

AGENDA

Regular Meeting of the

CITY COUNCIL OF THE CITY OF TROY

OCTOBER 17, 2005

CONVENING AT 7:30 P.M.

**Submitted By
The City Manager**

TO: The Honorable Mayor and City Council
Troy, Michigan

FROM: John Szerlag, City Manager

SUBJECT: Background Information and Reports

Ladies and Gentlemen:

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

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

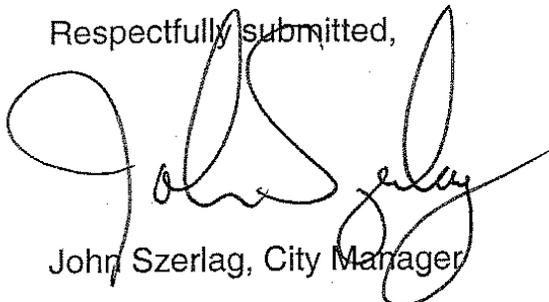
Identified below are goals for the City, which have been advanced by the governing body; and Agenda items submitted for your consideration are on course with these goals.

Goals

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

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

Respectfully submitted,



John Szerlag, City Manager



CITY COUNCIL

AGENDA

October 17, 2005 – 7:30 PM
Council Chambers
City Hall - 500 West Big Beaver
Troy, Michigan 48084
(248) 524-3317

CALL TO ORDER: 1

INVOCATION & PLEDGE OF ALLEGIANCE: Pastor Vince Messina – Woodside Bible Church 1

ROLL CALL: 1

CERTIFICATES OF RECOGNITION: 1

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CALL TO ORDER:

INVOCATION & PLEDGE OF ALLEGIANCE: Pastor Vince Messina – Woodside Bible Church

ROLL CALL:

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

CERTIFICATES OF RECOGNITION:

A-1 Presentations: No Presentations

CARRYOVER ITEMS:

B-1 No Carryover Items

PUBLIC HEARINGS:

C-1 Zoning Ordinance Text Amendment (ZOTA 216) – Additional Retail Along Major Thoroughfares in the M-1 (Light Industrial) Zoning District

Suggested Resolution
Resolution #2005-10-
Moved by
Seconded by

Proposed Resolution Option A – Planning Commission Version

RESOLVED, That Article XXVIII (M-1 LIGHT INDUSTRIAL DISTRICT), of the Zoning Ordinance, Option A, be **ADOPTED**, as recommended by the Planning Commission.

Or Proposed Resolution Option B – City Management Version

RESOLVED, That Article XXVIII (M-1 LIGHT INDUSTRIAL DISTRICT), of the Zoning Ordinance, Option B, be **ADOPTED**, as recommended by City Management.

Yes:
No:

C-2 Rezoning Application – North Side of Maple Road, West of Blaney, Section 29, M-1 to B-3 (Z 708)Suggested Resolution

Resolution #2005-10-

Moved by

Seconded by

RESOLVED, That the M-1 to B-3 rezoning request, located on the north side of Maple Road, west of Blaney, Section 29, being approximately 1.687 acres in size, is described in the following legal description and illustrated on the attached drawing:

T2N, R11E, SE ¼ of Section 29

Lots 8, 20, 21, and 22, and Outlot "A" of Supervisors Plat No. 23, (Liber 15, page 58, of Oakland County Plats). Containing ±1.687 ac. more or less, and subject to restrictions and easements of record.

BE IT FINALLY RESOLVED, That the proposed rezoning is hereby **GRANTED**, as recommended by City Management and the Planning Commission.

Yes:

No:

C-3 Rezoning Application – South Side of Woodslee Street, East of Rochester Road, Section 27, M-1 to R-2 (Z 709)Suggested Resolution

Resolution #2005-10-

Moved by

Seconded by

RESOLVED, That the M-1 to R-2 rezoning request, located on the south side of Woodslee Street, east of Rochester Road, Section 27, being 600 square feet in size, is described in the following legal description and illustrated on the attached drawing:

T2N, R11E, SE ¼ of Section 27

Commencing at the southeast corner of said Section 27; thence N 00°08'14" E, 899.83 ft. (recorded as N 01°32'25"E); thence N 89°41'56" W, 166.92 ft. (recorded as N 89°41'56" W) to a point on the east line of Stumpf's Beech Grove Subdivision (Liber 32, pages 11 & 12 of Oakland County Plats); thence along said east line N 00°00'00" W, 123.01 ft. (recorded as N 01°24'11" E) to the Point of Beginning; thence continuing N 00°00'00" W, 120.00 ft.; thence S 89°45'00" E, 5.00 ft.; thence S 00°00'00"E, 120.00 ft.; thence N 89°45'00" W, 5.00 ft. to the Point of Beginning. Containing 600 sq. ft. of land, more or less, and subject to restrictions and easements of record.

BE IT FINALLY RESOLVED, That the proposed rezoning is hereby **GRANTED**, as recommended by City Management and the Planning Commission.

Yes:

No:

POSTPONED ITEMS:

D-1 Standard Purchasing Resolution 3: Option to Renew – Banquet Services

Pending Resolution

Resolution #2005-10-

Moved by Lambert

Seconded by Beltramini

WHEREAS, On October 21, 2002, a three-year contract to provide Banquet Services with an option to renew for three additional years was awarded to the highest scoring bidder, The San Marino Club (Resolution #2002-10-570-E-9).

WHEREAS, The San Marino Club agrees to exercise the option to renew the contract for three additional years.

NOW, THEREFORE, BE IT RESOLVED, That the additional three-year option to renew the contract is hereby **EXERCISED** with the San Marino Club under the same contract prices, terms, and conditions expiring on August 31, 2008, at a per plate cost including gratuity of \$39.00 for the two (2) appreciation banquets and \$20.00 for the employee holiday party.

Yes:

No:

CONSENT AGENDA:

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

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

Suggested Resolution

Resolution #2005-10-

Moved by

Seconded by

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

Yes:

No:

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

E-2 Approval of City Council MinutesSuggested Resolution

Resolution #2005-10-

RESOLVED, That the Minutes of the Regular City Council Meeting of October 3, 2005 be **APPROVED** as submitted.

E-3 Proposed City of Troy Proclamations: None Proposed

E-4 Standard Purchasing Resolutions**a) Standard Purchasing Resolution 3: Exercise Renewal Option – Mosquito Control**Suggested Resolution

Resolution #2005-10-

WHEREAS, On April 12, 2004, a two-year contract with an option to renew for one additional year to provide mosquito control was awarded to the low bidder, Advanced Pest Management Co. Inc. of Fenton, MI, (Resolution #2004-04-187-E6); and

WHEREAS, Advanced Pest Management Co. Inc., has agreed to exercise the option to renew for one additional year under the same terms and conditions at 2005 prices;

NOW, THEREFORE, BE IT RESOLVED, That the option to **RENEW** the contract is hereby **EXERCISED** with Advanced Pest Management Co. Inc., to provide mosquito control to various sites under the same terms and conditions at 2005 prices, to expire December 31, 2006.

b) Standard Purchasing Resolution 2: Bid Award – Lowest Bidder Meeting Specifications – Tandem-Axle Dual Wheel Trailer – 12-Ton CapacitySuggested Resolution

Resolution #2005-10-

RESOLVED, That a contract to purchase one (1) Felling Tandem-Axle Dual Wheel Trailer Model FT-24-2 is hereby **AWARDED** to the lowest bidder meeting specifications, AIS Construction Equipment of Lenox, MI for an estimated total cost of \$13,300.00, as detailed in the bid tabulation opened August 24, 2005, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

c) Standard Purchasing Resolution 4: State of Michigan MiDEAL Program – Large Capacity Riding Rotary Mower with Cozy Cab ROPS

Suggested Resolution

Resolution #2005-10-

RESOLVED, That a contract to purchase one (1) large capacity riding rotary mower from Spartan Distributors is hereby **APPROVED** through the State of Michigan MiDEAL Program (formerly the Extended Purchasing Program) at an estimated cost of \$58,452.75.

BE IT FURTHER RESOLVED, That the purchase of the Cozy Cab ROPS with windshield wiper, defroster, emergency flashers, heater, headlights, and air conditioner from Spartan Distributors is **AUTHORIZED** at an estimated cost of \$8,064.00.

d) Standard Purchasing Resolution 1: Award to Low Bidder – Type “K” Copper Tubing

Suggested Resolution

Resolution #2005-10-

RESOLVED, That a contract to purchase Type “K” Copper Tubing is hereby **AWARDED** to the low bidder SLC Meter Service, Inc. of Davisburg, MI, for an estimated total cost of \$48,066.00, at unit prices contained in the bid tabulation opened October 10, 2005, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

E-5 Private Agreement for T.G.I. Friday’s – Project No. 05.918.3

Suggested Resolution

Resolution #2005-10-

RESOLVED, That the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and Drury Inns, Inc., is hereby **APPROVED** for the installation of water main, storm sewer, paving and soil erosion controls on the site and in the adjacent right of way, and the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the documents, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

E-6 Announcement of Public Hearing – Request to Reprogram and Waive Recapture CDBG 2003 Funds

Suggested Resolution

Resolution #2005-10-

RESOLVED, That a Public Hearing be **SCHEDULED** before the Troy City Council on November 14th, 2005 at 7:30 PM, or as soon thereafter as the agenda will permit, for the purpose of hearing public comments on the addition of Water Sewer Improvements for Charnwood Subdivision Area, Section 6 to the list of CDBG projects for 2003; the re-programming of program year 2003 unspent funds from Flood Drain Improvements to Water Sewer Improvements, and to waive the recapture of 2003 CDBG funds.

E-7 Announcement of Public Hearing – Community Development Block Grant (CDBG) 2006 ApplicationSuggested Resolution

Resolution #2005-10-

RESOLVED, That a Public Hearing be **SCHEDULED** before the Troy City Council on November 14th, 2005 at 7:30 PM, or as soon thereafter as the agenda will permit, for the purpose of hearing public comments on the adoption of the Community Development Block Grant 2006 application in the amount of \$166,316.00.

E-8 Announcement of Public Hearing – Community Development Block Grant (CDBG) Year 2002 Project Description AmendmentSuggested Resolution

Resolution #2005-10-

RESOLVED, That a Public Hearing be **SCHEDULED** before the Troy City Council on November 14th, 2005 at 7:30 PM, or as soon thereafter as the agenda will permit, for the purpose of hearing public comments on the Community Development Block Grant (CDBG) Year 2002 Project Description Amendment.

E-9 Private Agreement for National Electrical Contractors Association – Project No. 05.902.3Suggested Resolution

Resolution #2005-10-

RESOLVED, That the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and National Electrical Contractors Association, S.E. Michigan Chapter, is hereby **APPROVED** for the installation of water main, paving and sidewalk on the site and in the adjacent right of way, and the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the documents, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

E-10 Approval of Conveyance of Easement from City of Troy to Detroit Edison Company and Authorization for Signatures – Sidwell #88-20-13-100-051 – Police Fire Training CenterSuggested Resolution

Resolution #2005-10-

RESOLVED, That the Permanent Easement for underground utilities from the City of Troy to Detroit Edison Company, being part of property having Sidwell #88-20-13-100-051, is hereby **APPROVED**, and the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the document, copies of which shall be **ATTACHED** to the original Minutes of this meeting.

E-11 Gerback, as Member of 300 Park Venture, LLC v TroySuggested Resolution

Resolution #2005-10-

RESOLVED, That the City Attorney is hereby **AUTHORIZED** and **DIRECTED** to represent the City of Troy in the matter of James Gerback, as Member of 300 Park Venture, LLC v City of Troy and to pay all expenses and to retain any necessary expert witnesses to adequately represent the City.

PUBLIC COMMENT: Limited to Items Not on the Agenda

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

REGULAR BUSINESS:

Persons interested in addressing the City Council on items, which appear on the printed Agenda, will be allowed to do so at the time the item is discussed upon recognition by the Chair in accordance with the Rules of Procedure of the City Council, Article 16, during the Public Comment section under item 11“F” of the agenda. Other than asking questions for the purposes of gaining insight or clarification, Council shall not interrupt or debate with members of the public during their comments. Once discussion is brought back to the Council table, persons from the audience will be permitted to speak only by invitation by Council, through the Chair. Council requests that if you do have a question or concern, to bring it to the attention of the appropriate department(s) whenever possible. If you feel that the matter has not been resolved satisfactorily, you are encouraged to bring it to the attention of the City Manager, and if still not resolved satisfactorily, to the Mayor and Council.

F-1 Appointments to Boards and Committees: a) Mayoral Appointments: No Appointments Scheduled; b) City Council Appointments: Advisory Committee for Persons with Disabilities; Advisory Committee for Senior Citizens; Cable Advisory Committee; Ethnic Issues Advisory Board; Historic District Commission; Liquor Committee; and Youth Council

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

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

(a) Mayoral Appointments – No Appointments Scheduled

(b) City Council AppointmentsSuggested Resolution

Resolution #2005-10-

Moved by

Seconded by

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

Advisory Committee for Persons with Disabilities

Appointed by Council (9 Regular Members; 3 Alternates) – 3 years

Term Expires 07/01/06 **(Student)**

Term Expires 11/01/08

(Alternate) Term Expires 11/01/08**CURRENT MEMBERS**

NAME	TERM EXPIRES
Leonard G. Bertin - Resigned	11/01/05
Cynthia Buchanan	11/01/07
Susan Burt	11/01/06
Angela J. Done	11/01/08
Adam Fuhrman (Alternate)	11/01/06
Peggy Hammond	11/01/08
Theodora House	11/01/06
Nancy Johnson (Alternate)	11/01/06
Pauline Manetta	11/01/06
Dorothy Ann Pietron	11/01/07
Mark Pritzlaff (Alternate)	11/01/06
Susan Werpetinski	11/01/07
Anbereen Wigar (Student)	07/01/05

INTERESTED APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
Margaret Apte	01/19/05- 01/2007	01/24/05
Kathleen Ann Connor	02/25/04- 02/2006	03/01/04
Mary E. Freliga	09/21/05- 09/2007	10/03/05
O. Carlene Geier	08/10/05- 08/2007	08/15/05
Renee Uitto	12/03/04- 12/2006	12/06/04

INTERESTED STUDENT APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
None on file.		

Advisory Committee for Senior Citizens

Appointed by Council (9) – 3 years

Term Expires 04/30/08

CURRENT MEMBERS

NAME	TERM EXPIRES
James Berar	04/30/07
Burdette L. Black, Jr. (Bud)	04/30/07
Merrill W. Dixon (Sr Rep for Parks & Rec Board)	04/30/06
Marie Hoag	04/30/06
Pauline Y. Noce	04/30/07
David S. Ogg	04/30/08
Josephine Rhoads	04/30/08
JoAnn Thompson	04/30/06
William Weisgerber (Does not request reappointment)	04/30/05

INTERESTED APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
Kathleen Ann Connor	02/25/04-02/2006	03/01/04
Mary E. Freliga	11/25/02-09/21/05-09/2004	12/02/02
Gauri, Kul B.	07/31/05-07/2007	
Dorothy A. Pietron	12/21/98-07/10/01-09/21/05-09/2007	07/23/01
Mark Pritzlaff	04/17/03-04/2005	04/28/03
Shiva Shakara K. Sastry	07/20/04-07/2006	08/23/04
Donald E. Schafer	06/08/04-06/2006	06/21/04
Remedios Solarte	09/15/04-09/2006	09/20/04
Nancy Wheeler	03/108/04-03/2006	04/12/04

Cable Advisory Committee

Appointed by Council (7) – 3 years

Term Expires 11/30/08

CURRENT MEMBERS

NAME	TERM EXPIRES
Jerry L. Bixby	02/28/06
Shazad Butt	11/30/05
Richard Hughes	02/28/06
Robert Lin (Student)	07/01/06
Penny Marinos	02/28/07
Alan Manzoni	09/30/06
W. Kent Voight	02/28/07
Bryan H. Wehrung	02/28/08

INTERESTED APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
Alex Bennett	11/00/00-11/2002	11/00/00
Lisa Martinico	10/06/05-10/2007	10/17/05
Richard Minnick III	05/06/02-08/04/03-08/2005	05/06/02
Robert Noce	09/21/05-09/2007	10/03/05
Timothy P. Payne	02/25/04-02/2006	03/08/04
Mark Pritzlaff	04/17/03-04/2005	04/28/03
Frank Shier	02/18/03-02/2005	03/03/03
Mark R. Solomon	01/21/05-01/2007	02/07/05
Brian J. Wattles	07/10/01-07/2003	07/23/01
William Weisgerber	07/14/03-07/2005	07/21/03
Nancy Wheeler	03/08/04-03/2006	04/12/04

INTERESTED STUDENT APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
None on file.		

