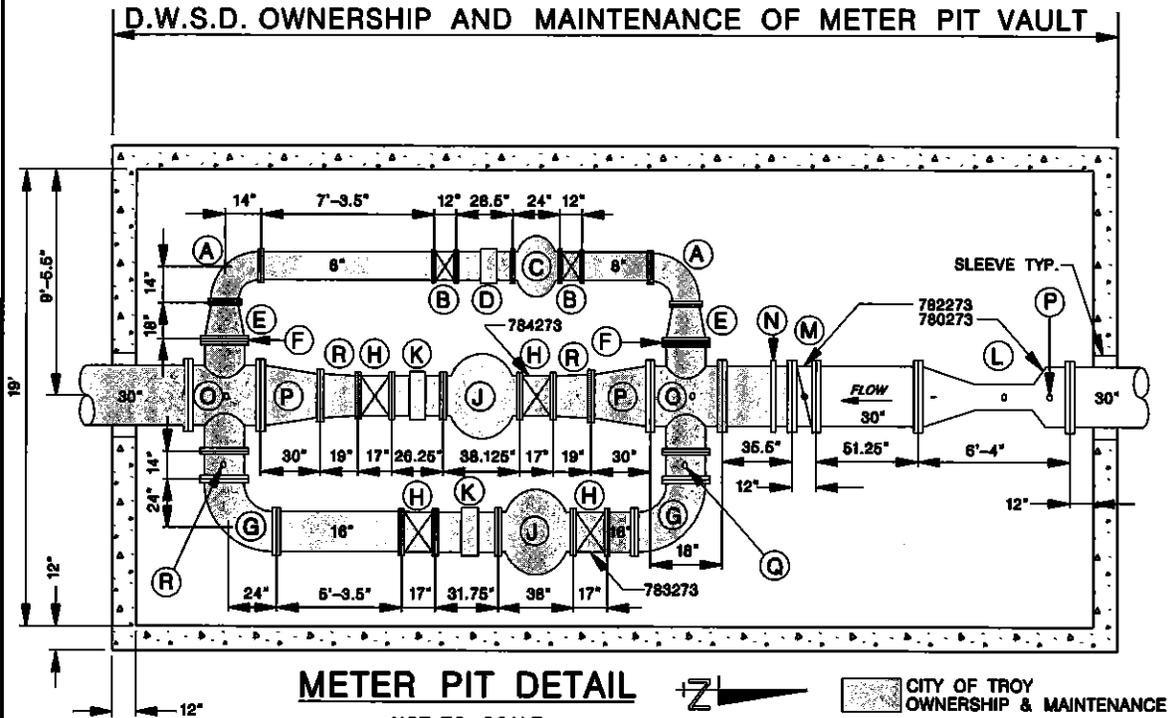


LOCATIONS SUBJECT TO VERIFICATION IN THE FIELD.

SITE PLAN
 NOT TO SCALE

TY
07

EXHIBIT A TY-07 CROOKS AND SOUTH BLVD. CITY OF TROY



LEGEND			
TAG	QTY.	DESCRIPTION	SIZE
A	2	8" 90° BEND	8"
B	2	8" G.V.	8"
C	1	8" ROSS P.R.V.	8"
D	1	8" DRESSER COUPLING	8"
E	2	16"x8" REDUCER	16"x8"
F	2	16" FILLER RINGS @ 7" EACH	16"
G	2	16" 90° BEND	16"
H	2	16" G.V.	16"
J	1	16" ROSS P.R.V.	16"
K	1	16" DRESSER COUPLING	16"

LEGEND			
TAG	QTY.	DESCRIPTION	SIZE
L	1	30" B.I.F. VENTURI METER	30"
M	1	30" BUTTERFLY VALVE	30"
N	1	30" DRESSER COUPLING	30"
O	2	30" X 16" TEE	30"X16"
P	2	30" X 18" REDUCER	30"X18"
R	2	16" X 18" REDUCER	16"X18"

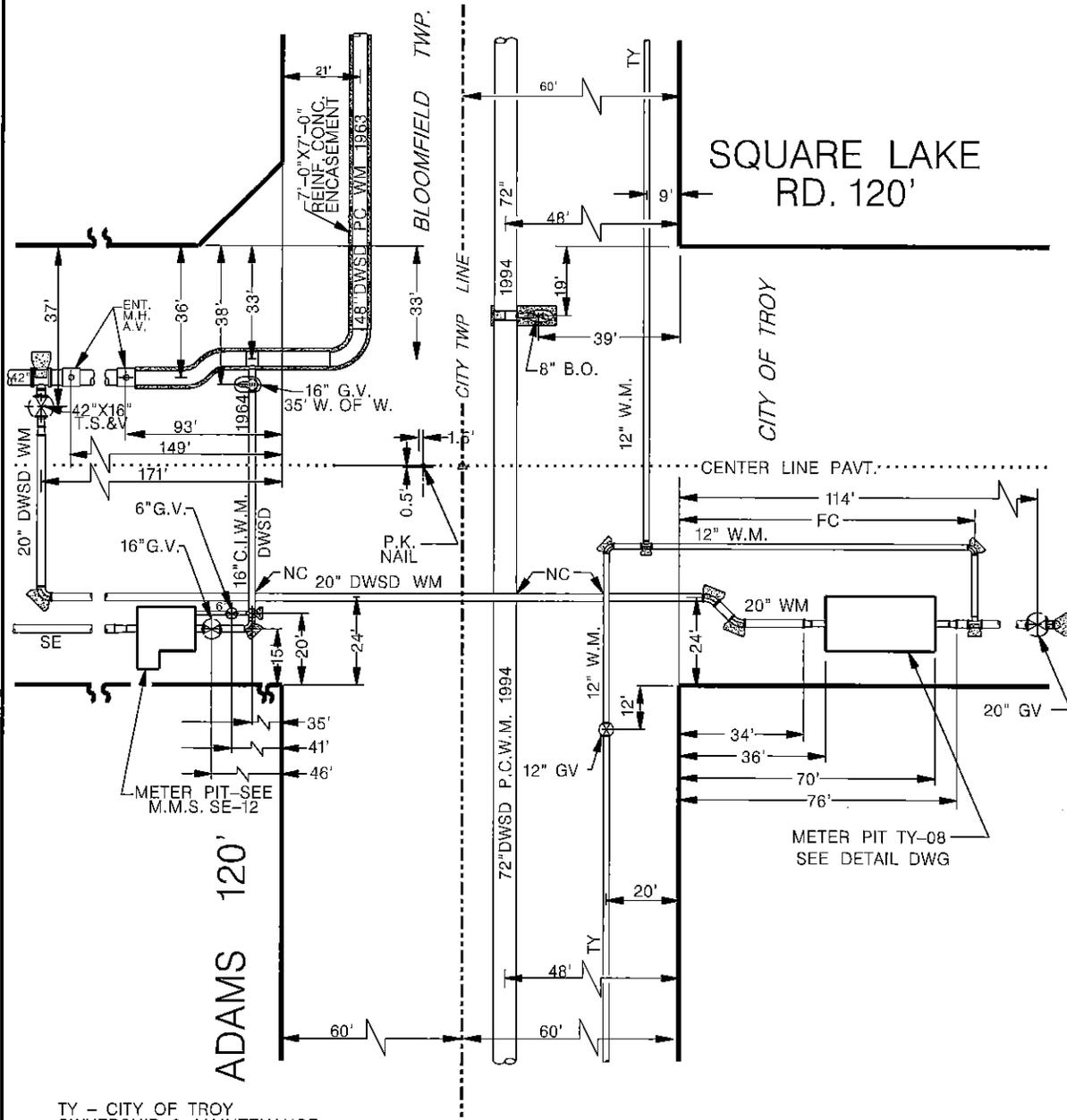
TYPICAL PRESSURE LOSS THRU METER	
METER TYPE	P.S.I. LOSS
VENTURI	1 TO 2
MAG	0
TURBINE	4 - 6
B.I.F. VENTURI WORKICE	10 - 15

- (P)** UPSTREAM PRESSURE TRANSMITTER, D.W.S.D. OWNERSHIP & MAINTENANCE
- (Q)** DOWNSTREAM PRESSURE TRANSMITTER, D.W.S.D. OWNERSHIP & MAINTENANCE
- (R)** OTHER PRESSURE TRANSMITTER, D.W.S.D. OWNERSHIP & MAINTENANCE

FEED TO _____ CITY OF TROY
 FEED FROM _____ 84" D.W.S.D. TRANS. MAIN
 TYPE OF METER _____ B.I.F. VENTURI & ORIFICE
 SIZE OF METER _____ V) 30" X 17.4" O) 30" X 5.994"
 TYPE OF P.R.V. _____ 8") ROSS 16") ROSS
 SIZE OF P.R.V. _____ 8" 16" X 2
 METER NUMBER _____ O) 37194-1 V) 37200-1
 DATE METER SET _____ 01/06/1981
 METER PIT CONST & SIZE _____ 40'-0" X 19'-0" I.D., REINF. CONC.
 SECTION MAP _____ 14-4 & 16-4
 REMARKS _____
 GATE BOOK _____ N-1095 & N-1145
 DRAWN BY _____ M. SCOTT 03/28/08

TY
07

EXHIBIT-A TY-08 SQUARE LAKE RD. AND ADAMS CITY OF TROY



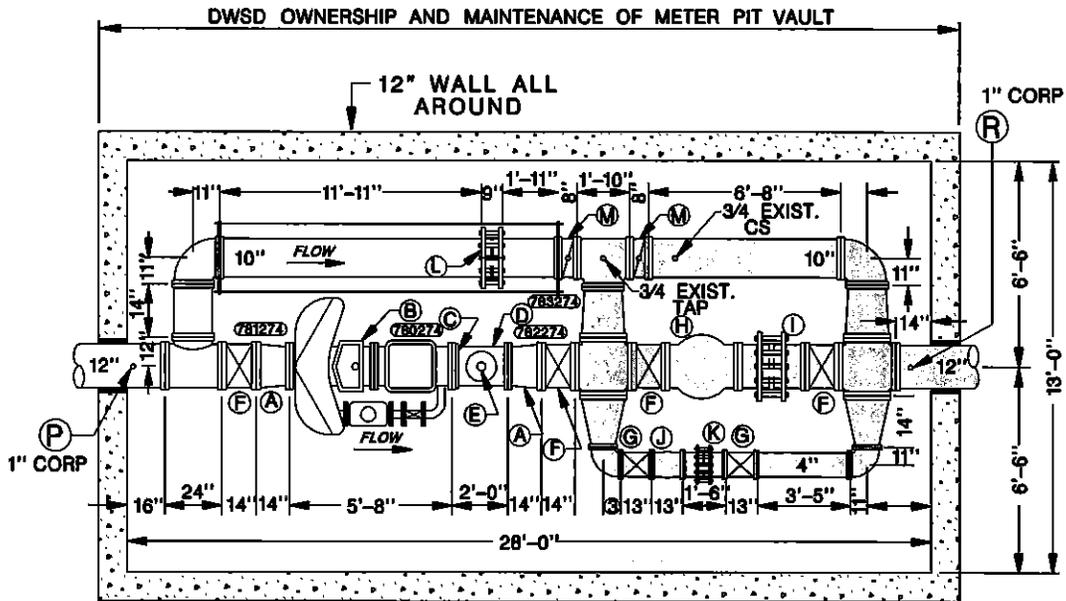
TY - CITY OF TROY
OWNERSHIP & MAINTENANCE
SE - SOCWA
OWNERSHIP & MAINTENANCE

LOCATIONS SUBJECT
TO VERIFICATION IN
THE FIELD.

SITE PLAN
NOT TO SCALE



EXHIBIT-A TY-08 SQUARE LAKE RD. AND ADAMS CITY OF TROY



CITY OF TROY OWNERSHIP AND MAINTENANCE

- (P) - UPSTREAM PRESSURE TRANSMITTER
D.W.S.D. OWNERSHIP & MAINTENANCE
- (R) - OTHER PRESSURE TRANSMITTER
D.W.S.D. OWNERSHIP & MAINTENANCE

METER PIT DETAIL

NOT TO SCALE

TYPICAL PRESSURE LOSS THRU METER	
METER TYPE	P.S.I. LOSS
VENTURI	1 TO 2
MAG	0
TURBINE	4 - 6

LEGEND			
TAG	QTY.	DESCRIPTION	SIZE
A	2	FLGD CONC REDUC DI-F-F	12" X 10"
B	1	FIRELINE COMPACT METER W5500	10" X 2"
C	1	MEGALUG FLANGE ADAPTER	10"
D	1	10" X 1'-11.5" F-PE PIPE w3" TOL DI	10"
E	1	TEST TEE ASSEMBLY w3" COMP FLANGE	-
F	4	GATE VALVE	12"
G	1	GATE VALVE	4"

LEGEND			
TAG	QTY.	DESCRIPTION	SIZE
H	1	ROSS PRV	12"
I	1	DRESSER CPLG.	12"
J	1	GOLDEN ANDERSON PRV	4"
K	1	DRESSER CPLG.	4"
L	1	DRESSER CPLG.	10"
M	2	BFLY. V. BIF TYPE H	10"

ADDRESS _____ 2985 E. SQUARE LAKE ROAD
 FEED TO _____ CITY OF TROY
 FEED FROM _____ 42" DWSD TRANS MAIN
 TYPE OF METER _____ FIRELINE COMPACT METER W5500
 SIZE OF METER _____ 10" X 2"
 METER NUMBER _____ 10") 1565968 & 2") 1566097
 DATE METER SET _____ 8/18/1999
 TYPE OF PRV _____ ROSS & GOLDEN ANDERSON
 SIZE OF PRV _____ 12" 4"
 METER PIT CONST & SIZE _____ 28'-0" X 13'-0" ID REINF CONC
 SECTION MAP _____ 13-3
 GATE BOOK _____ N-1127
 FIELD BOOK _____
 DRAWN BY _____ A.D. BOLTON 03/28/2008
 REMARKS _____



SECOND AMENDED EXHIBIT B

Projected Annual Volume and Minimum Annual Volume (Table 1)
Pressure Range and Maximum Flow Rate (Table 2)
Flow Split Assumptions (Table 3)
Addresses for Notice (Table 4)

Table 1 and Table 2 set forth the agreed upon Projected Annual Volumes, Minimum Annual Volumes, Pressure Ranges and Maximum Flow Rates for the term of this Contract provided that figures in bold type face are immediately enforceable pursuant to the terms of Section 5.07 and italicized figures are contained for planning purposes only but will become effective absent the negotiated replacements anticipated in Section 5.07.

The approximate rate of flow by individual meter set forth in Table 3 is the assumption upon which the Pressure Range commitments established in Table 2 have been devised. Should Customer deviate from these assumptions at any meter(s), the Board may be unable to meet the stated Pressure Range commitments in this Contract or in the contract of another customer of the Board and Section 5.08 of this Contract may be invoked.

SECOND AMENDED EXHIBIT B

Table 1
 Projected Annual Volume and Minimum Annual Volume

Fiscal Year Ending June 30	Projected Annual Volume (Mcf)	Minimum Annual Volume (Mcf)
2009	630,000	315,000
2010	630,000	315,000
2011	576,000	288,000
2012	576,000	288,000
2013	576,000	288,000
2014	530,000	265,000
2015	543,000	271,500
2016	556,000	278,000
2017	569,000	284,500
2018	580,000	290,000
2019	<i>580,000</i>	<i>290,000</i>
2020	<i>580,000</i>	<i>290,000</i>
2021	<i>580,000</i>	<i>290,000</i>
2022	<i>580,000</i>	<i>290,000</i>
2023	<i>580,000</i>	<i>290,000</i>
2024	<i>580,000</i>	<i>290,000</i>
2025	<i>580,000</i>	<i>290,000</i>
2026	<i>580,000</i>	<i>290,000</i>
2027	<i>580,000</i>	<i>290,000</i>
2028	<i>580,000</i>	<i>290,000</i>
2029	<i>580,000</i>	<i>290,000</i>
2030	<i>580,000</i>	<i>290,000</i>
2031	<i>580,000</i>	<i>290,000</i>
2032	<i>580,000</i>	<i>290,000</i>
2033	<i>580,000</i>	<i>290,000</i>
2034	<i>580,000</i>	<i>290,000</i>
2035	<i>580,000</i>	<i>290,000</i>
2036	<i>580,000</i>	<i>290,000</i>
2037	<i>580,000</i>	<i>290,000</i>
2038	<i>580,000</i>	<i>290,000</i>

SECOND AMENDED EXHIBIT B

Table 2
Pressure Range and Maximum Flow Rate

Calendar Year	Pressure Range (psi)											
	Meter TY-01		Meter TY-03		Meter TY-04		Meter TY-06		Meter TY-07		Meter TY-08	
	Min	Max										
2008	35	74	51	77	114	149	87	111	72	96	104	134
2009	35	74	51	77	114	149	87	111	72	96	104	134
2010	35	74	51	77	114	149	87	111	72	96	104	134
2011	35	74	51	77	114	149	87	111	72	96	104	134
2012	35	74	51	77	114	149	87	111	72	96	104	134
2013	50	75	51	77	114	149	87	111	72	96	104	134
2014	50	75	51	77	114	149	87	111	72	96	104	134
2015	50	75	51	77	114	149	87	111	72	96	104	134
2016	50	75	51	77	114	149	87	111	72	96	104	134
2017	50	75	51	77	114	149	87	111	72	96	104	134
2018	50	75	51	77	114	149	87	111	72	96	104	134
2019	50	75	51	77	114	149	87	111	72	96	104	134
2020	50	75	51	77	114	149	87	111	72	96	104	134
2021	50	75	51	77	114	149	87	111	72	96	104	134
2022	50	75	51	77	114	149	87	111	72	96	104	134
2023	60	80	65	82	114	149	87	111	80	96	104	134
2024	60	80	65	82	114	149	87	111	80	96	104	134
2025	60	80	65	82	114	149	87	111	80	96	104	134
2026	60	80	65	82	114	149	87	111	80	96	104	134
2027	60	80	65	82	114	149	87	111	80	96	104	134
2028	60	80	65	82	114	149	87	111	80	96	104	134
2029	60	80	65	82	114	149	87	111	80	96	104	134
2030	60	80	65	82	114	149	87	111	80	96	104	134
2031	60	80	65	82	114	149	87	111	80	96	104	134
2032	60	80	65	82	114	149	87	111	80	96	104	134
2033	60	80	65	82	114	149	87	111	80	96	104	134
2034	60	80	65	82	114	149	87	111	80	96	104	134
2035	60	80	65	82	114	149	87	111	80	96	104	134
2036	60	80	65	82	114	149	87	111	80	96	104	134
2037	60	80	65	82	114	149	87	111	80	96	104	134

SECOND AMENDED EXHIBIT B

Table 2 (continued)
 Pressure Range and Maximum Flow Rate

Calendar Year	Maximum Flow Rate (mgd)	
	<u>Max Day</u>	<u>Peak Hour</u>
2008	35.0	55.0
2009	35.0	55.0
2010	28.0	38.0
2011	28.0	38.0
2012	28.0	38.0
2013	28.0	39.0
2014	28.0	39.0
2015	29.0	39.0
2016	29.0	40.0
2017	29.0	40.0
2018	<i>29.0</i>	<i>40.0</i>
2019	<i>29.0</i>	<i>40.0</i>
2020	<i>29.0</i>	<i>40.0</i>
2021	<i>29.0</i>	<i>40.0</i>
2022	<i>29.0</i>	<i>40.0</i>
2023	<i>29.0</i>	<i>40.0</i>
2024	<i>29.0</i>	<i>40.0</i>
2025	<i>29.0</i>	<i>40.0</i>
2026	<i>29.0</i>	<i>40.0</i>
2027	<i>29.0</i>	<i>40.0</i>
2028	<i>29.0</i>	<i>40.0</i>
2029	<i>29.0</i>	<i>40.0</i>
2030	<i>29.0</i>	<i>40.0</i>
2031	<i>29.0</i>	<i>40.0</i>
2032	<i>29.0</i>	<i>40.0</i>
2033	<i>29.0</i>	<i>40.0</i>
2034	<i>29.0</i>	<i>40.0</i>
2035	<i>29.0</i>	<i>40.0</i>
2036	<i>29.0</i>	<i>40.0</i>
2037	<i>29.0</i>	<i>40.0</i>

SECOND AMENDED EXHIBIT B

Table 3
Flow Split Assumptions

Meter	Assumed Flow Split (2013-2017)
TY-01	0 – 3 %
TY-03	0 – 25 %
TY-04	30 – 75 %
TY-06	0 – 25 %
TY-07	20 – 30 %
TY-08	5 – 10 %

Table 4
Addresses for Notice

If to the Board:	If to Customer:
Director Detroit Water and Sewerage Department 735 Randolph Street Detroit, Michigan 48226 Attention: General Counsel	City Clerk City of Troy 500 West Big Beaver Troy, Michigan 48084 cc: Director of Public Works

Vice Chair Petrulis called the Animal Control Appeal Board meeting to order at 7:00 p.m. on September 26, 2012 in the Lower Level Conference Room of the Troy City Hall.

1. ROLL CALL

Present:

Patrick Carolan
Al Petrulis
Steve Toth

Also Present:

Paul Evans, Zoning and Compliance Specialist
Susan Lancaster, Assistant City Attorney

Absent:

Jayne Saeger
V. James Viola

2. APPROVAL OF AGENDA – No changes

3. APPROVAL OF MINUTES – February 22, 2012

Moved by Carolan
Seconded by Toth

RESOLVED, to approve the February 22, 2012 meeting minutes.

Yes: All

MOTION PASSED

4. HEARING OF CASE

WAIVER REQUEST, SHERISE ASSAD, 906 MINNESOTA – In order to keep 10 chickens, hens only, a waiver from the requirement that the property be at least .75 of an acre in size. The property is approximately .72 acres in size.

The applicant summarized her request addressing site and coop location, layout, fencing, cleaning and sanitation, coop size, visibility from area properties, and run size. She indicated the hens are locked in the coop from dusk until 9 am. There are no roosters. The coop and chickens have been on the property for approximately a year. She provided the Board updated approval petitions signed by area residents.

In response to a Board member question, Mr. Evans read the Animal Ordinance review and approval criteria for properties of at least .75 acres.

The public comment portion of the meeting was opened. No members of the public were present. The public comment portion of the meeting was closed.

The Board members discussed fencing alternatives, the behavior of/care of the chickens when the applicant was gone for extended periods of time, confirmed the maximum number of chickens requested, and confirmed there would be no roosters.

In response to Board member questions, Mr. Evans confirmed that Code Enforcement has not received any complaints regarding the chickens or coop, and he is not aware of any complaints received by Troy Police. Mr. Evans also advised the Board that the City could revoke Animal Permits if there was noncompliance with approval conditions.

Motion by Carolan
Seconded by Toth

RESOLVED to grant the request subject to:

- There will be no roosters.
- 10 hens maximum.
- If there are no citizen complaints, as validated by the Code Enforcement Department, for a 1 year period, the waiver becomes permanent.
- The waiver runs with the petitioner, not the land.

Yes: All

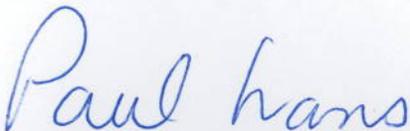
MOTION PASSED

5. ADJOURNMENT – The Animal Control Appeals Board meeting ADJOURNED at 7:45 p.m.

Respectfully submitted,



Al Petrusis, Vice Chair



Paul Evans, Zoning and Compliance Specialist

Ms. Brooks called the Regular meeting of the Building Code Board of Appeals to order at 3:00 p.m. on November 7, 2012 in the Lower Level Conference Room of the Troy City Hall.

1. ROLL CALL

Members Present:

Gary Abitheira
Teresa Brooks
Michael Carolan
Mike Culpepper

Members Absent:

Theodore Dziurman, Chair

Support Staff Present:

Mitch Grusnick, Building Official/Code Inspector
Kathy L. Czarnecki, Recording Secretary

Also Present:

Attached and made a part hereof is the signature sheet of those present and signed in at this meeting.

Mr. Grusnick advised applicants a majority of three (3) votes is required for approval and an applicant could request postponement to be heard in front of a full Board.

2. APPROVAL OF MINUTES

Moved by: Culpepper
Seconded by: Carolan

RESOLVED, To approve the minutes of the October 3, 2012 Regular meeting as submitted.

Yeas: All present (4)
Absent: Dziurman

MOTION CARRIED

3. HEARING OF CASES

- A. VARIANCE REQUEST, RANDY ORAM FOR INTERNATIONAL OUTDOOR INC., 500 WEST LONG LAKE – A variance for relief of Chapter 85, Section 85.02.05 (c) (5) (e) to place a 70 foot tall, 1608 square foot ground sign.

Ms. Brooks announced a written request has been received from the applicant to table the request to the next monthly meeting.

Ms. Brooks opened the floor for public comment.

There was no one present who wished to speak.

Ms. Brooks closed the floor for public comment.

Moved by: Carolan
Seconded by: Abitheira

RESOLVED, To table the request to the December 5, 2012 Regular meeting.

Yeas: All present (4)
Absent: Dziurman

MOTION CARRIED

- B. **VARIANCE REQUEST, MAURICE BANKS AND MIKE FRAZIER, 1929 HAZEL NUT LANE** – A variance for relief of Chapter 83 to place a 4 foot high non-obscuring fence in the front setback along Sutherland Drive where the fence height is limited to 30 inches.

Mr. Grusnick gave a brief description of the request. He indicated the department received no comments in response to the public notice.

The applicant and property owner, Mike Frazier, was present. Mr. Frazier said in addition to the request to place a four (4) foot high fence along Sutherland Drive, he is also asking to extend a six (6) foot high privacy fence along the rear property line. He said their house backs up to a wooded area owned by a party store on John R. Mr. Frazier said the fencing would provide protection for their five children and two dogs, and the placement of the fencing would utilize as much yard as possible for a play area. Mr. Frazier said the four (4) foot high fence would be a decorative aluminum black fence and the privacy fence would be wood with shadow boxing.

Mr. Grusnick confirmed the request for a privacy fence is shown on the site plan submitted. Mr. Grusnick said the property behind the home would be developed in the future and the four (4) foot high fence might meet Zoning Ordinance requirements depending on the layout of the future development to the north, but the six (6) foot high privacy fence would require a variance in either situation.

Ms. Brooks opened the floor for public comment.

There was no one present who wished to speak.

Ms. Brooks closed the floor for public comment.

There was discussion on:

- Distance of proposed fence from sidewalk/property line.
- Developer/builder agreement to install fence along rear property line.
- Developer/builder regulations; future homeowners' association bylaws.
- Utility easements within fence line area.
- Future development to the north; lot and sidewalk layout.

Moved by: Culpepper

Seconded by: Abitheira

RESOLVED, That the variance request for Maurice Banks and Mike Frazier, 1929 Hazel Nut Lane, for relief of Chapter 83 to place a 4 foot high non-obscuring fence in the front setback along Sutherland Drive where the fence height is limited to 30 inches, be granted with the condition that the fence is two (2) feet off the sidewalk, for the following reasons:

1. The variance would not be contrary to the public interest or general purpose and intent of Chapter 83; and
2. The variance does not adversely affect properties in the immediate vicinity for the proposed fence; and
3. The petitioner has a hardship or practical difficulty resulting from the unusual characteristics of the property that precludes reasonable use of the property.

FURTHER RESOLVED, that a six (6) foot high obscuring privacy fence, as requested, to terminate two (2) feet off the sidewalk along Sutherland Drive, be granted.

Yeas: Abitheira, Carolan, Culpepper

Nay: Brooks

Absent: Dziurman

MOTION CARRIED

- C. **VARIANCE REQUEST, ROBERT J. BONGIORNO FOR B-B SIGN & LIGHTING, INC., 1401 E. FOURTEEN MILE** – A variance to place a 127 square foot, 13 foot 4 inch tall ground sign, set back 7 feet 6 inches from the front property line. The sign code limits ground signs set back less than 20 feet to a 10 foot maximum height and a maximum size of 50 square feet.

Mr. Grusnick gave a brief description of the request. He indicated the department received no comments in response to the public notice and there are no concerns from a traffic visibility standpoint.

The applicant, Robert Bongiorno of B-B Sign & Lighting, was present. Also present were Al David and Jerry Sitarski of Emergency Restoration.

Mr. Bongiorno addressed the concern that a sign placed in accordance with the Zoning Ordinance would be blocked by the neighboring business located to the west (Ray Electric) and not be visible by traffic traveling eastbound on 14 Mile. Mr. Bongiorno displayed photographs visually identifying the visibility concern. Mr. Bongiorno said the owners would like to install an LED message board that would enhance their building and attract the public and customer eye. He addressed the design configuration and LED message of the proposed sign. He confirmed the proposed sign would not obscure any existing signage in the area.

Mr. David addressed the intent of its LED messages, stating they would relate to company specials, services, greetings, community and public announcements. He confirmed they are aware of the minimum sixty (60) second message cycle change.

Ms. Brooks opened the floor for public comment.

There was no one present who wished to speak.

Ms. Brooks closed the floor for public comment.

Moved by: Carolan
Seconded by: Culpepper

RESOLVED, To approve the variance request.

Yeas: All present (4)
Absent: Dziurman

MOTION CARRIED

- D. **VARIANCE REQUEST, JOHN GAVIN FOR CUSTOM SIGN CENTER, INC., 1905 E. MAPLE ROAD** – A variance for relief of the Sign Code to place a second ground sign (Menu Board) on the property measuring 41 square feet in size. Section 85.02.05 (C) (4) (b) limits the size of a second ground sign to 36 square feet.

Mr. Grusnick gave a brief description of the request. He indicated the department received no comments in response to the public notice.

Patrick Bell, representative of the property owner Tim Horton's, was present. Mr. Bell addressed the size configuration of the restaurant menu board. He stated the menu board sign exceeds the Zoning Ordinance requirements by approximately five (5) square feet, of which four and one quarter (4.25) square feet is within the base of the sign that contains the menu and speaker system; the remainder square feet is outside of the frame.

Ms. Brooks addressed the outstanding concern of the County Health Department with respect to the dumpster location.

Mr. Bell said he was not aware of any concern identified by the County Health Department. Mr. Bell said the sign variance request is for the size of the sign, not the location, and promised that any and all outstanding concerns of the Health Department would immediately be addressed.

Ms. Brooks opened the floor for public comment.

There was no one present who wished to speak.

Ms. Brooks closed the floor for public comment.

Moved by: Carolan
Seconded by: Abitheira

RESOLVED, To approve the variance request.

Yeas: All present (4)
Absent: Dziurman

MOTION CARRIED

- E. **VARIANCE REQUEST, AFRAH ALBANNA FOR AUTOMOTIVE CASTLE, 1251 ROCHESTER** – A variance for relief of the Sign Code to place a third ground sign measuring 40 square feet in size on the property. Section 85.02.05 (C) limits the maximum number of ground signs on this parcel to two signs.

Mr. Grusnick gave a brief description of the request. He indicated the department received no comments in response to the public notice.

Chris Tweny of Rainbow Hi-Tech was present to represent the property owner. Mr. Tweny said the property owner, Afrah (Fred) Albanna of Automotive Castle, would like to install an LED message board sign. He addressed visibility concerns with existing signage and noted the applicant would remove his name from existing signage shared by multi-building tenants.

Ms. Brooks opened the floor for public comment.

Kim Snell of 1227 Rochester Road was present. Ms. Snell spoke on behalf of the mini storage facility, one of the multi-building tenants who share the existing signage with the applicant. She said the applicant's name is on the two existing signs at no charge, and the signs are visible from the north and south. Ms. Snell expressed opposition to the applicant's request for a third sign. She indicated the mini storage facility does not have frontage exposure and would lose business without a sign.

Ms. Snell said the applicant is difficult to work with as a neighbor, and his business is a disgrace to the City.

Mr. Tweny said the applicant would be willing to share the usage of the proposed LED sign.

Matthew Horn of The Horn Corporation, 1263 Rochester, was present. Mr. Horn is one of the multi-building tenants sharing the existing signage with the applicant. He said after coming to an agreement with the applicant, he applied and paid for the existing signage. Mr. Horn indicated he is not necessarily opposed to the applicant's request for a third sign because that would free up and give him personal use of the existing signage. Mr. Horn said the applicant's property is a constant mess with yellow leg signs, auto parts, tire bins, flags, lawn lights, etc. Mr. Horn said he would welcome professional signage if it meant the applicant would stop constantly cluttering the property.