Ethnic Issues Advisory Board

Appointed by Council (9) – (4) 3 year terms & (5) 2 year terms

Unexpired Term 09/30/07

CURRENT MEMBERS

NAME	TERM EXPIRES
Anju Brodbine	09/30/08
Kelly Gu (Student)	09/30/06
Lulu Guo (Student)	09/30/06
Michelle Haight	09/30/07
Amin Hashmi	09/30/08
Tom Kaszubski	09/30/07
Padma Kuppa	09/30/08
Mark Pritzlaff	09/30/07
Binny Samuel (Does not meet Charter requirements)	09/30/07
Malina Sarma (Melanie)	09/30/07
Oniell Shah	09/30/08

INTERESTED APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
Margaret Apte	09/19/05-01/2007	01/24/05
Kathleen Ann Connor	02/25/04-02/2006	03/01/04
Angela Done	08/10/05-08/2007	10/17/05
Reuben T. Ellis	08/17/05-08/2007	09/12/05
Yogesh Gusani	08/17/05-08/2007	09/12/05
Kelly Jones	08/17/05-08/2007	02/12/05
Al Petrulis	02/11/03-07/31/03-07/2005	02/17/03
Jayshree (Gita) Shah	04/23/04-04/2006	05/03/04

Remedios A. Solarte	08/15/05-08/2007	09/20/04
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INTERESTED STUDENT APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
None on file.		

Historic District Commission

Appointed by Council (7) – 3 years

*One member must be an architect.**Two members-Historical Society recommendations.**One member – Historical Commission recommendation.*

Term expires 03/01/08

Term Expires 07/01/06 **(Student)****CURRENT MEMBERS**

NAME	TERM EXPIRES
Marjorie A. Biglin	03/01/07
Wilson Deane Blythe (Does not request reappointment)	03/01/05
Barbara Chambers (Historical Commission)	03/01/08
Robert Hudson	05/15/06
Paul C. Lin (Architect)	05/15/06
Ann Partlan (Historical Society)	03/01/08
Muriel Rounds	05/15/06
Vilin Zhang (Student)	07/01/05

INTERESTED APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
Al Petrulis	02/11/03-07/31/03-07/2005	02/17/03-08/18/03
Mark Pritzlaff	04/17/03-04/2005	04/28/03
Nancy Wheeler	03/08/04-03/2006	04/12/04

INTERESTED STUDENT APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
None on file.		

Liquor Committee

Appointed by Council - (7) – 3 years

Term Expires 07/01/06 **(Student)****CURRENT MEMBERS**

NAME	TERM EXPIRES
Henry W. Allemon	01/31/06
Alex Bennett	01/31/06
Max K. Ehlert	01/31/06
W.S. Godlewski	01/31/08
Patrick C. Hall	01/31/06

James R. Peard	01/31/06
Bohdan L. Ukrainec	01/31/08
Emily Polet (Student)	07/01/05
Capt. Gary Mayer	(Ex-officio)

INTERESTED STUDENT APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
None on file.		

Youth Council

Appointed by Council - (13) – 1 year

Unexpired Term 06/01/06

CURRENT MEMBERS

NAME	TERM EXPIRES
Alexandra Bozimowski	06/01/06
Andrew Corey	06/01/06
Maxine D'Amico,	06/01/06
Lisa Luo (Jia)	06/01/06
Aswin Natarajan - Resigned	06/01/06
Anupama Prasad	06/01/06
Rishi Joshi	06/01/06
Kristin Randall	06/01/06
Jessica Kraft	06/01/06
Neil Shaw	06/01/06
Katie Thoenes	06/01/06
Nicole Vitale	06/01/06
Karen Wullaert	06/01/06

INTERESTED APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
Joseph Niemiec- 1st Alternate Recommendation forwarded by Youth Council		

Yes:

No:

F-2 Vacation of Consent Judgment – Troy Long Lake, L.L.C.Suggested Resolution

Resolution #2005-10-

Moved by

Seconded by

RESOLVED, That the Stipulated Order for Vacation of Consent Judgment in the matter of Troy Long Lake, L.L.C., a Michigan Corporation, and the Successor in Interest to Three Plus Corporation, a Michigan Corporation v. City of Troy, et. al., (Oakland County Circuit Court Case

No. 87-340985 AW) is hereby **APPROVED CONTINGENT UPON** satisfactory proof that Troy Long Lake, L.L.C. is the owner of the property; the Mayor and Clerk are **AUTHORIZED TO EXECUTE** the document on behalf of the City of Troy, and a copy of the Consent Judgment shall be **ATTACHED** to the original Minutes of this meeting.

IT IS FURTHER RESOLVED, That the Assistant City Attorney is **AUTHORIZED TO SIGN** the Stipulated Order for Vacation of Consent Judgment and **ENTER** it with the Court but only after such time as Troy Long Lake, L.L.C. presents evidence acceptable to the City Attorney that it is the owner of the property.

Yes:

No:

F-3 Application for Transfer of Class C License for Daawat Indian Cuisine

(a) License Transfer

Suggested Resolution

Resolution #2005-10-

Moved by

Seconded by

RESOLVED, That the request from RAHI ENTERPRISE, INC., to transfer ownership of a 2005 Class C licensed business with official permit (food), entertainment permit, and new Specially Designated Merchant (SDM), to be located at 3875-3877 Rochester Rd, Troy, MI 48098, Oakland County, from Auburn Hills Entertainment, INC. (A Delaware Corporation) "above all others" be **CONSIDERED** for **APPROVAL**.

It is the consensus of this legislative body that the application **BE RECOMMENDED** "above all others" for issuance.

Yes:

No:

(b) Agreement

Suggested Resolution

Resolution #2005-10-

Moved by

Seconded by

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

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Troy hereby **APPROVES** an agreement with RAHI ENTERPRISE, INC., to transfer ownership of a 2005 Class C licensed business with official permit (food), entertainment permit, and new Specially Designated Merchant (SDM), to be located at 3875-3877 Rochester Rd, Troy, MI 48098,

Oakland County, from Auburn Hills Entertainment, INC. (A Delaware Corporation) "above all others", and the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the document, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes:

No:

F-4 Traffic Committee Recommendations – September 21, 2005Suggested Resolution

Resolution #2005-10-

Moved by

Seconded by

a) No Changes at Sandshores and Walker

RESOLVED, That **NO CHANGES** be made at Sandshores and Walker.

**b) Parking be Prohibited on the East Side of English from 30 Feet South of the 5350 Driveway to the 2687 Driveway, Between 7 a.m. and 4:00 p.m. School Days Only;
and
Parking be Prohibited on the East Side of Blair North of the Driveway at 2680 to English, Between 7 a.m. and 4:00 p.m. School Days Only**

RESOLVED, That parking **BE PROHIBITED** on the east side of English from 30 feet south of the 5350 driveway to the 2687 driveway, between 7 a.m. and 4 p.m. school days only;

RESOLVED, That parking **BE PROHIBITED** on the east side of Blair north of the driveway at 2680 to English, between 7 a.m. and 4 p.m. school days only.

c) No Installation of 3-WAY STOP Signs at Heatherwood and Northfield Parkway, but Installation of an ADVISORY Sign on Southbound Northfield Parkway Indicating a Hidden Intersection Ahead in a Location North of the Intersection

RESOLVED, That 3-way STOP signs **NOT BE INSTALLED** at Heatherwood and Northfield Parkway, but an advisory sign **BE INSTALLED** on southbound Northfield Parkway indicating that there is a hidden intersection ahead, in a location north of the intersection to be determined by the traffic engineer.

d) No Changes be Made to the Intersection at Glyndeboune/Chalgrove/Dalesford

RESOLVED, That **NO CHANGES** be made to the Glyndebourne/Chalgrove/Dalesford intersection.

e) Establishment of Fire Lanes/Tow Away Zones at Cambridge Crossing 1, Maple Road

RESOLVED, That fire lanes/tow away zones shown in the attached sketch **BE ESTABLISHED** at Cambridge Crossing 1, Maple Road.

f) **Establishment of Fire Lanes/Tow Away Zones at Regents Park - Alisop**

RESOLVED, That fire lanes/tow away zones shown in the attached sketch **BE ESTABLISHED** at Regents Park – Alisop.

g) **Establishment of Fire Lanes/Tow Away Zones at Regents Park - Melcombe**

RESOLVED, That fire lanes/tow away zones shown in the attached sketch **BE ESTABLISHED** at Regents Park – Melcombe.

h) **Establishment of Fire Lanes/Tow Away Zones at Rochester Commons Condos**

RESOLVED, That fire lanes/tow away zones shown in the attached sketch **BE ESTABLISHED** at Rochester Commons Condos.

Yes:

No:

F-5 Dispatch, Lock-Up, and Animal Control Services Agreement with the City of Clawson

Suggested Resolution

Resolution #2005-10-

Moved by

Seconded by

RESOLVED, That the agreement between the City of Troy and the City of Clawson for dispatch, lock-up, and animal control services be **APPROVED**, and the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the agreement, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes:

No:

F-6 Contract Ratification – Troy Police Officers Association (TPOA) and City of Troy

Suggested Resolution

Resolution #2005-10-

Moved by

Seconded by

RESOLVED, That a Collective Bargaining Agreement between the City of Troy and TPOA for the period July 1, 2005 through June 30, 2008 is hereby **RATIFIED** by the City Council of the City of Troy, and the Employer, the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the final agreement.

Yes:

No:

F-7 Proposed Amendment – Long Lake CrossingsSuggested Resolution

Resolution #2005-10-

Moved by

Seconded by

RESOLVED, That the Second Amendment to the Consent Judgment in the matter of Transwestern Commercial Services, Successors in Interest to Zahav Investment Company, Plymouth Investment Company, and Biltmore Properties Company v. City of Troy, (Oakland County Circuit Court Case No. 82-238690 CZ) is hereby **APPROVED**, the Mayor and Clerk are **AUTHORIZED TO EXECUTE** the document on behalf of the City of Troy, and a copy of the Consent Judgment shall be **ATTACHED** to the original Minutes of this meeting.

Yes:

No:

MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

G-1 Announcement of Public Hearings:

- a) Zoning Ordinance Text Amendment (ZOTA 201) – Article 28.30.00 Commercial Indoor Recreation in the M-1 Light Industrial Zoning District – November 14, 2005
-

G-2 Green Memorandums: No Memorandums Submitted

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

H-1 No Council Referrals

COUNCIL COMMENTS:

I-1 No Council Comments

REPORTS:

J-1 Minutes – Boards and Committees:

- a) Library Board/Final – June 2, 2005
 - b) Troy Historic Commission/Final – June 28, 2005
 - c) Troy Daze Advisory and Festival Committee/Draft – August 23, 2005
 - d) Troy Youth Council/Final – August 24, 2005
 - e) Advisory Committee for Persons with Disabilities/Final – September 7, 2005
 - f) Building Code Board of Appeals/Final – September 7, 2005
 - g) Troy Daze Advisory and Festival Committee/Draft – September 7, 2005
 - h) Liquor Advisory Committee/Draft – September 12, 2005
 - i) Planning Commission Regular/Final – September 13, 2005
 - j) Planning Commission Special/Study/Draft – September 27, 2005
 - k) Troy Youth Council/Draft – September 28, 2005
-

J-2 Department Reports:

- a) Memo from the IT Department Regarding Wireless Access at Community Center and Library
 - b) Mayor Pro Tem Beltramini's Travel Expense Report for the MML Annual Convention
 - c) Building Department – Permits Issued During the Month of September, 2005
 - d) Mayor Pro Tem Beltramini's Travel Expense Report for the National League of Cities Finance, Administration and Intergovernmental Relations Committee Meeting
 - e) Purchasing Department Report – Auction Vehicle Sale on September 17, 2005 and BidNet Sale on August 14, 2005
 - f) Development Report – October, 2005
 - g) Memo from Parks and Recreation Regarding Civic Center Priority Task Force (CCPTF) Pathways
-

J-3 Letters of Appreciation:

- a) Letter of Thanks to Cindy Stewart and Staff from Tom Duszynski, Chair of Photo Contest, In Appreciation for the Support Provided at Troy Daze
 - b) Letter of Thanks to John Szerlag from Karry Rieth, Thanking the City of Troy and Vicki Richardson for Hosting Oakland County's Community Development Block Grant Annual Application Workshop
 - c) Letter of Appreciation to Captain Mayer from Terry Nerbonne, In Appreciation of the Cooperation with the Ferris State Internship Program
 - d) Letter of Thanks to Cindy Stewart from Paul Scobie, In Appreciation of Her Contribution at the Troy Youth Assistance Annual Breakfast Meeting
 - e) Letter of Thanks to Sergeant Robert Kowalski from Cathy Killian, Thanking the Troy Police Department for the Support During the Dr. Janet Jopke Memorial Fun Walk
 - f) Letter of Thanks to Chief Craft from Vickie Lamerato, Troy Sports Center, In Appreciation of the Troy Police Department
-

J-4 Proposed Proclamations/Resolutions from Other Organizations:

- a) Miscellaneous Resolution #05172 from the Oakland County Board of Commissioners In Support of a Constitutional Amendment for the Sole Purpose of Narrowly and Clearly Defining the Term "Public Use"
-

- b) Miscellaneous Resolution #05231 from the Oakland County Board of Commissioners Proclaiming the Month of October as Domestic Violence Awareness Month

J-5 Calendar

J-6 New Election Voting M-100 Optical Scan

J-7 Letter from Oakland County Board of Commissioners Regarding Reimbursement of Expenses for Mosquito Control

STUDY ITEMS:

K-1 No Study Items Submitted

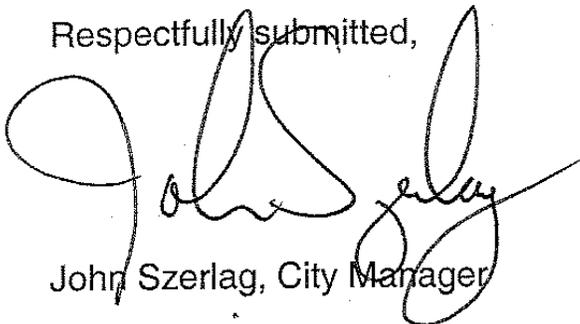
PUBLIC COMMENT: Address of "K" Items

Persons interested in addressing the City Council on items, which appear on the printed Agenda, will be allowed to do so at the time the item is discussed upon recognition by the Chair in accordance with the Rules of Procedure of the City Council, Article 16, during the Public Comment section under item 18 of the agenda. Other than asking questions for the purposes of gaining insight or clarification, Council shall not interrupt or debate with members of the public during their comments. Once discussion is brought back to the Council table, persons from the audience will be permitted to speak only by invitation by Council, through the Chair. City Council requests that if you do have a question or concern, to bring it to the attention of the appropriate department(s) whenever possible. If you feel that the matter has not been resolved satisfactorily, you are encouraged to bring it to the attention of the City Manager, and if still not resolved satisfactorily, to the Mayor and Council.