Mr. Carolan said he would not support the request because it appears a hardship would be created for the other building tenants.

Mr. Grusnick reported violation notices have been issued to the applicant. Mr. Grusnick said the applicant indicated a third sign would address signage concerns on site.

Mr. Tweny asked that the building tenants put their objections in writing and indicated that conceivably there could be a resolution to the signage concerns.

Ms. Brooks closed the floor for public comment.

Discussion continued:

- Role/responsibility of the Board.
- Multi-building tenant signage.
- Sunoco gas pipeline on site.

Moved by: Carolan

Seconded by:

RESOLVED, To deny the variance request because it would adversely affect the existing neighbors and the applicant has not shown a hardship.

MOTION FAILED for lack of support.

Mr. Tweny requested to postpone the request until there is a full Board present.

Moved by: Abitheira
Seconded by: Culpepper

RESOLVED, To postpone the request so it can be heard at a meeting in which a full board is present.

Discussion on the motion on the floor.

Mr. Carolan said he would support the motion to postpone because it would allow the applicant time to resolve concerns addressed by the neighbors.

Vote on the motion on the floor.

Yeas: All present (4)
Absent: Dziurman

MOTION CARRIED

4. COMMUNICATIONS

None.

5. PUBLIC COMMENT

None.

6. MISCELLANEOUS BUSINESS

The newly sworn City Manager will attend the December Regular meeting.

Mr. Culpepper was thanked for his participation and wished a fond farewell.

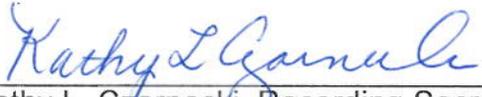
7. ADJOURNMENT

The Regular meeting of the Board of Building Appeals adjourned at 3:59 p.m.

Respectfully submitted,



Teresa Brooks, Acting Chair



Kathy L. Czarniecki, Recording Secretary

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BUILDING CODE BOARD OF APPEALS SIGN-IN SHEET

November 7, 2012

NAME (PLEASE PRINT)	ADDRESS
Patrick Bell	565 E. Grand River Ave., Brighton, MI 48116
Vincent Pangle	5235 Wright Troy, MI 48095
MIKE FRAZIER	1929 HAZEL NUT LN Troy 48063
Al David	1401 E. 14 Mile Rd Troy 48063
MATTHEW HOW	1263 ROCHESTER
BOB BONGIORNO-	54770 ARROWHEAD.
JERRY SITARSKI	140 E 14. MILE RD Troy MI
Kina Snell	1227 Rock Rd Troy
NAME (PLEASE PRINT)	ADDRESS

BUILDING CODE BOARD OF APPEALS MEETING SIGN-IN SHEET

November 7, 2012

Chair Tagle called the Special/Study meeting of the Troy City Planning Commission to order at 7:00 p.m. on November 27, 2012 in the Council Board Room of the Troy City Hall.

1. ROLL CALL

Present:

Donald Edmunds
Michael W. Hutson
Edward Kempen
Tom Krent
Philip Sanzica
Gordon Schepke
Robert Schultz
Thomas Strat (arrived at 7:22 p.m.)
John J. Tagle

Also Present:

R. Brent Savidant, Planning Director
Lori Grigg Bluhm, City Attorney
Susan Lancaster, Assistant City Attorney
Ben Carlisle, Carlisle/Wortman Associates, Inc.
Eric Huang, Student Representative

2. APPROVAL OF AGENDA

Resolution # PC-2012-11-075

Moved by: Edmunds
Seconded by: Schultz

RESOLVED, To approve the agenda as printed.

Yes: All present (8)
Absent: Strat (arrived 7:22 p.m.)

MOTION CARRIED

3. APPROVAL OF MINUTES

Resolution # PC-2012-11-076

Moved by: Sanzica
Seconded by: Schepke

RESOLVED, To approve the minutes of the November 13, 2012 Regular meeting as printed.

Yes: All present (8)
Absent: Strat (arrived 7:22 p.m.)

MOTION CARRIED

4. PUBLIC COMMENT – Items not on the Agenda

There was no one present who wished to speak.

5. ZONING BOARD OF APPEALS (ZBA) REPORT

Mr. Savidant presented ZBA report.

6. DOWNTOWN DEVELOPMENT AUTHORITY (DDA) REPORT

There was not a DDA meeting in November.

7. PLANNING AND ZONING REPORT

Mr. Savidant presented Planning and Zoning report.

OTHER BUSINESS

8. PLANNING COMMISSION ETHICS

Ms. Lori Bluhm, City Attorney, made a presentation on Planning Commission ethics.

There was general discussion on this item

9. PUBLIC COMMENT – Items on Current Agenda

There was no one present who wished to speak.

10. PLANNING COMMISSION COMMENTS

There were general Planning Commission comments.

The Special/Study meeting of the Planning Commission adjourned at 8:20 p.m.

Respectfully submitted,

John Tagle, Chair

R. Brent Savidant, Planning Director

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CITY COUNCIL AGENDA ITEM

Date: December 11, 2012

To: Brian Kischnick, City Manager

From: Mark F. Miller, Director of Economic & Community Development
Cynthia A. Stewart, Community Affairs Director
Cathleen A. Russ, Library Director

Subject: Troy Public Library 2013-2015 Strategic Plan/Presentation

On May 7, 2012, the City Council awarded a contract with sole proprietor Erin Gong, for the preparation of a strategic plan for the Troy Public Library from 2013-2015. The contract includes the scope of services that are included within the Strategic Plan: to determine what the community wants from its Library, and how the Library can best provide these services over the next three years.

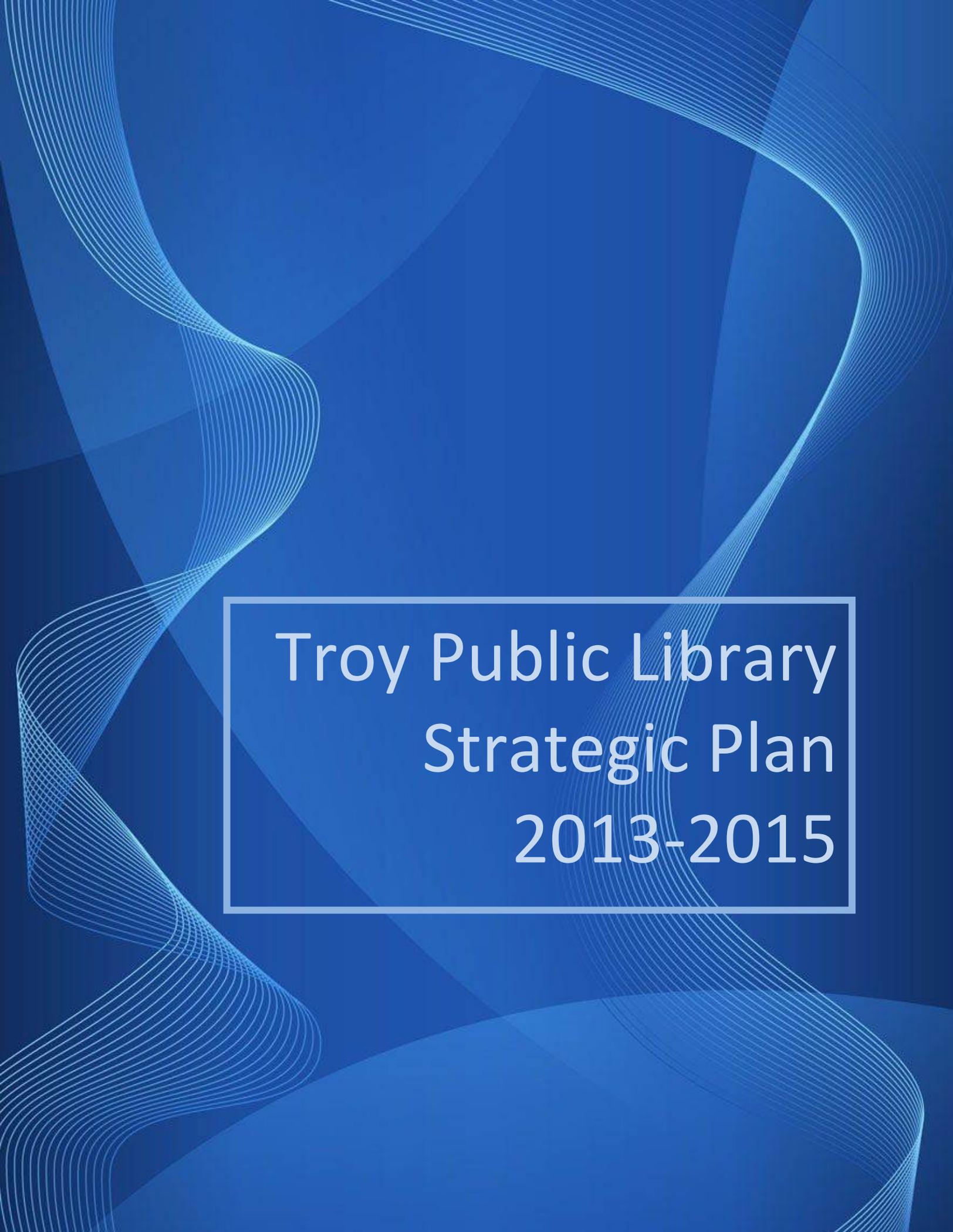
Since June 2012, Ms. Gong facilitated the Strategic Planning process with a committee that included City and Library staff, as well as residents and members of the business community. Some of the public input methods included a community survey and focus groups, as part of the scope of services.

While public tax dollars remains the primary funding source for all public libraries, including the Troy Public Library, of ongoing concern to all involved in the process was maintaining a sustainable level of service, as well as future funding for the Troy Public Library. Strategies to address those concerns are explored in depth in Goal 3, and specifically in Objective 3.7.

Partnerships, fundraising, and other revenues will be aggressively pursued, to maximize the community's investment in its Library, and to also supplement the level of Library service. However, in January 2014, it is recommended that City Management, Library Administration, and City Council analyze and determine the desired levels and types of services as identified by the community, which will then equate to the cost of Library services. This analysis will create a funding model for the Library for 2016 and beyond.

All of this information has been synthesized into the Strategic Plan report. As part of the scope of services, Ms. Gong will present the plan to City Council on Monday, December 17, 2012.

The Troy Public Library 2013-2015 Strategic Plan will be posted on the Library and the City's websites, and at the Troy Public Library.



Troy Public Library
Strategic Plan
2013-2015

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INTRODUCTION

In 2012, the Troy Public Library conducted strategic planning to determine a three-year plan for the future of the Library. The Library convened a strategic planning Task Force made up of Library staff members, staff from the City of Troy, and community and business stakeholders. It also engaged a strategic planning facilitator to guide the process and lead in data-gathering (i.e. surveys, focus groups).

The Task Force determined that the scope of the strategic plan would be three-fold.

1. Redefine the Library – articulate what the Troy Public Library is for its community.
2. Build communication – identify communication gaps and how to better communicate the redefined Library to stakeholders.
3. Explore business models – think creatively about how the redefined Library will be supported financially.

The strategic planning process was carried out in three phases.

Phase 1: “State of the Library”. This phase provided the Library with necessary background information from internal and external sources for the strategic planning process. The Task Force met to determine the scope of the strategic plan. The facilitator created a “State of the Library” report that included a community profile, assessment of the Library’s environment, and peer comparisons to other libraries.

Phase 2: Visioning. During this phase, the Task Force met again to determine the Vision, Mission, and Values of the Library, and to determine outcomes they felt were important for the Library to meet in order to achieve that vision and mission. The facilitator conducted a community-wide survey of Library users and non-users to understand people’s perceptions, attitudes, and use of the Library

Phase 3: Planning & Measurement. In this phase, the Task Force determined the “meat” of the strategic plan: the goals, objectives, and activities that would lead to key outcomes identified in Phase 2. This process was informed by the community survey as well as a series of focus groups that further explored Library opinions and communication. Additionally, a Finance Subcommittee met to determine viable funding strategies for the Library to explore. These pieces came together to form the final strategic plan, outlined in this document.

VISION, MISSION, VALUES

VISION:

TROY PUBLIC LIBRARY IS A PLACE WHERE PEOPLE ARE PARTNERS IN CREATING A VIBRANT AND PROSPEROUS COMMUNITY.

THIS VISION REQUIRES:

Acceptance, of people and of new ways of doing things
Engagement, in thoughtful decisions and purposeful action
Lifetime learning, available to everyone, at any stage of life

MISSION:

THE MISSION OF THE TROY PUBLIC LIBRARY IS TO BE THE COMMUNITY'S COLLECTION OF KNOWLEDGE AND ENTERTAINMENT, A PERSONAL RESOURCE FOR LIFELONG LEARNING, AND A VIBRANT SPACE FOR ALL.

WHAT THE MISSION MEANS IN PRACTICE

1. Community's collection of knowledge and entertainment

- The collection refers to books, music, movies at the Library, both digital and physical.
- The collection includes materials for information and knowledge as well as fun and entertainment.
- The collection must be built and maintained keeping community needs in mind.
- The collection must be responsive to changing community needs (both in content and format).

2. Personal resource for lifelong learning

- The Library provides resources not just through materials in the collection but also through librarians and Library staff – personal assistants for people's information needs.
- The Library can be the starting place for any question, on any topic, at any age.
- The Library provides classes and services to help people learn, as well as some programs geared towards educational or recreational outcomes.

3. A vibrant space for all

- The Library celebrates diversity and is capable of serving diverse populations.
- The Library is a welcoming place that has spaces suited for all ages.
- The Library is a hub for community events and programs – a gathering place.
- The physical space is an active, dynamic place where things happen.

VALUES:

WE COMMIT TO DOING THINGS WELL.

WE OFFER HIGH QUALITY PRODUCTS AND SERVICES. WHEN WE SEE A BETTER WAY, WE USE IT.

WE COMMIT TO BEING ADVENTUROUS.

INNOVATE TO LEARN. BE CREATIVE. RISK-TAKING IS ENCOURAGED.

WE COMMIT TO BUILDING RELATIONSHIPS.

WE ARE RESPONSIVE AND RELEVANT BECAUSE WE HAVE RELATIONSHIPS WITH THE PEOPLE WHO MAKE UP OUR COMMUNITY.

WE COMMIT TO SURPASSING EXPECTATIONS IN SERVICE.

WE SEE EVERY INTERACTION WITH OUR PATRONS AS AN OPPORTUNITY TO MAKE THEIR LIVES BETTER.

WE COMMIT TO LEARNING THROUGH A LIFETIME.

WE SEEK CONTINUOUS IMPROVEMENT FOR OUR STAFF, VOLUNTEERS, PATRONS AND COMMUNITY.

BACKGROUND RESEARCH

The strategic planning process began with a “State of the Library” report. This report brought together several information sources, including interviews with Library staff, usage statistics, the City of Troy Master Plan (2008) and City of Troy Community Survey (2011), and external reports on library trends and best practices. The report laid the groundwork for the whole strategic planning process, with background on the current state of the Library, the community, nationwide library trends, and current best practices from other libraries.

To inform the strategic planning process, independent Strategic Planning Facilitator Erin Gong conducted two community assessments.

- 1. Community Survey.** Conducted in October 2012, this online survey explored Library use, knowledge, and perceptions within the community. The primary sampling method was through an email sent to the City’s distribution list for Community Affairs (approximately 10,000). This method was supplemented with a press release to Troy news outlets (print and online) with a link to take the survey online. 907 people responded to the survey.
- 2. Focus Groups.** People who took the survey were also invited to participate in a focus group at the Library. We held four focus groups in November 2012, with a total of 39 participants. Because no non-users opted in to participating in the focus group, there were three focus groups of frequent Library users (visit every 2-3 weeks or more) and one focus group of less frequent Library users (visit once a month or less). Focus group discussions focused on rating different aspects of the Library, discussing how people stay informed about the Library, and describing a vision of the future of the Library.

Key findings from the two community assessments as well as the “State of the Library” report are highlighted in the next section and full reports are part of the appendix.

KEY FINDINGS

KEY FINDING 1: STRONG SUPPORT FOR LIBRARY, FROM A BROAD CROSS-SECTION OF THE TROY COMMUNITY

- 77% of survey respondents feel it is “extremely important” for Troy to have a public library. 89% feel it is either “extremely important” or “very important”.
- 78% of survey respondents feel the Library millage is a “good use of tax dollars”. Only 7% feel it is not a good use of tax dollars.
- Income is not strongly correlated with Library use. For each of four income brackets identified in the survey (\$0-50K, \$50-100K, \$100-200K, and \$200K+), between 60% and 69% of people in each bracket use the Library *at least* once a month.
- People from many races/ethnicities use the Library. Anecdotally, we see Library users from many different backgrounds. However, Troy Public Library does not only serve minority populations. Of those in the survey who identified as white non-Hispanics, 65% come to the Library at least once a month. Only 12% had never been to the Library.

KEY FINDING 2: LIBRARY OFFERINGS ARE GREAT, BUT COMMUNICATION IS KEY

- Many people don’t know about the Library’s services, particularly services that are not considered “traditional” Library offerings. For example, 39% did not know the Library offered assistance on how to use e-readers, and 26% did not know that you could download e-books from the Library. Said one respondent, “I never knew many of the things I learned about in this survey. I will check them out”.
- This communication gap exists for frequent users as well as infrequent users. On average, about 30% of people who didn’t know about a given program or service in the survey were people who use the Library at least 2-3 times each month.
- 53% of respondents say the Library “rarely or never” keeps them up-to-date on new movies. 39% say the same about new books and 27% say the same about new services.
- Focus group participants were consistently enthusiastic about the Library’s materials, resources, and services. Equally consistent was the desire for more communication from the Library about their offerings. From a focus group participant: “You need to communicate what you have. There’s a communication gap”.
- The Library’s best opportunity for increasing use from current users and non-users alike is to let people know what they can get from the Library, particularly beyond the “traditional library” mindset.

KEY FINDING 3: NEED FOR PARTNERSHIPS IN COMMUNITY

- The Library has recently had success in partnering with a few local businesses, for programs and fundraising. There is clearly room to grow this partnership model; however, in staff interviews (part of the “State of the Library” report) staff say they have barely enough (and sometimes not enough) time to meet day-to-day operational needs of the Library, making it extremely difficult to reach beyond the Library walls. Said one staff member, “At this point, we don’t have enough hours and enough personnel to get back up to our former level of programming.”
- Partnerships that support education and lifelong learning would resonate with people’s perceptions of the value of the Library: 95% of survey respondents strongly agree or agree that “a public library supports and enhances education in the community”.
- Focus group participants were very interested in the idea of the Library being a place to connect community members with community experts, on a wide range of topics. One focus group participant said: “There could be some extremely talented people in the community who could volunteer to come teach a class for the public.” Partnerships could enable this kind of robust offering.

KEY FINDING 4: TECHNOLOGY – MOVE FORWARD WITH 21ST CENTURY

- When survey respondents were asked what prevents them from using the Library, common open-ended responses were that they could get everything online, or the internet or e-readers make the Library unnecessary.
- This shift in technology is an opportunity for libraries to adapt services to a new model. The Library’s initial advances in technology have been well-received. Of those survey respondents who had heard of the Library’s e-book downloads, 28% have used the service “a few times” or “often.” 22% of respondents who had heard of the Library providing assistance with e-readers had taken advantage of that service.
- Focus group participants stressed the need for the Library to transition Library services to a 21st century technology model. They talked repeatedly of the benefits of the Library’s e-book and digital music downloads, as well as technology assistance services: “I use a lot of techno stuff. People are going to e-readers like the Kindle. We [need to] integrate it into the Library.”
- When asked about new services the Library could offer, respondents said the following:
 - 49% believed borrowing e-readers from the Library would “really” or “moderately” improve the Library.
 - 45% believed using debit/credit cards to pay Library fines **online** would “really” or “moderately” improve the Library.
 - 45% believed receiving books and DVDs through the mail would “really” or “moderately” improve the Library.
 - 36% believed using debit/credit cards to pay Library fines **at the Library** would “really” or “moderately” improve the Library.

KEY FINDING 5: RELATIONSHIPS WITH STAFF MAKE THE DIFFERENCE

- Focus group participants consistently cited staff interactions as critical to a good Library experience. Staff interactions were overwhelmingly positive, and made the difference between a good and great Library: “It’s critical for staff to interact with people who walk in the door.”
- 87% of survey respondents who had been to the Library before said Library staff are welcoming “always” or “most of the time”. 94% said the same of staff being knowledgeable.
- Perceptions of Library staff are critical to Library support. In the survey, people who strongly support the Library have higher opinions of Library staff.
- As with Key Finding 3 (Partnerships), staff needs time to build these crucial relationships with users and non-users alike, to improve their Library experience and connect them to the excellent resources available.

KEY FINDING 6: NEED TO DETERMINE A STRONG BUSINESS MODEL FOR THE LIBRARY, WITHIN AN ENVIRONMENT OF TRUST

- Currently, the Troy Public Library is funded through a millage of .7 mills for five years. When the millage expires, the Library needs a strong business model to continue.
- Nationwide, libraries are experiencing funding challenges similar to the Troy Public Library. Troy Public Library can be a leader in the field, in proactively seeking input from the community about Library levels of service and then determining a viable business model to support that service. The business model can look at ways to complement public tax dollars with support through donations, grants, and partnerships.
- The near-closing of the Library in 2011, and the surrounding political climate, continues to cast a shadow of uncertainty. In the community survey, 89% of people feel the Library is extremely or very important, but only 65% think the Library will continue and even grow. People believe the Library is important but are uncertain about its future.
- Library staff members are very enthusiastic about their jobs and their role in serving the Troy community through the Library. However, they are worried about job security and discouraged by the fact that only six out of 72 staff at the Library is full-time. Without a strong commitment to staff from City leadership, the staff is hesitant to make a strong commitment themselves. Many must seek other part-time work, and talented, energetic staff members who are given the choice of full-time work at another Library take that opportunity.
- As the Library pursues new strategies for funding, it needs an environment that uplifts and encourages, rather than an environment of uncertainty and doubt.

STRATEGIC PLAN GOALS, OBJECTIVES, & ACTIVITIES

GOAL 1: EXCEL AT USER EXPERIENCE

OBJECTIVE 1.1 (PRIORITY)

IMPROVE THE “FIRST IMPRESSION” AT THE MAIN ENTRANCE OF THE LIBRARY, SO PEOPLE FEEL WELCOMED, KNOW WHERE TO GO, AND LEARN WHAT THE LIBRARY HAS FOR THEM.

ACTIVITIES:

JANUARY – JUNE 2013 (QUICK WIN): INFORMATION DESK

- Experiment with operating a daily, staffed information “desk” (not necessarily physical) which provides users a focal point for general Library questions and an orientation to physical space, services, and programs.
- Gather informal feedback from users and staff about the desk. Make sure to talk to new or infrequent users – not just the regulars.
- Make specific recommendations for a long-term information “desk”.

JULY – DECEMBER 2013: ENTRANCE AREA RENOVATIONS

- Find and retain a consultant specializing in way-finding (see also Objective 1.2) to assess users’ experience entering the Library and recommend options for small-scale renovations to the circulation desk areas, used book drop offs, etc.
- Price out renovation options and decide which, if any, are feasible.

JANUARY – JUNE 2014: INFORMATION DISPLAYS

- Explore options for how to display a changing list of Library events and programs, new services, new books or movies, in the main entrance space of the Library.
- Pilot test some options, and gather informal feedback from users.
- Make specific recommendations for a long-term front entrance information display.

JULY 2014 – AUGUST 2015: IMPROVEMENT PLAN

- Based on above options (information desk, renovations, display) create an overall “first impression” improvement plan for the Library that meets three criteria: feeling welcomed, knowing where to go, and informed on what the Library has (programs, services, resources).
- Implement improvement plan and evaluate/refine.

MEASUREMENT:

- Feedback from users and staff about information “desk” and information display.
- User attitudes about feeling welcoming and being assisted as needed.
- User knowledge of Library happenings.
- Attitudes from new or infrequent users about getting quickly oriented to the physical Library.

OBJECTIVE 1.2 (PRIORITY)

MAKE IT EASIER FOR USERS TO NAVIGATE THE LIBRARY – FINDING MATERIALS AND FINDING PLACES (COMPUTER AREA, YOUTH AREA, RESTROOMS, ETC.) – THROUGH EFFECTIVE SIGNAGE, LOW-COST REORGANIZATION, AND INCREASED STAFF INTERACTION.

ACTIVITIES:

JULY – DECEMBER 2013: ENTRANCE AREA RENOVATIONS AND STAFF INTERACTIONS

- Continue to use and continually improve the new roving reference model to increase staff interaction with users at the Library.
- Find and retain a consultant specializing in way-finding (see also Objective 1.1) to assess users’ Library navigation and staff interactions (in regards to way-finding). Develop recommendations on specific, low-cost improvements in signage, reorganization, and staff positioning and accessibility.
- As part of this process, consider how to “translate” the current Dewey system into a more intuitive system for users. This could simply mean more intuitive signage, or a new organizational system (e.g. bookstore model).

JANUARY 2014 – JUNE 2015: IMPROVEMENT PLAN

- Prioritize consultant recommendations and form an implementation plan.
- Implement recommendations according to plan.

MEASUREMENT:

- Staff observations of how many users look lost or confused.
- Positive comments from users about way-finding in Library.
- Increased interactions between staff and patrons.

OBJECTIVE 1.3 (PRIORITY)

PROVIDE NEW LIBRARY CARDHOLDERS WITH A WELCOME PACKAGE AND ONE-ON-ONE TOUR OF THE LIBRARY AND INTRODUCTION TO ITS RESOURCES.

ACTIVITIES:

JANUARY – JUNE 2013 (QUICK WIN): WELCOME PACKAGE

- Create a first version of the Library Welcome Package. Could include:
 - Tips on using the Library.
 - Tips about when the Library is busy or quiet.
 - Online services and features.
 - Specific librarians to talk to about different topics.
 - International language speaking librarians.
 - Rewards redemption (e.g. free feature DVD rental) in order to track use.
 - Coupons to other area businesses, possibly with a “kick-back” donation to Library for each redemption.
 - Coordinate with Friends of the Troy Public Library to introduce people to the Book Shop and Friends Shop.
- Distribute the Welcome Package.
 - Train staff members on the Welcome Package, so they can answer questions as needed.
 - Determine how to distribute Welcome Package (e.g. handed out along with new Library cards, or, librarian sits down for brief conversation with users about the Welcome Package and the Library).
 - Start distributing Welcome Package to new users.

JULY – DECEMBER 2013: VOLUNTEER LIBRARY TOURS

- Develop a new user Library tour.
- Train a group of volunteers to give the tour.
- Schedule volunteers so they can be at the Library when new users receive their Library cards, and can give the tours on-demand.

JANUARY – JULY 2014: WELCOME PACKAGE

- Re-work the Library Welcome Package to better reflect the Library’s brand (Objective 2.1).
- Finalize the promotional materials from the package into “fit and finished” products.

MEASUREMENT:

- # of rewards redeemed from Welcome Package.
- # of tours given.
- Increased knowledge of how to use the Library and Library offerings (services, programs, and resources) for new cardholders.

OBJECTIVE 1.4:

SHIFT THE LIBRARY'S FOCUS ON COLLECTION DEVELOPMENT TO A FOCUS ON COLLECTION PROMOTION

ACTIVITIES:

JANUARY – MARCH 2013 (QUICK WINS!): IDENTIFY THE KEY ISSUES

- For one month, have staff track how much time they spend on collection development, as a baseline measurement.
- Gather feedback from staff on what is most time-consuming about collection development, what might make the process more efficient, and what circulation data or reports would help them in collection management (weeding, budget allocations to different topics or formats, etc).

APRIL 2013 – SEPTEMBER 2013: ASSESS COLLECTION DEVELOPMENT AND PROMOTION NEEDS

- Analyze circulation stats to identify areas in the collection that should be promoted more (consider low-circulation materials that could be interesting to more people or a specific audience as well as high- circulation materials that could be made more accessible).
- Assess current displays and promotions of collection, both physical and web-based.
- Gather feedback from staff about how the collection can be promoted more. Coordinate with Marketing staff (Objective 2.1) and the work under Objective 1.1 (“first impression” experience) about promotion options.

OCTOBER 2013 – DECEMBER 2013: DEVELOP RECOMMENDATIONS BASED ON ASSESSMENT

- Develop recommendations for collection promotion. Consider the following:
 - Technology tools for the Library to acquire to track circulation (e.g. Polaris, collectionHQ).
 - Technology tools for the Library to acquire or use more efficiently to reduce staff time required for collection development.
 - Appropriate balance of staff time on collection development and collection promotion.
 - Areas of the collection to promote (topics as well as formats – DVDs, audiobooks, etc).
 - Specific ways to promote the collection, both at the Library and also online – through the website, Facebook page, etc. How can patrons promote the collection to each other to alleviate staff time?

JANUARY 2014 – DECEMBER 2014: DEVELOP AND FOLLOW AN IMPLEMENTATION PLAN

- Develop an implementation plan for a new collection promotion strategy. Consider the following:
 - When will technology tools be acquired? Who will use them? How will people be trained?
 - If new data about circulation is being tracked, who will analyze and report out on the data? To whom will they report? What essential questions is the data meant to answer?
 - How will staff reallocate their time for collection promotion? How will they report out on this change?
 - What strategies will staff use to actively promote the collection? Who will be responsible for carrying them out? How will you track the effectiveness of these strategies?
- Follow implementation plan, and review progress on a semi-annual or annual basis.

MEASUREMENT:

- Circulation stats of materials being actively promoted.
- Change in proportion of # staff hours spent on collection development and collection promotion.

OBJECTIVE 1.5

INSTALL A DRIVE-UP DROP-BOX AT THE LIBRARY.

ACTIVITIES:

SEPTEMBER – DECEMBER 2013: IDENTIFY FUNDING MECHANISM FOR DROP-BOX

- Explore funding options for drop-box and determine the most feasible to pursue.

JANUARY – JULY 2014 – FUNDING, PLANNING

- Secure funding for drop-box.
- Obtain plans and estimates for all construction work.
- Make logistical plan for servicing the drop-box.

AUGUST – NOVEMBER 2014 –INSTALL

- Install drop-box.
- Implement logistical plan and change as needed.

MEASUREMENT:

- # of items returned in drop-box compared to inside return.
- Patron feedback about drop-box.

OBJECTIVE 1.6:

IMPLEMENT A TWO-WAY CONTINUOUS IMPROVEMENT PLAN FOR STAFF THAT INCLUDES 1) ANNUAL AND MONTHLY TRAINING AND 2) REGULAR ATTENTION TO STAFF MORALE, SCHEDULES, AND WORKLOAD.

ACTIVITIES:

JANUARY – JUNE 2013 (QUICK WIN): INFORMAL ASSESSMENT OF STAFF NEEDS

- Hold regular conversations with staff to discuss staff morale, schedules, and workload. Identify key areas that need to be addressed.

JULY 2013 – DECEMBER 2013 AGENDA AND ACTION ITEMS

- Set a year-long agenda of what to address in training, with some flexibility for things that “crop up”. Coordinate with other strategic plan objectives that may require training.
- Address staff needs that come up in assessment with appropriate action from Director or Department Heads.
- Work with Department Heads to develop staff schedules that allow for adequate off-desk time for staff to accomplish their day-to-day work responsibilities that are not related to customer service.

JANUARY 2014 AND ONGOING: FEEDBACK AND IMPROVEMENT; TRAINING

- Retain a consultant to conduct a pay survey of the Library compared with other libraries. Include an assessment of proportion of full- and part-time employees, and implications for employee retention.
- Continue to gather feedback from staff about how well their schedules meet their needs for providing customer service and accomplishing their work, as well as other aspects of staff morale and workload.
- For annual in-service training:
 - Determine a time, place, and format for annual in-service.
 - Promote in-service to staff and build excitement.
 - Develop a customer service standard for the Library as the basis of training.
 - Bring in a customer service trainer to provide customer service training.
- Values training:
 - Address values (from Strategic Plan) one by one during different mini-trainings.
 - Before the mini-training, provide staff a way to give their anonymous feedback on each value (How does Library support? How doesn't it support?).
 - Change Library policies and procedures to address most compelling needs that come up in feedback.
 - Provide mini-training to help employees more fully embrace the Values.
- Cultural awareness training:
 - Set a cultural awareness standard to be the basis of training.
 - Assess cultural awareness needs among staff.
 - Conduct training in-house or bring in a cultural awareness trainer (possibly same as customer service trainer).
 - Integrate customer service, cultural awareness, and values standards into hiring and staff review process.
 - Provide cross-training to staff on different departmental jobs, as needed.