CLOSED SESSION:

L-1 Closed Session – No Closed Session Requested

Respectfully submitted,



John Szerlag, City Manager

SCHEDULED CITY COUNCIL MEETINGS:

Monday, October 24, 2005..... Regular City Council
Monday, November 14, 2005 Regular City Council
Monday, November 21, 2005 Regular City Council
Monday, November 28, 2005 Regular City Council
Monday, December 5, 2005 Regular City Council
Monday, December 19, 2005 Regular City Council

October 10, 2005

TO: John Szerlag, City Manager

FROM: Brian P. Murphy, Assistant City Manager/Services
Douglas J. Smith, Director of Real Estate and Development
Mark F. Miller, Planning Director

SUBJECT: AGENDA ITEM – PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT (ZOTA 216) – Additional Retail Along Major Thoroughfares in the M-1 (Light Industrial) Zoning District

RECOMMENDATION

Two versions have been prepared for your consideration, the Planning Commission Version (Version A) and the City Management Version (Version B). Both versions require a functional relationship with the attached industrial use. For example, a ceramic tile manufacturer could have a showroom/sales area in front of the shop. The City Management Version requires that the retail and industrial uses also have common ownership. This issue was brought up after the Planning Commission made a recommendation to City Council. City Management believes this added provision meets the intent of the Planning Commission.

The Planning Commission held a public hearing on this item on July 12, 2005 and recommended approval of Version A. City Management recommends approval of Version B. The only salient difference between the two versions is Version B (City Management Version) requires that there be common ownership between the industrial and retail uses; Version A (Planning Commission Version) does not include this requirement.

BACKGROUND

The intent of the proposed ZOTA is to permit up to 25% of the gross floor area of industrial buildings in the M-1 district to be used for retail purposes. This will provide more opportunities for reuse of vacant industrial buildings along major thoroughfares, with minimal negative impacts. The most significant issue associated with retail and industrial uses sharing buildings will be the availability of adequate parking. City Management and the Planning Commission recognize that industrial properties will have challenges in achieving the retail parking requirements. These issues will be resolved on an individual property basis with the site plan approval process.

Attachments:

1. Draft ZOTA 216 Planning Commission Version (Version A).
2. Draft ZOTA 216 City Management Version (Version B).
3. Minutes from July 12, 2005 Planning Commission meeting.

Prepared by RBS, MFM

cc: File/ ZOTA 216

G:\ZOTAs\ZOTA 216 Commercial Uses in M-1\CC Public Hearing Memo 10 17 05.doc

CITY OF TROY
AN ORDINANCE TO AMEND
CHAPTER 39 OF THE CODE
OF THE CITY OF TROY
CITY COUNCIL PUBLIC HEARING DRAFT
Version A - Planning Commission Version

The City of Troy ordains:

Section 1. Short Title

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

Section 2 – Amendment to Article III of Chapter 39

Article XXVIII of Chapter 39 of the Code of the City of Troy is amended to add a new section 28.30.09 permitting retail uses subject to Special Use Approval in the M-1 Light Industrial District, to read as follows:

28.30.09 Retail uses, subject to the following:

- A. The retail use occupies no more than twenty-five percent (25%) of the gross floor area of a building that is otherwise used for industrial purposes.
- B. There shall be a functional relationship between the retail use and the industrial use.
- C. The building shall front on a major thoroughfare as classified on the City of Troy Transportation Plan.

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

Section 3. Savings

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

Section 4. Severability Clause

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

Section 5. Effective Date

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

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

Louise Schilling, Mayor

Tonni Bartholomew, City Clerk

CITY OF TROY
AN ORDINANCE TO AMEND
CHAPTER 39 OF THE CODE
OF THE CITY OF TROY
CITY COUNCIL PUBLIC HEARING DRAFT
Version B – City Management Version

The City of Troy ordains:

Section 1. Short Title

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

Section 2 – Amendment to Article III of Chapter 39

Article XXVIII of Chapter 39 of the Code of the City of Troy is amended to add a new section 28.30.09 permitting retail uses subject to Special Use Approval in the M-1 Light Industrial District, to read as follows:

28.30.09 Retail uses, subject to the following:

- A. The retail use shall not exceed twenty-five percent (25%) of the gross floor area of a building that is used for industrial purposes.
- B. There shall be a functional relationship between the retail use and the industrial use.
- C. The industrial and retail uses shall have common ownership.
- D. The building shall front on a major thoroughfare as classified on the City of Troy Transportation Plan.

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

Section 3. Savings

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

Section 4. Severability Clause

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

Section 5. Effective Date

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

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

Louise Schilling, Mayor

Tonni Bartholomew, City Clerk

13. PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT (ZOTA 216) – Article 28.00.00 Additional Retail Along Major Thoroughfares in the M-1 (Light Industrial) Zoning District

Mr. Miller presented a summary of the proposed zoning ordinance text amendment relating to additional retail along major thoroughfares in the M-1 zoning district. Mr. Miller reported that City Management recommends approval of ZOTA 216 as printed on the draft ZOTA dated June 27, 2005.

Mr. Wright pointed out a typographical error in Section 28.30.09 (A). The word “is” should be deleted.

PUBLIC HEARING OPENED

Arie Leibovitz of Ari-El Enterprises, 29548 Southfield Road, Southfield, was present. Mr. Leibovitz identified himself as the interested party who brought the matter to the attention of the City as a desire and need to accommodate flexibility in properties along the major arteries. Mr. Leibovitz, owner of numerous buildings along the Maple Road corridor, encouraged the members to support the text amendment that would revitalize some of the buildings that are becoming dysfunctional for the industrial use along the corridor.

PUBLIC HEARING CLOSED

Resolution # PC-2005-07-122

Moved by: Schultz

Seconded by: Wright

RESOLVED, That the Planning Commission hereby recommends to the City Council that Article 28.30.09, pertaining to additional retail uses along major thoroughfares in the M-1 Light Industrial Zoning District, be amended as printed on the Proposed Planning Commission Public Hearing Draft Zoning Ordinance Text Amendment, subject to the correction of one typographical error in item A of the proposed text.

Yes: Chamberlain, Khan, Littman, Schultz, Strat, Wright

No: Drake-Batts

Absent: Vleck, Waller

MOTION CARRIED

Ms. Drake-Batts said the proposed amendment is too restrictive and should not be limited to major thoroughfares.

October 10, 2005

TO: John Szerlag, City Manager

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

SUBJECT: AGENDA ITEM – PUBLIC HEARING – Rezoning Application – North side of Maple Road, West of Blaney, Section 29 – M-1 to B-3 (Z 708)

RECOMMENDATION

The rezoning application is consistent with the intent of the Future Land Use Plan and compatible with abutting zoning districts and uses. The Planning Commission considered this item at the September 13, 2005 Regular Meeting and recommended approval of the rezoning request. City Management recommends approval of the rezoning request.

GENERAL INFORMATION

Name of Owner / Applicant:

The owner of the property is Grand Maple Properties. The applicant is Toby Buechner.

Location of Subject Property:

The property is located on the north side of Maple Road, west of Blaney, in Section 29.

Size of Subject Parcel:

The parcel is approximately 1.7 acres in area.

Current Use of Subject Property:

There is a vacant building on the property.

Current Zoning Classification:

M-1 Light Industrial District.

Proposed Zoning of Subject Parcel:

B-3 General Business.

Proposed Uses and Buildings on Subject Parcel:

The applicant is proposing to renovate an existing vacant building and make other improvements to the property. A gymnastics training center is proposed for the northern portion of the building and a Hertz car rental agency is proposed for the south portion of the building.

Current Use of Adjacent Parcels:

North: Industrial.

South: Industrial.

East: Automobile repair/service and industrial.

West: Automobile repair/service.

Zoning Classification of Adjacent Parcels:

North: M-1 Light Industrial.

South: M-1 Light Industrial.

East: B-3 General Business, P-1 Vehicular Parking and M-1 Light Industrial.

West: B-3 General Business and M-1 Light Industrial.

ANALYSIS

Range of Uses Permitted in the Proposed B-3 Zoning District and Potential Build-out Scenario:

PRINCIPAL USES PERMITTED:

Any retail business or service establishment permitted in B-2 Districts as Principal Uses Permitted and Uses Permitted Subject to Special Conditions.

Mortuary establishments.

Bus or transit passenger stations, taxicab offices and dispatching centers, and emergency vehicle or ambulance facilities.

Parking garages and off-street parking areas.

Sales, showrooms, and incidental repair of recreational vehicles.

New and used car salesroom, showroom, or office.

Governmental offices, public utility offices, exchanges, transformer stations, pump stations and service yards but not including outdoor storage.

Other uses similar to the above uses.

Accessory structures and uses customarily incident to the above permitted uses.

USES PERMITTED SUBJECT TO SPECIAL CONDITIONS:

Drive-up windows or service facilities, as an accessory to restaurants permitted within this district.

Drive-up service facilities, as accessory to Principal Permitted Uses within B-3 districts, apart from restaurants.

Bowling alley, billiard hall, indoor archery range, indoor skating rinks, indoor tennis courts, athletic or health clubs, or similar forms of indoor commercial recreation.

Open air business uses when developed as uses subordinate to primary uses and structures within the B-3 District.

Outside seating of twenty (20) seats or less for restaurants, or other food service establishments

USES PERMITTED SUBJECT TO SPECIAL USE APPROVAL

Outdoor sales space for exclusive sale or lease of new or second-hand automobiles, trucks, mobile homes, trailers, or recreational vehicles

Motel or Hotel.

Veterinary hospitals or clinics.

Commercial Kennels.

Automobile repair garages.

Outside seating areas, in excess of twenty (20) seats, for restaurants, or other food service establishments

Vehicular and Non-motorized Access:

The parcel fronts on both Maple Road and Blaney Street. There is a sidewalk on the north side of Maple Road but no sidewalks on Blaney Street.

Potential Storm Water and Utility Issues:

The existing building is served by storm water and utility infrastructure.

Natural Features and Floodplains:

The Natural Features Map indicates there are no significant natural features located on the property.

Compliance with Future Land Use Plan:

The Future Land Use Plan classifies this parcel as Non Center Commercial. This classification has a primary correlation with the B-3 General Commercial District and a secondary correlation with the H-S Highway Service District. The application is therefore consistent with the intent of the Future Land Use Plan.

Compliance with Location Standards:

There are no location standards for the B-3 General Commercial District.

Attachments:

1. Maps.
2. Statement from Applicant.
3. Minutes from September 13, 2005 Planning Commission Regular Meeting.

Prepared by RBS, MFM

cc: Applicant
File (Z 708)

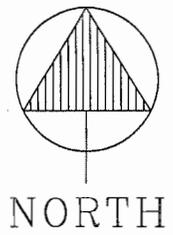
G:\REZONING REQUESTS\Z-708 Proposed Gymnastics Center Sec 29\CC Public Hearing Z 708 10 17 05.doc



REZONING REQUEST
From M-1 To B-3

ROAD

OOKS ROAD



CJ-29

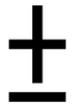
LEGEND FOR FIG. NO. 1-21

REZONING REQEUST
FROM M-1 TO B-3
PROPOSED GYMNASTICS CENTER & CAR RENTAL AGENCY
N SIDE OF MAPLE, W OF CROOKS
SEC. 29 (Z-708)

REZONING REQEUST
FROM M-1 TO B-3



0 100 200 400 Feet





ROAD

REZONING REQUEST
From M-1 To B-3

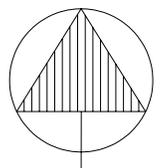


CJ-#29

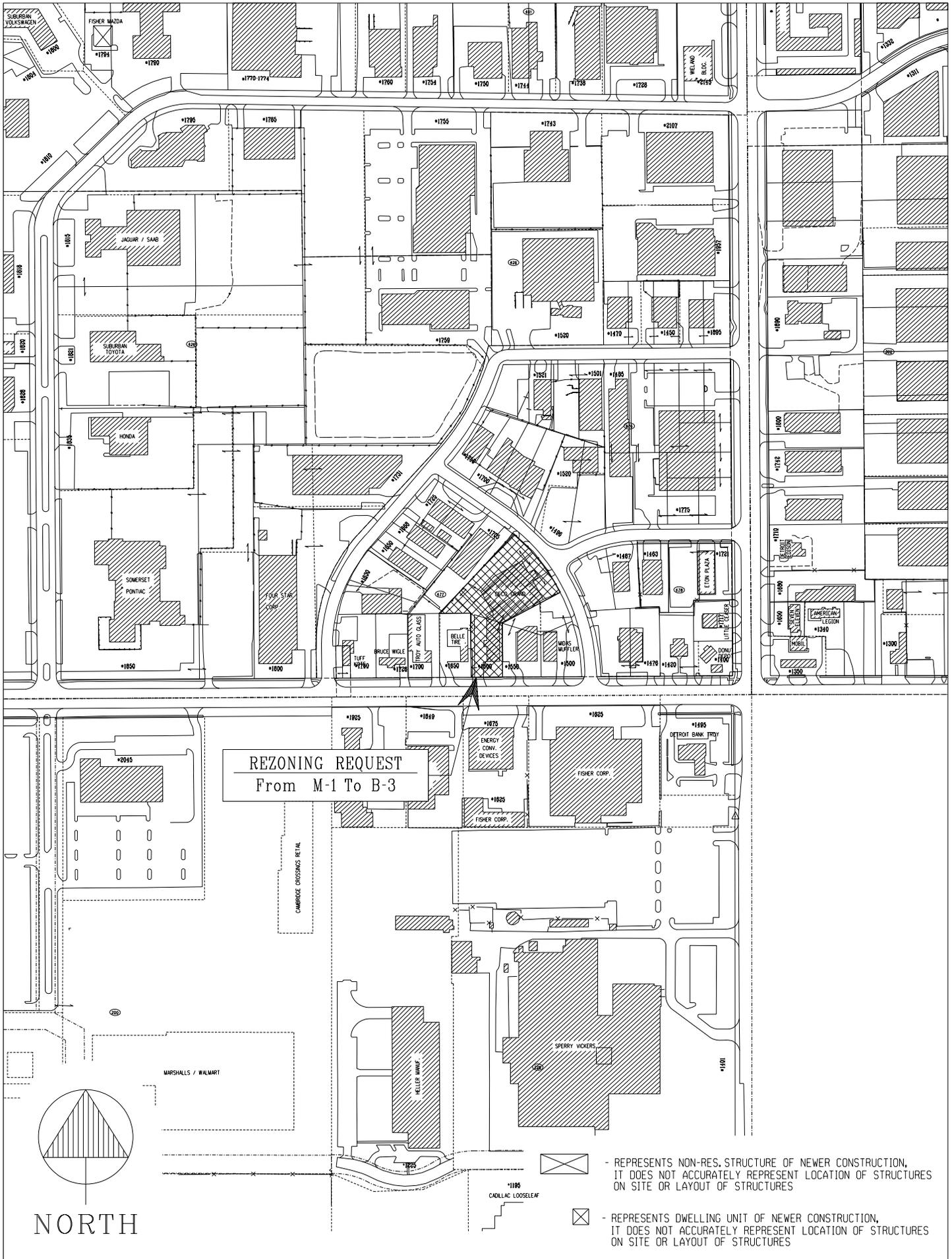


EASEMENT FOR PVT. RD. & UTL.

OOKS ROAD



NORTH



REZONING REQUEST
From M-1 To B-3

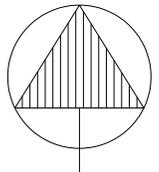
- REPRESENTS NON-RES. STRUCTURE OF NEWER CONSTRUCTION,
IT DOES NOT ACCURATELY REPRESENT LOCATION OF STRUCTURES
ON SITE OR LAYOUT OF STRUCTURES

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

NORTH

PLANNED AUTO CENTER

REZONING REQUEST
From M-1 To B-3



NORTH

City of Troy Rezoning Request

REC'D

AUG 12 2005

PLANNING DEPT.