MEASUREMENT:

- # of staff attending in-service.
- Staff feedback from in-service.
- # of mini-trainings held.
- Staff feedback from Values surveys.
- Attitudes of staff about appropriate balance of schedule and workload. Overall staff morale.

GOAL 2: INCREASE AWARENESS OF LIBRARY VALUE AND VIBRANCY

OBJECTIVE 2.1 (PRIORITY)

DEVELOP A NEW BRAND FOR THE LIBRARY AND ADHERE TO BRAND DEVELOPMENT BEST PRACTICES.

ACTIVITIES:

JANUARY – JUNE 2014: DEVELOP BRAND

- Once Marketing and Development Coordinator begins (see Objective 3.1), determine what the Library's brand message should be.
- Develop a logo and tag line, color schemes, fonts, etc. as part of the brand.
- Consider variations on the brand for different audiences (e.g. youth, teen, adult).
- Determine a set of brand development best practices for the Library to follow.

MEASUREMENT:

- # of best practices consistently followed.
- # people in Troy who can identify the Library's tag line and logo.

OBJECTIVE 2.2 (PRIORITY)

DEVELOP A COMPREHENSIVE PROMOTIONAL PLAN FOR LIBRARY SERVICES, RESOURCES, AND PROGRAMS, WITH PARTICULAR FOCUS ON THE LIBRARY'S DIGITAL SERVICES THAT BRING THE LIBRARY TO PEOPLE.

ACTIVITIES:

SEPTEMBER – DECEMBER 2013 (QUICK WIN): ESTABLISH THE BASELINE

- Identify and informally assess the Library's current promotional approaches, including promotional activities started within this strategic plan.
- Present this assessment to the new Marketing and Development Coordinator (see Objective 3.1) to bring him/her up-to-speed on current Library promotional activities.

JANUARY – JUNE 2014: DEVELOP AUDIENCE-SPECIFIC PROMOTIONAL PLAN

- Identify key audiences to target for potential growth, including current and non-users. Start from the audience assessments done in this strategic planning process.
- Identify needs of those audiences that are within the Library's mission to meet. Focus particularly on the Library's digital services such as e-books and online databases that could be promoted as ways the Library comes to people.
- Match current the Library services, resources, and programs to the needs.
- Identify the best marketing channels to reach audiences.
- Develop a promotional plan to market to those audiences. Build off of work done in other promotional and partnership-related objectives within this plan.

JULY 2014 AND ONGOING: IMPLEMENT AND EVALUATE PROMOTIONAL PLAN

- Implement and evaluate overall promotional plan.
- Coordinate promotional plan with work done under Goal 1 of this strategic plan (excel at user experience).
- Consider the following areas for promotion:
 - Entertainment resources.
 - Technology assistance and resources, particularly things that bring the Library to people, rather than requiring that people come to the Library.
 - Teen space.
 - User-specific resources such as ESL (talk time, databases), homeschoolers, special needs.
 - Specific cultural or ethnic communities who derive value from the Library.
- Create a process/channel for staff to get their programs promoted. Ensure that all programs are promoted consistently and with the brand/message determined in Objective 2.1.
- Develop mechanisms for continuous feedback loops from users.

MEASUREMENT:

- # of audiences identified.
- # of marketing channels used to reach audiences.
- # of people attending programs, circulation stats, usage stats.
- # of staff-run programs promoted through appropriate channels.
- Increased community awareness of Library services, resources, and programs.
- Increased use of the Library.

OBJECTIVE 2.3 (PRIORITY):

DEVELOP ACTIVE COMMUNICATION CHANNELS THROUGH EMAIL AND SOCIAL MEDIA.

ACTIVITIES:

JANUARY – JUNE 2013 (QUICK WIN): START TRACKING E-NEWSLETTER USE THROUGH EMAIL MARKETING MANAGEMENT SYSTEM

- Set up an email marketing management system (e.g. Constant Contact, iContact, MailChimp). Use a system that allows you to:
 - Design your email templates, insert the Library logo, etc. with the system.
 - Create multiple emailing lists.
 - Track “opens” and “clicks” for emails.
 - Transfer current e-newsletter email database to the email marketing management system and use the management system to send out the e-newsletter and track response rates.
- Begin sending the Library e-newsletter through this system and track opens and click-through rates.

JULY – DECEMBER 2013: EXPERIMENT WITH ONE CUSTOMIZED EMAIL UPDATE

- Determine one kind of email update for users to sign up for (e.g. “Events”, “Library Tips & Tricks”, “New Releases in Adult Fiction”, “Books of the Month for Preschoolers”).
- Advertise the email update through the current e-news.
- Begin sending emails through this customized list.
- Track sign-ups and responses to determine success of customized list.

JULY 2014 AND ONGOING: AGGRESSIVE EMAIL AND SOCIAL MEDIA COMMUNICATION

- Based on promotional plan, develop a plan for email and social media communication with Library audiences.
- Consider ways to foster multi-directional communication (Library to users, users to Library, users to users).

MEASUREMENT:

- # of recipients on e-newsletter and customized email.
- % increase in # of recipients over time.
- % open emails, % click on emails.
- # of people communicated to through social media channels.

OBJECTIVE 2.4:

WORK WITH SENIOR CENTER AND SENIOR HOUSING MANAGERS TO INFORM SENIORS OF LIBRARY SERVICES.

ACTIVITIES:

JANUARY – JUNE 2013 (QUICK WIN): MAKE CONTACTS

- Contact Troy senior centers, assisted living and other senior housing managers to ask if they are interested in informing seniors of Library services.
- Create database for record keeping.

JULY 2013 AND ONGOING: INFORM AND STAY CONNECTED

- Schedule group tours for seniors through centers and housing managers.
- Develop Library tour and Welcome Packages specifically for seniors (coordinate with Objective 1.3).
- Conduct tours and provide Welcome Packages for seniors. Include a “next steps” or “who to talk to next” guide so seniors have a clear idea of what to do next to use their Library.

MEASUREMENT:

- # of seniors who tour the Library.
- # of Welcome Packages distributed.
- # of new Library cards from seniors who tour the Library.

OBJECTIVE 2.5:

INFORM PARENTS OF K-12 STUDENTS ABOUT LEARNING EXPRESS LIBRARY AND BRAINFUSE, AS WELL AS OTHER LIBRARY RESOURCES TO SUPPORT KIDS' LEARNING

ACTIVITIES:

JANUARY – MARCH 2013 (QUICK WIN): MAKE CONTACTS

- Contact Troy schools to ask if they are interested in a regular column from the Troy Public Library in their monthly parent newsletter.
- Coordinate with local school media librarians to find ways to support the school curriculum and enhance the school's Library services.
- Create a spreadsheet of schools, contacts at the school, and the school's interest/involvement for record-keeping.

APRIL 2013 AND ONGOING: INFORM AND STAY CONNECTED

- Find out preferred format and deadlines from all participating schools, and determine a format/schedule for monthly column based on that.
- Determine a clear focus and format for the column. For example, a “Rad Resources” column that primarily features different aspects of the Library’s educational databases, but can also highlight other resources offered by the Library that are of interest to parents.
- Write a monthly column for newsletters.
- Routinely gather feedback from informal conversations with Library parents, Troy Public Library librarians, and school librarians/teachers about what resources are of most interest. Write about those resources.

MEASUREMENT:

- Increase in usage stats of educational databases after promoting through newsletters.
- # of schools with column in newsletter.

GOAL 3: DEVELOP A ROBUST INFRASTRUCTURE FOR COMMUNITY SUPPORT AND PARTNERSHIP

OBJECTIVE 3.1 (PRIORITY)

FORM A DEVELOPMENT TEAM AT THE LIBRARY TO AGGRESSIVELY PURSUE INNOVATIVE PARTNERSHIPS AND SUPPORT OPPORTUNITIES WITH COMMUNITY MEMBERS, ORGANIZATIONS, AND BUSINESSES.

ACTIVITIES:

JANUARY 2013 – DECEMBER 2013: FORM DEVELOPMENT TEAM

- Make three critical hires to form a new Development Team for the Library:
 - Full-time Marketing and Development Coordinator to identify and pursue outside sources of funding to supplement Library millage, and to promote and market the Library.
 - Part-time assistant to the Library Director to help with development activities and day-to-day Library operations so the director is free to pursue community and business partnerships aggressively.
 - Part-time volunteer coordinator to manage a robust volunteer program that focuses on bringing in community experts who can serve as highly skilled volunteers and free staff time for Library operations.
- The Development Team is designed to aggressively explore and pursue partnership opportunities that can support a more sustainable and robust Library.
- Identify key stakeholders for the Library to engage in meaningful, win-win support opportunities. For example, schools, stay-at-home parents seeking to keep resumes active, businesses, expert volunteers, strong Library users and supporters who can volunteer to help accomplish Library initiatives
- Based on those identifications, pursue other objectives under this Goal.

MEASUREMENT:

- Appropriate staff hired within time frame.

OBJECTIVE 3.2 (PRIORITY)

EXPAND AND STRENGTHEN PARTNERSHIPS WITH TROY AND REGIONAL BUSINESSES.

ACTIVITIES:

JANUARY 2014 – JUNE 2014: SET THE PLAN

- Develop a database of current and prospective business partnerships to track relationships and activities with different businesses.
- Work with City of Troy Community Affairs and Troy Chamber of Commerce to identify potential business partnerships.
- Develop a pitch that the Library can give to businesses on win-win partnership opportunities.
- What kinds of partnerships have worked well in the past?
- How have partnerships benefited businesses? The Library?
- What are some additional ideas for events, cross-promotions, services, etc.?

JULY 2014, AND ONGOING: BUILD CONTACTS AND PARTNERSHIPS

- Identify 8-10 businesses to contact for partnerships. Identify the best method to contact each (e.g. third-party introduction, existing relationship).
- Contact businesses to see if they would like to partner with the Library.
- Cultivate partnerships through appropriate events, cross-promotions, shared services, etc.
- Follow up afterward with informal assessments of how things went, and projected next steps.
- Return to businesses on a regular basis for repeat events (e.g. turning an event into something that happens annually).
- Over time, develop a clear process for business partnership development, so it becomes easy for both the Library and businesses to engage in mutually beneficial partnerships.
- Create a Library “menu” of resources geared towards businesses to highlight what the Library has to offer businesses in Troy.

MEASUREMENT:

- # of business partnerships.
- # of businesses contacted.
- # of events, commitments (posted fliers, for example) made between the Library and businesses.
- Amount of revenue generated or donation/sponsorship through Friends of the Troy Public Library due to business partnerships.

OBJECTIVE 3.3 (PRIORITY)

WORK WITH THE FRIENDS OF THE TROY PUBLIC LIBRARY TO INCREASE MEMBERSHIP, REACH FUNDRAISING GOALS, AND PLAN SPECIFIC PROGRAMS

ACTIVITIES:***JANUARY – JUNE 2013 (QUICK WINS!): SET A DATE***

- Set a date in coordination with Friends of the Troy Public Library and Troy Chamber of Commerce for a business open house at the Library.
- Support the Friends of the Troy Public Library traveling bags (promotional materials at programs).
- Use Friends of the Troy Public Library brand standards when promoting them through programs.

JULY 2013 AND ONGOING: MEMBERSHIP, BUSINESS OPEN HOUSE AND COORDINATION

- Coordinate with Friends of the Troy Public Library on the annual date for Friends membership drive.
- Publicize Friends membership drive at the Library.
 - Consider target markets for membership (e.g. frequent Library users, young singles, empty-nesters, families with young children).
 - Create marketing campaigns designed for target market.
 - Coordinate the campaign with the Library's promotional plan.
- Assist in the coordination of a business open house at the Library, in partnership with Friends of the Troy Public Library and Troy Chamber of Commerce.
- Coordinate an annual program plan between the Friends of the Troy Public Library and Library staff in order to share resources and maximize programming to meet community needs.

MEASUREMENT:

- # of people attending business open house.
- # of new and renewing Friends members.

OBJECTIVE 3.4 (PRIORITY):

DEVELOP A ROBUST VOLUNTEER PROGRAM TO ENGAGE HIGHLY SKILLED VOLUNTEERS, LEVERAGING THE EXPERTISE OF THE TROY COMMUNITY.

ACTIVITIES:

JUNE – DECEMBER 2013: INITIAL OUTREACH AND PROJECTS

- Once volunteer coordinator has been hired, identify 2-3 high priority projects for the Library that expert volunteers could assist in.
- Seek out expert volunteers.
- Develop and use a process to assess volunteer capacity to align with project needs.
- Execute projects using expert volunteers.
- Assess feasibility and next steps.

JANUARY 2014 AND ONGOING: VOLUNTEER PROGRAM DEVELOPMENT

- Continue to develop the volunteer program.
- Consider channels to reach volunteers, and engaging a wide scope of volunteers.
- Develop public recognition opportunities and appreciation events for volunteers.
- Begin to manage the volunteer activities across the Library departments.
- Communicate volunteer successes with public and City Council.

MEASUREMENT:

- # of expert volunteers engaged.
- # of volunteer hours.
- Estimated \$ equivalence of volunteer time, particularly with expert volunteers.

OBJECTIVE 3.5:

COLLABORATE REGULARLY WITH CITY OF TROY DEPARTMENTS TO SHARE SERVICES AND ENHANCE PROGRAMS.

ACTIVITIES:

JANUARY – JUNE 2013 (QUICK WIN): INITIAL MEETINGS

- Hold 1-2 informal (e.g. over lunch) meetings with counterparts in other City departments to explore departmental needs – in community programming and also in internal information use (e.g. a City department may benefit from using Library databases they currently don't know about or don't know how to use).
- Identify “low-hanging fruit” collaborations – small-scale activities that would be mutually-beneficial to each department – and act on them. For example, including Library information in the new resident packets coordinated by Community Affairs Department.

JANUARY – JUNE 2014: TRANSITION TO DEVELOPMENT

- Transition relationships with City of Troy departments to Marketing and Development Coordinator (Objective 3.1).
- Continue to identify collaborative opportunities. These could include:
 - Opportunities to enhance efficiencies (share internal services, reduce duplication of effort).
 - Cross-promotion, referrals.
 - Cross-programming or complementary programming.
- Collaborate and informally evaluate with counterparts and determine how to continue collaboration.
- Depending on interest and level of success, possibly create a regular (month, quarterly) meeting time with City departments to talk about collaborative opportunities. This could be an informal lunch meeting, where people share perspectives, exciting happenings in their department, or pressing needs they are trying to address. Or this could be a formal meeting with agendas set ahead of time – an interdepartmental task force of sorts.
- Attend meetings between City and developers to get word out about the Library.
- Share collaborative outcomes with City Council and the public.

MEASUREMENT:

- # of collaborative ventures completed each year.
- # of departments in conversation with Library.
- Specific joint outcomes with other departments.

OBJECTIVE 3.6:

EXPERIMENT WITH CREATING A MODULAR PLATFORM FOR TAKING LIBRARY PROGRAMS AND SERVICES “ON THE ROAD”

ACTIVITIES:

JULY – DECEMBER 2013 (QUICK WIN): POSSIBLE GRANT FUNDING

- Look into options for grant funding to support this or a similar project.
- Contact potential funders and talk about the idea.
- Assess what pilot testing or partnerships need to be done in advance of applying for funding.

JANUARY 2014 – AUGUST 2014: APPLY FOR GRANT FUNDING

- Put together staff team to do grant application, and to be the project team upon grant award.
- Determine audience for the platform (e.g. elementary students, seniors, or preschools). Consider the following:
 - The Library needs a relationship with organizations or businesses that serve the audience, so the Library can set up a pilot test of the platform.
 - The audience should have a clear use for current Library services.
 - What content would be most useful or needed with the audience and event. Do they need to learn how to use the Library? Do they want to supplement a special program (birds of prey, anime, creative writing)?
- Get commitment from organizations that serve those audiences, to be participants in the project.
- Develop an overall project design and write grant applications. Seek outside grant-writing expertise if needed.

JANUARY 2015 – DECEMBER 2015: IMPLEMENT THE PROJECT

- Implement the project as outlined in the grant narrative.
- Pilot test the platform. Evaluate what worked well, what didn't, and what you would want to add or change for the next time.
- Repeat the process with different audiences or events. In refining the platform, work towards a “framework” that can stay the same every time, in which specific content is switched.

MEASUREMENT:

- Amount of grant funding applying for and received.
- # of platform presentations done.
- # of people served by platforms.
- Informal feedback on how useful people find platforms.

OBJECTIVE 3.7

WORK WITH CITY MANAGEMENT AND CITY COUNCIL TO SECURE STABLE FUNDING FOR THE LIBRARY

ACTIVITIES:

JANUARY 2014 – JUNE 2014: ANALYZE AND DETERMINE LEVELS OF SERVICE FOR THE LIBRARY

- Retain an audience development consultant to assess community needs and wants in terms of Library service.
 - Include levels of service (e.g. # days open a week, hours, etc).
 - Include types of service (ereaders, ebooks, website features, collection development, etc).
- Conduct assessment with a robust and representative sample of the community.
- Make recommendations for levels and types of services based on assessment.
- Discuss recommendations with City Management and City Council to determine desired levels and types of service for the Library in the future.

JULY 2014 – DECEMBER 2014: DEVELOP BUSINESS MODEL

- With City Council and City Management, determine options for funding different aspects of the budget (e.g. what can be supported through grants, donations, business partnerships, and what can be supported through a millage).
- City Council and City Management determine millage rate to support levels and types of service identified above.

JANUARY 2015 – DECEMBER 2015: SUPPORT AND PROMOTE MODEL

- City Council and City Management support and promote the Library millage referendum.
- The Library staff continues to seek out other funding options such as grants, donations, and partnerships, as outlined in Appendix 1: Current Funding Model and Options.

MEASUREMENT:

- Data on desired levels and types of services.
- Budget numbers to support level of service.

STRATEGIC OUTCOMES

The strategic goals, objectives, and activities are designed to achieve the following outcomes for Troy residents, businesses, Library users, and Library staff.

Goal #1: Excel at User Experience

Troy residents	<ul style="list-style-type: none"> • Believe the Library is a cornerstone for education in the community. • Believe the Library is a great resource for entertainment. • Are confident the Library will be open in the future. • Know what resources, services, and programs the Library offers. • Feel Library resources can help them in their everyday lives.
Business partners	<ul style="list-style-type: none"> • Know the depth and breadth of resources, services, and knowledge the Library can offer.
Troy residents and business partners	<ul style="list-style-type: none"> • See the Library as an active destination for the Troy community.
Staff	<ul style="list-style-type: none"> • Believe promotion, PR, and marketing is essential. • Actively promote the Library.

Goal #2: Increase Awareness of Library Value and Vibrancy

Users	<ul style="list-style-type: none"> • Can easily use online and digital services, even for the first time. • Know about upcoming Library events and programs. • Know about new Library materials and services. • Know how to “use” the Library (e.g. find materials, get librarian help). • Feel comfortable approaching staff for help.
Staff	<ul style="list-style-type: none"> • Provide consistent and excellent customer service. • Have cultural awareness. • Are easily approachable.

Goal #3: Build a Robust Infrastructure for Community Support and Partnership

Users	<ul style="list-style-type: none"> • Know about Friends of the Troy Public Library. • Support Friends of the Troy Public Library through donations and shopping.
Business partners	<ul style="list-style-type: none"> • Know how to team up with the Library. • Offer great skills and services to Troy through Library partnerships.
Staff	<ul style="list-style-type: none"> • Know how to reach out to businesses. • Develop relationships with potential new business partners.
City Council, City Management, and Library management	<ul style="list-style-type: none"> • Have a shared understanding of the levels and types of service the Library should provide to the community. • Have a shared understanding of how the Library can feasibly be funded.

IMPLEMENTATION

The Director of the Troy Public Library will be responsible for implementing the 2013-2015 Strategic Plan, with the help of Library staff and support of the City of Troy. Additionally, the strategic planning Task Force that was convened for the purposes of creating this plan will meet on a semi-annual basis to review progress on the plan, offer suggestions and assistance, and recommend course corrections or changes when needed.

The Troy Public Library millage expires in 2016, and many aspects of this strategic plan (particularly Goal #3) are meant to address how the Library can be funded in the future. Together, the Library, residents, City Management, and City Council need to determine desired levels and types of service for the Library to provide. Additionally, the Library needs to explore new funding options through its Development Team created within this strategic plan. Based on that, we can extrapolate the necessary millage rate to support the desired level of service, with support from other funding options.

The Strategic Plan is designed with a series of “Quick Win” activities that can be achieved quickly once the plan is underway. We hope this enables the Library to immediately implement portions of the plan while working towards long-term objectives that are broader in scope or more difficult to achieve immediately.

The Strategic Plan will be communicated with the community through the City of Troy website; Troy Public Library website and Facebook page; quarterly newsletter, Troy Today; and made available in paper copies at the Library. We will also communicate out to local media outlets about the plan. Additionally, as events, programs, services, etc. are accomplished as part of the objectives within the strategic plan, they can be highlighted as working towards the Library’s strategic plan, so community members see how the strategic plan is implemented throughout 2013-2015.

APPENDIX MATERIAL

APPENDIX 1: CURRENT FUNDING MODEL AND OPTIONS

HOW IS TROY PUBLIC LIBRARY CURRENTLY FUNDED?

TAX DOLLARS

- The primary mechanism for public library funding is public tax dollars, per the Constitution of the State of Michigan. The Troy Public Library is currently funded by a dedicated millage of 0.7 mills through June 30, 2016.

OTHER SOURCES OF FUNDING FROM THE STATE OF MICHIGAN

- State Aid (about \$25,000 per year. This is used to pay for the Library's membership in the Suburban Library Cooperative, which provides access to MelCat, interlibrary loans, delivery of materials, etc).
- Penal Fines (about \$100,000 per year).
- Personal Property Tax (approximately 10% of the Library's budget, or \$310,000).

OTHER SOURCES OF REVENUE

- Fines.
- Rental items (books, DVDs).
- Fees (exam proctoring, faxing, printing, copies).
- Selling Library cards to non-residents (\$200/year).
- Café vending machines.
- Donations.
- Art gallery exhibits and display case fees.

RAISING MONEY THROUGH THE LIBRARY

WAYS THE LIBRARY CAN RAISE MONEY

- Planned Gifts.
- Grants (available grants are used to fund special projects, NOT operating expenses).

WAYS THE LIBRARY CANNOT RAISE MONEY

- Solicitation of corporate sponsorships.
- Solicitation of donations for naming rights.
- Gifts and donations in exchange for cross promotions.
- Silent auctions, exchanging goods for money.

ALTERNATIVE STRUCTURES FOR THE LIBRARY

PUBLIC-PRIVATE PARTNERSHIPS OR MERGING WITH ANOTHER ORGANIZATION

- Small-scale partnerships between other organizations and the Library could expand Library offerings and provide some revenue streams, or at the very least cross-promotion.
- Large-scale partnerships have the potential to create a new entity that would be governed by representatives from both communities (e.g. City of Troy and the partnering organization). Caution should be used in large-scale partnerships because they have the potential to dilute the “public” aspect of the Library.

PUBLIC, BUT NOT CITY-AFFILIATED, LIBRARY

- The Library would be governed by a Board of Directors rather than the City of Troy, and would be funded, at least in a major degree, through a millage.
- Offers more flexibility and possible efficiencies in technology, HR, and building; loses close integration with City operations.
- Opens doors to fundraising and sponsorships that are not legal for the Library in its current structure.

THE FRIENDS OF THE TROY PUBLIC LIBRARY

- The Friends of the Troy Public Library are a non-profit, 501©3 organization.
- The Friends of the Troy Public Library is an independent organization, with its own Board of Directors.
- The Friends of the Troy Public Library is a volunteer-run, volunteer-led organization.
- The Troy Public Library Director does not have jurisdiction over the Friends of the Troy Public Library.

POTENTIAL OPTIONS TO EXPLORE AS PART OF THE LIBRARY’S BUSINESS MODEL

- The Library can pursue aggressive partnerships and sponsorships with Troy businesses. The Library would need to include the Friends of the Troy Public Library as the entity accepting donations to use towards the Library.
- The Library can use expert volunteerism by expanding the current volunteer program so experts can be sought after and vetted to perform high-level projects with the Library (e.g. examining possibilities for improved wayfinding, teaching classes, doing lecture and discussion groups).
- The Library can increase coordination with the Friends, to increase membership, support, and shopping at the Friends bookshop in the Library.
- The Library can seek for grant funds to fund special projects.

METHODOLOGY

In October 2012, the Troy Public Library conducted a community-wide, online survey about Library use, knowledge, and perceptions, in order to inform the strategic plan. Our primary sampling method was through an email sent to the City's distribution list for Community Affairs. The list has approximately 10,000 emails on it. The distribution list represents a broad cross-section of people who live and work in Troy. People who signed up to be on this list were interested in receiving information and communication from the City generally, and are not specifically aligned with the Library.

A press release was delivered to Troy news outlets (print and online) briefly describing the survey, with a link to take the survey online. This method was meant to reach additional Troy residents who may not directly connect themselves to the City via opting into a distribution list. Only 2.5% of responses came from this sample.

RESPONDENTS

- 97.5% of responses came from the primary sampling method of the community affairs and communications distribution list.
- 86% of respondents live in Troy. 9% of respondents work in Troy but do not live in Troy.
- Respondents represented a good cross-section of Library users, by frequency of use.
- Respondents represented a broad spectrum of income levels.
- White (not Hispanic) race/ethnicity is overrepresented in this survey. Asian is underrepresented and Black or African-American is slightly underrepresented. This can be determined by comparing the race/ethnicity percentages on the survey with data from the 2010 Census for Troy.

Graph 1: Frequency of Visits (Library and website)

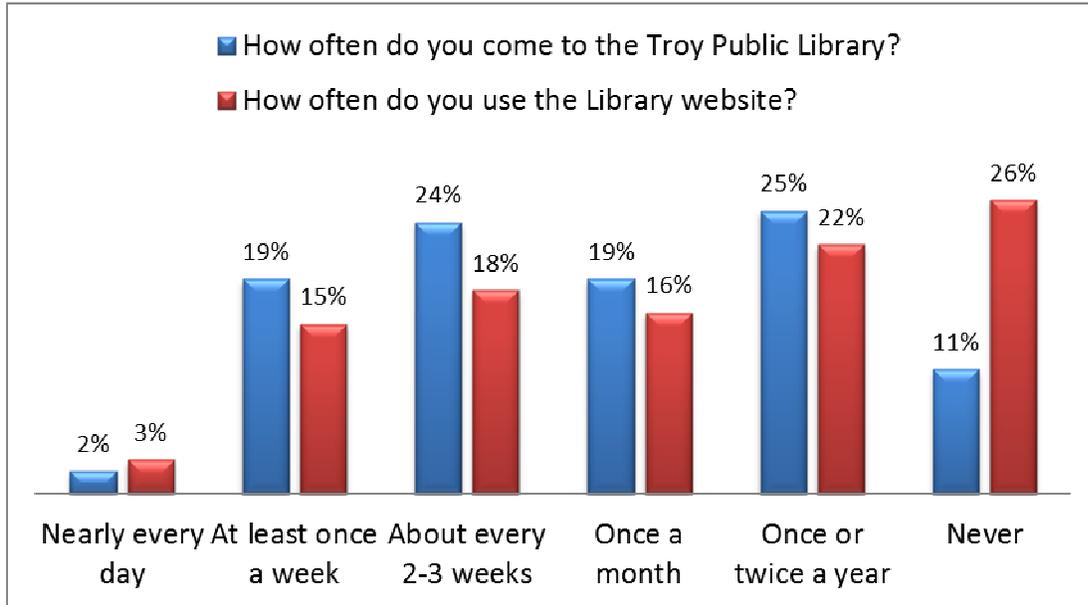


Table 1: Income

Income (family)	#	%
\$0-\$49,999	108	17%
\$50,000-\$99,999	248	38%
\$100,000-\$199,999	247	38%
\$200,000+	45	7%

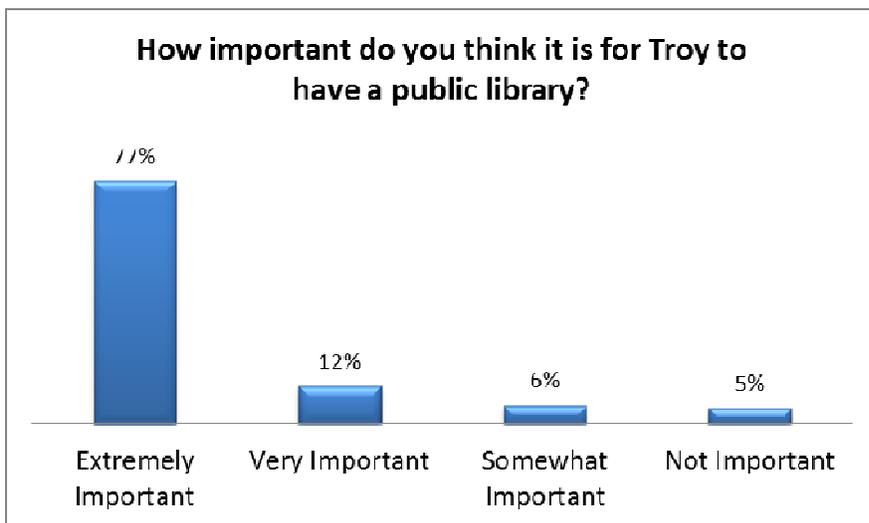
Table 2: Race/ethnicity

Race/ethnicity	#	%	2010 Census
White - Not Hispanic or Latino	646	87%	73.0%
Asian	50	7%	19.0%
White - Hispanic or Latino	23	3%	2.0%
Other	11	1%	
American Indian or Alaskan Native	8	1%	0.2%
Black or African-American	8	1%	4.0%
Native Hawaiian or Pacific Islander	0	0%	0.0%

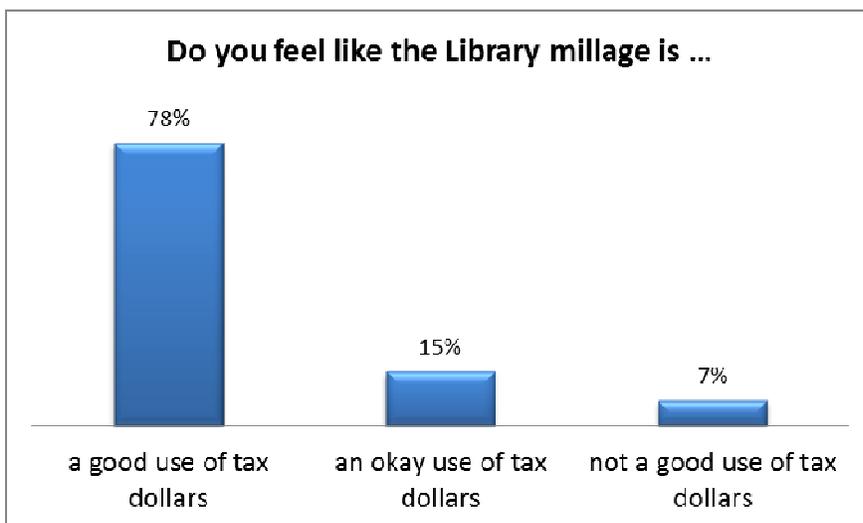
ATTITUDES ABOUT THE LIBRARY

Attitude about Library’s future (graph 4) is incongruent with attitudes toward value of Library (graph 2). That is, **89% of people feel the Library is extremely or very important, but only 65% think the Library will continue and even grow. It seems that people believe the Library is important but are somewhat uncertain about its future.**

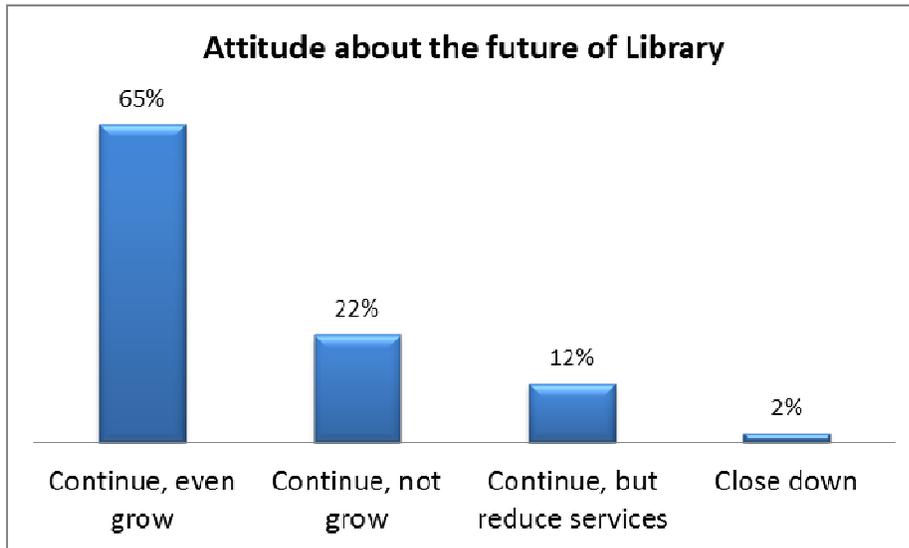
Graph 2: Importance of Library



Graph 3: Millage



Graph 4: Future of Library



From open-ended response, three main attitudes towards the Library emerged:

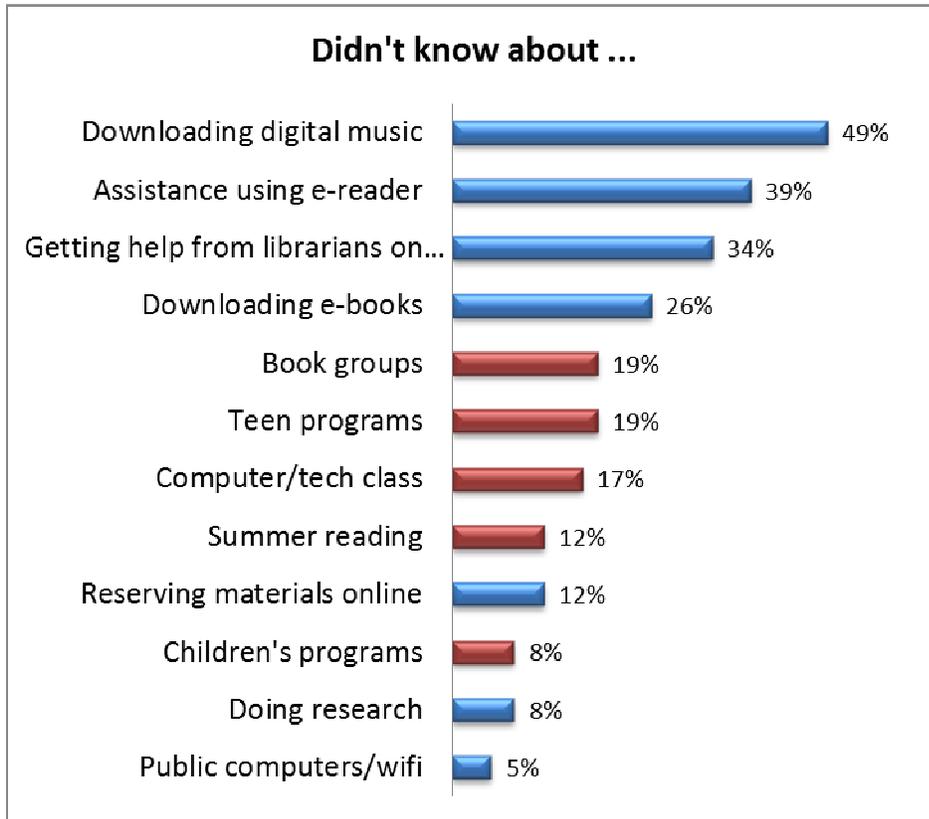
1. Users – use often, Library is a mainstay; support and want to help.
2. Supporters – Library is important to the community; many used to use but under different life circumstances (e.g. when kids young, when retired).
3. Unnecessary – Library is not a needed public good, often because of technology changes and greater availability of books and resources digitally.