Why, in my opinion, the change request is necessary for the preservation and enjoyment of substantial property rights, and why such a change will not be detrimental to the property of other persons located in the vicinity thereof:

1600 W Maple building is ~45 years old. It has been vacant for over 2 years. The building is older and looking run-down. The entire building, inside and out will be cleaned, painted, updated, and landscaping will be drastically improved. We are proposing to have Hertz in the front ~5000 sq ft as a rental car operation. As a fortune 500 company, this should only improve Troy and the surrounding neighbors. In the rear warehouse, we are hoping to start a Gymnastic Instruction facility. Mostly moms and kids will be at the facility probably 5 days per week. Parking should be more than enough. Noise will not be an issue. We will be excellent neighbors. I have spoken to several of the neighboring folks employing the surrounding building, and they are excited for these two businesses to move in.

Thanks for your consideration.



Toby Buechner

REZONING REQUEST

- 6. PUBLIC HEARING – PROPOSED REZONING (Z 708) – Proposed Gymnastics Center and Car Rental Agency, North side of Maple, West of Blaney (1600 W. Maple), Section 29 – From M-1 (Light Industrial) to B-3 (General Business)

Mr. Miller presented a summary of the Planning Department report for the proposed rezoning request. Mr. Miller reported that it is the recommendation of City Management to approve the rezoning request.

The petitioner, Toby Buechner of 2411 Hampton, Troy, was present. Mr. Buechner apologized for his lateness.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2005-09-145

Moved by: Chamberlain

Seconded by: Wright

WHEREAS, The State of Michigan by way of Public Act 207 of 1921, the City and Municipal Zoning Act, and Public Act 285 of 1931, the Municipal Planning Act, and subsequent amendments thereto providing for city planning and authorizing Planning Commissions and their powers; and

WHEREAS, the City of Troy Planning Commission is empowered by the Charter of City of Troy, Section 1.19 and the City Code, Section 39, to approve matters coming before it and recommend to City Council, where City Council holds that approval power for themselves.

THEREFORE, BE IT RESOLVED, That the Planning Commission hereby recommends to the City Council that the M-1 to B-3 rezoning request, located on the north side of Maple, west of Blaney, within Section 29, being approximately 1.7 acres in size, be granted.

Yes: All present (8)

No: None

Absent: Khan

MOTION CARRIED

Mr. Miller confirmed that the proposed project would have to come back before the members for site plan approval.

October 10, 2005

TO: John Szerlag, City Manager

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

SUBJECT: AGENDA ITEM – PUBLIC HEARING – Rezoning Application – South side of Woodslee Street, East of Rochester Road, Section 27 – M-1 to R-2 (Z 709)

RECOMMENDATION

The rezoning would extend the R-2 district 5 feet to the east and would eliminate the need for the applicant to apply for a variance from the minimum lot size requirements of the R-2 district. The property to the east is zoned M-1 but is used as a single-family residential home. The rezoning application is compatible with abutting zoning districts and uses. The Planning Commission considered this item at the September 13, 2005 Regular Meeting and recommended approval of the rezoning request. City Management recommends approval of the rezoning request.

GENERAL INFORMATION

Name of Owner / Applicant:

The owner and applicant is Mike Agnetti of Thornhill Construction Company.

Location of Subject Property:

The property is located on the south side of Woodslee Street, east of Rochester, in Section 27.

Size of Subject Parcel:

The parcel proposed to be rezoned is approximately 600 square feet (5' X 120') in area.

Current Use of Subject Property:

The parcel that is proposed to be rezoned is vacant. A single family home presently sits on the parent parcel.

Current Zoning Classification:

M-1 Light Industrial District.

Proposed Zoning of Subject Parcel:

R-2 Two Family Residential District.

Proposed Uses and Buildings on Subject Parcel:

The applicant proposes to split the parcel and construct an additional single family home on the new parcel. The additional 600 square foot parcel (5' X 120') must be rezoned to R-2 in order to create a 7,500 square foot lot that meets the minimum lot size requirement for the R-2 district.

Current Use of Adjacent Parcels:

North: Single family residential.
South: Single family residential.
East: Single family residential.
West: Single family residential.

Zoning Classification of Adjacent Parcels:

North: R-2 Two Family Residential.
South: R-2 Two Family Residential.
East: M-1 Light Industrial.
West: R-2 Two Family Residential.

ANALYSIS

Range of Uses Permitted in the Proposed R-2 Zoning District and Potential Build-out Scenario:

PRINCIPAL USES PERMITTED:

All principal uses permitted, and as regulated in the R-1E One-Family Residential District, except as hereinafter modified.

Two Family dwellings as defined in Section 04.20.45.

Accessory buildings, subject to the controls of Section 40.55.00.

USES PERMITTED SUBJECT TO SPECIAL CONDITIONS:

Those uses, with related conditions, as provided in Section 10.25.00 (R-1A through R-1E Districts).

USES PERMITTED SUBJECT TO SPECIAL USE APPROVAL:

Schools.

Child care centers, nursery schools or day nurseries (not including dormitories).

Churches and other facilities normally incidental thereto.

Utility and public service buildings and uses (without storage yards).

Vehicular and Non-motorized Access:

The parcel fronts on Woodslee, a residential street. There is no sidewalk system on Woodslee.

Potential Storm Water and Utility Issues:

A new unit on Woodslee would require storm water detention and other utilities.

Natural Features and Floodplains:

The Natural Features Map indicates there are no significant natural features located on the property.

Compliance with Future Land Use Plan:

The Future Land Use Plan classifies this parcel as lying within the transition area between Medium Density Residential to the west and Light Industrial/Research to the east.

Compliance with Location Standards:

13.40.00

LOCATION STANDARDS:

In order to achieve the intent of this District, consideration of application of the R-2 (Two Family Attached Residential) District, and subsequently development of Two Family Residential units within such districts, shall be based upon the following locational and development standards:

13.40.01

LOCATION:

The R-2 (Two Family Attached Residential) District may be applied when one or more of the following conditions prevail:

- (A) When the application of such a classification is consistent with the intent of the Master Land Use Plan, and therefore involves areas indicated as medium density residential.
- (B) When planning studies indicate that the location and property configuration involved could most reasonably be developed through the application of this District, and that such application would carry out the intent of this District and be within the limitations imposed by existing and/or planned public facilities and services.

The parcel lies in the transition area between Medium Residential and Light Industrial.

Attachments:

1. Maps.
2. Statement from Applicant.
3. Minutes from September 13, 2005 Planning Commission Regular Meeting.

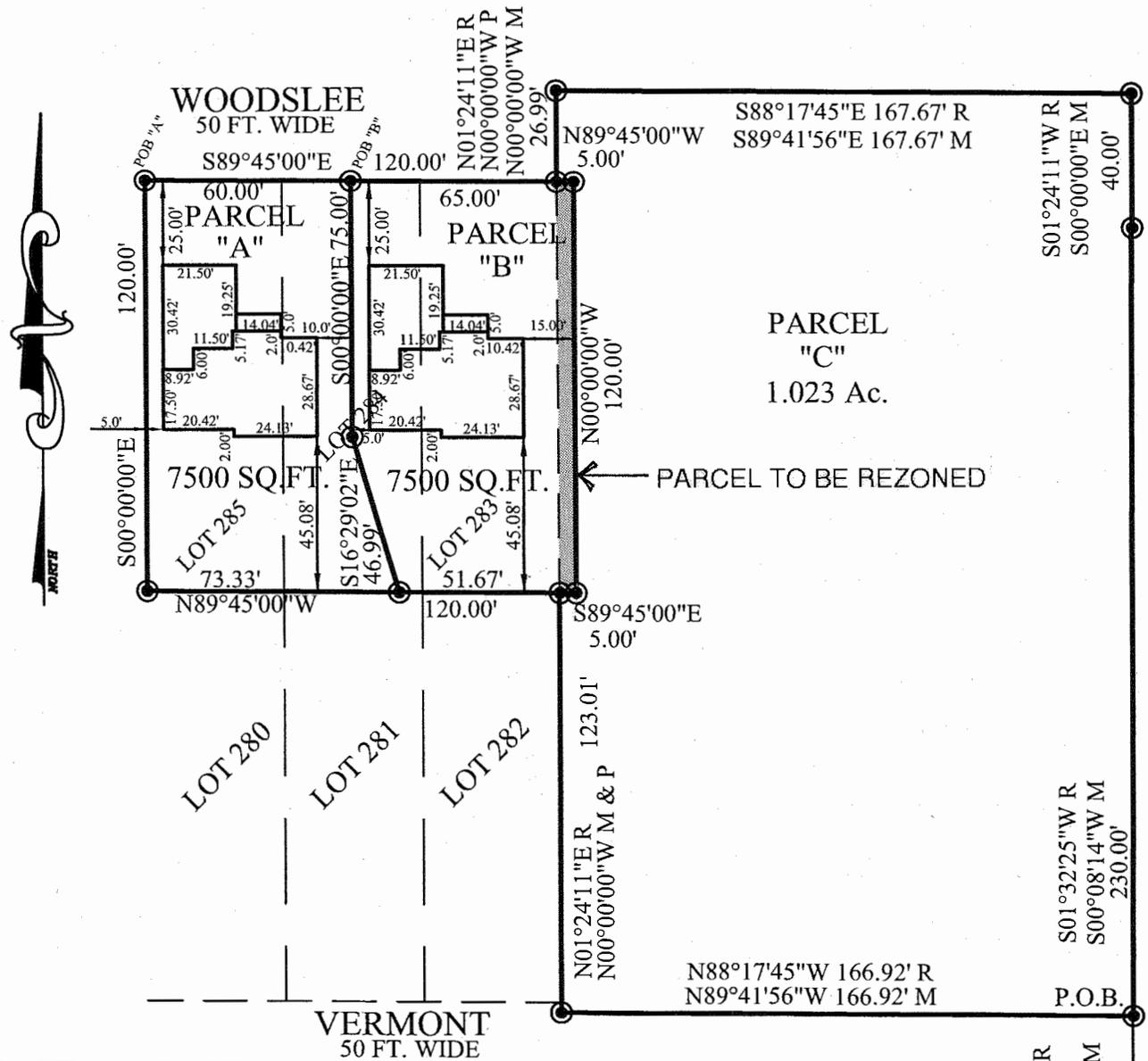
Prepared by RBS, MFM

cc: Applicant
File (Z 709)

G:\REZONING REQUESTS\Z-709 Single Family Home Sec 27\CC Public Hearing Z 709 10 17 05.doc

CERTIFICATE OF SURVEY

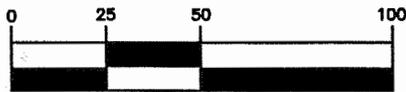
PART OF THE SOUTHEAST 1/4 OF SECTION 27, T.2N., R.11E.,
CITY OF TROY, OAKLAND COUNTY, MICHIGAN



LEGEND:

- FOUND IRON
- SET IRON
- R RECORD DISTANCE
- M MEASURED DISTANCE
- P PLATTED DISTANCE

GRAPHIC SCALE



(IN FEET)

1 inch = 50 ft.



REC

AUG 15 2005

PLAN

N01°32'25"E R
899.83' R
N00°08'14"E M
899.83' M

S.E. CORNER
SECTION 27
T.2N., R.11E.
CITY OF TROY

I HEREBY CERTIFY THAT I HAVE SURVEYED AND MAPPED THE LAND DESCRIBED ABOVE ON JULY 27, 2004 AND THAT THE RATIO OF CLOSURE OF THE UNADJUSTED FIELD OBSERVATIONS OF SUCH SURVEY WAS GREATER THAN 1:10,000 AND THAT ALL OF THE REQUIREMENTS OF PUBLIC ACT 132 OF 1970, AS AMENDED, HAVE BEEN COMPLIED WITH.

BASIS OF BEARING: SOUTH LINE OF WOODSLEE PER PLAT

PREPARED FOR:

THORNHILL CONSTRUCTION

2977 LOVINGTON

TROY, MI. 48083

248-515-9061

REV 8-11-05 REV. PARCEL LAYOUT

REV 9-1-04 ADDED 5 FT.

SHEET 1 OF 2

George H. Reichert
GEORGE H. REICHERT P.S. #30099

Scale: 1"=50'
Date: 8-2-04
Job No. 04-169

REICHERT SURVEYING INC.

140 FLUMERFELT LANE
ROCHESTER, MICH. 48306
TELE: (248) 651-0592



Land
Surveying

CITY OF TROY



REZONING REQUEST
FROM M-1 TO R-2
PROPOSED SINGLE FAMILY HOME
E OF ROCHESTER RD., S OF WOODSLEE
SEC. 27 (Z-709)