KNOWLEDGE GAP

SERVICES AND PROGRAMS PEOPLE DON'T KNOW ABOUT

People don't know about many Library services (shown in blue, compared to programs shown in red), particularly in new technology. The Library's technology services are its best kept secret.

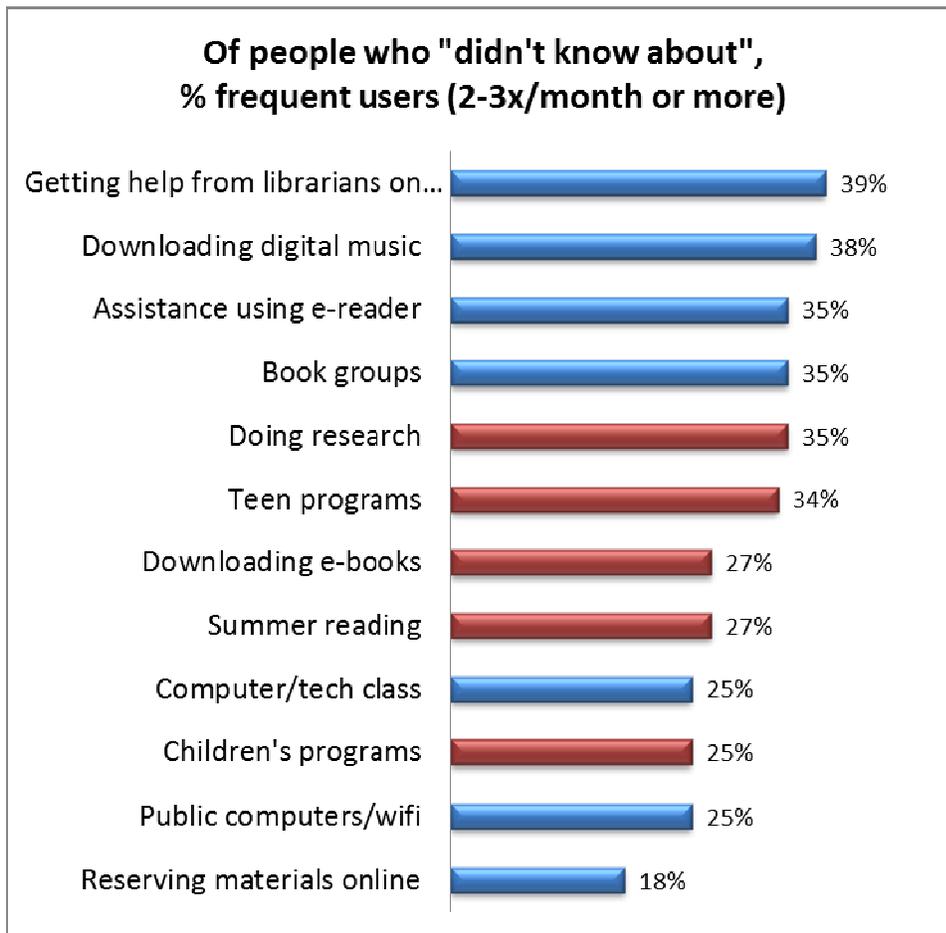
Graph 5: Services and programs people don't know about



FOR PEOPLE WHO DIDN'T KNOW ABOUT IT, WHAT % ARE FREQUENT USERS?

On average, about 30% of people who don't know about a given program or service are people who use the Library at least 2-3x/month.

Graph 6: Of those who "don't know" what percent are frequent users



COMMUNICATION

From open-ended comments on how people found out about or stay up-to-date on the Library:

- Respondents' general attitude is that they don't hear enough about the Library – they need more communication.
- Many recommended email lists for various announcements (new books, movies, programs, and events).

Table 3: How people become users

How people become users
Born using libraries
Seek it out for a specific reason and have good experience
Hear from others

Table 4: How people hear about the Library

How hear about Library
Friends and neighbors
Local papers
Check online
Troy Today
City emails (Library emails?)
Notices at the Library (hit and miss)
Facebook mentioned a few times

USAGE TRENDS

WHAT PEOPLE COME TO THE LIBRARY FOR

Table 5: Why people come to the Library (ordered by most to least important for driving visits).

When come to the Library, there to ...	Never	Rarely	Sometimes	Often
Pick up or drop off materials	3%	5%	21%	71%
Let my children use the library	46%	7%	15%	32%
Learn something new	20%	1%	36%	23%
Study, work, or read on my own	36%	20%	24%	19%
Get help on something	29%	29%	33%	8%
Attend a program	33%	30%	28%	9%
Socialize, interact with others	52%	24%	17%	6%

Additional reasons to visit (from “other” option)

- Volunteer.
- Using computers or internet.
- Shop for used books or donate books.
- Genealogy, databases.
- Attend meetings.

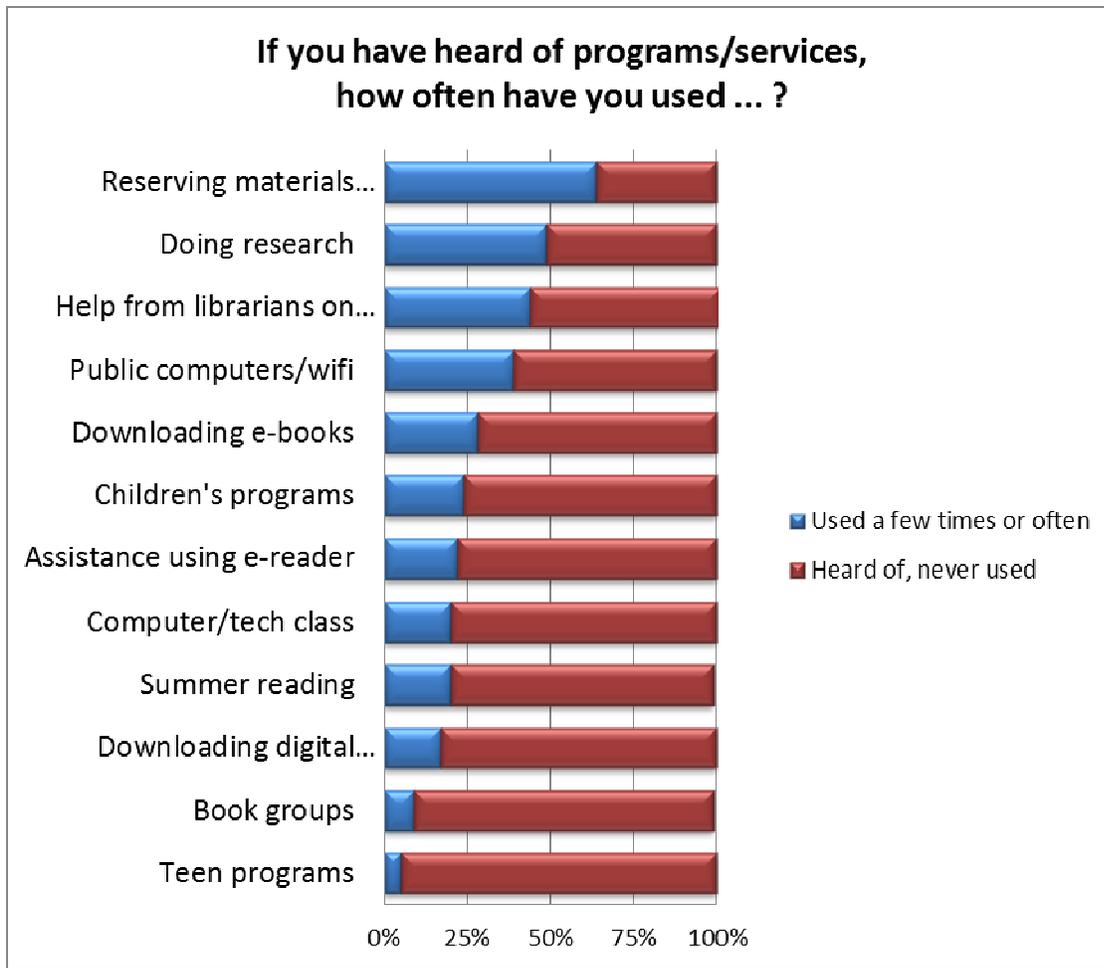
KNOW FRIENDS OF THE TROY PUBLIC LIBRARY

Table 6: Awareness of the Friends of the Troy Public Library

Do you know what Friends of the Troy Public Library is?	%
Yes	71%
No	16%
Not sure	12%

USE OF PROGRAMS, SERVICES

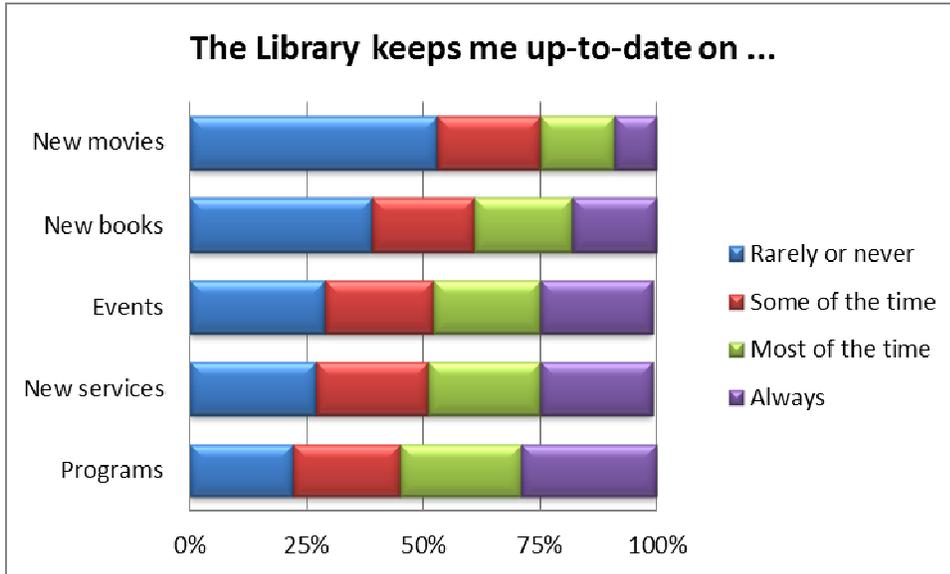
Graph 7: Use of programs and services



HOW IS THE LIBRARY DOING?

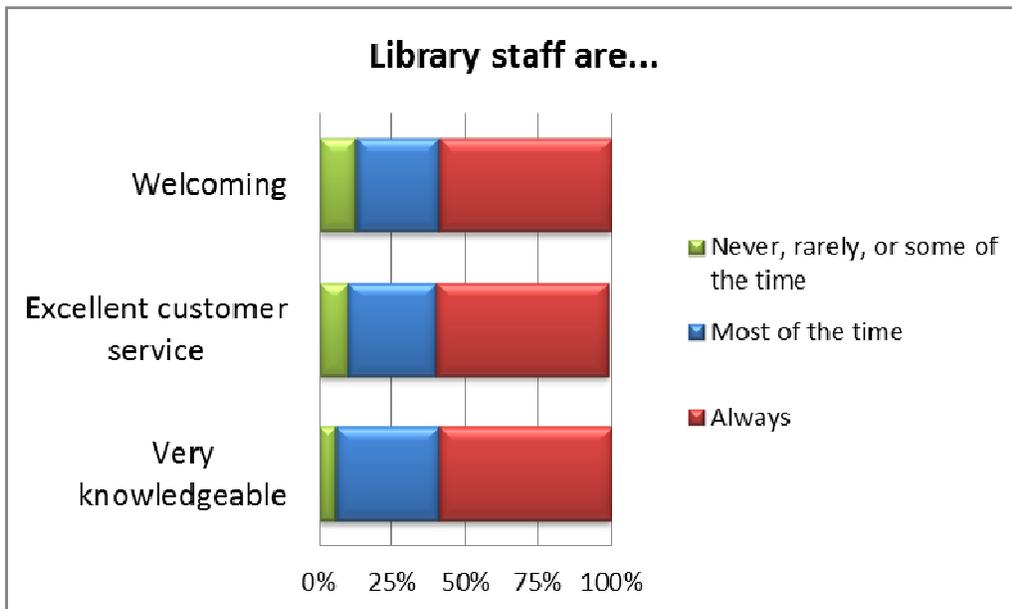
KEEPING PATRONS UP-TO-DATE

Graph 8: Staying up-to-date



STAFF

Graph 9: Opinions of staff



REASONS NOT TO COME

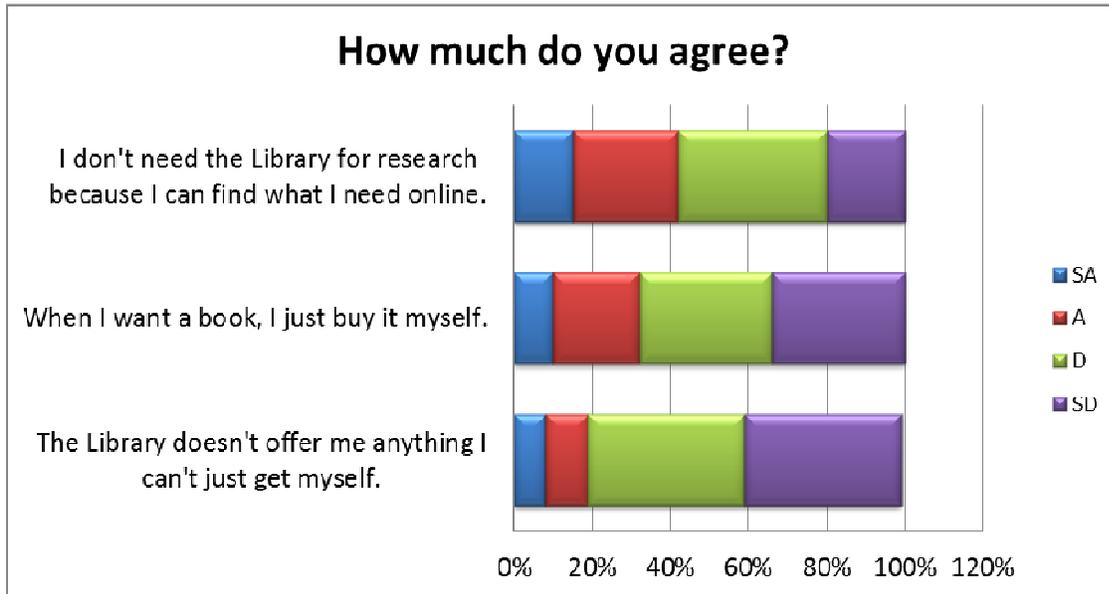
Table 7: Factors that prevent from using Library

What prevents you from using the Library?	%
I have to wait to get the books and movies I want.	10%
The Library's location is out of the way.	8%
The Library doesn't have book and movies I'm interested in.	7%
It is inconvenient.	6%
The system is too complicated. I want to have books and movies just "one click" away.	2%
Poor customer service from Library staff.	2%

Table 8: Additional factors, from "other" section

Factor	# times mentioned
Not applicable, use all the time, nothing prevents	89
Alternatives to Library	55
<i>Get everything online</i>	28
<i>Buy or rent own books, ebooks, movies, etc</i>	18
<i>Use ereader now, so don't use Library</i>	7
<i>Use another library</i>	2
Too busy	36
Don't have a need for Library	33
Hours problematic	32
Other	67
<i>e.g.: too lazy, Library disorganized, parking an issue, life circumstances prevent</i>	

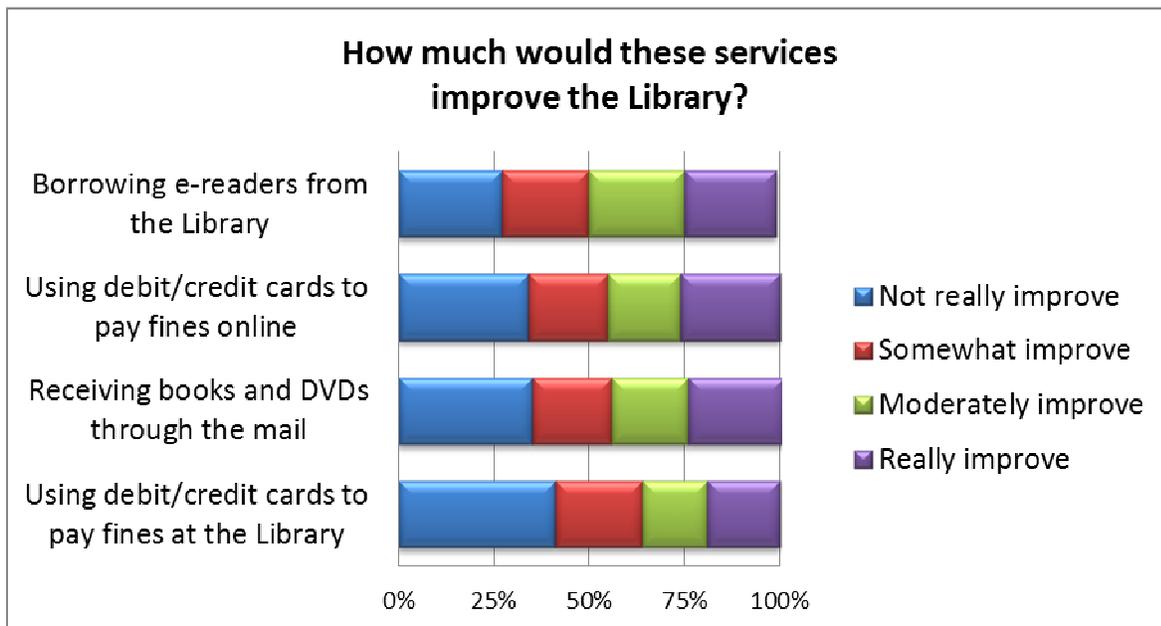
Graph 10: Alternatives to the Library



POTENTIAL SERVICES

POTENTIAL SERVICES TO IMPROVE THE LIBRARY

Graph 11: Potential services



SERVICES REQUESTED IN “OTHER” SECTION

Very common

Drive up drop-off box.

Rework hours.

- Open on Friday – find different day to close.
- Hope to expand hours.

Somewhat common

Lower overdue fines.

Concerns with mailing model and credit/debit cost – would this be good value for cost?

COMMUNICATING VALUE

REACTIONS TO DIFFERENT VALUE STATEMENTS

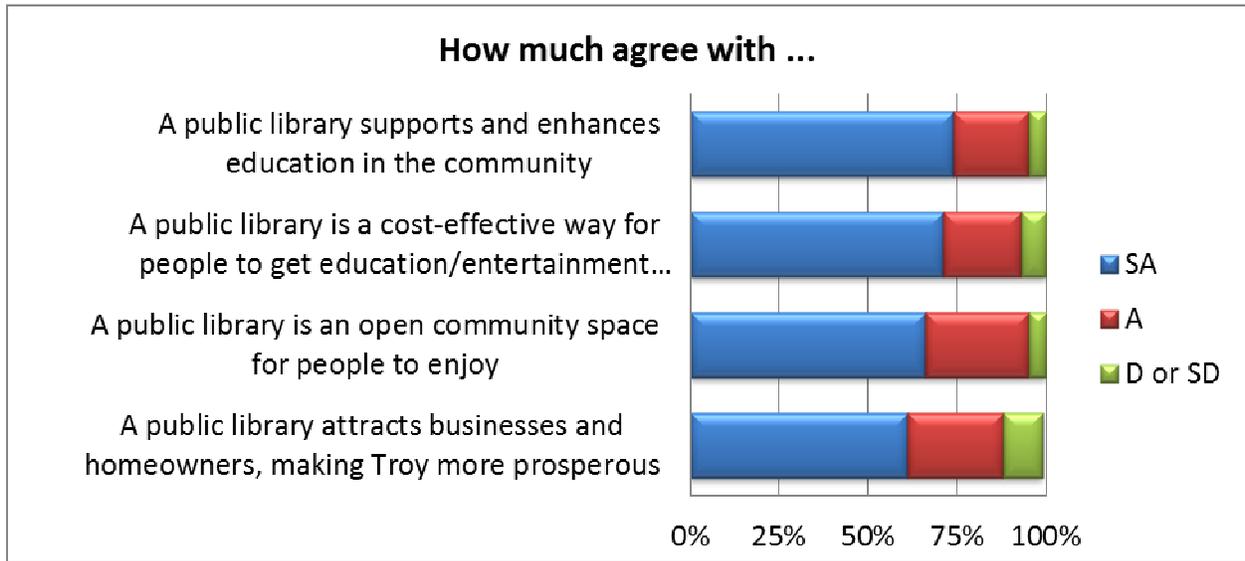
In an experimental design, in addition to being asked about each of these statements at the end of the survey, respondents were asked (at random) one of these 4 statements halfway through the survey. Immediately following they were asked how important the Library is. We were looking to see if different messages had “priming” effects – did the Library seem more important when they were primed to think about education, versus prosperity, versus space, etc.

In a variety of statistical tests, the effects of messaging were consistent, but small, and correlate with the simple “agree-disagree” graph on the right.

Most effective value statements, in order:

1. Education
2. Cost-effective OR Space
3. Prosperous

Graph 12: Attitudes about library value statements

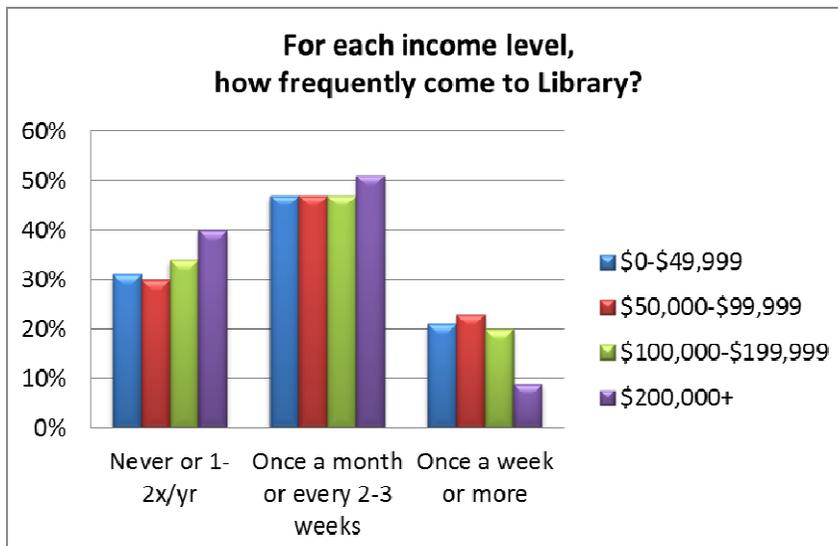


AUDIENCE SEGMENTS

DIFFERENCES BETWEEN USERS AND NON-USERS

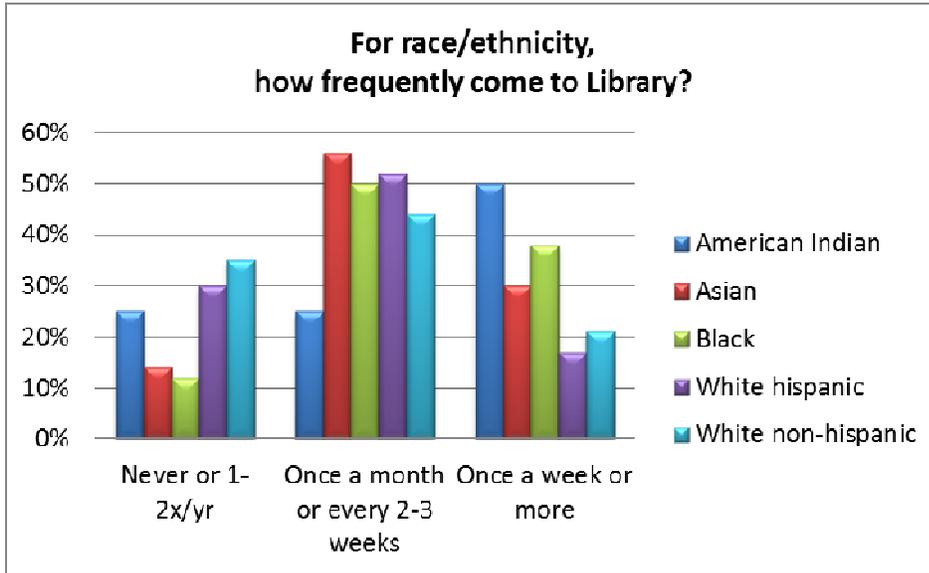
Income is surprisingly flat. Most incomes are well-represented at the Library. The only exception is the highest bracket (\$200,000+) which drops in attendance at “once a week or more”. Keep in mind the sample size at this bracket is small (45 people total).

Graph 13: Income and frequency

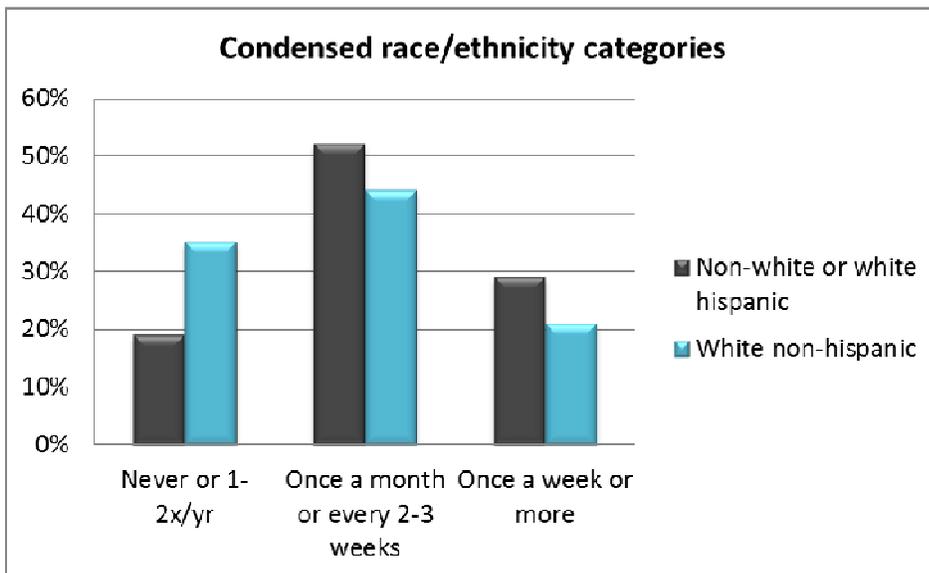


Again, race/ethnicity well-represented at the Library. It does seem that non-white races tend to have more representation at “once a week or more” than “never or 1-2x/hr”. This is shown more clearly in the condensed chart below.

Graph 14: Race/ethnicity and frequency



Graph 15: Race/ethnicity and frequency, condensed



Note: We anticipated running a cross-section with citizenship, voter registration, and voting behavior questions. However, few respondents answers these questions in anything but the positive, so there is not enough data to work with.

This page outlines data from the survey specific to non-users: those who reported never coming to the Library.

- 8% of survey respondents (74; removed people who don't live in Troy).
- Never come to Library.
- With a handful of exceptions, never come to website.
- Of those who know about Library services, resources, or programs, almost none have used them.
- 23% report that one thing that prevents them from using the Library is that it is inconvenient.
- Slightly higher income (more people in \$100-200K range than \$50-100K: 48% and 25% respectively, vs 38% and 38%).
- Almost exclusively white (61 out of 63 reporting race, indicated "white not Hispanic").

Communication:

- 54% never heard of many Library services and resources.
- 36% never heard of Library's programs .

Support:

- 54% think things like debit/credit cards at the Library, receiving materials through the mail, or borrowing e-readers would "Really improve the Library".
- 70% think these things would either "really improve the Library" or "moderately improve the Library".
- 22% believe the Library is extremely important to Troy.
- 29% believe the Library is not important to Troy.
- 33% believe the Library millage is a good use of tax dollars.
- 36% believe it is not a good use of tax dollars.

- 24% agree or strongly agree (same breakdown for each) that ...
 - The Library doesn't offer anything they can't just get themselves.
 - When they want a book, they buy it.
 - They don't need the Library for research, because they get what they need online.
- 76% agree or strongly agree that a public library is
 - An open community space for people to enjoy.
 - Supports and enhances education for the community.
 - Attracts businesses and homeowners, making Troy more prosperous.
 - Cost-effective way for people to get education and entertainment materials.

Library Lovers

Users/Supporters, 427

Criteria: Use once/mo +, Library is extremely important and millage good use of tax dollars.

Income: Similar to Advocates: middle to high ranges.