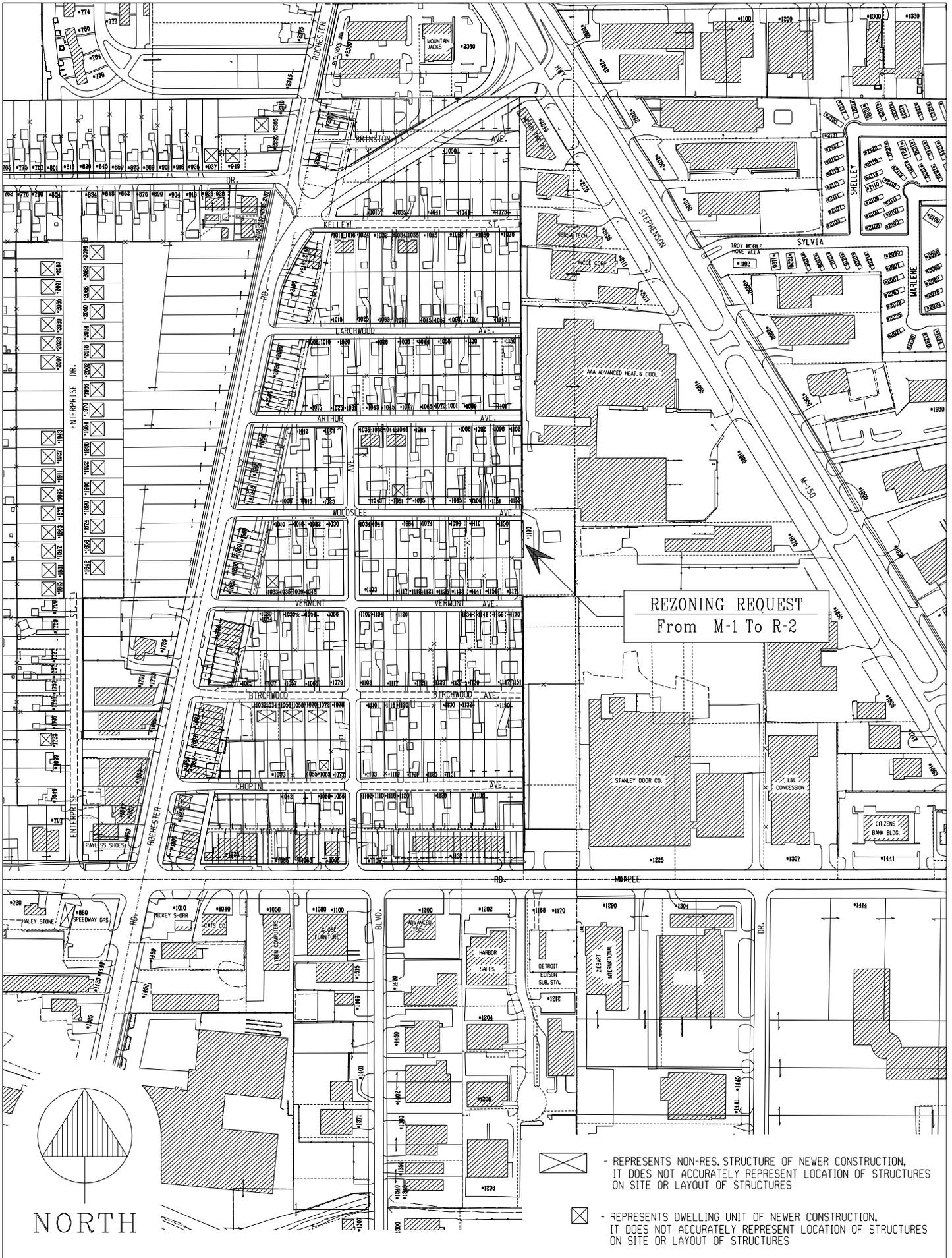
REZONING REQUEST
FROM M-1 TO R-2



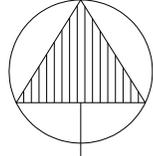
0 100 200 400 Feet







REZONING REQUEST
From M-1 To R-2



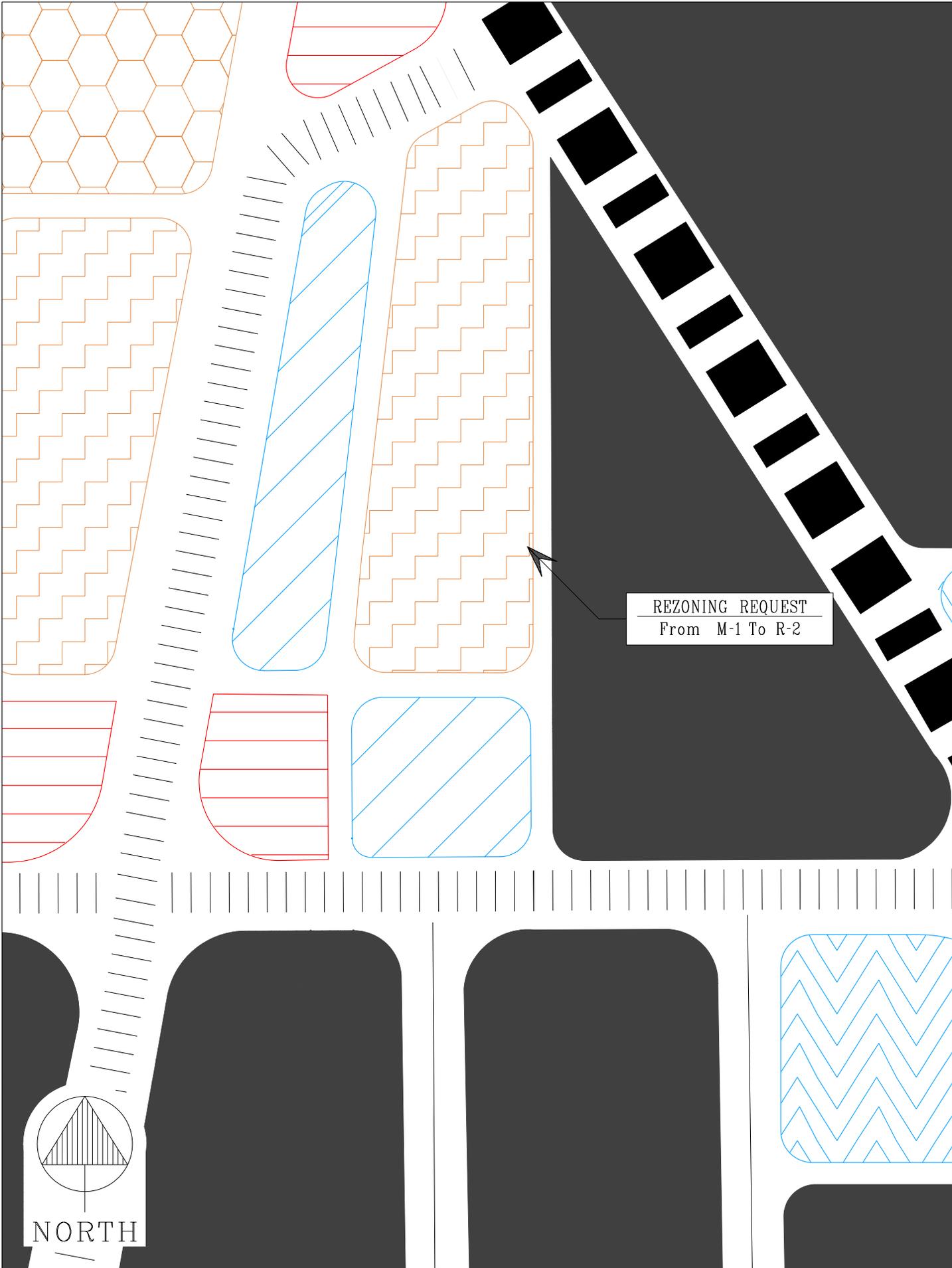
NORTH



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



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



REZONING REQUEST
From M-1 To R-2



To The City of Troy,

Planning Dept.

1150 Woodilee

I need the 5' x 120' rezoned so that I could be able to have 7,500 sq. ft. per lot. I think in doing this it will improve the neighborhood.

Thank you,

Mike Agnetti

REC'D

AUG 18 2005

PLANNING DEPT.

7. PUBLIC HEARING – PROPOSED REZONING (Z 709) – Proposed Single Family Home, North of Maple, East of Rochester (at east end of Woodslee), Section 27 – From M-1 (Light Industrial) to R-2 (Two Family Residential)

Mr. Miller presented a summary of the Planning Department report for the proposed rezoning. Mr. Miller reported that it is the recommendation of City Management to approve the rezoning request.

Mr. Schultz asked if the 5-foot bump would cause a jog in the zoning district line.

Mr. Miller said there would be a 5-foot jog in the zoning district line because it appears to run almost due north/south. Mr. Miller said the petitioner controls property on both the east and west sides of the subject property and is acquiring property to develop a wider residential site. He said the little bump-out would project into the M-1 zoning area. Mr. Miller reported the large single family site directly to the east of the subject rezoning is within the M-1 zoning district.

The petitioner, Mike Agnetti of Thornhill Construction Company, 2977 Lovington, Troy, was present. Mr. Agnetti said the property he owns to the east is currently being used as a residential use.

PUBLIC HEARING OPENED

Jack Bertoia of 5075 Bayside, Troy, was present. Mr. Bertoia, a property owner in the neighborhood, supports the proposed rezoning request. He said the request would be beneficial to the neighborhood and a more consistent use of the land. Mr. Bertoia said the properties on all sides of the 5-foot bump-out are currently used as residential and the request would not impede any current or future zoning.

PUBLIC HEARING CLOSED

Resolution # PC-2005-09-141

Moved by: Littman

Seconded by: Wright

RESOLVED, That the Planning Commission hereby recommends to the City Council that the M-1 to R-2 rezoning request, located north of Maple, east of Rochester, south of Woodslee, within Section 27, being approximately 600 square feet in size, be granted.

Yes: All present (8)

No: None

Absent: Khan

MOTION CARRIED

September 27, 2005

To: John Szerlag, City Manager

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

Re: **Agenda Item** - Standard Purchasing Resolution 3: Option to Renew –
Banquet Services

RECOMMENDATION

On October 21, 2002, the Troy City Council approved a three-year contract to provide Banquet Services with an option to renew for three additional years to the San Marino Club, the highest scoring bidder, as a result of a Best Value process (Resolution #2002-10-570-E9). The Community Affairs Department recommends exercising the three-year option under the same prices, terms, and conditions.

The San Marino Club (Ron Vendittelli, General Manager) has indicated a desire to continue the contract at the same prices, terms, and conditions as the original contract for three years expiring August 31, 2008 (letter attached). Prices are \$39.00 per plate for the two (2) appreciation banquets and \$20.00 per plate for the employee holiday party.

BACKGROUND

Due to the Best Value process used in evaluating this Request for Proposal, a market survey was not done since the City sets the cost per meal including gratuity. Quality is a major component of this contract and the San Marino Club has been able to consistently deliver a quality product for our annual banquets as well as offer available dates for the events.

BUDGET IMPACT

This contract establishes the banquet services for the City of Troy Board & Committee Appreciation Banquet (February), Volunteer Fire Fighters Appreciation Banquet (May) and Employee Holiday Party (December). Funds for these services are available in Accounts #748.7881, #337.7882 and the holiday party through commissions from the vending machines and employee ticket sales.

San Marino Club

1685 Big Beaver Rd.
Troy, MI 48083
Ph: (248) 689-4615
Fax: (248) 689-0379

August 23, 2005

City of Troy
Community Affairs Department
500 W. Big Beaver
Troy, MI 48084

Attn: Cindy Stewart
Community Affairs Director

Dear Cindy,

In regards to our conversation earlier today, please use this letter as confirmation that the San Marino Club will honor all prices, terms, and conditions of the original contract for an additional three years with the City of Troy for banquet services.

If you should need any additional information, please feel free to contact me.

Thank you,



Ron Vendittelli
General Manager

E-8 Acceptance of Permanent Easements for Watermain – Rochester Road Watermain Replacement South of Maple Road

Resolution #2002-10-570-E-8

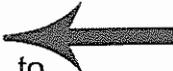
RESOLVED, That the permanent watermain easements from the following listed properties are hereby **ACCEPTED**:

Sidwell #	Owner	Address
20-34-201-034	Rochester Enterprises	1099 Rochester Road
20-34-201-032	A&M Properties	997-999 Rochester Road
20-34-201-065	Manabal Rochester Road	1121-1133 Rochester Road
20-34-201-014	Donald V. Troelsen	1395 Rochester Road
20-34-201-057	LRB Properties	1291 Rochester Road; and

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

E-9 Standard Purchasing Resolution 8: Best Value Process Award – Banquet Services

Resolution #2002-10-570-E-9

RESOLVED, That a three-year contract, with an option to renew for three additional years, to provide banquet services is hereby **AWARDED** to the San Marino Club, the highest scoring bidder, as a result of a Best Value process which the Troy City Council determines as being in the public interest at \$39.00 per plate for two (2) Appreciation Banquets and \$20.00 per plate for the Employee Holiday Party. 

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

E-10 Approval of Conditioned Purchase Offer for Right-of-Way, Livernois Sidewalk Gap Completion and Water Main Projects – Sidwell #88-20-03-101-008

Resolution #2002-10-570-E-10

RESOLVED, That the Agreement to Purchase right-of-way between the City of Troy and Sarmad Y. Hermiz and Aida E. Hermiz, having Sidwell #88-20-03-101-008 is **APPROVED** for the Livernois Sidewalk Gap Completion and Water Main Projects in the amount of \$20,290.00, plus closing costs.

October 14, 2002

TO: Honorable Mayor and City Council

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

SUBJECT: Standard Purchasing Resolution 8: Best Value Process Award – Banquet Services

RECOMMENDATION

On July 24, 2002, two (2) proposals were opened for a three-year contract for Banquet Services with an option to renew for three additional years. Ten proposals were mailed to prospective bidders in Troy that were obtained from the Chamber of Commerce's website of banquet / meeting facilities accommodating the expected number of participants for each event. It is respectfully recommended that a contract be awarded to the **San Marino Club**, the bidder providing the best value with a final weighted score of **100**. Unit prices were established in the request for proposal at \$39.00 per plate for two (2) Appreciation Banquets and \$20.00 per plate for the Employee Holiday Party. Also, the San Marino Club was the only facility that had dates available for all three events. If approved by Council, this proposal shall be awarded to the recommended bidder contingent upon submission of proper contract and proposal documents, including insurance certificates and all specified requirements.

SELECTION PROCESS

A best value approach addresses ability, experience, and quality issues leading to a successful contract and reduction in risk of poor service for high profile banquet services for the Fire Fighter Appreciation Banquet, Boards & Committee Appreciation Banquet, and Employee Holiday Party. The award recommendation was based upon the vendor offering the best combination of a variety of factors including date availability, menu selections, cleanliness, selection taste, physical appearance, professional competence, and table decorations/ linens.

The prices were established by the City based upon the prices paid for these events over the past three years and the current budget. This allowed an evaluation of the quality issues surrounding a banquet function. The establishment of price to evaluate quality issues was also used on the P&R Department's trophy and awards bid that garners the best "bang for the buck" spent. After the bid opening, staff called the Northfield Hilton to inquire why they did not submit a proposal. Their response was that the price established was too low and they did not want to commit to a multi-year contract.

SUMMARY

After completing the evaluation process, San Marino Club received the highest recommendations from the committee. The San Marino Club's attributes found by the rating committee include professional staff both administrative and service, central location, easier access to parking, wider variety of entrée choices, more aesthetically pleasing atmosphere; and their staff is attentive to detail, flexible, and works well with City staff.

BUDGET

Funds are available from the operating budget in the Community Affairs Department. Although the City does not pay for the employee holiday party, it was added to the RFP to establish dates for all City functions and make the entire package more attractive to the facilities. The employee holiday party is funded through profits from the vending machines and employee ticket sales.

10 Proposals Sent
2 Proposal Responses Received

**EXECUTIVE SUMMARY
BANQUET SERVICES**

STATISTICS:

- ◆ 10 RFP documents sent to prospective bidders
- ◆ Locations were Troy facilities that were found on the Chamber of Commerce’s website for banquet/ meeting facilities that could hold the expected number of people attending City events including the Boards/Committees Appreciation Banquet, Fire Appreciation Banquet, and Employee Holiday Party
- ◆ 2 responses were received
- ◆ Per plate prices were set for the process based upon previous prices paid in order to determine the best value (banquet package) for price paid
- ◆ The San Marino Club was the highest rated facility offering dates for all three listed events. Petruzzello’s provided dates for one event, the Boards / Committees Appreciation Banquet.

Both bidders submitted a proposal and met minimum qualifications. They received the indicated final scores:

COMPANY	SCORE
San Marino Club	100
Petruzzello’s	80

SITE VISIT EVALUATION - SCORE:

Raters:	1	2	3	AVERAGE
Vendors:				
1. San Marino Club	100	100	100	100
2. Petruzzello’s	75	91	75	80

Opening Date -- 7/24/02
 Date Prepared -- 8/2/02

CITY OF TROY
 BID TABULATION
 RFP FOR HALL/BANQUET SERVICES

RFP 02-32

FIRM NAME:

	SAN MARINO CLUB	PETRUZZELLO	
PROPOSAL ONE \$39/PLATE: FILLED OUT (Yes or No)	YES	YES	
PROPOSAL TWO \$39/PLATE: FILLED OUT (Yes or No)	YES	NO	
PROPOSAL THREE \$20/PLATE: FILLED OUT (Yes or No)	YES	NO	
AWARD: DISCOUNT FOR ALL BANQUETS:	BLANK	BLANK	
INSURANCE: Can meet Cannot meet	XX	XX	
TERMS:	BLANK	BLANK	
WARRANTY:	BLANK	BLANK	
EXCEPTIONS:	BLANK	BLANK	

PROPOSAL: Provide Three (3) Year Requirements of Hall/Banquet Services with an Option to Renew for Three (3) Additional Years

ATTEST:

MaryAnn Hays
Cindy Stewart
Linda Bockstanz

 Jeanette Bennett
 Purchasing Director

**MINIMUM REQUIREMENTS / SITE VISIT EVALUATION – HALL / BANQUET SERVICES (OPERATOR)
RATER 1**

VENDORS									
NAME: ADDRESS: CITY/ STATE/ ZIP: PHONE / FAX NUMBER: OBJECTIVES:									
	A			B			C		
MINIMUM REQUIREMENTS Pass / Fail	INFORMATION	Pass/ Fail		INFORMATION	Pass/ Fail		INFORMATION	Pass/ Fail	
1. Date Availability									
2. Menu Selections									
3. Capacity Boards, Etc. Appreciation (275) Fire Appreciation (350) Employee (275)									
4. INSURANCE									
5. Cleanliness COMMENTS Bathrooms Dining Room Guest Receiving Area Food Prep Areas									
OBJECTIVES WEIGHTED CRITERIA	INFORMATION	Pass/ Fail	RATING 0 -> 25	INFORMATION	Pass/ Fail	RATING 0 -> 25	INFORMATION	Pass/ Fail	RATING 0 -> 25
1. TASTE / TYPE OF SELECTIONS COMMENTS									
2. Physical Appearance POSITIVE / NEGATIVE									
3. Professional Competence POSITIVE / NEGATIVE									
4. Table Decorations / Linens POSITIVE / NEGATIVE									

RATINGS: 25 = MAXIMUM; 0 = LOW

PERFECT SCORE: 100 POINTS

G:/RatingForm – Banquet Services 07-02.doc

AMERICAN POLISH CULTURAL CENTER
2975 E MAPLE
TROY MI 48083

ELKS LODGE OF TROY
1451 E BIG BEAVER RD
TROY MI 48083-1968

MSU MANAGEMENT EDUCATION CENTER
811 W SQUARE LAKE ROAD
TROY MI 48098

NORTHFIELD HILTON
ATTENTION: RANDY ANNIS CATERING
5500 CROOKS ROAD
TROY MI 48098-2898

PETRUZELLOS
6950 ROCHESTER
TROY MI 48085

SAN MARINO CLUB
1685 E BIG BEAVER
TROY MI 48083-2020

SKATE WORLD OF TROY
2825 E MAPLE
TROY MI 48083

SOMERSET INN
2601 WEST BIG BEAVER ROAD
TROY MI 48084

TROY MARRIOTT
200 W BIG BEAVER
TROY MI 48084

WALSH COLLEGE
3838 LIVERNOIS
TROY MI 48083

TO: John Szerlag, City Manager

FROM: John Lamerato, Assistant City Manager, Finance
Cindy Stewart, Community Affairs Director

SUBJECT: Agenda Item: Banquet Services Back-up Information

DATE: October 10, 2005

In response to City Council's questions related to the annual City Banquets, attached is information from other surrounding communities related to their policies. The total cost of our Fire Fighter Appreciation Banquet (\$22,000) and the Boards & Committee Appreciation Banquet (\$19,000) includes food, entertainment, gifts, printing of program and invitations, and mailing. The family-style dinner including soup, salad, entree, dessert and open bar is \$39. The cost for the dinner alone would be \$34. Of the ten proposals sent out three years ago to local banquet facilities, we only received two back (San Marino Club and Petruzzello's) and the latter facility did not have available dates for two out of three of our events.

City of Novi: They have an Appreciation Dinner. Invites are issued to employees, and people serving on commissions and committees. Approximately 350 attend. There's a sit-down dinner, cash bar only, music, dancing, framed certificates, and token gift.

City of Sterling Heights: They have appreciation banquets. Alcohol is not served (they used to serve red and white wines with dinner—no longer do that), but alcohol is available/cash bar. Last year, catering was approximately \$40 per plate and does NOT include the awards, etc. Last year, approximately 400 people attended and they spent about \$13,000.

City of Grosse Point Park: They have an annual Holiday Party for employees and Board/Committee volunteers. There is dinner, entertainment and open bar.

City of Beverly Hills: They have an annual banquet for Board/Committee volunteers with dinner, dancing and open bar.

City of Southfield: There is an appreciation PICNIC for members of Boards & Commissions, and also the presidents of the Neighborhood Associations. The picnic is held every other year (to save money). It is held at a pool and there is country band playing music. Dress is casual—jeans. BEER is served—from tapped kegs. They spend approximately \$10,000 for the event.

City of Royal Oak: There is no annual banquet because of budget constraints. There is no set policy, so if individual committees want do a small recognition—it's on their own (usually plaques for years of service).

City of Auburn Hills: There is no formal appreciation banquet. The City puts on an annual "Ice Cream Social" but ALL residents are invited, not just committee/board reps. Held on City grounds, but no official recognition ceremony. No alcohol.

City of Rochester Hills: They used to do an annual banquet. Have NOT in the last couple of years because of "regulations."

City of Ann Arbor: They do not do a formal recognition banquet. They have over 80 boards and commissions, so it's too cost-prohibitive.

City of Westland: They usually do some sort of annual dinner or other event in the fall. For example, last year's theme was a "drive-in" movie. They showed a film on a big screen, and served hot dogs and candy. About 300 show up. There is NO alcohol available.

City of Birmingham: They do a "Government Day Breakfast." They used to do a luncheon, but they get better turnout with the breakfast, about 125-150 attendees. Cost \$2,500 approximately. No alcohol.

A Regular Meeting of the Troy City Council was held Monday, October 3, 2005, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the Meeting to order at 7:30 PM.

Reverend Maggie Mills of Central Woodward Christian Church gave the Invocation and the Pledge of Allegiance to the Flag was given.

ROLL CALL:

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

CERTIFICATES OF RECOGNITION:

A-1 Presentations:

A presentation was given by Kamal Shouhayib on Behalf of Aley, Lebanon with a contribution to the American Red Cross for Hurricane Katrina relief.

CARRYOVER ITEMS:

B-1 No Carryover Items

PUBLIC HEARINGS:

C-1 No Public Hearings

POSTPONED ITEMS:

D-1 No Postponed Items

CONSENT AGENDA:

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

Resolution #2005-10-458
Moved by Lambert
Seconded by Beltramini

RESOLVED, That all items as presented on the Consent Agenda are hereby **APPROVED** as presented with the exception of Items E-4d and E4-g, which shall be considered after Consent Agenda (E) items, as printed.

Yes: All-7

E-2 Approval of City Council Minutes

Resolution #2005-10-458-E-2

RESOLVED, That the Minutes of the Regular City Council Meeting of September 19, 2005 be **APPROVED** as submitted.

E-3 Proposed City of Troy Proclamations: No Proclamations Proposed**E-4 Standard Purchasing Resolutions****a) Standard Purchasing Resolution 9: Membership Renewal – Macomb County Criminal Justice Training Consortium**

Resolution #2005-10-458-E-4a

WHEREAS, Macomb Community College has provided the City of Troy Police Department with training at their Criminal Justice Training Facility;

WHEREAS, It is desirable to continue re-certification of police officers in Emergency Vehicle Operations and utilize the state of the art computerized simulated shooting system, FATS.

NOW, THEREFORE, BE IT RESOLVED, That a one-year membership renewal is hereby **APPROVED** with Macomb Community College to continue the membership in the Macomb County Criminal Justice Training Consortium at an estimated annual cost of \$21,920.00, and approval is hereby **GRANTED** to use all other training services provided through Consortium membership on a reduced cost basis.

b) Standard Purchasing Resolution 5: Approval To Expend Budgeted Funds – HAVEN Program

Resolution #2005-10-458-E-4b

RESOLVED, That approval to expend funds budgeted in the 2005/2006 Fiscal Year to the HAVEN Program to provide community services to support victims of domestic assault for the residents of the City of Troy in the amount of \$4,500.00 is hereby **APPROVED**, the Mayor and City Clerk are **AUTHORIZED** on behalf of the City of Troy, to sign the agreement, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

c) Standard Purchasing Resolution 5: Approval To Expend Budgeted Funds – Avondale Youth Assistance

Resolution #2005-10-458-E-4c

RESOLVED, That approval to expend funds budgeted in the 2005/2006 Fiscal Year to the Avondale Youth Assistance to provide counseling and community services to prevent youth offender recidivism to the residents of Troy who reside in the Avondale School District at a cost of \$2,210.00, paid in one installment is hereby **APPROVED**; and

BE IT FURTHER RESOLVED, That the Mayor and City Clerk are **AUTHORIZED** to execute the agreements to fund these services.

e) **Standard Purchasing Resolution 5: Approval To Expend Budgeted Funds – Common Ground**

Resolution #2005-10-458-E-4e

RESOLVED, That approval to expend funds budgeted in the 2005/2006 Fiscal Year to Common Ground to provide community service programs to the residents of the City of Troy in the amount of \$2,100.00 is hereby **APPROVED**, the Mayor and City Clerk are **AUTHORIZED** on behalf of the City of Troy, to sign the agreement, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

f) **Standard Purchasing Resolution 1: Award to Low Bidder Contract No. 05-6 – Livernois, Troy Court, John R and Chopin Water Main Replacement**

Resolution #2005-10-458-E-4f

RESOLVED, That Contract No. 05-6, Livernois, Troy Ct., John R. and Chopin Water Main Replacement, be **AWARDED** to Troelson Excavating, 43455 Schoenherr, Suite 6, Sterling Heights, MI 48313 at an estimated total cost of \$976,011.00; and

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

E-5 Acceptance of Permanent Easement for Sanitary Sewer, First American Title Insurance Company – Sidwell #88-20-20-476-054

Resolution #2005-10-458-E-5

RESOLVED, That the Permanent Easement for sanitary sewer from First American Title Insurance Company, owner of property having Sidwell #88-20-20-476-054, is hereby **ACCEPTED** for the operation, maintenance and repair or replacement of sanitary sewer; and

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

E-6 Private Agreement for Marathon Gas Station Project No. 04.924.3

Resolution #2005-10-458-E-6

RESOLVED, That the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and Mike Elias, is hereby **APPROVED** for the installation of paving, storm sewer and sidewalk on the site and in the adjacent right of way, and the Mayor

and City Clerk are **AUTHORIZED TO EXECUTE** the documents, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

E-7 Change of Street Name – Portion of Booth to Quill Creek

Resolution #2005-10-458-E-7

RESOLVED, That the portion of Booth Road platted within the Bassett and Smith Flowing Spring Acres Subdivision, recorded Liber 37, Page 9 of Plats, Oakland County Michigan, be **RENAMED** to Quill Creek Drive effective November 1, 2005; and

BE IT FURTHER RESOLVED, That the City Clerk shall **RECORD** a certified copy of this resolution with Oakland County Register of Deeds and the Treasurer of the State of Michigan.

E-8 Private Agreement for Quill Creek Property Splits – Project No. 05.901.3

Resolution #2005-10-458-E-8

RESOLVED, That the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and Milano Building Co., Inc., is hereby **APPROVED** for the installation of sanitary sewer, water main, storm sewer, paving, detention and soil erosion controls on the site and in the adjacent right of way, and the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the documents, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

E-9 Acceptance of Warranty Deed and Permanent Easements for Booth (Quill Creek) Parcel Split, Terry L. Stamper – Sidwell #88-20-03-401-002

Resolution #2005-10-458-E-9

RESOLVED, That the Warranty Deed for Right-of-Way and Permanent Easements for Roadway Purposes; Sidewalk & Public Utilities; Storm Sewer; Storm Sewer, Surface Drainage & Public Utilities; and Storm Sewer, Surface Drainage & Grading, from Terry L. Stamper, owner of the property having Sidwell #88-20-03-401-002, are hereby **ACCEPTED**; and

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

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

d) **Standard Purchasing Resolution 5: Approval To Expend Budgeted Funds – Troy Youth Assistance**

Resolution #2005-10-459

Moved by Howrylak

Seconded by Stine

RESOLVED, That approval to expend funds budgeted in the 2005/2006 Fiscal Year to the Troy Youth Assistance to provide diversion programs and community services to the residents of the City of Troy at a cost of \$35,000.00, paid in quarterly installments, is hereby **APPROVED**; and

BE IT FURTHER RESOLVED, That the Mayor and City Clerk are **AUTHORIZED** to execute the agreements to fund these services.

Yes: All-7

g) Standard Purchasing Resolution 3: Option to Renew – Banquet Services

Resolution

Moved by Lambert

Seconded by Beltramini

WHEREAS, On October 21, 2002, a three-year contract to provide Banquet Services with an option to renew for three additional years was awarded to the highest scoring bidder, The San Marino Club (Resolution #2002-10-570-E-9).

WHEREAS, The San Marino Club agrees to exercise the option to renew the contract for three additional years.

NOW, THEREFORE, BE IT RESOLVED, That the additional three-year option to renew the contract is hereby **EXERCISED** with the San Marino Club under the same contract prices, terms, and conditions expiring on August 31, 2008, at a per plate cost including gratuity of \$39.00 for the two (2) appreciation banquets and \$20.00 for the employee holiday party.

Vote on Resolution to Postpone

Resolution #2005-10-460

Moved by Eisenbacher

Seconded by Howrylak

RESOLVED, That the Resolution for Standard Purchasing Resolution 3: Option to Renew – Banquet Services be **POSTPONED** until the Regular City Council Meeting scheduled for Monday, October 17, 2005.

Yes: All-7

PUBLIC COMMENT: Limited to Items Not on the Agenda

REGULAR BUSINESS:

F-1 Appointments to Boards and Committees: a) Mayoral Appointments: No Appointments Scheduled; b) City Council Appointments: Advisory Committee for Persons with Disabilities and Ethnic Issues Advisory Board

(a) Mayoral Appointments – No Appointments Scheduled

(b) City Council Appointments

Resolution #2005-10-461
 Moved by Beltramini
 Seconded by Lambert

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

Advisory Committee for Persons with Disabilities

Appointed by Council (9 Regular Members; 3 Alternates) – 3 years

Angela J. Done Term Expires 11/01/08

Peggy Hammond Term Expires 11/01/08

Ethnic Issues Advisory Board

Appointed by Council (9) – 3 years

Anju Brodbine Term Expires 09/30/08

Yes: All-7

F-2 Bid Waiver – Purchase of Air Compressor

Resolution #2005-10-462
 Moved by Beltramini
 Seconded by Stine

WHEREAS, On May 9, 2005, a contract to furnish and install two (2) high pressure air compressors was awarded to the low bidder, Douglass Safety Systems of Rhodes, MI for an estimated cost of \$33,800.00 (Resolution #2005-05-219-E4b).

WHEREAS, Douglass Safety Systems has agreed to extend the pricing for one (1) additional high-pressure air compressor for the original bid price plus \$200.00 freight charges.

NOW, THEREFORE, BE IT RESOLVED, That formal bidding procedures are hereby **WAIVED** and a contract to provide one (1) additional high-pressure air compressor is hereby **AWARDED** to Douglass Safety Systems at an estimated total cost of \$17,100.00.

Yes: All-7

F-3 Assembly of Rouge Communities and Watershed Alliance Legislation

Resolution
 Moved by Lambert
 Seconded by Beltramini

WHEREAS, Thirty-eight cities, villages and townships and three counties signed an August 15, 2003, Memorandum of Agreement as an interim step to establish a permanent mechanism for communities in the Rouge River watershed to cooperatively meet state storm water discharge permit requirements, satisfy the U.S. District Court's concerns about the river, and encourage restoration of river benefits for residents of the watershed;

WHEREAS, After two years of successful operation of the interim Assembly of Rouge Communities, the members recommended state legislation that would provide formal recognition to communities that chose to volunteer to join collaborative efforts to meet state and federal storm water discharge requirements, and cooperatively develop watershed plans to enhance the management of a river;

WHEREAS, Watershed Alliance legislation passed the Michigan House of Representatives and the Michigan Senate and was signed into law by the Governor on January 3, 2005, as Act No. 517, Public Acts of 2004, based upon a draft provided and supported by the Rouge River watershed communities;

WHEREAS, At its meeting on June 8, 2005, the Assembly of Rouge Communities completed drafting of the attached Alliance of Rouge Communities bylaws, and recommended adoption by the appropriate governing bodies of those public agencies within the Rouge River watershed eligible for membership;

WHEREAS, The formation of the Alliance of Rouge Communities under this new state law will provide the public agencies within the watershed the authority to directly seek grants, enter into contracts, and manage its own resources that have been provided in the past by and through Wayne County with federal funds as part of the Rouge River National Wet Weather Demonstration.

THEREFORE BE IT RESOLVED, That the City Council formally **ADOPTS** bylaws for, and **ACCEPTS** membership in the Alliance of Rouge Communities; and

BE IT FURTHER RESOLVED, That consistent with the terms of the Alliance of Rouge Communities bylaws, the City Council formally **APPOINTS** Jennifer E. Lawson, Environmental Specialist, as its designated representative to the Alliance of Rouge Communities, C. Neall Schroeder, Civil Engineer, as the alternate representative, and **AUTHORIZES** the City Engineer to designate additional persons to represent the City of Troy, if needed, as an alternate to assure voting representation; and

BE IT FURTHER RESOLVED, That the City of Troy's continuing membership will be evidenced by **PAYMENT** of its voluntary assessment on an annual basis to the Alliance of Rouge Communities; and

BE IT FINALLY RESOLVED, That the City of Troy **AGREES** to pay the 2005 Membership Dues, in the amount of \$4,445.00.