Race/ethnicity: More diverse (85% white, 6% Asian)

Use: Use everything more often than other groups (with exception of coming for children). More likely than Barebones users to have: reserved books, get help from librarians, do research, go to children's programs, and go to book groups.

Communication: Most updated of Library materials, programs, and services than any other group. Follow overall trends of being more updated on programs, events, services; less on books; even less on movies. More likely to know about assistance with e-readers than other groups.

Opinions: High opinions of staff.

Other potential services: Top-rated service is borrowing e-readers. One of least enthusiastic groups about mailing materials.

Barebones Users

Users/Non-Supporters, 96

Criteria: Use once/mo +, Library is very, somewhat, or not important OR millage okay or not good use of tax dollars.

Income: Split. Of all groups, has the highest proportion in "high" income (13% make \$200K+) but also has highest proportion in low-middle income (45% make \$50-\$100K).

Race/ethnicity: Highest proportion of Asian (18%, compared to 7% average for groups).

Use: Second highest reason to come is to bring their children to the Library, but not necessarily for programs (programs rank in 5th of 7 reasons).

Communication: More updated on movies than any other group. Slightly less informed on Library offerings than Library Lovers.

Opinions: Moderate to low opinions of staff.

Prevent from coming: Wait time for materials. See going online as alternative to using Library.

Other potential services: Top-rated service is mailing materials.

Advocates

Non-user supporters, 123

Criteria: Use 2x/year or less, Library is extremely important and millage good use of tax dollars.

Use: 21% (26) never visited Library; but 14% accessed the website 1/month or more.

Income: Similar to Library Lovers: middle to high ranges.

Race/Ethnicity: Similar to Critics. 92-93% white non-hispanic.

Use: More people from this group come to the Library to get help than any other group.

Communication: Similar pattern to Library Lovers, but lower % updated overall. Like Critics, don't know about e-books, digital music, or programs on using computers; but do know "classic" Library offerings like books, public computers, research, and children's programs.

Opinions: Highest opinions of staff.

Prevent from coming: Location and "other". See buying materials themselves and going online as alternatives to using Library.

Other potential services: Most positive towards everything; top-rated service is mailing materials.

Critics

Non-Users/Non-Supporters, 139

Criteria: Use 2x/year or less, Library is very, somewhat, or not important OR millage okay or not good use of tax dollars.

Use: 45% (62) never visited Library; but 9% accessed the website 1/month or more.

Income: Slightly higher overall.

Race/Ethnicity: Similar to Advocates. 92-93% white non-Hispanic.

Use: Same as Barbones Users – 2nd highest reason to come is to bring their children to the Library.

Communication: Similar pattern to Library Lovers, but very low % updated overall. Like Advocates, don't know about e-books, digital music, or programs on using computers; but do know "classic" Library offerings like books, public computers, research, and children's programs.

Opinions: Lowest opinions of staff.

Prevent from coming: Inconvenient. See many alternatives to the Library (buy themselves, go online).

Other potential services: Top-rated service is mailing materials.

APPENDIX 3: FOCUS GROUP REPORT

METHODOLOGY

We held four separate focus groups, with different participants, in November 2012 to discuss their opinions about the Library. Discussions focused on rating different aspects of the Library, discussing how people stay informed about the Library, and describing a vision of the future of the Library. Specifically, participants were taken through the following exercises:

1. Rate whether you agree or disagree with the following statements about the Library. Then discuss as a group whether it was an easy decision to agree or disagree, or if it was hard to decide, and why.
 - The Library is easy for people to use.
 - The Library is a welcoming place for everyone.
 - It's easy to find things at the Library.
 - The Library website is really useful.
 - I usually know what programs and events are going on at the Library.
 - I usually know when new books or DVDs hit the shelves.
 - I usually know about the Library's newest technology service.
2. Given a list of Library materials, programs/events, and resources/services, identify which are the "highlight" of the Library.
3. What would you like to see the Library start doing? Stop doing? Continue doing?
4. How do you find out about what's going on at the Library?

<i>Check the appropriate column for each.</i>	Often	Sometimes	Rarely or Never
Talking to Library staff			
Fliers or posters at the Library			
Library e-newsletters			
Facebook			
Library website			
Reading about the Library in the news			
Word of mouth (friends, family, coworkers)			

PARTICIPANTS

Respondents from the community survey (Appendix 2) were asked if they would like to participate in a focus group at the Library. 168 people indicated interest. We emailed those people to sign up for one of four different time slots. We ended up with 45 people signed up for four different focus groups.

We had a total of 39 participants show up for the focus groups. Because no non-users opted in to participating in the focus group, we had three focus groups of frequent Library users (come every 2-3 weeks or more) and one focus group of less frequent Library users (come once a month or less). Each focus group had between 8 and 12 people in it.

FINDINGS

ATTITUDES ABOUT THE LIBRARY

- *The Library is easy for people to use.* Yes, but only if you've used it before and know what you're doing. New people may have a hard time using the Library. Staff is very helpful and often offers assistance. If someone doesn't know what to do but is able to talk to a staff member, they will likely have a very good experience.
- *The Library is a welcoming place for everyone.* Yes.
- *It's easy to find things at the Library.* Yes, if you have experience. It's not intuitive. Librarians and staff are very helpful.
- *The Library website is really useful.* Yes, for using the catalog to find books, and to renew books. Other than that, the website is confusing – it's unclear where to access things and the electronic resources are not highlighted well. Also, several people cited problems with using MelCat. It is not well-integrated on the Library's website.
- *I usually know what programs and events are going on at the Library.* If they know they're interested in a type of program, they can figure out when and where it is. But overall feeling that communication about programs and events is passive – the Library is not actively reaching out to them to let them know what's happening.
- *I usually know when new books or DVDs hit the shelves.* No. Again, it's something they have to look up. Many do not know that they can use a search filter to find new books and DVDs in the catalog – this is not intuitive.
- *I usually know about the Library's newest technology service.* Yes and No. Feel it is easier to keep up on new technology services than on other things, but again they feel they seek out the information rather than the Library giving it to them.

LIBRARY HIGHLIGHTS

In general, the following items were mentioned frequently by focus group participants:

- Books.
- Ebooks.
- Movies and audiobooks.
- Children’s program.
- Online research and resources (e.g. databases). *But people generally didn’t know much about these. They sounded interesting and useful to them.*

START, STOP, CONTINUE

Start

- More communication.
- Getting more info to users about online databases and resources.
- Expert talks and forums from community members; more chances to interact.
- Drop box.

Stop

- Being closed on Fridays.

Continue

- Ebooks and technology services – grow this!
- Great programs.
- Great collection.

HOW THEY FIND OUT ABOUT WHAT’S GOING ON

The TOP of the table are the MOST COMMON ways to hear about the Library.

How often (1 is high) do you hear about the Library	Through what channel
1.5	Library website
1.86	Reading about it in the news
1.94	Enewsletter
2.03	Fliers or posters at the Library
2.05	Talking to librarians
2.25	Word of mouth (friends, family)
2.71	Facebook

SUMMARY

Overall, we learned from the focus groups that communication from the Library is critical. People enjoy what the Library has to offer, but they only know the “tip of the iceberg” in terms of the services and resources available to them. People typically learn about the Library by actively seeking out information. There is great opportunity for the Library to build a robust communication network with users and non-users alike, to increase awareness and use of the Library.

Additionally, the focus groups told us that people are excited about integrating technology into the Library. They want to see a Library that embraces e-books and mobile websites and digital downloads. To focus group participants, the Library has a strong role to play in the community, for years to come.

APPENDIX 4: COMPARISON OF TROY PUBLIC LIBRARY TO PEER LIBRARIES

Statistical Comparison of Area Libraries (2011-2012)

Library Population Served	Annual Budget	Circulation Statistics	Annual Visits	# of hrs open/ week	# of Days open Day(s) closed	Staff			Director Salary
						FT	PT	Sub	
Birmingham 31,481	\$3,176,112	721,380	325,976	67	7	14	31	14	\$86,800
Bloomfield Twp 41,070	\$5,419,132	894,241	433,033	68.5	7	*19	*32		\$115,000
Brighton *39,594 (YR 2000)	\$1,605,265	526,805	286,412	51	Win: 6 (Thur) Sum: 5 (Thur/Sun)	*7	*18		\$65,650
Canton 90,173	\$4,969,210	1,951,445	594,492	72	7	16 18	61		\$92,000
Clawson 11,825	\$476,250	85,530	74,938	40	5 Win: Fri/Sun Sum: Sat/Sun	1	12		\$64,595
Madison Heights 29,694	\$530,065	114,789	109,074	56	6 Sunday	3	10	4	\$89,388
Novi 55,264	\$2,683,487	759,021	371,274	62 Win 58 Sum	Win: 7 Sum: 6 (Sunday)	18	52		\$73,300-\$102,600
Plymouth 36,656	\$3,476,000	1,032,560	398,000	67	7	14 5/6	56		\$105,500
Rochester Hills *100,269 (YR 2000)	\$4,227,000	1,861,311	1,500- 2,000 per day	71	7	*20	*37		\$130,915

Library Population Served	Annual Budget	Circulation Statistics	Annual Visits	# of hrs open/ week	# of Days open Day(s) closed	Staff			Director Salary
						FT	PT	Sub	
Royal Oak 57,236	\$2,335,440	300,674	381,849	60	6 (Sunday)	10	27/28		\$77,000
Southfield 82,532	\$7,926,061	650,000	625,000	67 Win 63 Sum	Win: 7 Sum: 6 (Sunday)	28	89		\$90,000
Sterling Heights 129,699	\$2,565,210	614,905	484,259	57.5	6 (Sunday)	16	29	2	\$115,175
Troy 81,000	\$3,008,495	1,300,000		55	6 (Friday)	6	62	4	\$94,860
Warren 134,056	Exp: \$3,325,443 Rev: \$5,800,658	478,255	326,386	Main (WCV): Win: 58 Sum: 54 Branches Avg: 46.3	Win: 7 Sum: 6 (Sunday) Branches: 6 (Sunday)	*11	*22		\$91,911
Westland *87,000(YR 2000)	\$1,797,593	479,386	*221,543	69	7	*8	*24		\$78,000
West Bloomfield (incl Westacres) 89,656	\$4,860,773	2,785,702	2,500 per day	65	7	*20	*31		n/a
Royal Oak 57,236	\$2,335,440	300,674	381,849	60	6 (Sunday)	10	27/28		\$77,000
Southfield 82,532	\$7,926,061	650,000	625,000	67 Win 63 Sum	Win: 7 Sum: 6 (Sunday)	28	89		\$90,000

APPENDIX 5: STATE OF THE LIBRARY REPORT

In consideration of space and formatting, in the Microsoft Word version of this Strategic Plan, the State of the Library report is included as a separate PDF. In the printed version of this Strategic Plan, the State of the Library report begins on the following page.

**Inside the
Library**

**The
Community**

**Broader
Perspectives**

Case Studies

**Troy Public Library
State of the Library Report
Prepared by Erin Gong, July 2012**

Background

This “State of the Library” report is part of the Troy Public Library’s 2012 strategic planning process. The findings of this report will be used as the groundwork for a “Visioning” session with the Strategic Planning Task Force, to determine the library’s mission, vision, and values. The report is organized into 4 sections:

1. Inside the Library. An-depth look into the current state of the library.
2. The Community. An overview of Troy as a city, community, and place to live and work.
3. Broader Perspectives. Nationwide trends in libraries, and frameworks for the future of libraries.
4. Case Studies. A collection of best practices and ideas from other libraries facing challenges similar to the Troy Public Library.

This report was compiled using several information sources:

- Interviews with Library Staff, 2012. I conducted interviews with 10 library staff (full and part time, in varying departments) during June-July 2012. The “Inside the Library” section of this report is informed by the patterns that emerged from the interviews, and supported by quotes and some quantitative information.
- Usage statistics, 2008-2012. The “Inside the Library” section is informed by usage statistics from TPL for several years of operation, as well as data collected annually from the Michigan Public Library Annual Report/State Aid Application (publicly accessible). This data set includes most Michigan public libraries.
- Library Space Needs Assessment, 2008. This is a report on a space needs assessment and facility study conducted for TPL in 2007-2008. The study included a facility assessment and sizing forecast as well as community input through interviews. The study informs “Inside the Library” and “The Community”.
- City of Troy Master Plan, 2008. The Master Plan was prepared through the Planning Commission of the City of Troy, to guide city goals, policies, and decision-making. This plan informs “The Community”.
- *Rise and renewal: SEMCOG’s 2040 Forecast*, Semscope, Spring 2012. Quarterly publication of SEMCOG, Southeast Michigan Council of Governments. This report informs “The Community”.
- *City of Troy Community Survey*, 2011. This is a report of research conducted by Ed Sarpolus, Target-Insyght. It is based on a survey of 400 registered voters city-wide, and it was commissioned by the Troy City Council to ascertain acceptable level of service in core city services and determine what services citizens are willing to pay for. This report informs “Inside the Library” and “The Community”.
- *Ersi Tapestry Segmentation*. This is an online tool for market segmentation analysis. The tool provides segment analysis of communities based on zipcode and census information. This report informs “The Community”.
- Various reports on library trends and best practices, cited within this document. These inform “Broader Perspectives” and “Case Studies”.

Note: At a later point in the Strategic Planning process, we will be asking library users and non-users about their perceptions and attitudes regarding the library. The initial “State of the Library” report is informed through existing reports and recent interviews with library staff. This will help us focus in on the most relevant metrics to collect from users and non-users, to make that an efficient, effective, and representative data gathering process.

Section 1: Inside the Library

The future is bright

Key Points:

- Attendance is trending back to 2008 levels.
- Re-starting or creating programs, re-energizing the collection.
- Youth audience leading the recovery.
- Staff love the library, their jobs, and their co-workers.

1,229,216 materials in circulation for FY 2011-2012.

270 programs offered in FY 2011-2012.

31% increase in number of new library cards in FY 2011-2012, compared with FY 2010-2011.

"This library environment is optimistic and outgoing; a lot of energy coming from staff and patrons."

"When we open the door in the morning, there are at least 20 people waiting to get in."

"This is the most cohesive staff I've ever worked with. They genuinely like each other and support each other."

Library staff

The future is unclear

"At this point, we don't have enough hours and enough personnel to get back up to our former level of programming."

"Even with good change, it's not always a comfortable feeling."

"A major concern at this point about my job is being able to keep it."

Library staff

Key Points:

- Sustain 2008 usage with 2012 resources. *How to do more with less?*
- Traditional tax-based revenue model called into question by economic and political forces. *What's our sustainable funding model?*
- Along with public libraries everywhere, TPL faces a shifting landscape and must re-define itself. *What are we? Where are we going?*
- Staff feels uncomfortable in a time of change. Heavy reliance on part-time staff hurts retention. *Will I have a job in the future? Is this a dead-end for my career?*

33% budget cut in June 2010, from \$3.6 million to \$2.4 million.

30% reduction in staff in June 2010, from 13 full-time and 87 part-time employees to 6 full-time and 64 part-time employees.

July 1, 2011 library scheduled to close; saved in 3rd millage election.

Section 1: Inside the Library

Moving into the 21st century

Key Points:

- TPL embraces technology in collections and services.
- Audience-driven, not just content-driven.
- TPL is starting social media marketing and strategic business partnerships.
- TPL desires innovation and transformation, ready for change.

3,000+ e-book circulation for May 2012, the 4th largest in the Midwest Collaborative for Library Services.

3 self-check-out machines newly installed.

In the 2012 library staff interviews, staff were asked to rate 5 dimensions of the library. Technology was the **highest** rated dimension (other dimensions were collections, space, programs, and marketing).

"Everything we do is based on our patrons' wants."

"The circulation staff knows the patrons intimately."

"If you look at our history, you see a library that came from nothing and we're in this archaic building, yet we're still trying to bring innovative programs, have new ideas on how to get people in, and how to better ourselves."

Library Staff

But with some enduring challenges

Key Points:

- Honor and burden of holding one of the most extensive public library collections in Michigan. Library resources must be used to store, handle, and maintain this collection, limiting flexibility to start or expand other programs and services.
- Outdated building presents a worn out image; lack of space limits opportunities and growth. The issue of limited space was strongly confirmed by Troy residents in Space Needs Assessment.
- Innovation and "rapid prototyping" slowed by staff feeling overburdened and the inherent structure of city approval processes.

315,222 total items in TPL's collection, 20th largest collection out of 382 Michigan libraries reporting in the '10-'11 public library annual report.

Lowest rated dimension of the library in the 2012 library staff interviews was Space.

"Our displays are on top of each other. Our stacks are on top of patrons."

"We don't have any private rooms. Patrons complain it's the noisiest library they've been in."

"There's not always enough staff to cover what's going on. There's a really high demand."

Library Staff

Section 1: Inside the Library

Diverse and dedicated patrons

Key Points:

- Diverse patrons, in terms of ethnicity and age.
- Diverse ways of using the library: want spaces of community and spaces of quiet (for all areas - Adult, Youth, and Teen).
- Large group of core library users and supporters.
- Public opinion generally in the library's favor.

72% of Troy residents want to increase funding or keep the same levels of funding for the library in 2011 City of Troy Community Survey.

Vast majority of people interviewed for the Space Needs Assessment love the library. *"It was difficult for them to talk about issues they would like to see changed."* (from the report)

"We have ethnicities from everywhere. All walks of life."

"Children, high school students, business professionals, retired auto workers, people who need internet."

"There's a core group of dedicated users, checking out 100s of things. A loyal bunch."

Library Staff

"The whole closure was such a conundrum and there's still a residual image problem because of the last-minute save."

"We have to get away from the last couple of years and market ourselves as a strong force in the community."

Library Staff

Unknown non-users, outspoken nay-sayers

Key Points:

- There are people who could be using and loving the library, but aren't. *Who are they? Why don't they come? How do we reach them?*
- Some have called into question the need/value of the library. *How does TPL stay relevant?*
- As marketing becomes more important to libraries, TPL faces big questions. *How do we communicate our value? How do we transform divisiveness around the library to connectedness?*

3 elections needed before dedicated library millage passes.

50,880 cardholders in a population of 80,980.

Section 1: Deep Dive Staff Interviews

Describing the Library

In library staff interviews, respondents were asked to give 3 words that described the Troy Public Library. The word cloud at the right shows all the words used by respondents, with bigger words indicating that the word or idea expressed by the word was mentioned multiple times.



Dimensions of the Library

In library staff interviews, respondents were asked to rate 5 dimensions of the library from 1 to 7. The dimensions were Collections, Technology, Space, Programs, and Marketing. On the scale, 1 was low and 7 was high.

	Collections	Technology	Space	Programs	Marketing
Average rating	5.20	5.65	3.30	4.35	3.95
Interpretation	Strongly rated. Staff noted that TPL has a historically strong collection that saw a dip during the near-closure. Now the library is filling in those gaps in the collection.	Highest rated. Across the board, staff felt the library excelled in providing technology in services (computers, internet, classes) and in the collection (e-books, AV). Staff commended the tech staff for their know-how and service to patrons.	Lowest rated. Space presents a major challenge to meeting patron needs. Lack of space in staff areas hinders efficiency in core library tasks.	Moderately rated. Ratings were highly varied, with some staff giving Programs a 1 and others giving them a 7. Programs traditionally were strong, but are just barely getting back since the near-closure. Staff indicated that they would like to see more variety and risk-taking in innovative, need-driven programs.	Lowly rated. Ratings were highly varied here as well. High ratings came from staff who felt recent marketing strategies were going well. Lower ratings came from staff who felt the library was just beginning to think in terms of marketing. Some staff were unsure what was going on at the library in terms of marketing.

Section 1: Deep Dive – Library Rankings

The following tables rank 13 comparable Southeast Michigan libraries on major Inputs and Outputs for TPL's FY 2009-2010. TPL's rank is highlighted in black. *Looking at the tables from a distance, you can see how TPL compared to other libraries, before the budget and staff cuts and near-closure.* The cells highlighted in orange show where TPL would rank in this listing if we used its 2010-2011 statistics. *The orange highlighting shows how TPL's funding crisis affected the library in comparison with their previous ranking.* (Note: The data in the orange cells is not TPL's data – the orange highlighting simply demonstrates where TPL would have been ranked with its 2010-2011 numbers).

INPUTS

	Population served	Square feet	Hours open	Employees	Operating Expenditure	Programs	Collection	Public Computers
1	138247 WPL	124000 SPL	8964 WPL	142 RH	6436196 SPL	1418 WBT	337983 BH	195 SPL
2	124471 SH	124000 BH	7328 WBT	128 SPL	5885275 CPL	1140 TPL	315222 TPL	174 WBT
3	92363 RH	76000 WBT	4992 RH	100 TPL	5876219 BH	943 CPL	307524 CPL	152 CPL
4	82532 SPL	70160 RH	3600 CPL	95 CPL	4643193 WBT	900 NPL	307494 WBT	117 NPL
5	80959 TPL	62769 WPL	3462 BH	93 BH	4150075 RH	793 RH	278555 RH	116 PDL
6	76366 CPL	59314 NPL	3333 PDL	93 WBT	3662530 TPL	650 BH	278003 SPL	108 RH
7	71579 WBT	53000 CPL	3233 TPL	73 PDL	3394977 PDL	554 BDL	275937 WPL	98 WPL
8	60062 RO	52000 PDL	3109 BDL	62 BDL	3119731 WPL	538 PDL	242556 SH	83 BH
9	52424 NPL	50000 TPL	2983 RO	58 NPL	2724935 SH	523 RO	227516 PDL	80 TPL
10	43023 BH	42556 SH	2930 SPL	48 WPL	2576299 NPL	453 SH	176205 RO	57 RO
11	39594 BDL	42000 RO	2859 MH	47 SH	2328555 RO	411 SPL	151751 NPL	42 SH
12	36820 PDL	23100 BDL	2845 SH	38 RO	1779484 BDL	346 WPL	131849 MH	34 BDL
13	31101 MH	16885 MH	2623 NPL	15 MH	554168 MH	177 MH	112058 BDL	17 MH

OUTPUTS

	Registered Borrowers	Visits/capita	Ref trans/visit	Program attendance	Circ/capita	ILL Loaned	Users of Pub Computers	Program attendance/program
1	90324 CPL	13.93 WBT	0.65 NPL	65564 WBT	37.45 WBT	143169 TPL	469821 WBT	71.90 SH
2	71322 WBT	11.06 PDL	0.35 SPL	32570 SH	29.17 PDL	105692 SH	436331 WPL	46.24 WBT
3	58986 RH	11.00 RO	0.33 WBT	31422 CPL	26.39 CPL	76629 WPL	420000 PDL	39.54 SPL
4	56913 TPL	10.07 BH	0.28 RH	29060 RH	20.94 RH	35951 BDL	189178 RH	36.65 RH
5	53114 SH	9.71 SPL	0.23 SH	27570 TPL	20.79 BH	31528 NPL	126256 BH	33.32 CPL
6	51507 WPL	9.05 RH	0.22 BH	25945 NPL	16.80 TPL	23549 CPL	99961 TPL	31.83 RO
7	46000 SPL	8.45 CPL	0.20 WPL	17099 BH	14.28 BDL	18138 RH	89430 NPL	28.83 NPL
8	45648 PDL	8.08 TPL	0.14 TPL	16647 RO	10.62 NPL	16694 BH	86197 SH	26.55 WPL
9	43439 BH	7.23 BDL	0.13 CPL	16249 SPL	8.63 SPL	16179 RO	72573 BDL	26.31 BH
10	31446 BDL	5.01 NPL	0.13 PDL	14118 BDL	7.06 RO	13650 SPL	65858 RO	25.48 BDL
11	30700 RO	4.50 SH	0.12 BDL	12929 PDL	5.04 SH	11794 WBT	35515 MH	24.18 TPL
12	27025 NPL	3.32 MH	0.08 MH	9186 WPL	4.11 WPL	10195 PDL	0 CPL	24.03 PDL
13	9300 MH	2.58 WPL	0.06 RO	4146 MH	3.64 MH	9193 MH	0 SPL	23.42 MH

TPL Rank Position in 2009-2010

Where TPL would rank with its 2010-2011 numbers (if different from 09-10)

BDL	Brighton District Library	RO	Royal Oak Public Library
BH	Bloomfield Township Public Library	SH	Sterling Heights Public Library
CPL	Canton Public Library	SPL	Southfield Public Library
MH	Madison Heights Public Library	TPL	Troy Public Library
NPL	Novi Public Library	WBT	West Bloomfield Township Public Library
PDL	Plymouth District Library	WPL	Warren Public Library
RH	Rochester Hills Public Library		



Section 1: Deep Dive – Library Comparisons

Takeaways from Comparison Tables

- INPUTS

- In 2009-2010, TPL was ranked highly in employees, programs and collections; about average in population served, hours open, and operating expenditures; and somewhat low in space and number of public computers.
- In 2010-2011, TPL had major drops in all non-fixed inputs (hours, employees, programs, and collection – not space or public computers).
- ***This resulted in TPL having low inputs across the board, since inputs not immediately affected by budget cuts (space and public computers) were already lower to begin with.***

- OUTPUTS

- In 2009-2010, TPL had a solid number of cardholders and their collection was a strong resource for InterLibrary Loan. TPL had average program attendance, circulation, and computer use. Visitation and reference transactions were also average, but on the lower end. Program attendance per program was low.
- In 2010-2011, TPL had a significant dip in program attendance, InterLibrary Loan use and computer use. TPL has a smaller dip in cardholders, visits, and program attendance per program. Reference transactions per visit went slightly up and circulation remained the same.
- ***The budget cuts and near-closure had the greatest immediate effect on use of library services such as programs, InterLibrary Loan, and public computers.***

Section 1: Deep Dive TPL 3-year Usage

A Story of Recovery

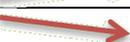
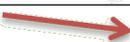
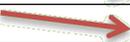
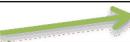
The good news is that as we compare TPL's statistics over the last 3 years, we see signs of recovery. The tables below show trends in library Inputs and Outputs. Circulation and program attendance are leading the recovery. Visitation, web hits and computer use is declining, but that seems to be tapering off. While total number of cardholders is declining, new cardholders is increasing. TPL's challenge lies in the Inputs – some inputs (budget, collections, programs) are recovering. But inputs such as employees, volunteers, and hours, have dipped and hold steady (or decline). As Outputs recover and Inputs stay the same, TPL must learn how to do more with less.

Recovering  Steady  Decline 

Inputs

Category	FY 2009-10	FY 2010-11	FY 2011-12	
Population served	80,959	80,980	80,980	
Employees	100	70	72	
Volunteers	409	205	98	
Budget	\$ 4,570,670	\$ 2,684,670	\$ 3,008,495	
Hours open (annual)	3,233	2,860	2,860	
Square feet	50,000	50,000	50,000	
# public computers	80	80	64	
Collection	315,222	274,001	295,080	
Items added	28,616	22,925	24,254	
Programs (total)	1,140	145	270	
Adult Programs	480	64	66	
Teen Programs	49	0	15	
Child Programs	611	81	189	

Outputs

Category	FY 2009-10	FY 2010-11	FY 2011-12	
Total Circulation	1,360,367	1,212,904	1,239,276	
circ/capita	16.80	14.98	15.30	
circ/visit	2.08	2.60	2.76	
Total # cardholders	56,913	51,213	50,880	
# new library cards	8,791	3,611	4,729	
Total # patron visits	654,258	466,353	448,782	
visits/capita	8.08	5.76	5.54	
Total # Web page hits	571,434	450,406	402,130	
Total # Computer users	99,961	68,644	56,316	
# of holds placed/filled	76,992	82,918	83,282	
Items loaned to ILL	43,169	7,554	8,124	
Total attendance	25,290	2,372	5,506	
Adult Attendance	9,969	863	1,230	
Teen Attendance	607	-	164	
Child Attendance	14,714	1,509	4,112	
Summer reading	1,857	1,582	939	

Section 2: The Community

Business Culture & Knowledge Economy

Key Points:

- Home to international corporations and individual businesses with emphasis in banking and finance institutions.
- Destination city for daytime work force.
- Regionally acclaimed shopping and entertainment.

6,000 individual businesses in Troy.

136,000 daytime population, almost 55,000 more than reside in Troy.

100,000+ people commute into Troy for work.

\$32,603 retail sales per capita, compared to \$10,855 in Michigan overall.

Looking Ahead

Key Points:

- Transitioning from manufacturing to a knowledge economy, where knowledge (information and expertise) is a product itself, not just a tool. Troy has a head start in the transition, compared to surrounding areas, based on its business culture and educated workforce.
- Potential to be an international gateway, particularly to Asia.
- Potential to be a regional leader within Oakland County and southeast Michigan, in transit, environment, civic infrastructure.

Section 2: The Community

People of Troy

Key Points:

- Diverse, educated, affluent.
- More specifics in “The Community Deep Dive” (3 pages below).

80,980 population of Troy.

\$87,269 median household income compared to \$48,432 in Michigan.

73% White, 19% Asian, 4% African American, 2% Hispanic or Latino.

23% foreign-born residents, double the Oakland County average.

62% of foreign-born residents are Asian.

74% of Troy residents have some college education.

Looking Ahead

Key Points:

- Engage international population in civic, business affairs.
- Age 65+ expected to increase in Troy from 10% to 22% by 2030. This, combined with fewer young people coming to SE Michigan, makes aging a significant trend.
- 6,000 people each year, net, projected to leave Southeast Michigan. Mostly because of low in-migration numbers.

Section 2: The Community

Quality of Life

Key Points:

- Formal and informal education is important for Troy residents: exemplary school systems and strong tradition of higher education, but also seeking lifetime learning experiences.
- Strong interest in cultural opportunities.
- “City without a heart” – no conventional city center or downtown. Lack of unprogrammed open spaces for cultural life.
- Troy is better known as a place to work than a place to live.

56% of Troy residents have an advanced degree.

8,000 of Troy’s 120,000 workforce actually reside in Troy.

Looking Ahead

Key Points:

- Knowledge-based businesses and workforce are attracted to places with reputation for educated workforce and high quality of life.
- Momentum for developing lifetime learning opportunities in Troy.
- “Villaging”: creating vibrant activity nodes throughout the city.
- Think: energetic, memorable places to experience new points of view, witness personal expression, enjoy activities with others.

Section 2: The Community

Recession, Recovery, Government

Key Points:

- Decade-long recession with longer, slower recovery than in past.
- High-wage industries lead the way to recovery.
- Immigrants, particularly from Asia, bring higher education and prepare the region for the knowledge economy.
- Big budget cuts in city services due to huge revenue shortfalls.
- Distrust and cynicism with city government.
- High concern for fiscal responsibility.

2.5% increase in employment in Michigan in 3rd quarter 2011 compared to same time 2009, compared to 1% nationally.

4.2% increase in high-wage jobs in Michigan in 3rd quarter 2011 compared to 1.1% and 3.8% increases in middle- and low-wage industries, respectively.

85% of immigrants from India have a bachelor's degree or higher.

68% Troy residents felt the City of Troy was pretty seriously off on the wrong track in 2011 City of Troy Community Survey.

70% of Troy residents gave a negative rating of Troy City Council in serving citizens of Troy in 2011 City of Troy Community Survey.

"The consistent message [from the community] was – 'whatever is done, do it right, but do not be extravagant.' "

TPL Space Needs Assessment

Looking Ahead

Key Points:

- Balanced optimism of economic recovery.
- Continued job growth expected.

Section 3: Broader Perspectives

Library Trends

Key Points:

- Use pattern changing: more people coming to library but using less exclusively for book check-outs and more for computers, internet, and programs.
- Current funding models are not sustaining libraries.

19% increase in per capita use of library, 1997 to 2007.

5% decline in circulations per 1000 visits, 1997 to 2007.

8% increase in program attendance per 1000 visits, 1997 to 2007.

Double use of public library by computer from 2006 to 2009.

60% of libraries reporting flat or decreased operating budget for 2011.

3 Frameworks for the Future of Libraries

Confronting the Future: Strategic Visions for the 21st Century Public Library, Roger E.

Levien, ALA Office of Information Technology Policy,
http://www.ala.org/offices/sites/ala.org.offices/files/content/oitp/publications/policybriefs/confronting_the_futu.pdf

21st Century Skills Report, IMLS,

<http://www.imls.gov/assets/1/AssetManager/21stCenturySkills.pdf>

The Future of Museums and Libraries, IMLS,

<http://www.imls.gov/assets/1/AssetManager/DiscussionGuide.pdf>

Section 3: Broader Perspectives

Confronting the Future

<p>Physical</p> <ul style="list-style-type: none"> Physical library with web presence Some virtual media held jointly with other libraries 	<p>Virtual</p> <ul style="list-style-type: none"> Facilities and media all virtual Media, Q&A, meetings accessed through library's web presence
<p>Individual</p> <ul style="list-style-type: none"> Focused only on individual Satisfy needs one by one Furniture, equipment for individual, quiet use Staff answers questions, tailors recommendations based on each user Offer technology unavailable to individuals (e.g. book printers, very large displays) 	<p>Community</p> <ul style="list-style-type: none"> Work and meeting space for groups Events of community interests Archives of local records and artifacts Local displays, exhibits. Offer advanced tech for group and community
<p>Collection</p> <ul style="list-style-type: none"> Place to get information and knowledge, be entertained Ready and free access to collections and information resources. 	<p>Creation</p> <ul style="list-style-type: none"> Extended role as place where media is created Specialized equipment to help authors, performers prepare works Users build on rich base of library materials
<p>Portal</p> <ul style="list-style-type: none"> Library is a "window" through which patrons can access media and information resources owned and hosted by other organizations Library itself possesses few physical or virtual media of its own 	<p>Archive</p> <ul style="list-style-type: none"> Library collection in full range of genres, media Rare books or local materials relevant to community Go-to resource for other libraries and patrons.

"To meet the challenges they face, [libraries] must make strategic choices in four distinct dimensions, each consisting of a continuum of choices lying between two extremes. Collectively, the choices a library makes along the four dimensions create a vision ... to best serve its patrons and its community."

from the report

Section 3: Broader Perspectives

21st Century Skills Report

20 th Century Library/Museum	21 st Century Library/Museum
Content-driven	Audience- and content-driven
Tangible objects (art, books)	Tangible and digital objects
One-way information (institution presents information to audiences)	Multi-directional (co-created experiences involving institution, audiences, and others)
Focus on presentation and display	Focus on audience engagement and experiences
Enhancing knowledge	Enhancing knowledge and 21 st century skills
Independent	Collaborative
Located in community (operates independently)	Embedded in community (aligned with and acts as a leader on community needs/issues)
Learning outcomes assumed, implied	Learning outcomes purposeful, designed for
Institution leads content development (content tightly edited and controlled)	Content co-created among diverse partners and audiences; accessible in multiple ways

“How should libraries and museums evolve as institutions of learning in the 21st century? In light of 21st century demands, libraries and museums should build on current strengths and embrace new approaches....The 21st century has changed how, when, and where we all learn.”

from the report

Section 3: Broader Perspectives

The Future of Museums and Libraries

1: Changing Definitions & Roles of Museums and Libraries

Societal changes (demographics, infrastructure, technology, economics, sources of energy) alter how people live in and view the world. These changes will also alter the definition and role of libraries as they adapt their services to meet changing community needs.

2: Shifts in Power & Authority

Rather than act as gatekeepers to knowledge, museums and libraries can be facilitators and teachers, providing the context, content, and tools that empower people to question, search, inform.

3: Museums & Libraries as the “Third Place”

Libraries embody the “Third Place” as gathering spaces for social interaction and engagement. Identify what “Third Place” looks like and how to be forces for civic engagement and social cohesion.

4: Technology & Policy Development

Rapid advances in technology will have a profound effect on how people access and use information. Museums and libraries will need to determine their role in policy developments for intellectual property, digitization, preservation, and content access.

5: 21st-Century Learning & Information Use

Developments in technology and information access combined with changes in methods of formal and alternative education will impact how museums and libraries deliver educational services.

6: New Models & Structures for Collaboration

The boundary between museum and library will likely be less distinct. Institutional goals can be expanded and enhanced through collaborations that combine resources, knowledge, and experience.

7: Planning for a Sustainable Future

True sustainability for museums and libraries lies in being relevant to the community. Ask: what makes us unique, what makes us matter, and who cares about what we do?

8: Metrics for Evaluating Service & Impact

Develop appropriate metrics to articulate the value of museums and libraries and ensure future success.

9: The 21st-Century Museum & Library Workforce

Library professionals will have a new set of skills and roles adapted to technological and information needs. Leadership need not be confined to a top-down system of change but can emerge from all levels by encouraging risk and visionary thinking and empowering staff members to actively shape the future of their organizations.

“Take a proactive and positive stance in facing the challenges and opportunities of the 21st century. This is an opportunity to work with your communities in defining your relationships and charting a course for success.”

from the report

Section 4: Case Studies

5 Examples from the Field

1. Miami-Dade Public Library. Community service and customer service. From the IMLS 21st Century Skills Report.
<http://www.imls.gov/assets/1/AssetManager/21stCenturySkills.pdf>
2. Skokie Public Library, Embedded in a diverse community. From the IMLS 21st Century Skills Report.
<http://www.imls.gov/assets/1/AssetManager/21stCenturySkills.pdf>
3. Five Ways to Reinvent Libraries. From Time Magazine, June 2012.
<http://newsfeed.time.com/2012/06/22/how-libraries-are-reinventing-themselves-for-the-future/?slide=e-books-yes-but-also-cake-pans-toys-and-other-non-traditional-offerings#how-libraries-are-reinventing-themselves-for-the-future>
4. The Engaged Library: Chicago Stories of Community Building. From Urban Libraries Council report.
<http://urbanlibraries.org/associations/9851/files/Engaged%20Library%20Full%20Report.pdf>
5. Santa Cruz Museum of Art & History. Doing more with less.
<http://museumtwo.blogspot.com/2012/07/how-we-doubled-attendance-in-year-one.html> and <http://museumtwo.blogspot.com/2012/05/year-one-as-museum-director-survived.html>



TO: Members of Troy City Council
FROM: Lori Grigg Bluhm, City Attorney *LGB*
Allan T. Motzny, Assistant City Attorney *ATM*
DATE: December 11, 2012
SUBJECT: Robert Davis v. City of Troy et. al.

Enclosed please find the Order Granting Defendants' Motion for Summary Disposition and Dismissing the Case in the City's favor. This Order was issued by Wayne County Judge Robert J. Colombo, Jr..

This order ends the lawsuit filed against the City and its officials by Plaintiff Robert Davis. Mr. Davis had earlier filed a Freedom of Information Act (FOIA) request, seeking copies of all of the applications submitted for the Troy City Manager position. The City provided the applications that were a part of the public record, but denied the remainder of his FOIA request, in part because the City did not have the information he was seeking and in part because the non-finalist applicants requested confidentiality. Mr. Davis challenged the FOIA denial by filing a lawsuit in the Wayne County Court. Under FOIA, persons can file lawsuits in the County in which a Plaintiff resides, and Robert Davis lives in the City of Highland Park, which is in Wayne County.

The lawsuit was on an expedited track, since it was initially filed on October 19, 2012. The City's Motion for Summary Disposition was filed on November 2, 2012, and oral argument scheduled for November 9, 2012.

Please let us know if you have any questions about this case.

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STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

ROBERT DAVIS,

Plaintiff,

DAVIS, ROBERT v CITY OF TROY, et
Hon. Robert J. Colombo, Jr. 10/19/2012

v.



12-013884-AW

CITY OF TROY, TROY CITY COUNCIL
and M. AILEEN BITTNER,

Defendants.

ANDREW A. PATERSON (P18690)
Attorney for Plaintiff
46350 Grand River Ave., Suite C
Novi, MI 48374
(248) 568-9712

CITY OF TROY – CITY ATTORNEY’S OFFICE
BY: Lori Grigg Bluhm (P46908)
Allan T. Motzny (P37580)
Attorneys for Defendants
500 W. Big Beaver Road
Troy MI 48084
(248) 524-3320

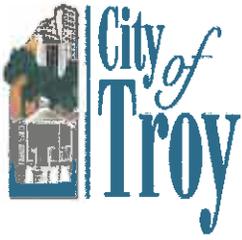
**ORDER GRANTING DEFENDANTS’ MOTION FOR
SUMMARY DISPOSITION AND DISMISSING CASE**

At a session of said Court held in the
Courthouse in the City of Detroit,
Wayne County, Michigan

on NOV 29 2012, 2012

PRESENT: HONORABLE ROBERT J. COLOMBO JR.

This matter was presented to the Court through the Defendants’ Supplemental
Response To Plaintiff’s Motion for Writ of Mandamus and Request For Summary



TO: Members of Troy City Council
FROM: Lori Grigg Bluhm, City Attorney *LG*
Allan T. Motzny, Assistant City Attorney *ATM*
DATE: December 11, 2012
SUBJECT: Michigan Association of Home Builders, et. al. v. City of Troy

In December 2010, Michigan Association of Home Builders, Associated Builders and Contractors of Michigan and Michigan Plumbing and Mechanical Contractors Association filed a lawsuit against the City of Troy. Through this lawsuit, Plaintiffs were seeking Declaratory and Injunctive Relief from the Oakland County Circuit Court. This lawsuit was filed just after the City entered into a contract with Safe Built of Michigan. In the lawsuit, Plaintiff alleged that the building inspection fees charged by our private contractor, Safe Built, were not "reasonably related to the cost of providing building department services." Plaintiffs also attempted to assert a Headlee Amendment claim.

After the close of discovery and an unsuccessful facilitation, the Court entertained motions for summary disposition. On November 13, 2012, Oakland County Circuit Court Judge Shalina Kumar entered her order, granting the City's Motion for Summary Disposition. The Court agreed with the City's position that the Plaintiff's had failed to exhaust their administrative remedies before filing the lawsuit.

On December 3, 2012, Plaintiffs filed an appeal of this decision with the Michigan Court of Appeals. Our office plans to represent the City's interests in this appeal.

Please let us know if you have any questions about this case.

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

MICHIGAN ASSOCIATION OF HOME BUILDERS et al.,

Plaintiffs,

Case No. 10-115620-CZ
Hon. Shalina D. Kumar

v.

CITY OF TROY,

Defendant.

_____ /

OPINION AND ORDER

At a session of said Court held in the
Courthouse, City of Pontiac, Oakland County,
Michigan, on NOV 7 3 2012

PRESENT: THE HON. SHALINA D. KUMAR, CIRCUIT COURT JUDGE

This matter is before the Court on Plaintiffs Michigan Association of Home Builders (“Home Builders”); Associated Builders and Contractors of Michigan (“Associated Builders”); and Michigan Plumbing and Mechanical Contractors Association (“Contractors”) (collectively, “Plaintiffs”) Motion for Summary Disposition. In its Response to Plaintiffs’ Motion, Defendant City of Troy (“Defendant” or “City”) asks the Court to deny Plaintiffs’ Motion and enter judgment in favor of Defendant. On November 16, 2011, the Court heard oral argument regarding Plaintiffs’ motion. The parties attempted to resolve their dispute through Facilitated Mediation. However, those efforts did not result in the settlement of the case.

I. Facts

In their Complaint, Plaintiffs allege that Defendant has violated the Stille-DeRossett-Hale Single State Construction Code Act ("State Construction Code Act"), MCL 125.1522, and the Headlee Amendment, Michigan Constitution, Article 9, Section 31 ("Headlee Amendment"). More specifically, Plaintiffs claim that Defendant has violated the State Construction Code Act by using surplus fees that have been generated through Defendant's privatized Building Department to supplement its general fund instead of directing those funds to the operation of the Building Department, as required by the State Construction Code Act. Plaintiffs also maintain that Defendant's practice has resulted in unlawfully high fees. In addition, Plaintiffs contend that Defendant's conduct has resulted in an unlawful, disguised tax increase that violates the Headlee Amendment. In their motion, Plaintiffs seek summary disposition on the declaratory and injunctive claims contained within their Complaint. In response, Defendant contends that Plaintiffs' Complaint must be dismissed for lack of subject matter jurisdiction and summary disposition should be granted in Defendant's favor because Plaintiffs must first seek relief from the appropriate State of Michigan authorities.

II. Standards of Review

A. MCR 2.116(C)(10)

A motion for summary disposition under MCR 2.116(C)(10) tests the factual support for a claim. The Court should evaluate the motion by considering the substantively admissible evidence (pleadings, affidavits, depositions, admissions and other documentary evidence) actually proffered in opposition to the motion to determine if there are disputed material facts for trial. No material fact exists for trial if, in viewing

the record evidence, reasonable minds could not return a verdict in favor of the non-movant.¹ Where proffered evidence fails to establish a genuine issue regarding any material fact, the moving party is entitled to judgment as a matter of law.² However, the Court shall review the submitted evidence in a light most favorable to the non-moving party, and grant the benefit of any reasonable doubt to that party.³ A litigant's pledge to later establish an issue of fact at trial is insufficient to survive summary disposition under MCR 2.116(C)(10).⁴

B. MCR 2.116(I)(2)

"If it appears to the court that the opposing party, rather than the moving party, is entitled to judgment, the court may render judgment in favor of the opposing party." MCR 2.116(I)(2); *see also Sherry v E Suburban Football League*, 292 Mich App 23, 34 (2011) ("The trial court appropriately grants summary disposition to the opposing party under MCR 2.116(I)(2) when it appears to the court that the opposing party, rather than the moving party, is entitled to judgment as a matter of law.").

III. Subject Matter Jurisdiction

As set forth in MCL 125.1508b(11), Defendant is authorized to serve as the enforcing agency for the State Construction Code Act. Moreover, the State Construction Code Act "does not limit or restrict existing powers or authority of governmental subdivisions, and th[e] act shall be enforced by governmental subdivisions in the manner prescribed by local law or ordinance." MCL 125.1508b(11).

¹ *Skinner v Square D Co*, 445 Mich 153, 174-175 (1994).

² *Maiden v Rozwood*, 461 Mich 109 (1999); *Keliin v Petrucelli*, 198 Mich App 426, 430 (1993); MCR 2.116(C)(10), (G)(4).

³ *Spiek v Dept of Transportation*, 456 Mich 331 (1998); *Singer v American States Ins*, 245 Mich App 370 (2001).

⁴ *Maiden, supra*.

However, Defendant's powers with respect to the Act are not limitless, as the State Construction Code Act also provides that "[e]xcept as otherwise provided in this section, the [D]irector [of Consumer and Industry Services] is responsible for administration and enforcement of th[e] act and the code." MCL 125.1508b(1). For example, "[t]he director . . . may conduct a performance evaluation of an enforcing agency to assure that the administration and enforcement of th[e] act and the code is being done pursuant to either section 8a or 8b." MCL 125.1509b(1). "Upon completion of a performance evaluation, the director shall report the findings and any recommendations to the commission and the local enforcing agency." MCL 125.1509b(3). Furthermore, "[t]he commission may issue a notice of intent to withdraw the responsibility for the administration and enforcement of th[e] act and the code from a governmental subdivision after receiving the results of a performance evaluation." *Id.* If a notice of intent to withdraw is issued, it must "include the right to appeal within 30 business days after receipt of the notice." *Id.*

As Plaintiffs are challenging Defendant's enforcement of the State Construction Code Act, they must pursue their claims with the State authorities that have ultimate enforcement authority with respect to the State Construction Code Act. *See id.*; MCL 24.301. In sum, Plaintiffs must exhaust their administrative remedies prior to pursuing their Complaint in this Court. *See Chippewa County Bd of Rd Comm'rs v Dep't of Natural Res & Env't*, 2012 Mich App LEXIS 1956, *4-5 (Mich Ct App October 9, 2012) (holding that the "circuit court has subject matter jurisdiction to review the case if the party has exhausted its remedies"). "The doctrine of exhaustion of administrative remedies requires that where an administrative agency provides a remedy, a party must

seek such relief before petitioning the [C]ourt." *Cummins v Robinson Twp*, 283 Mich App 677, 691 (2009). "Where a plaintiff has not exhausted [its] administrative remedies, the plaintiff's claim is not ripe for review." *Aquatic Mgmt Servs v Dep't of Env'tl Quality*, 2010 Mich App LEXIS 2449, *17 (Mich Ct App December 21, 2010). As Plaintiffs have not pursued their claims with the State of Michigan, Plaintiffs' Complaint must be dismissed. See *Macebe v Cnty of Wayne*, 1997 Mich App LEXIS 2763, *11 (Mich Ct App April 8, 1997) (holding that "[t]he circuit court properly dismissed plaintiff's claims for failure to exhaust administrative remedies"); see also *Oak Constr Co v State*, 33 Mich App 561, 565 (1971) (holding that "one must avail oneself of all administrative remedies before one seeks redress in the courts. Should one fail to do so, . . . one will have his action dismissed as being premature.").

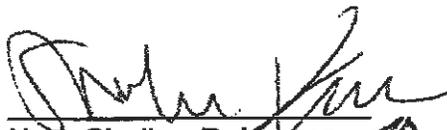
WHEREFORE IT IS HEREBY ORDERED that Plaintiffs' Motion for Summary Disposition is **DENIED** pursuant to MCR 2.116(C)(10).

IT IS FURTHER ORDERED that Defendant's Motion for Summary Disposition is **GRANTED** pursuant to MCR 2.116(I)(2).

IT IS SO ORDERED.

THIS ORDER RESOLVES THE LAST PENDING CLAIM IN THIS MATTER AND CLOSES THE CASE.

Dated: NOV 13 2012


Hon. Shalina D. Kumar

Proof of Service

I certify that a copy of the above instrument was served upon the attorneys of record or the parties not represented by counsel in the above case by **EFILING** it to their addresses as disclosed on the 14th day of November, 2012.

/s/ Jenice R. McGruder



MEMORANDUM

TO: Members of the Troy City Council
 FROM: Lori Grigg Bluhm, City Attorney *LeB*
 Allan T. Motzny, Assistant City Attorney *ATM*
 DATE: December 13, 2012
 SUBJECT: Special Elections Lawsuits

As you are aware, immediate action was required to defend the interests of the City and its officials in two separate lawsuits that requested a special Mayoral election for February 2013. These lawsuits were served on the City after the deadline for the December 3, 2012 City Council meeting. These cases were assigned to Oakland County Circuit Court Judge Denise Langford Morris, and were set for a hearing on December 12, 2012.

On November 29, 2012, Robert Davis and Citizens United Against Corrupt Government filed a lawsuit against the Michigan Secretary of State, State Director of Elections Christopher Thomas, City of Troy, Troy City Council, and the Troy City Clerk. In this attached lawsuit, Plaintiffs were seeking an order requiring a February 26, 2013 election in the City of Troy. Plaintiffs were also seeking penal damages in the amount of \$250 from each defendant plus costs and attorney fees. Our office presented written and oral arguments on behalf of the Troy defendants. The Court issued her order on December 12, 2012, dismissing the case in its entirety. A copy of this order is attached for your convenience.

Michigan Secretary of State Ruth Johnson, represented by Michigan Attorney General Bill Schuette, filed a lawsuit against the Troy City Clerk and the Troy Election Commission members on November 30, 2012. A copy of this lawsuit is also attached. Through this case, the Secretary of State sought a writ of mandamus, compelling the City to hold a special election on February 26, 2013. Additionally, Plaintiff requested declaratory and injunctive relief. This case was consolidated with the case filed by Robert Davis, and the hearing was also scheduled at the same time on December 12, 2012. Attorneys Michael Hutson, Donald McGinnis, and Kurt Schnelz represented the interests of the individual Troy Election Commissioners on a pro-bono basis, and our office represented the Troy City Clerk. Written and oral arguments were submitted, and the Court made her ruling on December 12, 2012. Subsequently, the attached proposed order has been prepared for the Court's consideration and entry. The Court gave the parties five days to agree to the schedule.

The Court denied the request for a writ of mandamus, but did grant Plaintiff's request for a declaratory judgment and also the requested injunctive relief, ordering a special election for May to fill the vacancy left by the recall of the former Mayor. The Court also required the submission of the election schedule, which has been incorporated into the proposed order.

Please let us know if you have any questions concerning the above.

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

ROBERT DAVIS, and
CITIZENS UNITED AGAINST CORRUPT
GOVERNMENT, a Michigan Non-Profit
Corporation,

Plaintiffs,

Case No. 2012-130791-AW
Hon. Denise Langford Morris

v.

MICHIGAN SECRETARY OF STATE,
DIRECTOR OF ELECTIONS,
CITY OF TROY, TROY CITY COUNCIL, and
M. AILEEN BITTNER,

Defendants.

Andrew A. Paterson (P18690)
Attorney for Plaintiffs
46350 Grand River Ave., Suite C
Novi, MI 48374
(248) 568-9712

Denise C. Barton (P41535)
Heather S. Meingast (P55439)
Assistant Attorneys General
Attorneys for Defendants Secretary of State
and Director of Elections
P.O. Box 30736
Lansing, MI 48909
(517) 373-6434

Troy City Attorney's Office
Lori Grigg Bluhm (P46908)
Allan T. Motzny (P37580)
Attorneys for Defendants City of Troy,
Troy City Council, and M. Aileen Bittner
500 W. Big Beaver Road
Troy MI 48084
(248) 524-3320

**ORDER DENYING PLAINTIFF'S REQUESTED RELIEF IN EMERGENCY
COMPLAINT FOR WRIT OF MANDAMUS AND EMERGENCY MOTION AND
DISMISSING CASE**

At a session of said Court held in the
Courthouse in the City of Pontiac,
Oakland County, Michigan
on December 12, 2012

PRESENT: HONORABLE DENISE LANGFORD MORRIS

This matter was presented to the Court through Plaintiff's Emergency Complaint for Writ of Mandamus and Emergency Motion for Writ of Mandamus and Ex Parte Motion To Show Cause. The Court, by signing an Ex Parte Order, scheduled a hearing in this matter for December 12, 2012, and the parties had the opportunity to provide written and oral argument to the Court before the issuance of an order.

NOW THEREFORE,

IT IS HEREBY ORDERED that Plaintiff's Request for Writs of Mandamus, as set forth in Plaintiffs' Emergency Complaint for Writ of Mandamus and Plaintiffs' Emergency

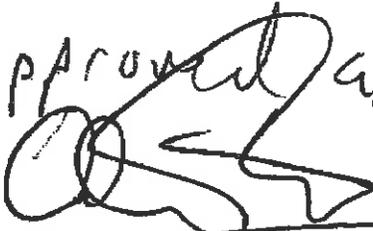
Motion for Writ of Mandamus, is hereby **DENIED** for the reasons stated on the record, *and that the case against Det. Ruth Johnson was voluntarily*

IT IS FURTHER ORDERED that Plaintiffs' request for costs and an imposition of fines is also **DENIED** for the reasons stated on the record. *dismiss*

IT IS FURTHER ORDERED that this case is now dismissed, and that this is a final order disposing of the case.


Honorable Denise Langford Morris

Dated: December 12, 2012

Approved as to Form


Heather S. Mensis
all Mt

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

SECRETARY OF STATE RUTH JOHNSON,

Plaintiff,

v.

Case No. 2012-130814-AW
HON. DENISE LANGFORD MORRIS

AILEEN BITTNER, Troy City Clerk, and
TROY ELECTION COMMISSION

Defendants.

BILL SCHUETTE
MICHIGAN ATTORNEY GENERAL
Denise C. Barton (P41535)
Heather S. Meingast (P55439)
Assistant Attorneys General/ Attorneys
for Plaintiff
P. O. Box 30736
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(517) 373-6434

Michael W. Hutson (P15310)
HUTSON, SAWYER, RUPP &
SCHROEDER
Attorneys for Defendant, David C.
Anderson, Election Commissioner
292 Town Center Drive
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(248) 689-5700
mhutson@hutsonsawyer.com

CITY OF TROY – CITY ATTORNEY'S
OFFICE

BY: Lori Grigg Bluhm (P46908)
Allan T. Motzny (P37580)
Attorneys for Defendants
500 W. Big Beaver Road
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(248) 524-3320
bluhmlg@troymi.gov

Donald E. McGinnis, Jr. (P22796)
DONALD E. MCGINNIS JR. PC
Attorney for Defendant, Tim Dewan
Election Commissioner
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(248) 643-6002
Dmcginnis@dmcginnis.com

Kurt E. Schnelz (P37365)
SCHNELZ WELLS, P.C.
Co-Counsel for Defendant Tim Dewan
Election Commissioner
280 N. Old Woodward Ave., Ste. 250
Birmingham, MI 48009
(248) 258-7074

PROPOSED

PROPOSED

**ORDER DENYING PLAINTIFF'S REQUEST FOR WRIT OF MANDAMUS AND
GRANTING DECLARATORY AND INJUNCTIVE RELIEF**

At a session of said Court held in the
Courthouse in the City of Pontiac,
Oakland County, Michigan
on December _____, 2012

PRESENT: HONORABLE DENISE LANGFORD MORRIS

This matter was presented to the Court through Plaintiff's Verified Complaint for Writ of Mandamus with Motion for Immediate Consideration Pursuant to MCR 3.305(C), and For Declaratory Judgment and Injunctive Relief. The Court, by signing an Ex Parte Order, scheduled a hearing in this matter for December 12, 2012, and the parties had the opportunity to provide written and oral argument to the Court before the issuance of an order. The Court having found that MCL 168.971 requires a special election to be held on February 26, 2013, but also finding that it is impossible to meet the time frames for such an election because a timely notice of election as required by MCL 168.964 did not occur,

NOW THEREFORE,

IT IS HEREBY ORDERED that Plaintiff's Request for a Writ of Mandamus to compel Defendants to give notice of and conduct a special election on February 26, 2013 for the purpose of filling the vacancy in the office of City of Troy Mayor created by the recall of Mayor Janice Daniels is denied.

IT IS FURTHER ORDERED, based on the findings set forth above, that a special election to fill the vacancy in the Office of Mayor for the City of Troy for the unexpired term created by the recall of Mayor Janice Daniels shall be held on the May regular election date as set forth in MCL 168.641, which date is May 7, 2013.

IT IS FURTHER ORDERED that the following deadlines shall be applicable for the May 7, 2013 election to fill the Mayoral vacancy created by the recall of Janice Daniels on November 6, 2012:

- January 25, 2013: Filing deadline for candidates for office (Charter 7.9 - 100 days)
- January 29, 2013: Withdrawal deadline for candidates for office
- January 30, 2013: Deadline to file challenges to petitions
- February 1, 2013: Clerk forwards candidate names to County
- February 21, 2013: AV applications accepted
- March 23, 2013: AV Ballots must be available
- March 28-April 16, 2013: Precinct Inspectors appointed
- April 1, 2013: Notice of close of registration published
- April 8, 2013: Last day to register to vote on May 7, 2013
- April 26, 2013 4PM: Write-in candidate filing deadline
- April 30, 2013: Notice of Election published
- April 30, 2013: Notice of Public Accuracy Test published
- May 2, 2013: Public Accuracy test
- May 4, 2013 2PM: Deadline for AV ballots by mail
- May 6, 2013 4PM: Deadline for AV ballots in person
- May 7, 2013 4PM: Deadline for emergency AV ballots
- May 7, 2013: Election Day

IT IS FURTHER ORDERED that except as set forth above, Troy's Charter, Section 7.9, shall govern nominations for the May 7, 2013 election.

IT IS FURTHER ORDERED that this is a final order disposing of the case.

Honorable Denise Langford Morris

Dated: December _____, 2012

Approved as to Form:

Heather S. Meingast (P55439)
Attorney for Plaintiff

Donald E. McGinnis, Jr. (P22796)
Attorney for Defendant Dewan

Lori Grigg Bluhm (P46908)
Attorney for Defendant Bittner

Kurt E. Schnelz (P37365)
Co-Counsel for Defendant Dewan

PROPOSED

Michael W. Hutson (P15310)
Attorney for Defendant Anderson

STATE OF MICHIGAN
IN THE 6TH JUDICIAL CIRCUIT COURT
FOR THE COUNTY OF OAKLAND

ROBERT DAVIS, and
CITIZENS UNITED AGAINST CORRUPT GOVERNMENT, Hon. D. Langford Morris
A Michigan Nonprofit Corporation,
PLAINTIFFS,

Case No.12-130791-AW

-v-

MICHIGAN SECRETARY OF STATE,
DIRECTOR OF ELECTIONS,
CITY OF TROY, a municipal corporation,
TROY CITY COUNCIL, and
M. AILEEN BITTNER, in her official capacity as
City Clerk for the City of Troy,
Jointly and Severally,
DEFENDANTS.

ANDREW A. PATERSON (P18690)
Attorney for Plaintiffs Robert Davis and Citizens United
46350 Grand River Ave., Suite C
Novi, MI 48374
(248) 568-9712

Emergency Complaint for Writ of Mandamus

PLAINTIFFS, ROBERT DAVIS and CITIZENS UNITED AGAINST CORRUPT
GOVERNMENT, by and through their attorney, ANDREW A. PATERSON, for their
Emergency Complaint for Writ of Mandamus, filed and submitted pursuant to MCR 3.305(A)(2)
and MCL 600.4401, states and alleges the following:

GENERAL ALLEGATIONS

1. Plaintiff, Robert Davis (“**Plaintiff Davis**”), is a citizen and registered and qualified voter of the State of Michigan.

2. Plaintiff, Citizens United Against Corrupt Government (“**Plaintiff Citizens United**”), is a Michigan nonprofit corporation organized for the purpose of promoting and ensuring corrupt-free and law-abiding civic government through social actions and court actions designed to eliminate unlawful illegal actions by all governmental officials, representatives and entities in all levels of government. Plaintiff Davis serves as the Director of Plaintiff Citizens United.
3. Plaintiff Citizens United, as of the date of the filing of this complaint, now has a member who is a citizen and resident of the City of Troy. Moreover, Plaintiffs will be exercising their constitutional right by financially supporting a candidate in the special election to fill the vacancy in the office of Mayor for the City of Troy. (**See Davis’ affidavit attached hereto as Exhibit A**).
4. Davis, as Director of Plaintiff Citizens United, has authorized the filing of this action and has verified the allegations contained and alleged in this complaint. (**See Davis’ affidavit attached hereto as Exhibit A**).
5. Defendant, Secretary of State (“**Defendant Secretary of State**”) is the chief election officer for the State of Michigan that has supervisory control over all local election officials. MCL 168.21.
6. Defendant, Director of Elections (“**Defendant Director of Elections**”), is a duly appointed civil servant officer appointed by the Defendant Secretary that is vested with the powers and shall perform the duties of the Defendant Secretary under her supervision, with respect to the supervision and administration of the election laws. MCL 168.32.

7. Defendant, City of Troy (“**Defendant City**”), is a Home Rule Chartered City that is legally recognized as a municipal corporation and is governed by its Home Rule Charter and the Home Rule City Act, being MCL 117.1, *et seq.*
8. Defendant, Troy City Council (“**Defendant City Council**”), in accordance with the City of Troy’s Home Rule City Charter, is the duly elected 7-member local legislative and governing body for the City of Troy charged with, and exercises, governmental and proprietary authority.
9. Defendant, M. Aileen Bittner (“**Defendant City Clerk**”), is the duly appointed/elected city clerk for the Defendant City and in her capacity as the city clerk for the Defendant City, Defendant City Clerk is the chief elections official for the Defendant City.

JURISDICTION OF OAKLAND COUNTY CIRCUIT COURT

10. “Circuit courts are courts of general jurisdiction, and have original jurisdiction over all civil claims and remedies ‘except where exclusive jurisdiction is given by the constitution or by statute to some other court or where the circuit courts are denied jurisdiction by the constitution or statutes of this state. [MCL 600.605]’” *Cherry Growers, Inc v Agricultural Marketing & Bargaining Bd*, 240 Mich App 153, 160; 610 NW2d 613 (2000), quoting *Farmers Ins Exchange v South Lyon Community Schools*, 237 Mich App 235, 241; 602 NW2d 588 (1999). (Emphasis supplied).
11. MCR 3.305 sets forth and expressly provides the proper venue for this original mandamus action against the named defendants.
12. MCR 3.305(A)(2) states:
 - (2) All other actions for mandamus must be brought in the circuit court unless a statute or rule requires or allows the action to be brought in another court.