Vote on Resolution to Amend

Resolution #2005-10-463
Moved by Eisenbacher

Seconded by Howrylak

RESOLVED, That the Resolution for the *Assembly of Rouge Communities and Watershed Alliance Legislation* be **AMENDED** by **INSERTING** “for a one (1) year term)” **AFTER** “Jennifer E. Lawson, Environmental Specialist” and **AFTER** “C. Neall Schroeder, Civil Engineer”.

Yes: All-7

Vote on Resolution as Amended

Resolution #2005-10-464

Moved by Lambert

Seconded by Beltramini

WHEREAS, Thirty-eight cities, villages and townships and three counties signed an August 15, 2003, Memorandum of Agreement as an interim step to establish a permanent mechanism for communities in the Rouge River watershed to cooperatively meet state storm water discharge permit requirements, satisfy the U.S. District Court’s concerns about the river, and encourage restoration of river benefits for residents of the watershed;

WHEREAS, After two years of successful operation of the interim Assembly of Rouge Communities, the members recommended state legislation that would provide formal recognition to communities that chose to volunteer to join collaborative efforts to meet state and federal storm water discharge requirements, and cooperatively develop watershed plans to enhance the management of a river;

WHEREAS, Watershed Alliance legislation passed the Michigan House of Representatives and the Michigan Senate and was signed into law by the Governor on January 3, 2005, as Act No. 517, Public Acts of 2004, based upon a draft provided and supported by the Rouge River watershed communities;

WHEREAS, At its meeting on June 8, 2005, the Assembly of Rouge Communities completed drafting of the attached Alliance of Rouge Communities bylaws, and recommended adoption by the appropriate governing bodies of those public agencies within the Rouge River watershed eligible for membership;

WHEREAS, The formation of the Alliance of Rouge Communities under this new state law will provide the public agencies within the watershed the authority to directly seek grants, enter into contracts, and manage its own resources that have been provided in the past by and through Wayne County with federal funds as part of the Rouge River National Wet Weather Demonstration.

THEREFORE BE IT RESOLVED, That the City Council formally **ADOPTS** bylaws for, and **ACCEPTS** membership in the Alliance of Rouge Communities; and

BE IT FURTHER RESOLVED, That consistent with the terms of the Alliance of Rouge Communities bylaws, the City Council formally **APPOINTS** Jennifer E. Lawson, Environmental Specialist for a one (1) year term, as its designated representative to the Alliance of Rouge Communities, C. Neall Schroeder, Civil Engineer for a one (1) year term, as the alternate

representative, and **AUTHORIZES** the City Engineer to designate additional persons to represent the City of Troy, if needed, as an alternate to assure voting representation; and

BE IT FURTHER RESOLVED, That the City of Troy's continuing membership will be evidenced by **PAYMENT** of its voluntary assessment on an annual basis to the Alliance of Rouge Communities; and

BE IT FINALLY RESOLVED, That the City of Troy **AGREES** to pay the 2005 Membership Dues, in the amount of \$4,445.00.

Yes: All-7

F-4 Bid Waiver – Informal Quotes – Election Material Printing Services

Resolution #2005-10-465
Moved by Stine
Seconded by Eisenbacher

WHEREAS, PSI, Printing Systems, Inc., 12680 Delta Drive, Taylor, MI 48180, is certified in the State of Michigan to print ballots for the M-100 Election Devices utilized by the City of Troy for all elections; and

WHEREAS, PSI, Printing Systems, Inc. submitted the lowest qualified quotes for election supplies for the 2005 City Regular General Election.

NOW, THEREFORE, BE IT RESOLVED, That formal bidding procedures are hereby **WAIVED** and the City of Troy is **AUTHORIZED** to purchase election supplies from PSI, Printing Systems, Inc., at an estimated total cost of \$11,426.00.

Yes: All-7

F-5 Update and Recommendation Regarding Child Group Day Care Homes in the R-1A through R-1E Zoning Districts

Resolution #2005-10-466
Moved by Beltramini
Seconded by Schilling

WHEREAS, City Council adopted Resolution #CC-2005-09-432, which advised the Planning Commission to advance, at their September 27, 2005 meeting, a recommendation to City Council regarding child group day care homes;

WHEREAS, The Planning Commission conducted a public hearing at the September 27, 2005 Special/Study Meeting, and adopted Resolution #PC-2005-09-152, which tabled action on ZOTA 214 to the December 13, 2005 Regular Meeting, and also to expedite necessary actions to study this item at the next Planning Commission meeting in October.

NOW, THEREFORE, BE IT RESOLVED, That the Troy City Council hereby **REQUESTS** the Planning Commission to set a public hearing to consider a proposed amendment to Chapter 39,

Article 10.00 that would temporarily allow for child group day care homes, which are State licensed child group day care homes with 7 to 12 children, to be located in the R-1A through R-1E Zoning Districts until 15 days after the Troy City Council has had the opportunity to conduct a public hearing on any proposed revisions to Chapter 39, Article 10.00.

Yes: All-7

MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

G-1 Announcement of Public Hearings:

- a) Zoning Ordinance Text Amendment (ZOTA 216) – Additional Retail Along Major Thoroughfares in the M-1 (Light Industrial) Zoning District – October 17, 2005
- b) Rezoning Application – North Side of Maple Road, West of Blaney, Section 29 – M-1 to B-3 (Z 708) – October 17, 2005
- c) Rezoning Application – South side of Woodslee Street, East of Rochester Road, Section 27, M-1 to R-2 (Z 709) – October 17, 2005

Noted and Filed

G-2 Green Memorandums:

- a) Tentative Agreement Between Troy Police Officers Association (TPOA) and City of Troy
- b) Proposed Property Donation from Mr. Patrick E. Piscopo; Brookstone Manor Outlots and Detention Basin – Southwest ¼ of Section 14, 1369 East Wattles Road

Noted and Filed

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

-
- H-1 Mayor Louise Schilling has requested City Council Schedule a Joint Meeting with the Downtown Development Authority (DDA) on October 19, 2005 at 7:30 AM in the Police/Fire Training Center at 4850 John R, Troy, Michigan for the purpose of discussing proposed modification of the DDA District.

Resolution

Moved by Stine

Seconded by Beltramini

RESOLVED, That a Joint Meeting **IS SCHEDULED** for the Troy City Council and Troy Downtown Development Authority (DDA) on October 19, 2005 at 7:30 AM in the Police/Fire Training Center at 4850 John R, Troy, Michigan for the purpose of discussing the proposed modification of the DDA District.

Vote on Resolution to Amend

Resolution

Moved by Howrylak

Seconded by Lambert

RESOLVED, That the Resolution to *Schedule a Joint Meeting with the Downtown Development Authority (DDA)* be **AMENDED** by **STRIKING** "October 19, 2005 at 7:30 AM" and **INSERTING** "October 22, 2005 at 11:00 AM".

Vote on Resolution to Amend Amendment by Substitution

Resolution #2005-10-467

Moved by Beltramini

Seconded by Schilling

RESOLVED, That the Resolution to Amend *Schedule a Joint Meeting with the Downtown Development Authority (DDA)* be **AMENDED BY DELETING** it in its entirety and **SUBSTITUTED** with "RESOLVED, That the *Resolution to Schedule a Joint Meeting with the Downtown Development Authority (DDA)* be **AMENDED** by **STRIKING** it in its entirety and **INSERTING**, 'RESOLVED, That City Management incorporate a study item with the Downtown Development Authority (DDA) on the agenda of the Regular City Council Meeting of Monday, October 17, 2005.'"

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

No: Howrylak

MOTION CARRIED

Vote on Amendment as Substituted

Resolution #2005-10-468

Moved by Howrylak

Seconded by Lambert

RESOLVED, That the *Resolution to Schedule a Joint Meeting with the Downtown Development Authority (DDA)* be **AMENDED** by **STRIKING** it in its entirety and **INSERTING**, "RESOLVED, That City Management incorporate a study item with the Downtown Development Authority (DDA) on the agenda of the Regular City Council Meeting scheduled for Monday, October 17, 2005."

Yes: All-7

Vote on Resolution as Amended

Resolution #2005-10-469

Moved by Stine

Seconded by Beltramini

RESOLVED, That City Management incorporate a study item with the Downtown Development Authority (DDA) on the agenda of the Regular City Council Meeting scheduled for Monday, October 17, 2005.

Yes: All-7

H-2 Memorandum In Response to Council Member Broomfield's Request Regarding Possible Recall Election Cost Estimate

H-3 Council Member Howrylak Wishes to Discuss the Possibility of Forming an Audit Committee

COUNCIL COMMENTS:

I-1 No Council Comments

REPORTS:

J-1 Minutes – Boards and Committees:

- a) Election Commission/Final – April 12, 2005
- b) Downtown Development Authority/Final – May 18, 2005
- c) Retiree Health Care Benefits Plan & Trust/Amended Final – July 13, 2005
- d) Advisory Committee for Persons With Disabilities/Final – August 3, 2005
- e) Planning Commission Regular/Final – August 9, 2005
- f) Employees' Retirement System Board of Trustees/Final – August 10, 2005
- g) Board of Zoning Appeals/Final – August 16, 2005
- h) Planning Commission Special/Study/Final – August 23, 2005
- i) Building Code Board of Appeals/Draft – September 7, 2005
- j) Planning Commission Regular/Draft – September 13, 2005
- k) Election Commission/Draft – September 15, 2005
- l) Library Board/Draft – September 15, 2005
- m) Downtown Development Authority/Draft – September 21, 2005

Noted and Filed

J-2 Department Reports:

- a) City of Troy Monthly Financial Report – August 31, 2005
- b) Complaint Regarding Improper Outdoor Storage – 3109 and 3129 Alpine
- c) Council Member Lambert's Travel Expense Report for the National League of Cities' Leadership Summit
- d) Report from City Assessor – Pro-Ration of Downtown Development Authority (DDA) and Proposed Monarch Development Taxes
- e) CMN Contract with ICCA

Noted and Filed

J-3 Letters of Appreciation:

- a) Letter of Appreciation to the Troy Fire Department from Roger Hella, Recognizing the Outstanding Community Service Effort by Officer Dave Basile and Officer Mike Corsaut

Noted and Filed

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

J-5 Calendar

Noted and Filed

J-6 Public Works Magazine Article – A Ship-Shape Shop

Noted and Filed

J-7 Achievement of Excellence in Procurement Award

Noted and Filed

J-8 Library Meeting Room and Friends of the Library Used Book Store

Noted and Filed

J-9 Letter from Miller, Canfield, Paddock and Stone, P.L.C. Regarding Issues They Will Address Pertaining to the Feasibility of Modifying the Troy Downtown Development Authority (DDA) Boundaries

Noted and Filed

J-10 Letter from Bendzinski & Co. Municipal Financial Advisors Regarding Issues They Will Address Pertaining to the Feasibility of Modifying the Troy Downtown Development Authority (DDA) Boundaries

Noted and Filed

STUDY ITEMS:

K-1 No Study Items Submitted

PUBLIC COMMENT: Address of “K” Items

CLOSED SESSION:

L-1 Closed Session – No Closed Session Requested

The meeting **ADJOURNED** at 9:49 PM.

Louise E. Schilling, Mayor

Tonni L. Bartholomew, City Clerk

September 29, 2005

TO: John Szerlag, City Manager

FROM: Brian P. Murphy, Assistant City Manager/Services
Jeanette Bennett, Purchasing Director
Carol K. Anderson, Parks and Recreation Director

Subject: **Agenda Item:** Standard Purchasing Resolution 3: Exercise
Renewal Option - Mosquito Control

RECOMMENDATION

On Monday, April 12, 2004, the City Council approved a two-year contract to provide mosquito control for various sites with Advanced Pest Management Co. Inc., which includes an option to renew for one additional year (Council Resolution #2004-04-187-E6). The Parks Department recommends exercising the option to renew under the same terms and conditions, at 2005 prices for an estimated total cost of \$59,396.00, expiring December 31, 2006.

BACKGROUND

The mosquito control contract will service the parks, both golf courses, the Nature Center, four retention basins, and seven sections of open drains at the following prices—

# of Acres	Description	Cost per Acre – Larvicide	Cost per Acre – Adulticide
190.8	Parks	\$51.00	
749.8	Parks		\$3.34
6.43	Retention Basins	\$51.00	
9.60	Retention Basins		\$6.50
19.0	Open Drains	\$51.00	
31.63	Open Drains		\$15.50

MARKET SURVEY

The Purchasing Department conducted a market survey and concludes that the costs of operations to service this type of contract are not expected to increase over the next year. Current vendor prices remain competitive, as the next lowest total bid is 22% higher.

BUDGET

Funds are available from the Parks Maintenance Contractual Service Accounts.

Prepared by: Ron Hynd, Landscape Analyst

August 31, 2005

TO: Jeanette Bennett
Purchasing Director

FROM: Linda N. Bockstanz
Associate Buyer

RE: MARKET SURVEY – MOSQUITO CONTROL –

TRI-COUNTY PEST CONTROL, INC – Mrs. C. Baker (586) 296-7590

Mrs. Baker has told me that prices for Mosquito Control would not be increasing and will stay the same. She is not aware of any new products that have come out for Mosquito Control, but believes there is no other product that can replace the product they have been using now.

OWEN TREE SERVICE, INC. – Ray Owen (810) 724-6651

Ray indicated that prices are going to remain the same as last year. As to any products that will replace or be equal to the product he has now – he has not heard of any.

Based upon the above comments, I respectfully recommend that the City accept the offer to renew the contract for Mosquito Control with the current vendor, as prices will remain the same and our current vendor prices are low.

CC: Susan Leirstien

AUG-02-2005 18:40

FRONT-TROY PARKS AND RECREATION



500 West Big Beaver
Troy, Michigan 48064
www.troymt.gov

August 2, 2005

Area code (248)

Assessing
524-3314

Bldg. Inspections
524-3344

Bldg. Maintenance
524-3368

City Clerk
524-3316

City Manager
524-3330

Community Affairs
524-1147

Engineering
524-3383

Finance
524-3411

Fire Administration
524-3419

Human Resources
524-3339

Information Services
619-7279

Law
524-3320

Library
524-3545

Parks & Recreation
524-3484

Planning
524-3364

Police-Administration
524-3443

Public Works
524-3370

Purchasing
524-3338

Real Estate & Development
524-3498

Treasurer
524-3334

General Information
524-3300

Advanced Pest Management
P.O. Box 125
Fenton MI 48430

Dear Sirs,

The City of Troy entered into contract with Advanced Pest Management to provide two-year requirements for mosquito control services for various municipal sites in Troy. The contract contained one one-year option to renew in accordance with the specifications and agreement for ITE-COT 04-14. Renewal for the 2006 season must be under the same terms and conditions as the 2005 section of the original contract. If a new price is to be submitted within the terms of the current contract, 30-day notification of the new price is required. Please be aware that the City of Troy reserves the option to accept the price change or rebid.

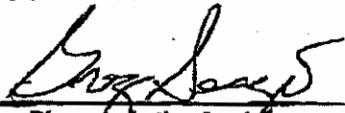
Within the next five working days, please fax this letter back to Parks & Recreation indicating if Advanced Pest Management wishes to renew this contract for the 2006 season. The FAX number is 248-889-6497. It should be understood that this request to renew the contract is subject to a favorable market survey. A request by City staff to determine the successful bidder's interest in renewing the contract in no way obligates the City. The option cannot be exercised without Troy City Council approval and a blanket purchase order issued.

If you have any questions please call Ron Hynd or Jeff Biegler 248-524-3484

CHECK ONE:

Advanced Pest Management is interested in renewing the contract under the 2005 terms and conditions.

Advanced Pest Management is not interested in renewing the contract.