13. MCR 3.305(B)(1) and (2) state:
- (1) The general venue statutes and rules apply to actions for mandamus unless a specific statute or rule contains a special venue provision.
 - (2) In addition to any other county in which venue is proper, an action for mandamus against a state officer may be brought in Ingham County.
14. In this original action for writ of mandamus, Plaintiffs seek this Court to issue a writ of mandamus compelling Defendants City of Troy, Troy City Council, and City Clerk to comply with and strictly adhere to and follow the directive given by the Defendants Secretary of State and Director of Elections on November 26, 2012, which was to schedule and hold a special election on February 26, 2012 to fill the vacancy created by the recall of its mayor.
15. Defendant Secretary and Defendant Director are state officers for purposes of mandamus. *Citizens Protecting Michigan's Constitution v Secretary of State*, 280 Mich App 273, 282; 761 NW2d 210, aff'd in part 482 Mich 960 (2008); *Protect MI Constitution v Secretary of State*, ___ Mich App ___; ___ NW2d ___ (Docket No. 311504, issued August 14 2012), slip op at 7; reversed on other grounds *Protect MI Constitution v Secretary of State*, 492 Mich ___ (Docket No. 145698, entered August 24, 2012).
16. "Mandamus is the appropriate remedy for a party seeking to compel action by election officials." *Citizens Protecting Michigan's Constitution v Secretary of State*, 280 Mich App 273, 283; 761 NW2d 210, aff'd in part 482 Mich 960 (2008).

STANDARD FOR MANDAMUS

17. A writ of mandamus is an extraordinary remedy. *Coalition for a Safer Detroit v Detroit City Clerk*, 295 Mich App 362, 367-367; ___ NW2d ___ (2012).

18. The plaintiffs must show that (1) the plaintiffs have a clear legal duty to the performance of the duty sought to be compelled, (2) the defendants have a clerk legal duty to perform the requested act, (3) the act is ministerial, and (4) no other remedy exists that might achieve the same result. *Id.* See also *White-Bey v Dep't of Corrections*, 239 Mich App 221, 223-224; 608 NW2d 833 (1999).
19. An act is ministerial if it is “prescribed and defined by law with such precision and certainty as to leave nothing to the exercise of discretion or judgment.” *Citizens Protecting Michigan’s Constitution*, 280 Mich App at 286, quoting *Carter v Ann Arbor City Attorney*, 271 Mich App 425, 439; 722 NW2d 243 (2006).
20. As discussed in further detail below, Plaintiffs have met all of the elements for this Court to issue a writ of mandamus against the Defendants City, City Council, and City Clerk compelling them to comply with and strictly adhere to the directive given by the Defendant Secretary of State on November 26, 2012 for them to hold a special election on February 26, 2013 to fill the vacancy created by the recall of the Defendant City’s former Mayor at the November 6, 2012 General Election.

PLAINTIFFS’ STANDING

21. Plaintiffs undeniably have standing to commence the instant action for mandamus against the Defendants.
22. The Court of Appeals recently addressed this very issue in *Protect MI Constitution v Secretary of State*, ___ Mich App ___; ___ NW2d ___ (Docket No. 311504, issued August 14 2012), slip op at 7; reversed on other grounds *Protect MI Constitution v Secretary of State*, 492 Mich ___ (Docket No. 145698, entered August 24, 2012), in which the Court of Appeals held:

Michigan jurisprudence recognizes the special nature of election cases and the standing of ordinary citizens to enforce the law in election cases. *Deleeuw v State Bd of Canvassers*, 263 Mich App 497, 505-506; 688 NW2d 847 (2004). See also *Helmcamp v Livonia City Council*, 160 Mich App 442, 445; 408 NW2d 470 (2987) (“[I]n the absence of a statute to the contrary, [] a private person... may enforce by mandamus a public right or duty relation to elections without showing a special interest distinct from the interest of the public.” Citations omitted). The general interest of ordinary citizens to enforce the law in election cases is sufficient to confer standing to seek mandamus relief. See *Citizens Protecting Michigan’s Constitution*, 280 Mich App at 282. [*Protect MI Constitution, supra*, slip op at pp 7-8.]

23. Plaintiffs, as ordinary citizens of this State, are seeking to enforce Michigan Election Law as it relates to this election case. Thus, Plaintiffs have standing to bring forth this mandamus action. Moreover, Plaintiffs will be exercising their constitutional right by financially supporting a candidate for the office of Mayor for the City of Troy in the special election that will be held.

COUNT I

WRIT OF MANDAMUS SHALL BE ISSUED COMPELLING DEFENDANTS CITY OF TROY, TROY CITY COUNCIL, AND TROY CITY CLERK TO ADHERE TO AND FOLLOW THE DIRECTIVE ISSUED BY DEFENDANTS SECRETARY OF STATE AND DIRECTOR OF ELECTIONS

24. On November 6, 2012, the qualified and registered voters of the Defendant Troy voted by a margin of 20,763 votes in favor to 18,993 votes against to exercise their constitutional right to recall Mayor Joyce Daniels from the office of mayor of the Defendant Troy.
25. The recall election of former Mayor Joyce Daniels was certified by the Oakland County Clerk and Board of Canvassers on November 9, 2012. (See **November 19, 2012 Letter from Oakland County Clerk attached hereto as Exhibit B**).
26. On November 16, 2012, Defendant Director of Elections sent a letter to the Defendant Troy’s City Attorney advising her that it was in the opinion of the Defendant Secretary of

State that the Defendants Troy, City Council, and City Clerk were required to hold a special election to fill the vacancy created by the recall of the former mayor in February 2013. (See **November 16, 2012 Letter from Defendant Director of Elections to Defendant Troy's City attorney attached hereto as Exhibit C**).

27. On November 19, 2012, the Oakland County Clerk's Director of Elections sent a letter to Defendant City Clerk advising her that she was required to "give notice of an election, cause the ballots to be printed, provide election supplies and do all things necessary to conduct the election in the manner provided..." (See **Oakland County Clerk's November 19, 2012 Letter to Defendant City Clerk attached hereto as Exhibit B**).
28. That in spite of Defendant Director of Elections' November 16, 2012 Letter to Defendant Troy's City Attorney, and the November 19, 2012 Letter from the Oakland County Clerk, Defendants City Clerk and City Council refused to follow the directives given.
29. On November 26, 2012, in accordance with MCL 168.31(1)(a),(b) and MCL 168.32, Defendant Director of Elections, on behalf of the Defendant Secretary of State, sent, via email, a "directive" to the Defendant City Clerk, directing her to schedule a special election to be held on February 26, 2013 in accordance with Michigan Election Law to fill the vacancy of the position of mayor that was created with the recall of the former mayor. (See **November 26, 2012 Directive from Defendants Director of Elections and Secretary of State to Defendant City Clerk attached hereto as Exhibit D**).
30. On that same day, November 26, 2012, Defendant City Council held a special meeting in which they voted 4-2 to make Dane Slater's appointment as interim mayor permanent until the November 2013 election. Said vote was in violation of the Defendants Secretary of State and Director of Elections' November 26, 2012 directive.

31. On November 27, 2012, Defendant Troy's City Attorney sent a letter to the Defendant Director of Elections explaining why the Defendants City, City Council, and City Clerk were not going to adhere to Defendants Secretary of State and Director of Elections' November 26, 2012 directive. **(See Defendant Tory's City Attorney's November 27, 2012 Letter to Defendant Director of Elections attached hereto as Exhibit E).**
32. Defendants City, City Council, and City Clerk's blatant disregard for the law and for Defendants Secretary of State and Director of Elections' November 26, 2012 directive violates Michigan Election Law.
33. Defendants City, City Council, and City Clerk are mandated and required to comply with the instructions and directives given by the Defendant Secretary of State. Thus, a writ of mandamus is necessary in order to compel Defendants City, City Council, and City Clerk to comply with the instructions and directives given by the Defendants Secretary of State and Director of Elections in its November 26, 2012 communication.
34. Under Michigan Election Law, being MCL 168.21, the Defendant Secretary of State is the Chief Election Officer of this State and "shall have supervisory control over local election officials in the performance of their duties under the provisions of this act." MCL 168.21.
35. Under Michigan Election Law, the Defendant Secretary of State is required to "issue instructions" and "[a]dvice and direct local election officials as to the proper methods of conducting elections." MCL 168.31(1)(a),(b).
36. Under Michigan Election Law, Defendant Director of Elections is authorized to act at the Defendant Secretary of State's behest "with respect to the supervision and administration of the election laws." MCL 168.32.

37. Local election officials are required to comply with the directives and instructions given by the Defendant Secretary of State. See *Secretary of State v Berrien Co Bd Of Election Comm'rs*, 373 Mich 526, 530-531 (1964); *Elliott v Secretary of State*, 295 Mich 245, 249 (1940).
38. Moreover, the “[secretary of state’s] interpretation of the state’s current election law is entitled to some weight when the meaning of those laws is not otherwise clear.” *American Independent Party v Austin*, 420 F.Supp. 670 E.D. Mich 1976.atte’
39. Accordingly, Defendants City, City Council, and City Clerk are required to comply with the instructions and directives the Defendants Secretary of State and Director of Elections provided in their November 26, 2012 directive to Defendant City Clerk. *Secretary of State v Berrien Co Bd Of Election Comm'rs*, 373 Mich 526, 530-531 (1964); *Elliott v Secretary of State*, 295 Mich 245, 249 (1940).
40. More importantly, Defendants Secretary of State and Director of Elections’ interpretation of Michigan Election Law on this issue is directly on point.
41. As noted above, on November 6, 2012, the registered and qualified electors of the Defendant Troy voted by a margin of 20,763 votes in favor to 18,993 votes against recalling the former mayor Joyce Daniels.
42. Under Michigan Election Law governing recalls, MCL 168.971(1), “[i]f the recall is successful, **a special election** to fill the vacancy **shall be held on the next regular election date.**” MCL 168.971(1). (Emphasis supplied).
43. Michigan Election Law defines the terms “regular election date.” MCL 168.641(1) states in pertinent part:

1) Except as otherwise provided in this section and sections 642 and 642a, beginning January 1, 2005, an election held under this act *shall* be held on 1 of the following regular election dates:

(a) **The February regular election date, which is the fourth Tuesday in February.**

(b) The May regular election date, which is the first Tuesday after the first Monday in May.

(c) The August regular election date, which is the first Tuesday after the first Monday in August.

(d) The November regular election date, which is the first Tuesday after the first Monday in November. (Emphasis supplied).

44. The Legislature's use of the mandatory term "shall" in MCL 168.971(1) and MCL 168.641(1) is significant and cannot be ignored by this Court. As our Supreme Court recognized, **"The Legislature's use of the term "shall" "indicates a mandatory and imperative directive."** *Stand Up for Democracy v Secretary of State*, 492 Mich ___; ___ NW2d ___ (2012) (August 4, 2012, Docket No. 145387), slip op at 9. See also *Wolverine Power Supply Coop, Inc v DEQ*, 285 Mich App 548, 561; 777 NW2d 1 (2009) (The word "'shall' is mandatory; it expresses a directive, not an option.")
45. Moreover, when a statute defines a term, like the case here, that definition alone controls. "When a statute specifically defines a given term, that definition alone controls." *Haynes v Neshewat*, 477 Mich 29, 35; 729 NW2d 488 (2007).
46. Michigan Election Law, further directs that a special election cannot be held on no other date other than those provided under MCL 168.641(1). MCL 168.641(3) states in relevant part: "Except as otherwise provided in this subsection and subsection (4), a **special election shall be held on a regular election date.**"
47. Thus, it is mandatory, as the Defendant Secretary of State directed, for Defendants City, City Council, and City Clerk to schedule a special election to be held on February 26,

2012. February 26, 2012 is the *next* regular election date following the November 6, 2012 general election in which the former mayor was recalled as provided under MCL 168.641(1).

48. The wording and language of MCL 168.971(1) is clear and unambiguous. As this Court is aware, if a statute is unambiguous, it must be applied as it is written. *Driver v Naini*, 490 Mich 239, 247; 802 NW2d 311 (2011).

49. Accordingly, MCL 168.971(1) clearly requires that a special election is to be held on the **next regular election date** once a recall has been determined to be successful. The next regular election date immediately following the November 6, 2012 general election falls on February 26, 2013. MCL 168.641(1).

50. Defendant Secretary of State's directive to the Defendants City, City Council, and City Clerk has to be complied with. If Defendants City, City Council, and City Clerk are allowed to ignore the directive from the Defendant Secretary of State, it would render the Michigan Election Laws and the Defendant Secretary of State's supervisory powers meaningless.

51. Defendant City, City Council, and City Clerk's defense is meritless. In her November 27, 2012 letter to the Defendant Director of Elections, the Defendant City's Attorney states that the Defendant City's Charter allows them to ignore and violate state law. This defense defies logic and law.

52. As the Defendants Secretary of State and Director of Elections correctly opine and point out in their November 26, 2012 directive, the Home Rule Cities Act, being MCL 117.36, provides that, "[n]o provision of any charter shall conflict with or contravene with provisions of any general law of the state." (Emphasis supplied).

53. Moreover, two Court of Appeals cases concerning charter counties clearly held that no charter provision could “trump” or “supersede” a general provisions of state election law. See *Ficano v Lucas*, 133 Mich App 268 (1984); *O’Hara v Wayne County Clerk*, 238 Mich App 611 (1999).
54. Thus, from the defiant and unlawful actions of the Defendants City, City Council, and City Clerk, it is necessary for this Court to issue a writ of mandamus against the Defendants City, City Council, and City Clerk to comply with and strictly adhere to the November 26, 2012 directive from the Defendant Secretary of State and schedule and hold a special election on February 26, 2012 to fill the vacancy created by the recall of the Defendant City’s former mayor.
55. Defendants City, City Council, and City Clerk’s unlawful and defiant actions have prevented potential candidates from timely filing for the special election for the office of mayor.
56. As noted in the Defendants Secretary of State and Director of Elections’ November 26, 2012 directive, they have extended the time for candidates to file until Monday, December 3, 2012 at 4 p.m.
57. However, as referenced in the Defendant City’s Attorney’s November 27, 2012 letter, the Defendant City Clerk will refuse to accept said filings from potential candidates, one of which is a candidate that Plaintiffs are supporting. Accordingly, Plaintiffs are being denied their constitutional right to support the candidate of their choice by the unlawful and defiant actions of the Defendants City, City Council, and City Clerk.
58. Thus immediate action by this Court is necessary to remedy this situation.

COUNT II

AWARD OF COSTS AND ATTORNEY FEES AND ISSUANCE OF FINES

59. Plaintiff incorporates, repeats, and realleges, the foregoing allegations as though fully set forth herein.
60. MCL 600.4411 permits this Court to exercise its discretion to impose a fine upon an officer or member of a public body whenever a writ of mandamus has been issued against them.
61. The defiant and unlawful actions of the Defendants City, City Council, and City Clerk were without just excuse. Accordingly, pursuant to MCL 600.4411, Plaintiffs respectfully request this Court to impose a fine not exceeding \$250.00 on the Defendant City Clerk, each member of the Defendant City Council, and on the Defendant City's Attorney.
62. MCL 600.4431 permits this Court to award damages and costs in an action for mandamus. Accordingly, pursuant to MCL 600.4431, Plaintiffs respectfully request this Honorable Court to award him court costs and damages for the unlawful actions of the Defendants City, City Council, and City Clerk.

PRAYER FOR RELIEF

WHEREFORE, for the foregoing reasons, Plaintiff prays and respectfully requests that the Court grants relief as follows:

- A. ISSUE a Writ of Mandamus compelling Defendants City, City Council, and City Clerk to comply with and strictly adhere to the directive given by the Defendant Secretary of State on November 26, 2012, which requires them to schedule and hold a special election on February 26, 2013 to fill the vacancy of the office of mayor.

- B. ISSUE a Writ of Mandamus compelling Defendant City Clerk to give notice of an election to be held on February 26, 2012, cause ballots to be printed, provide election supplies and do all things necessary to conduct the special election on February 26, 2012 in the manner provided by Michigan Election Law.
- C. ISSUE its ORDER that Defendants City, City Council, and City Clerk, pursuant to MCL 600.4431, pay the Plaintiffs' court costs and attorney fees that Plaintiffs have been forced to incur as a result of having to bring this action.
- D. ISSUE its ORDER imposing a fine of \$250 on each member of the Defendant City Council, on the Defendant City Clerk, and on Defendant City's Attorney, pursuant to MCL 600.4411.
- E. ORDER any and all such OTHER RELIEF as justice may so require.

Respectfully submitted,

ANDREW A. PATERSON (P18690)
Attorney for Plaintiffs
46350 Grand River Ave., Suite C
Novi, MI 48374
(248) 568-9712

DATED: November 29, 2012

This case has been designated as an eFiling case. To review a copy of the Notice of Mandatory eFiling visit www.oakgov.com/clerkrod/efiling.

STATE OF MICHIGAN
CIRCUIT COURT FOR THE 6TH JUDICIAL CIRCUIT
OAKLAND COUNTY

SECRETARY OF STATE RUTH
JOHNSON,

Plaintiff,

No. 2012-130814-AW
JUDGE LANGFORD MORRIS

v

HON.

AILEEN BITTNER, in her official
capacity as the Clerk for the City of Troy,
CITY OF TROY ELECTION
COMMISSION, in their official capacity,

Defendants.

Denise C. Barton (P41535)
Heather S. Meingast (P55439)
Assistant Attorneys General
Attorneys for Plaintiff
P.O. Box 30736
Lansing, Michigan 48909
517.373.6434

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 Oakland County Circuit Court. The action remains pending. The docket number is 12-130791-AW and is assigned to Judge D. Langford Morris.

**VERIFIED COMPLAINT FOR WRIT OF MANDAMUS WITH MOTION FOR
IMMEDIATE CONSIDERATION PURSUANT TO MCR 3.305(C), AND FOR
DECLARATORY JUDGMENT AND INJUNCTIVE RELIEF**

Plaintiff Secretary of State Ruth Johnson states in support of her Complaint:

NATURE OF THE ACTION

1. This complaint arises out of the City of Troy's refusal to schedule a special election on February 26, 2013, the next scheduled general election date, to fill the vacancy in the office of Mayor resulting from the November 6, 2012 recall of Mayor, Janice Daniels.

PARTIES

2. Ruth Johnson, Michigan Secretary of State, is the chief election officer for the State of Michigan with supervisory control over local election officials in the performance of their election related duties. MCL 168.21.

3. Aileen Bittner is the appointed City Clerk for the City of Troy, and has responsibility for conducting elections within the City of Troy pursuant to the Michigan Election Law, MCL 168.1 *et seq.*, and the Troy City Charter.

4. The City of Troy Election Commission is a public body created under the Michigan Election Law, MCL 168.1 *et seq.*, and the Troy City Charter, Section 7.13. The Troy Election Commission is charged with certain tasks relating to the conduct of elections within the City of Troy.

JURISDICTION

5. Jurisdiction is properly conferred upon this Court by MCL 600.605 and MCR 3.305(2) and MCR 2.605.

VENUE

6. Defendant Aileen Bittner has her principal place of business in the City of Troy, County of Oakland.
7. Defendant City of Troy Election Commission has its principal place of business in the City of Troy, County of Oakland.
8. Venue is appropriate in Oakland County.

COMMON ALLEGATIONS

9. Const 1963, art 2, § 8 requires the enactment of laws providing for the recall of all elective officers, except judges, "upon petition of electors equal in number to 25 percent of the number of persons voting in the last preceding election for the office of governor in the electoral district of the officer sought to be recalled."

10. The Legislature has implemented Const 1963, art 2, § 8 in Chapter XXXVI (36) of the Michigan Election Law, MCL 168.951 through MCL 168.976.

11. Pursuant to the Michigan Election Law, a petition was filed with the Oakland County Clerk to recall the City of Troy's Mayor, Janice Daniels. This petition was approved, and the recall question was posed to the voters during the November 6, 2012, general election. Troy voters recalled Mayor Daniels by a margin of 20,763 votes in favor to 18,993 votes against.¹

¹ November 6, 2012 General Election unofficial results, available at: <http://results.enr.clarityelections.com/MI/Oakland/43747/110709/en/summary.html>.

12. On November 9, 2012, the Oakland County Board of Canvassers certified the results of the recall election and notified Defendant Bittner. (Exhibit 1, November 9, 2012, Rozell, letter).

13. Michigan law requires that a special election to fill the vacancy created by the recall of Mayor Daniels, "*shall be held on the next regular election date.*" MCL 168.971(1).

14. The "next regular election date," as determined by state law, is February 26, 2013. MCL 168.3(k) and MCL 168.641(1)(a) and (3).

15. Nominating petitions or payment of the statutory filing fee for the "special election" resulting from the recall of Mayor Daniels were required to be filed or paid "not later than 4 p.m. on the fifteenth day after the clerk of the county where the petition was filed announces the official result of the recall election." MCL 168.972(1).

16. Nominating petitions or payment of the statutory filing fee for the special election to fill the City of Troy's mayoral vacancy resulting from the recall of Mayor Daniels were required to be filed or paid by 4:00 p.m. on November 26, 2012, 15 days after the Oakland County Board of Canvassers certified the recall election results. MCL 168.972(1).

17. Troy City Charter, Section 7.9-Nominations requires Defendant Bittner to publish notice of the last day permitted for filing as a candidate for the special election for mayor at least one week and not more than three weeks before the filing deadline.

18. Defendant Bittner did not provide notice of the November 26, 2012 filing deadline for the special election required by the successful recall of Mayor Daniels. As a result, residents of the City of Troy who might be interested in running to fill the remaining term for the office of Mayor were not notified of the filing deadline as required by the City's Charter.

19. The Oakland County Clerk's Office did not provide notice of the required special election until November 19, 2012, 10 days after certification of the recall results. (Exhibit 2, November 19, 2012, Rozell letter). That notice also did not specify a date for when a special election would be held.

20. On or about November 13, 2012, Plaintiff, and her Director of Elections, Christopher Thomas, through a media account, became aware of the City of Troy's intent to delay holding an election to fill the vacancy created by the recall of Mayor Daniels until November 5, 2013, contrary to the mandate in MCL 168.971(1). (Exhibit 3, Affidavit of Christopher M. Thomas, ¶ 4); (Exhibit 4, September 5, 2012, Memorandum).

21. Under Michigan Election Law, Plaintiff is the Chief Election Officer of this State with supervisory control over local election officials in the performance of their duties. MCL 168.21. These supervisory duties include issuing instructions and advising and directing local election officials on the proper methods of conducting elections. MCL 168.31(1)(a), (b).

22. On November 16, 2012, at the direction of the Secretary of State, Director Thomas sent a letter to Ms. Lori Grigg Bluhm, City Attorney for the City of

Troy, explaining that the City was required to hold a special election on February 26, 2013; under MCL 168.971(1). (Exhibit 3, Thomas Affidavit, Exhibit A, November 16, 2012, Thomas letter).

23. Ms. Grigg Bluhm, City Attorney for the City of Troy, did not respond to Director Thomas' November 16, 2012 letter.

24. On November 26, 2012, Director Thomas sent a letter to Defendant Bittner in which she was "directed to conduct a special election to fill the vacancy created by former Mayor Daniels' recall." (Exhibit 3, Thomas Affidavit, Exhibit B, November 26, 2012, Thomas letter).

25. On November 26, 2012, based on information and belief, two individuals – Dan Brake and Edward Kempen – appeared at Defendant Bittner's office and attempted to submit their respective Affidavits of Candidacy and statutory filing fees to run as candidates for mayor in a special election. Defendant Bittner refused to accept the filings and payments. (Exhibit 5, Detroit News, 11/27/12).

26. On November 27, 2012, the City Attorney for the City of Troy responded to Director Thomas's directive to Defendant Bittner rejecting the Secretary of State's direction that a special election be held on February 26, 2013, and confirming that Brake and Kempen were turned away and their filings were rejected. (Exhibit 6, November 27, 2012, Bluhm letter.)

27. Defendants Bittner and the City of Troy Election Commission have failed to call the "special election" for February 26, 2013 as required by state law,

MCL 168.971(1) and the City of Troy City Charter, Section 7.6; failed to accept Affidavits of Candidacy and the statutory filing fee from at least 2 individuals seeking to fill the vacancy created by the recall of Mayor Daniels by the due date of 4:00 p.m. on November 26 2012; and, failed to fulfill any duties imposed by state law for the operation of the "special election" required as a result of the recall of Mayor Daniels.

28. Defendants have ignored and/or disregarded the Secretary of State's direction that a special election must be held February 26, 2013.

29. Defendants have violated their clear legal duties and obligations under state law.

COUNT I

MANDAMUS

30. Plaintiff incorporates paragraphs 1 through 29 of this Complaint.

31. Mandamus is the appropriate remedy for a party seeking to compel the ministerial functions of public officials for which a clear legal duty to perform exists.

32. Troy City Charter Section 7.6-Special Election, imposes a duty on the Election officials for the City of Troy to call a special city election "in the manner and time as provided by State Statute."

33. Defendants have a clear legal duty to call a special election to fill the vacancy resulting from the recall of Mayor Daniels for February 26, 2013, as provided by State Statute. Defendants have failed to comply with this clear legal duty.

34. The date for the special election is mandated by state law and is not subject to the Defendants' discretion. MCL 168.971(1) requires this special election "shall be held on the next regular election date." By state law, the next regular election date is February 26, 2013, the fourth Tuesday in February. MCL 168.3(k); MCL 168.641(1)(a) and (3).

35. Defendants have a clear legal duty to cause the ballots to be printed, provide election supplies, and do all things necessary to conduct the special election in the manner provided state statute. City of Troy Charter, Section 7.6; MCL 168.964.

36. Defendant Bittner had a clear legal duty to accept the timely candidate filings for Brake and Kempen on November 26, 2012. MCL 168.972(1).

COUNT II

MCR 3.305(C) MOTION FOR ORDER TO SHOW CAUSE FOR IMMEDIATE ACTION

37. Plaintiff incorporates paragraphs 1 through 36 of this Complaint.

38. On ex parte motion and a showing of the necessity for immediate action, the court may issue an order to Defendants to show cause. MCR 3.305(C). The motion may be made in the Complaint. *Id.*

39. A special election to fill the vacancy for the office of Mayor is required to be held February 26, 2013. The filing deadline for candidates for this election was 4:00 p.m. November 26, 2012, unless otherwise extended by this Court. MCL 168.972(1).

40. Defendants have indicated they do not intend to call the special election for February 26, 2013 as required by state law.

41. Defendants have refused to accept the candidate filings of at least two individuals, who attempted to file by the 4:00 p.m. November 26, 2012 deadline.

42. Immediate consideration of Plaintiff's Complaint for Writ of Mandamus is necessary in order to:

- a. clarify the date of the special election;
- b. direct the Defendants to accept the timely filings of the two candidates for the office of Mayor; and
- c. determine if the circumstances compel an extension of the filing deadline to assure proper notice of the election of the date, acceptance of all candidate filings, and a full and fair election process.

COUNT III

DECLARATORY JUDGMENT AND PERMANENT INJUNCTION

43. Plaintiff incorporates paragraphs 1 through 42 of this Complaint.

44. By failing to call a special election for February 26, 2013 to fill the vacancy in the office of mayor resulting from the November 6, 2012 recall of Mayor Daniels, Defendants are violating state law and the Troy City Charter.

45. By refusing Brake's and Kempen's candidate applications on November 26, 2012, Defendants have violated state law and the Troy City Charter.

46. By failing to take all actions necessary to hold a special election on February 26, 2013, Defendants have violated state law and the Troy City Charter.

47. By refusing to follow the directions and supervision of Michigan's Secretary of State requiring a special election for the office of mayor be held February 26, 2013, Defendants have violated state law and the Troy City Charter.

PRAYER FOR RELIEF

WHEREFORE, for the foregoing reasons, Secretary of State Ruth Johnson respectfully requests that this Court:

(1) Enter an Ex Parte Order directing the Defendants to show cause why Plaintiff's complaint for writ of mandamus and declaratory judgment and injunctive relief should not be heard and decided immediately.

(2) Issue a Writ of Mandamus compelling Defendant Bittner and Defendant City of Troy Election Commission to:

a) notice a special election for February 26, 2013, for the purpose of filling the vacancy in the office of Mayor created by the successful recall of Mayor Janice Daniels;

b) take any and all actions required by the Michigan Election Law, MCL 168.1 *et seq.*, in order to prepare for the conducting of such special election; and

c) accept for filing the \$100 nominating fees and paperwork that were timely submitted by Dan Brake and Edward Kempen to run as candidates in the February 26, 2013 special election;

(3) Alternatively, enter a Declaratory Judgment that:

a) the City of Troy is required to hold a special election on February 26, 2013 for the purpose of filling the vacancy in the office of Mayor created by the successful recall of Mayor Janice Daniels;

b) the Defendants accept the candidate filings of Dan Brake and Edward Kempen to run as candidates in the February 26, 2013 special election;

c) the deadline for accepting filings to run as candidates in the February 26, 2013 special election be extended to 4:00 p.m. on the fifteenth day from entry of the Court's judgment; and

d) the Defendants take all actions required by state law and the City of Troy Charter to assure a fair and orderly election process for the special election on February 26, 2013.

(4) Enter a permanent injunction against the Defendants

a) enjoining them from taking any action preventing or prohibiting a special election for the office of Mayor on February 26, 2013;

b) requiring the City of Troy hold a special election on February 26, 2013 for the purpose of filling the vacancy in the office of Mayor created by the successful recall of Mayor Janice Daniels;

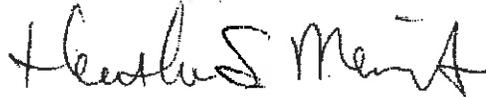
c) requiring Defendants to accept the candidate files of Dan Brake and Edward Kempen to run as candidates in the February 26, 2013 special election;

d) requiring the deadline for accepting filings to run as candidates in the February 26, 2013 special election be extended to 4:00 p.m. on the fifteenth day from entry of the Court's judgment; and

e) requiring the Defendants take all actions required by state law and the City of Troy Charter to assure a fair and orderly election process for the special election on February 26, 2013.

Respectfully submitted,

BILL SCHUETTE
Attorney General



Denise C. Barton (P41535)
Heather S. Meingast (P55439)
Assistant Attorneys General
Attorneys for Plaintiff
P.O. Box 30736
Lansing, Michigan 48909
517.373.6434

Dated: November 30, 2012

Exhibit 1



BILL BULLARD JR.
OAKLAND COUNTY CLERK/REGISTER OF DEEDS
 WWW.OAKGOV.COM/CLERKROD
 ELECTIONS DIVISION

BILL BULLARD JR.
 COUNTY CLERK/REGISTER OF DEEDS

JOSEPH J. ROZELL
 DIRECTOR OF ELECTIONS

November 9, 2012

Ms. Aileen Bittner, Clerk
 City of Troy
 500 West Big Beaver Rd.
 Troy, MI 48084

VIA HAND DELIVERY

Dear Ms. Bittner,

Enclosed please find a certified copy of the canvass of votes from the November 6, 2012 Recall election.

In accordance MCL 168.968 you are hereby notified that as of 1:30 p.m., November 9, 2012, Janice Daniels was recalled from the office of Mayor, City of Troy. The office is declared vacant as of 1:30 p.m.

Sincerely,
 COUNTY OF OAKLAND

Joseph J. Rozell, CERA
 Director of Elections

c: Maureen McGinnis, Mayor Pro Tem, City of Troy

Received for Filing Oakland County Clerk 2012 NOV 30 PM 01:09

ADMINISTRATIVE OFFICE
 1200 N. TELEGRAPH RD., DEPT. 415
 PONTIAC, MICHIGAN 48341-0415
 (248) 858-0560
 CLERK@OAKGOV.COM

ELECTIONS DIVISION
 1200 N. TELEGRAPH RD., DEPT. 417
 PONTIAC, MICHIGAN 48341-0417
 (248) 858-0564
 ELECTIONS@OAKGOV.COM

LEGAL & VITAL RECORDS
 1200 N. TELEGRAPH RD., DEPT. 413
 PONTIAC, MICHIGAN 48341-0413
 (248) 858-0581
 CLERK.LEGAL@OAKGOV.COM

REGISTER OF DEEDS
 1200 N. TELEGRAPH RD., DEPT. 480
 PONTIAC, MICHIGAN 48341-0480
 (248) 858-0605
 DEEDS@OAKGOV.COM

Exhibit 2



BILL BULLARD JR.
OAKLAND COUNTY CLERK/REGISTER OF DEEDS
 WWW.OAKGOV.COM/CLERKROD
 ELECTIONS DIVISION

BILL BULLARD JR.
 COUNTY CLERK/REGISTER OF DEEDS

JOSEPH J. ROZELL, CERA
 DIRECTOR OF ELECTIONS

November 19, 2012

City of Troy
 Ms. Aileen Bittner, Clerk
 500 W. Big Beaver Rd.
 Troy, MI 48084

Dear Ms. Bittner,

On November 9th, 2012, at the conclusion of the official canvass, I declared the office of Mayor vacant.

This letter is to inform you that in accordance with MCL 168.964, you are required to "give notice of an election, cause the ballots to be printed, provide election supplies and do all things necessary to conduct the election in the manner provided..." for the office of Mayor.

Please contact me should you have any questions.

Sincerely,
 COUNTY OF OAKLAND

Joseph J. Rozell
 Director of Elections

c: Bill Bullard, Jr., Oakland County Clerk/Register of Deeds

Received for Filing Oakland County Clerk 2012 NOV 30 PM 01:09

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 DEEDS@OAKGOV.COM

Exhibit 3

STATE OF MICHIGAN
CIRCUIT COURT FOR THE 6TH JUDICIAL CIRCUIT
OAKLAND COUNTY

SECRETARY OF STATE RUTH
JOHNSON,

Plaintiff,

No. _____

v

AILEEN BITTNER, in her official capacity
as the Clerk for the City of Troy, CITY OF
TROY ELECTION COMMISSION, in their
official capacity,

HON. _____

Defendants.

Denise C. Barton (P41585)
Heather S. Meingast (P55439)
Attorneys for Plaintiff
Public Employment, Elections & Tort
Division
P.O. Box 30736
Lansing, MI 48909
(617) 373-6434

Affidavit of Christopher M. Thomas

Christopher M. Thomas, being first duly sworn, deposes and says as follows:

1. I bring this Affidavit in support of Plaintiff's Complaint for Writ of Mandamus and Declaratory and Injunctive Relief.
2. I have been employed by the Secretary of State as Director of Elections since June 21, 1981 and in such capacity serve as Director of the Bureau of Elections and Secretary to the Board of State Canvassers.

3. I am personally knowledgeable about provisions of Michigan Election Law and procedures of the Bureau of Elections that govern recall, the filling of a vacancy created by recall, and the conduct of elections. Further, I am knowledgeable about federal and state laws that guide ballot printing and distribution deadlines relevant to military and overseas civilian absent voter ballots.

4. On or about November 13, 2012, I read a news article regarding the recall of the former Mayor of the City of Troy, Janice Daniels, and the city's intention to delay the election of a successor for a full year. This was the first time that I personally learned of the city's plans for delaying the election to fill the vacancy created by former Mayor Daniels' recall. Later that day, I contacted Ms. Lori Grigg Bluhm, the Troy City Attorney, and expressed my concern that the City of Troy was out of compliance with the Michigan Election Law, MCL 168.1 *et seq.*

5. On November 16, 2012, I sent Attorney Bluhm a letter advising that the Michigan Election Law requires the City of Troy to conduct an election on the next regular election date immediately following the successful recall of an elected official, MCL 168.971(1), which would be February 26, 2013. And that upon certification of the official election result under MCL 168.968, the Oakland County Clerk was required to issue the call of election, a "public notice of the election," issued to the Troy City Clerk. MCL 168.964, 168.971(1) ("The provisions in section 964 for calling and conducting of the recall election govern the calling and conducting of the election to fill the vacancy created, except as otherwise provided in this section.") (Exhibit A, November 16, 2012, Thomas Letter.)

6. Additionally, the Oakland County Clerk was required to "publicly announce the result of the recall election at the conclusion of the meeting held by the board of county canvassers to certify the recall election." MCL 168.972(1). These notices trigger the Troy City Clerk's duty to "cause the ballots to be printed, provide election supplies, and do all things necessary to conduct the election in the manner provided in this act." MCL 168.964. (Exhibit A, November 16, 2012, Thomas Letter.)

7. Generally, the notices required under MCL 168.968 (result of the recall) and MCL 168.964 (notice of need for special election), are provided concurrently because the period for filing nominating petitions or filing fees

to run for the vacancy created by the recall runs from the date of the certification of the results. MCL 168.972(1).

8. Under MCL 168.972(1), the Troy City Clerk was required to accept nominating petitions or filing fees from interested candidates that were submitted "not later than 4 p.m. on the fifteenth day after the clerk of the county where the petition was filed announces the official result of the recall election." The Oakland County Clerk certified the recall election results on November 9, 2012, and notified the Troy City Clerk by letter, but did not provide notice of the special election under MCL 168.964 until November 19, 2012.

9. The November 9, 2012, letter technically triggered the nominating process, and, by operation of law, the filing deadline elapsed on Monday, November 26, 2012 at 4:00 p.m. On information and belief, the Troy City Clerk refused to accept the affidavits of identity and filing fees timely presented by two individuals who sought to become candidates in the election to succeed former Mayor Daniels. But the failure of the Oakland County Clerk to timely call the special election until November 19, 2012 – 10 days after certifying the recall results – and the public statements by Troy City officials asserting that no February special election would be held, seriously undermined the purpose of the 15-day filing period. Thus, the period could be viewed as elapsing on December 4, 2012, at 4:00 p.m., 15 days from the November 19, 2012, letter providing notice of election under MCL 168.964.

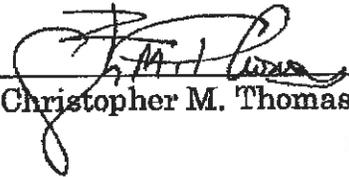
10. Because no response was forthcoming, on November 26, 2012, I sent a letter to Aileen Bittner, the Troy City Clerk, similarly advising her that the City of Troy was out of compliance with the Michigan Election Law, and "direct[ing] [her] to conduct a special election to fill the vacancy created by former Mayor Daniels' recall." (Exhibit B, November 26, 2012, Thomas letter).

11. With respect to election preparation deadlines for a special election in February 2013, absent voter ballots must be printed and delivered by the Board of County Election Commissioners to the County Clerk by the 47th day prior to the February 26, 2013 election, or by January 10, 2013. MCL 168.713, 168.714(4). Absent voter ballots must be available for distribution to all voters, and especially military and overseas voters, no later than the 45th day before the election, or by January 12, 2013. The deadline for distribution of absent voter ballots is governed by both the Federal Military and Overseas Voters Empowerment Act (MOVE Act), 42 USC 1973ff-1(a)(8), and Michigan Election Law, MCL 168.714 and 759a.

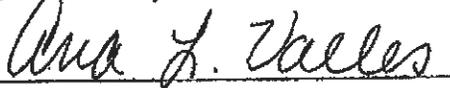
12. The City Election Commission is responsible for printing ballots for a special election. MCL 168.690. Prior to printing, the City Election Commission must submit proof copies of the ballot to each candidate whose name appears on the ballot. MCL 168.711, 168.714(4). The candidates are allotted two business days in which to review the ballot proofs and notify the City Election Commission of any corrections. Id. After the expiration of the period for review of the ballots and any necessary corrections are made, the City Election Commission may proceed with ballot printing. Id. This is a process that ordinarily takes 3-5 business days to complete.

13. In view of the ballot printing and issuance deadlines described above, if the period for accepting nominating petitions or filing fees is extended for the February 26, 2013, special election to fill Ms. Daniels' vacancy, nominations could not be accepted any later than January 2, 2013.

14. This affidavit is based on personal knowledge. If called as a witness, I can testify competently to the facts stated in this affidavit.


Christopher M. Thomas

Subscribed and sworn to before me
November 30, 2012.



ANA L. VALLES
NOTARY PUBLIC, INGHAM COUNTY, MI
MY COMMISSION EXPIRES JULY 31, 2013



STATE OF MICHIGAN
RUTH JOHNSON, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

November 16, 2012

Lori Grigg Bluhm, City Attorney
City of Troy
500 West Big Beaver Road
Troy, Michigan 48084
Via email: bluhmig@troymi.gov

Dear Ms. Bluhm:

This letter is a follow up to our conversations about the City of Troy's intention to delay the election to fill the vacancy caused by the recent recall of the City's Mayor until November 5, 2013. For the reasons set forth below, it is the position of the Bureau of Elections that the City is required to conduct a special election to fill the vacancy on February 26, 2013.

Former Mayor Janice Daniels was recalled from office on November 6, 2012 by 20,763 votes in favor of recall to 18,993 against recall.¹ Under the Michigan Election Law, 1954 PA 116, as amended, MCL 168.1 *et seq.*, "[i]f the recall is successful, a special election to fill the vacancy shall be held on the next regular election date." MCL 168.971(1) (emphasis added). The next regular election date falls on February 26, 2013. MCL 168.641(1).

Through discussions with you, I understand the City's legal position to be that pursuant to the Troy City Charter, the City intends to allow the person who was recently appointed to temporarily fill the vacancy in the office of Mayor to serve until a successor is elected at the next regularly scheduled city election, which will be held on November 5, 2013. Further, I understand that the City intends to permit the winner of that election to serve the remaining 2 years of the 4-year term of office for Mayor until the next regularly scheduled city election on November 3, 2015. The City's position is primarily based upon MCL 168.321(1), which provides: "Except as provided in subsection (3) and sections 327, 641, 642, and 644g, the qualifications, nomination, election, appointment, term of office, and removal from office of a city officer shall be in accordance with the charter provisions governing the city."

However, it is our position that the mandate in MCL 168.971(1) to fill the vacancy at the next regular election date applies here. Had the legislature intended to spare communities the trouble and expense of conducting a special election to fill a vacancy created by recall, it could have explicitly done so. For example, MCL 168.321(1) provides that "the qualifications, nomination, election, appointment, term of office, and removal from office of a city officer shall be in accordance with the charter provisions governing the city." (Emphasis added). Notably omitted from the conditions that fall within the exclusive purview of the city charter are "recall" and

¹ November 6, 2012 General Election unofficial results, viewed November 16, 2012, available at: <http://results.enr.clarityelections.com/MI/Oakland/43747/110709/en/summary.html>.

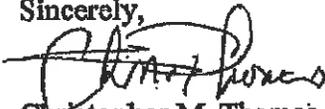
“filling a vacancy caused by recall.” Moreover, the term “election” as used in section 321(1) cannot be equated with the term “recall” or interpreted to encompass recalls. Rather, recall is a process for removing someone from an elected office. And arguably, interpreting the term “election” in section 321(1) to include a recall would free cities from compliance with any of the recall statutes set forth in Chapter 36.

In addition, the Home Rule City Act, MCL 117.1 *et seq.*, provides that, “[n]o provision of any charter shall conflict with or contravene the provisions of any general law of the state.” MCL 117.36. Two Court of Appeals cases concerning the rights of charter counties are instructive here, and by extension, their rationale is applicable to city charters. In *Ficano v Lucas*, 133 Mich App 268 (1984) and *O’Hara v Wayne County Clerk*, 238 Mich App 611 (1999), the Court of Appeals held that Wayne County charter provisions that conflicted with the Michigan Election Law could not “trump” or override the general provisions of state election law. The statute that mandates that an election be held on the next regular election date following a successful recall is a law of general application within the meaning of the Home Rule City Act. MCL 117.36, 168.971.

In fact, the Troy City Charter incorporates section 971(1) by providing that “[a] vacancy created by [] recall shall be filled in the manner prescribed by this charter *and by statute.*” (Charter, Section 7.17 – Recall, p 26). (Emphasis added). The Charter itself does not prescribe any specific method for filling a vacancy created by recall, and of course, even if it did the Charter could not conflict with section 971(1). See MCL 117.36.²

If you have any additional questions concerning our position, please do not hesitate to contact me.

Sincerely,


Christopher M. Thomas
Director of Elections

² The Troy City Charter has a general vacancy filling provision for elective offices in Chapter 6, Section 6.7 – Filling Vacancies in Elective Office. That section prescribes the method for filling vacancies that arise under Chapter 6, Section 6.2 – Vacancies in Elective Office. But Section 6.2 does not include a vacancy created by recall.



STATE OF MICHIGAN
RUTH JOHNSON, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

November 26, 2012

Aileen Bittner, Clerk
City of Troy
500 West Big Beaver Road
Troy, Michigan 48084
Via email: bittnera@troymi.gov

Dear Ms. Bittner:

I write in regard to the City of Troy's plans to delay the election to fill the vacancy caused by the recent recall of the City's former Mayor, Janice Daniels, contrary to the Michigan Election Law, 1954 PA 116, as amended, MCL 168.1 *et seq.* For the reasons set forth below, you are hereby directed to conduct a special election to fill the vacancy created by former Mayor Daniels' recall on February 26, 2013.

Any further delay in making preparations for this election may jeopardize the ability of candidates to seek election to the office of Mayor. I am aware that the Oakland County Clerk's office did not issue the notice required by MCL 168.964 until November 19, 2012. Pursuant to that provision, "the official shall give notice to the official or officials required by the general election, the school, or the library laws of this state or a city charter to give public notice of the election, cause the ballots to be printed, provide election supplies, and do all things necessary to conduct the election in the manner provided in this act." MCL 168.964. Given the delay in the issuance of the mandatory section 964 notice, the candidate filing deadline will elapse at 4:00 p.m. on December 4, 2012, the fifteenth day following the issuance of the November 19, 2012 notice. MCL 168.972(1).¹

Under the Michigan Election Law, 1954 PA 116, as amended, MCL 168.1 *et seq.*, the Secretary of State is the Chief Election Officer of this State and "shall have supervisory control over local election officials in the performance of their duties under the provisions of this act." MCL 168.21. The Secretary of State is required by law to "issue instructions" and "[a]dvice and direct local election officials as to the proper methods of conducting elections." MCL 168.31(1)(a), (b). County clerks and Boards of Commissioners are required to comply with the instructions given by the Secretary of State. *Secretary of State v Berrien Co Bd of Election Comm'rs*, 373 Mich 526, 530-531 (1964). The Director of Elections is authorized to act at the Secretary's behest "with respect to the supervision and administration of the election laws." MCL 168.32.

¹ Further, MCL 168.972(1) expressly allows candidates who seek a nonpartisan office such as Mayor to be nominated by filing a nominating petition containing a sufficient number of valid signatures or paying a \$100.00 filing fee in lieu of tendering a nominating petition.

An election on the question of recalling the former Mayor was included on the November 6, 2012 general election ballot issued to Troy voters, who decided by a margin of 20,763 votes in favor to 18,993 votes against² to exercise their constitutional right to recall Ms. Daniels. MI Const. Art. II, §8. Under the Election Law, “[i]f the recall is successful, a special election to fill the vacancy *shall* be held on the next regular election date.” MCL 168.971(1) (emphasis added). The next regular election date immediately following the November 6, 2012 general election falls on February 26, 2013. MCL 168.641(1).

Through discussions with your City Attorney, Lori Grigg Bluhm, I understand the City’s legal position to be that pursuant to the Troy City Charter, the City intends to allow the person who was recently appointed to temporarily fill the vacancy in the office of Mayor to serve until a successor is elected at the next regularly scheduled city election, which will be held on November 5, 2013. Further, I understand that the City intends to permit the winner of that election to serve the remaining 2 years of the 4-year term of office for Mayor until the next regularly scheduled city election on November 3, 2015. The City’s position is primarily based upon MCL 168.321(1), which provides: “Except as provided in subsection (3) and sections 327, 641, 642, and 644g, the qualifications, nomination, election, appointment, term of office, and removal from office of a city officer shall be in accordance with the charter provisions governing the city.”

As explained to Ms. Bluhm, the mandate of MCL 168.971(1) is clear and unambiguous. The City’s position is in direct contravention of this provision, which reads, “[i]f the recall is successful, a special election to fill the vacancy shall be held on the next regular election date. The provisions in section 964 [.]for calling and conducting of the recall election govern the calling and conducting of the election to fill the vacancy created, *except as otherwise provided in this section.*” (Emphasis added). Subsection (2) creates the only exception by establishing the procedure for holding an election if an emergency manager has been appointed, a circumstance that is inapplicable here. No exception was created for local governments with differing charter provisions.

Had the legislature intended to spare communities the trouble and expense of conducting a special election to fill a vacancy created by recall, it could have explicitly done so. For example, MCL 168.321(1) provides that “the qualifications, nomination, *election*, appointment, term of office, and removal from office of a city officer shall be in accordance with the charter provisions governing the city.” (Emphasis added). Notably omitted from the conditions that fall within the exclusive purview of the city charter are “recall” and “filling a vacancy caused by recall.” Moreover, the term “election” as used in section 321(1) cannot be equated with the term “recall” or interpreted to encompass recalls because a recall is not an election. Rather, it is a process for removing someone from an elected office. And arguably, interpreting the term “election” in section 321(1) to include a recall would free cities from compliance with any of the recall statutes set forth in Chapter 36.

This sound public policy preserves the purity of elections and effectuates the voters’ exercise of their constitutional right of recall. The voters of Troy have spoken and they are entitled under state law to elect a successor at the first opportunity – the next regular election date that falls on February 26, 2013.

² November 6, 2012 General Election unofficial results, viewed November 16, 2012, available at: <http://results.enr.clarityelections.com/MI/Oakland/43747/110709/en/summary.html>

Aileen Bittner
November 26, 2012
Page 3

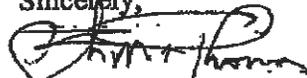
In addition, the Home Rule City Act, MCL 117.1 *et seq.*, provides that, “[n]o provision of any charter shall conflict with or contravene the provisions of any general law of the state.” MCL 117.36. Two Court of Appeals cases concerning the rights of charter counties are instructive here, and by extension, their rationale is applicable to city charters. In *Ficano v Lucas*, 133 Mich App 268 (1984) and *O’Hara v Wayne County Clerk*, 238 Mich App 611 (1999), the Court of Appeals held that Wayne County charter provisions that conflicted with the Michigan Election Law could not “trump” or override the general provisions of state election law. The statute that mandates that an election be held on the next regular election date following a successful recall is a law of general application within the meaning of the Home Rule City Act. MCL 117.36, 168.971.

In fact, the Troy City Charter incorporates section 971(1) by providing that “[a] vacancy created by [] recall shall be filled in the manner prescribed by this charter *and by statute.*” (Charter, Section 7.17 – Recall, p 26) (Emphasis added). The Charter itself does not prescribe any specific method for filling a vacancy created by recall, and of course, even if it did the Charter could not conflict with section 971(1). See MCL 117.36.³

Simply put, there is no legal authority to refrain from conducting an election to fill the vacancy caused by the former Mayor’s recall until a time of the City’s choosing. In accordance with my authority under the Michigan Election Law, you are directed to take all necessary steps in preparation for a special election to be held on February 26, 2013.

Please contact me tomorrow by the close of business to inform me of what actions you intend to take to prepare for the upcoming election. You may reach me at 517 373 2540.

Sincerely,



Christopher M. Thomas
Director of Elections

Cc: Lori Grigg Bluhm

³ The Troy City Charter has a general vacancy filling provision for elective offices in Chapter 6, Section 6.7 – Filling Vacancies in Elective Office. That section prescribes the method for filling vacancies that arise under Chapter 6, Section 6.2 – Vacancies in Elective Office. But Section 6.2 does not include a vacancy created by recall.

Exhibit 4



MEMORANDUM

TO: Members of the Troy City Council
FROM: Michael W. Culpepper, Acting City Manager
 Lori Grigg Bluhm, City Attorney
 M. Aileen Bittner, City Clerk
DATE: September 5, 2012
SUBJECT: Procedure In Event of Successful Recall

As requested at the August 27, 2012 City Council meeting, we reviewed the State Statutes concerning recall elections, as well as City Charter provisions and the City Council Rules of Procedure. The following procedure is based on this research.

- **November 6, 2012: City Election with Recall Question**
- **November 7-11, 2012: County Board of Canvassers certifies results and notifies City Clerk**
 - If more persons voted No than Yes- no change
 - If more persons voted Yes than No- current Mayor Pro Tem is sworn in immediately as Acting Mayor to serve until new Mayor Pro Tem appointed
- **November 12, 2012: Official Declaration of Vacancy & Annual Election of Mayor Pro Tem**
 - Office of Mayor declared vacant by City Council
 - Council Rules of Procedure call for election of Mayor Pro Tem annually on specific rotating basis
 - New Mayor Pro Tem sworn in as Mayor Pro Tem and Acting Mayor
 - Acting Mayor serves until City Council appoints a new Mayor
- **On or before December 11, 2012: City Council is required to appoint a Mayor within 30 days of the County Board of Canvassers certification. Appointed Mayor serves until 7:30 pm on November 11, 2013.**
 - If a City Council member wishes to be appointed as Mayor, the Member must submit a letter of resignation of the City Council position to the City Clerk. City Council acts upon letters of resignation at the next City Council meeting. There are two meetings in the 30-day period: November 26 and December 3. Resigning will shorten the term of office if that Member's term expires later than November 11, 2013.
 - City Council declares a seat vacant upon acceptance of a letter of resignation (as set forth above). This vacancy is required to be filled by City Council appointment within 30 days of the vacancy.
 - Since no process for appointment is specified, there could be an application/interview process or any other process decided on by City Council. The only restrictions have to do with term limits and eligibility requirements.
 - Failure to appoint a Mayor within 30 days could be official misconduct
- **November 5, 2013: Regular City Election for City Council and unexpired Mayor's term**
- **November 11, 2013: Newly elected Mayor and City Council are sworn in to office**

Exhibit 5

The Detroit News

NOVEMBER 27, 2012

Troy City Council appoints Councilman Slater as mayor until Nov. 2013

BY CANDICE WILLIAMS / THE DETROIT NEWS

Troy — Troy Councilman Dane Slater was officially appointed mayor Monday night until November 2013 amid controversy over whether the city must hold an election to name a new mayor.

The selection followed failed attempts earlier Monday by two city residents to file to run for a mayoral election. Monday was the deadline to file.

"I'm not ready to support any candidate as interim mayor until we get a resolution from the state," Councilman Doug Tietz said, referring to the controversy with the state over how the city must choose a mayor after the recall of Mayor Janice Daniels. He and Councilman Wade Fleming opposed Slater's appointment Monday.

The state's elections director told the city in a letter Nov. 16 that it must hold a special election Feb. 26, and not wait until 2013 to fill the mayor's position.

After it received the letter from the state, the City Council voted Wednesday not to seek an opinion from the state Attorney General's Office about whether it needs to hold a special election.

"What a blatant disregard for the rule of law," said Dan Brake, one of two men whose petition to run for mayor was turned down Monday. Edward Kempen also filed.

The group Concerned Troy Citizens said Brake and Kempen left their paperwork with City Clerk Aileen Bittner after she told them the city was not accepting the paperwork.

According to the release, City Attorney Lori Grigg Bluhm watched as Bittner turned the two would-be candidates away.

Tietz and Fleming said during the vote Monday night that they wanted to wait so the city could investigate the election issue.

"There's wisdom in waiting until Dec. 3 to see if we get new information," Fleming said.

Bluhm had recommended that the council appoint an acting mayor for the next year, saying she based her advice on state law, the city charter, and the guidance of the Oakland County elections office and other cities that had successful recall elections.

"I have the faith in the city attorney that she can defend this," Slater said.

Resident James Savage said he would have preferred the city consult with the state first on its process for filing the vacancy.

"That would have been the safer thing to do," he said.

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cwilliams@detroitnews.com

(313) 222-2311

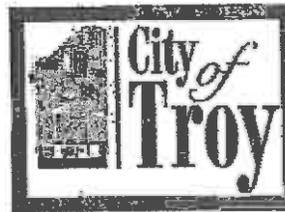
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Exhibit 6

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

The City of Tomorrow...



...Today

November 27, 2012

Christopher M. Thomas
Director of Elections
Michigan Secretary of State
Richard H. Austin Building
1st Floor
430 W. Allegan
Lansing, MI 48918

Dear Mr. Thomas,

This letter is in response to your letter of November 26, 2012 to Troy City Clerk M. Aileen Bittner, which was sent via e-mail at 5:30 pm. It was received after the fifteen day candidate filing deadline set forth in MCL 168.971, which is the statutory recall provision that you rely upon for your legal analysis. Unfortunately, the letter was received after the City had already turned away two persons who were vying to be a candidate by paying \$100 prior to the 4 pm filing deadline yesterday. These attempted filings were not accepted at the City, since there has not been a February 2013 election called.

The attached November 19 letter from the Oakland County Director of Elections does not mandate a special February 2013 election. If this were the case, the notification would explicitly reference the date of this special election, as well as the applicable filing deadlines. Oakland County's letter confirms only that an election is required to fill the unexpired mayoral term. The City does not dispute this, and has planned since September of this year to hold the election for the remaining two year mayoral term at the same time as our regular election in November 2013.

In determining the procedure that we would follow in the event of a successful recall, we necessarily looked to the election law provisions that are applicable to City Offices, found in Chapter XV of the Election Law. Under this Chapter of Election Law, cities are treated differently than other types of government. MCL 168.321 (1) specifically provides: *"the qualifications, nomination, election, appointment, term of office, and removal from office of a city officer shall be in accordance with the charter provisions governing the city"* (emphasis added)

In your letter, you claim that MCL 168.321 is not applicable to this situation, since a recall is not "an election." You have not provided any authority for this position, which is actually contradicted by the presence of the statutory procedure being located in the state election law provisions. Recalls to remove officers are subject to the same

Page 1 of 4

deadlines, certification, signature requirements, etc. as other elections. According to MCL 168.964: *"The procedure governing the election on the question of the recall of an officer shall be the same, so far as possible and unless otherwise provided in this act, as that by which the officer is elected to office."* The legislature's use of the phrase *"on the question of the recall"* in this statutory provision arguably limits the application to the removal of the elected official. If a recall is successful, then MCL 168.968 provides that *"Upon certification, the office is vacant"*. It is at this point that MCL 168.321 (1) mandates deference to the City's Charter.

According to your letter, recall encompasses not only the removal of an officer, but also a subsequent election for a replacement for a recalled officer. Your authority for this claim stems from MCL 168.971, which states: *"If the recall is successful, a special election to fill the vacancy shall be held on the next regular election date."* Prior to election consolidation in 2005, the term "regular election date" was defined in election law as those elections occurring in November or even year August. The infrequently used recall election provisions were not amended when the term "regular election date" was expanded to also include February, May, and August odd year elections. It is this expansion of the term "regular election date" that has caused a conflict between MCL 168.321 synthesized with the Troy City Charter and MCL 168.971. Prior to 2005, the City of Troy's charter process would have mirrored the process set forth in MCL 168.971, with both provisions calling for an election in November 2013.

In your letter, you indicate that a February special election in the City of Troy *"preserves the purity of elections and effectuates the voters' exercise of their constitutional right of recall. The voters of Troy have spoken and they are entitled under state law to elect a successor at the first opportunity- the next regular election date that falls on February 26, 2013."*

In actuality, mandating a February special election actually thwarts the voters' exercise of their constitutional right of recall, since the City is required to comply with its Charter provisions as well as state law. Under Troy's charter, vacancies in elective office are required to be filled within thirty days through appointment. Section 6.7 states: *"City Council shall fill vacancies of an elective office that are declared vacant pursuant to Section 6.2 within 30 days by a majority vote of the remaining members of the Council, said appointee to hold office until the successor takes office, the election of which shall be on the next November or even year August election date."* Section 6.2 provides: *Any elective city office shall be declared vacant by the Council upon the occurrence of any of the following events before the expiration of the term of such office: (a) For any reason specified by statute or by this charter as creating a vacancy in office...* MCL 168.968 expressly declares that a successful recall creates a vacancy in office. The City of Troy, in compliance with this Charter provision, has officially appointed Mayor Pro Tem Dane Slater as Mayor within the allocated thirty days. As a condition of his appointment, Mr. Slater was required to resign his City Council position in order to be appointed as Mayor. City Council is now accepting applications from Troy citizens, and is expected to appoint a new City Council member for the remainder of the term, which

always

expires on November 2013. If a February 2013 election were required, and Mr. Slater chose not to run for the unexpired Mayoral term, then this elected official's term would be shortened by about eight months. If one or two other elected Troy City Council members decided to run for the unexpired mayoral term in a forced February 2013 election, Troy's Charter requires each candidate for an office other than the one currently held to submit an irrevocable letter of resignation. As a result, a February 2013 election could entirely change the composition of Troy's elected body into a legislative body that is largely appointed.

Troy is also concerned about the ability to pay a \$100 filing fee under MCL 168.972, whereas Troy's Charter requires prospective candidates to demonstrate a modicum of support (60 signatures on a petition) before being entitled to placement on the ballot.

The cases that you have relied upon, *Ficano v. Lucas*, 133 Mich. App. 268 (1984) and *O'Hara v. Wayne County Clerk*, 238 Mich. App. 611 (1999), are distinguishable. First, neither one of these cases involves a recall election. More importantly, these cases discuss the powers of counties, not home rule cities. Under the Michigan Constitution of 1963, Section 34 requires "the provisions of this constitution and law concerning counties, townships, cities and villages shall be liberally construed in their favor." MCL 117.4i (g) expressly allows Home Rule Cities, such as the City of Troy, to provide in its charter for "The initiative and referendum on all matters within the scope of the powers of that city and the recall of city officials." Emphasis added.

Troy's Charter, Section 7.17, was adopted in accordance with the authority granted under the Home Rule City Act. It provides: "Any elected official may be recalled from office by the electors of the city in the manner provided by statute. A vacancy created by such recall shall be filled in the manner prescribed by this charter and by statute." (Emphasis added).

The City's process, outlined in September in the event of a successful recall, synthesizes the charter and MCL 168.321. Although it is understandable that the State, seeking uniformity in the election process, would prefer a special February election rather than acknowledge the ambiguity in State election law, it is the City of Troy's position that whenever state election law can be read consistently with local home rule city charters, then it is this interpretation that must be followed.

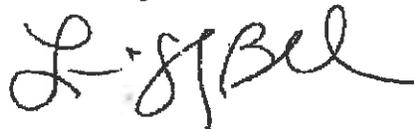
In our telephone conversation, you opined that there was a need for an immediate election after a recall to protect against the temporary appointment of a person with credentials very similar to the person just removed. However, the City publicly communicated the post recall process back in September of this year, and it was published in many different newspapers and websites, and this process was not challenged. Requiring the City to now conduct a special election in February will deprive many of our residents of the ability to participate in the political process. This will place the City of Troy at risk for an equal protection challenge.

Perhaps most interesting is your unilateral extension of the candidate filing deadline by a week. You have neglected to specify the authority that allows this unprecedented action, which is inconsistent MCL 168.971 and MCL 168.321. Although you rely on MCL 168.31 (1)(b) as your authority to require a February 2013 election and also to extend the candidate filing deadline by a week, this statutory provision provides authority only for the "proper methods of conducting elections." A unilateral candidate filing deadline extension exceeds the scope of this authority. A mandate for a special election also falls outside the scope of the authority of the Secretary of State. These two examples are not decisions about the proper equipment to use, or the determination to use a punch card or an optical scan method of voting.

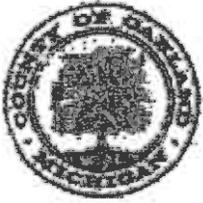
The mandate of a February 2013 special election, under the authority of MCL 168.971, would cause the City of Troy to violate several of its Charter provisions, including but not limited to the requirement for advance notice and publication of all open elective offices. It is for this reason that the City is obligated to adopt the interpretation of state election law, as set forth in MCL 168.321, which also allows the City to comply with its Charter provisions.

I encourage you to share this letter with the Attorney General's Office, so that they can have a condensed version of our legal research available in deciding whether or not to initiate proceedings to force our community to endure a special February election, at an estimated cost of approximately \$50,000 plus untold political costs and further turmoil.

Sincerely,



Lori Grigg Bluhm
City Attorney



BILL BULLARD JR.
OAKLAND COUNTY CLERK/REGISTER OF DEEDS
 WWW.OAKGOV.COM/CLERKROD
 ELECTIONS DIVISION

BILL BULLARD JR.
 COUNTY CLERK/REGISTER OF DEEDS

JOSEPH J. ROZELL, CERA
 DIRECTOR OF ELECTIONS

November 19, 2012

City of Troy
 Ms. Aileen Bittner, Clerk
 500 W. Big Beaver Rd.
 Troy, MI 48084

Dear Ms. Bittner,

On November 9th, 2012, at the conclusion of the official canvass, I declared the office of Mayor vacant.

This letter is to inform you that in accordance with MCL 168.964, you are required to "give notice of an election, cause the ballots to be printed, provide election supplies and do all things necessary to conduct the election in the manner provided..." for the office of Mayor.

Please contact me should you have any questions.

Sincerely,
 COUNTY OF OAKLAND

Joseph J. Rozell
 Director of Elections

c: Bill Bullard, Jr., Oakland County Clerk/Register of Deeds

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