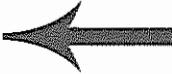
X  8-8-05
Signed: Authorized Company Representative date

Thank You,
Ron Hynd, Landscape Analyst
City of Troy
248-880-7293 office
248-889-6497 fax

secondary supplier, to provide transit mixed concrete for an estimated total cost of \$162,000.00, under the same contract prices, terms, and conditions expiring April 30,2005.

E-6 Standard Purchasing Resolution 1: Award to Low Bidder – Mosquito Control

Resolution #2004-04-187-E-6



RESOLVED, That a two-year contract for mosquito control with an option to renew for one (1) additional year is hereby **AWARDED** to the low bidder, Advanced Pest Management, of Fenton, Michigan for an estimated total two-year cost of \$117,900.00, at unit prices contained in the bid tabulation opened March 10, 2004, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and

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

E-8 Request for Acceptance of Permanent Sanitary Sewer Easement: Sidwell No.'s 88-20-18-477-046, -070, -071 & -072 – Project No. 01.913.3 – 4175 Coolidge Lot Splits

Resolution #2004-04-187-E-8

RESOLVED, That the Permanent Easement for sanitary sewer from Woodward Common Land Company, L.L.C., a Michigan Limited Liability Company, having Sidwell No.'s 88-20-18-477-046, -070, -071 and -072, is hereby **ACCEPTED**; and

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

E-9 Standard Purchasing Resolution 9: Approval to Expend Funds for Membership Dues and Membership Renewals Over \$10,000.00 – 2003/04 Michigan Municipal League Membership Renewal

Resolution #2004-04-187-E-9

RESOLVED, That approval is **GRANTED** to pay the 2003/04 Michigan Municipal League membership fee covering the time period of May 1, 2004 through April 30, 2005 in the amount of \$13,474.00.

E-11 Standard Purchasing Resolution 1: Award to Low Bidders – Liquid Calcium Chloride

Resolution #2004-04-187-E-11

**CITY OF TROY
BID TABULATION
MOSQUITO CONTROL**

VENDOR NAME:

	* ADVANCED PEST MANAGEMENT	TRI-COUNTY PEST CONTROL INC	OWEN TREE SERVICE INC
--	----------------------------	-----------------------------	-----------------------

UNIT PRICES SHALL BE QUOTED BY THE COST / ACRE / APPLICATION FOR EACH DESIGNATED YEAR OF SERVICE.

<u>Est Qty</u>		2004	2005	2004	2005	2004	2005
RETENTION PONDS							
6.43 Acres	Larvicide X 4	\$ 50.50	\$ 51.00	\$ 50.00	\$ 50.00	\$ 230.00	\$ 250.00
9.6 Acres	Adulticide X 5	\$ 6.40	\$ 6.50	\$ 100.00	\$ 100.00	\$ 190.00	\$ 205.00
PARKS							
190.8 Acres	Larvicide	\$ 50.50	\$ 51.00	\$ 50.00	\$ 50.00	\$ 175.00	\$ 195.00
749.8 Acres	Adulticide	\$ 3.24	\$ 3.34	\$ 2,865.00	\$ 2,865.00	\$ 125.00	\$ 175.00
(PER APPLICATION)							
OPEN DRAINS							
19.00 Acres	Larvicide	\$ 50.50	\$ 51.00	\$ 150.00	\$ 150.00	\$ 565.00	\$ 665.00
31.63 Acres	Adulticide	\$ 15.00	\$ 15.50	\$ 50.00	\$ 50.00	\$ 455.00	\$ 535.00
ESTIMATED GRAND TOTALS--		\$58,504.67	\$ 59,395.91	\$ 71,939	\$ 71,939	\$ 732,119	\$ 956,319.25

ESTIMATED GRAND TOTAL TWO YEARS: * \$117,900.58 \$ 143,877 1,688,438.10

CONTACT INFORMATION:

Hrs of Operation	7-5pm	9-5pm	6-10pm
24Hr Phone	(586) 292-6444	(810) 343-4352	(810) 724-6651

INSURANCE:

Can Meet	XX	XX	XX
Cannot Meet			
Mandatory Requirements A, B, or C	A	A	B
Non Mandatory Requirements Company Can	BLANK	CAN OBTAIN +\$250.00	BLANK
Company Cannot			

COMPLETION SCHEDULE:

Can Meet	XX	XX	XX
Cannot Meet			

SITE INSPECTION: Y/N

Date	YES	YES	YES
	CURRENT PROVIDER	2/27/04	3/2/04

TERMS:

	NET 30	NET 30 DAYS	BLANK
--	--------	-------------	-------

WARRANTY:

	BLANK	BLANK	BLANK
--	-------	-------	-------

DELIVERY:

AS SPECIFIED

EXCEPTIONS:

	BLANK	ATTACHED TO BID	BLANK
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ACKNOWLEDGEMENT: Y or N

	YES	YES	YES
--	-----	-----	-----

GENERAL QUESTIONNAIRE:

Attached	XX	XX	XX
Not Attached			

PROPOSAL-- Two(2) Year Requirements of Mosquito Control with an Option
To Renew for One(1) Additional Year

Opening Date -- 3-10-04
Date Prepared -- 3/17/04

**CITY OF TROY
BID TABULATION
MOSQUITO CONTROL**

ITB-COT 04-14
Pg 2 of 2

*** DENOTES LOW TOTAL BIDDER**

NO BIDS:

Eradico Services
Great Lakes Pest Control
JH Hart Urban Forestry

ATTEST:

Jeffrey Biegler
Charlene McComb
Linda Bockstanz

Jeanette Bennett
Purchasing Director



Downloading History for ITB-COT 04-14 Mosquito

The report below shows all fax and e-mail vendors that matched this document when it was originally issued. It also shows all vendors that have downloaded or ordered the document and any subsequent amendments as of 3/17/2004.

Document Title:	Mosquito Control
Date Issued:	2/19/2004
Close Date:	3/10/2004
Date Amendment #1 was Issued:	2/25/2004
Date Amendment #2 was Issued:	3/3/2004
Date Amendment #3 was Issued:	3/3/2004

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

<u>Acct #</u>	<u>Company Name</u>	<u>Service</u>	<u>Date Obtained Document</u>	<u>Date Obtained Amendments</u>
15947	ADAPCO, INC.	E-mail	2/27/2004	#1 2/27/2004
16031	Advanced Pest Management	Free	3/3/2004	#1 3/3/2004 #2 3/5/2004 #3 3/5/2004
14952	All State Tree & Lawn, Inc.	E-mail		
12114	B & B Lawn Service	Fax		#1 2/25/2004 #2 3/3/2004 #3 3/3/2004
15934	B & W Management Services, Inc	E-mail		
13895	Cal Fleming Landscaping and Tree Service, Inc.	Free	3/1/2004	#1 3/1/2004
13890	Clarke Mosquito Control Products, Inc.	E-mail	2/24/2004	
16193	Cleanex Janitorial	E-mail	3/7/2004	#1 3/7/2004

15620	D. A. Alexander & Company	E-mail		
10115	Ecolab Inc.	Free	2/25/2004	#1 2/25/2004
11897	Eradico Services	Free	3/8/2004	#1 3/4/2004 #2 3/4/2004 #3 3/4/2004
16373	Great Lakes Pest Control Co. Inc.	Free	3/9/2004	#1 3/9/2004
14169	Greentrees, Inc.	Fax		#1 2/25/2004 #2 3/3/2004 #3 3/3/2004
11375	Hansen Information Technologies	Free	3/9/2004	
15149	HAWTHORNE TREE & LAWN CARE INC.	Fax	2/20/2004	#1 2/25/2004 #2 3/3/2004 #3 3/3/2004
14226	Hersch's Wholesale	E-mail	3/1/2004	#1 3/1/2004
12700	Invaders Pest Control Incorporated	E-mail	2/19/2004	#1 2/26/2004
10798	J.H. Hart Urban Forestry	E-mail	2/19/2004	
16067	Landscape Services, Inc.	E-mail		
11639	Mike's Tree Surgeons, Inc.	E-mail		
15487	Nihranz Landscaping Inc.	E-mail		
14529	Northwood Contracting Incorporated	Fax		#1 2/25/2004 #2 3/3/2004 #3 3/3/2004
15645	Orkin Pest Control Company	Free	2/26/2004	#1 2/26/2004
11073	Oscar W. Larson Co.	E-mail		
10203	Owen Tree Service, Inc.	E-mail	2/23/2004	#1 2/25/2004 #3 3/3/2004
10065	Payne Landscaping, Inc.	E-mail		
10207	Rasins Landscape & Assoc., Inc.	E-mail		
16245	ROSE EXTERMINATOR CO.	Free	3/1/2004	#1 3/1/2004
12936	SHERMAN NURSERY FARMS	E-mail		

13730	SMART Management Group, LLC	E-mail		
13914	Steele's Service's LLC	E-mail		
10105	Tri-County Pest Control, Inc.	Fax	3/10/2004	#1 3/10/2004 #2 3/10/2004 #3 3/10/2004
13480	Tri-County Tree Expert Co., Inc.	E-mail		
10389	Trugreen Chemlawn/Trugreen Landcare	E-mail		
13019	Turfgrass Systems, LLC	E-mail	2/24/2004	
15735	United Horticultural Supply / Verdicon	E-mail		
14368	Washington Elevator Company, Inc.	Free	3/3/2004	
14016	WH Canon, Inc.	Fax		#1 2/25/2004 #2 3/3/2004 #3 3/3/2004
15339	Yardmaster, Inc.	Fax		#1 2/25/2004 #2 3/3/2004 #3 3/3/2004

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October 7, 2005

TO: John Szerlag, City Manager

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

SUBJECT: Standard Purchasing Resolution 2: Bid Award – Lowest Bidder
Meeting Specifications –
Tandem-Axle Dual Wheel Trailer – 12-Ton Capacity

RECOMMENDATION

On August 24, 2005, bid proposals were opened to furnish one (1) Tandem-Axle Dual Wheel Trailer – 12 Ton Capacity. After reviewing these proposals, the Fleet Maintenance Division of the Public Works Department recommends awarding the contract to the low bidder meeting specifications, AIS Construction Equipment of Lenox, MI, at an estimated total cost of \$13,300.00 for a Model FT-24-2 Felling Trailer. This trailer will be used to haul two pieces of asphalt paving equipment at one time, reducing the need for a second truck and trailer on the jobsite.

EXPLANATION OF BID NOT MEETING SPECIFICATIONS

Wolverine Tractor and Equipment Company submitted a bid for a Superline Trailer. The Superline Trailer Model DO12T242ELP did not meet specifications due to the strength of the three inch channel cross members not rated at 80,000psi as specified. The specified cross members are a very important factor in the overall strength of the trailer by limiting the flex and twisting of the frame and decking when loading and unloading equipment.

Due to the severe work environment and expensive replacement parts for this type of equipment, the City specified a 1-year parts and labor warranty with a 5-year main frame extended warranty to protect our investment.

BUDGET

Funds for this Trailer are available through the Public Works General Equipment, Capital Budget account #401464.7978.010.

41 Vendors Notified via MITN System
4 Bid Responses Rec'd
1 Bid did not meet specifications
1 Late Bid

Opening Date -- 8/24/05
 Date Prepared -- 9/30/05

CITY OF TROY
 BID TABULATION
 TANDEM AXLE DUAL WHEEL TRAILER

VENDOR NAME:

**	AIS	AIS	HES STALLINGS-
	CONSTRUCTION	CONSTRUCTION	JULIEN SALES
	EQUIPMENT	EQUIPMENT	& SERVICE
		ALTERNATE BID	

PROPOSAL-- FURNISH ONE(1) TANDEM AXLE DUAL WHEEL TRAILER

IN ACCORDANCE WITH THE SPECIFICATIONS

COMPLETE FOR THE SUM OF:

**	+ \$387 FOR DOUBLE BREAK \$ 13,300	\$ 13,900	\$ 15,863
----	--	-----------	-----------

QUOTING ON MODEL:

MANUFACTURED BY:

FT-24-2	TK24	6200SA
FELLING	TRAIL KING	CRONKHITE IND

DESCRIPTIVE LITERATURE:

ATTACHED	ATTACHED	ATTACHED
----------	----------	----------

SERVICE:

MOBILE SVC TRUCK PARTS DROPPED FREE		ON DEMAND FROM CRONKHITE IND
--	--	---------------------------------

SERVICE FACILITY: Location
Miles

LENOX, MI		19144 Livernois
	31	10

TERMS:

BLANK	BLANK	NET 30
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WARRANTY:

1YR FULL, 3YR PAINT 5YR MAINFRAME	1 YR FULL 5YR FRAME	AS SPECIFIED
--------------------------------------	------------------------	--------------

DELIVERY DATE:

35-40 DAYS ARO	120 DAYS ARO	3 WEEKS ARO
----------------	--------------	-------------

EXCEPTIONS:

NONE	NONE	NONE
------	------	------

ACKNOWLEDGEMENT: Y or N

YES	YES	YES
-----	-----	-----

DMS:

Wolverine Tractor & Equipment Co - \$12,000

Reason: Quoted 8" steel I-Beams instead of 10" as specified under "Construction"

ATTEST:

Sam Lamerato

Charlene McComb

Linda Bockstanz

**** DENOTES LOWEST ACCEPTABLE BIDDER**



Downloading History for ITB-COT 05-36 Trailer

The report below shows all fax and e-mail vendors that matched this document when it was originally issued. It also shows all vendors that have downloaded or ordered the document and any subsequent amendments as of 10/7/2005.

Document Title:	Tandem Axle Dual Wheel Trailer
Date Issued:	8/8/2005
Close Date:	8/24/2005

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

Acct #	Company Name	Service	Date Obtained Document	Date Obtained Amendments
18120	Action Traffic Maintenance INC	E-mail		
10138	AIS Construction Equipment Corp	E-mail	9/29/2005	
12590	All Type Truck and Trailer Repair, Inc	E-mail		
22069	Allied Truck Equipment	E-mail	8/8/2005	
19411	ArrowTrucks and Parts Company	E-mail		
19359	AUTO-TRUCK EQUIPMENT CO., INC.	E-mail		
13555	Automotive Service Co.	E-mail		
16731	Bobcat Central Inc. DBA Bobcat of Lansing	E-mail		
19169	Brighton Ford Mercury Inc	E-mail		
10582	BUDGET TIRE INC.	E-mail		
16670	Capital City International Trucks, Inc.	E-mail		
15088	Colwell Equipment Co., Inc.	Free	8/10/2005	
12419	Cummins Bridgeway Power	E-mail		
21808	DSA Wholesale	E-mail		
20441	DUECO, Inc.	E-mail	8/15/2005	
13051	Flint-Genesee Economic Growth Alliance	Free	8/15/2005	
11817	Great Lakes Truck & Trailer Inc	Free	8/19/2005	
22140	Gregware Equipment Co.	E-mail		
11766	HES STALLINGS-JULIEN SALES & SERVICE	E-mail	8/22/2005	
10475	Jorgensen Ford Sales	E-mail		

14714	KB enterprises	Free	8/12/2005	
10721	KIRK'S AUTOMOTIVE INC	E-mail		
19736	Lakewood Truck & Trailer Parts	E-mail		
12527	Michigan CAT	Free	8/17/2005	
12720	Momentum Lincoln Mercury	E-mail		
10620	Motor Manuals	E-mail		
11297	NBC TRUCK EQUIPMENT	Free	8/10/2005	
14247	North River Truck & Trailer	E-mail		
11936	Northside True Value Hardware	Fax		
18380	OccuMed3	E-mail		
15110	Santoro Incorporated	E-mail	8/10/2005	
12609	Star Truck Sales	E-mail		
16233	Sterling Fire and Rescue Corp, DBA Michigan First	E-mail		
22201	TNT Trailer Sales, LLC	Free	8/22/2005	
22137	Trailer Equipment Inc	Free	8/12/2005	
11132	Tri-County International Trucks Inc.	E-mail		
14254	Van Horn Truck Parts, Inc.	E-mail		
12269	Vehicle Maintenance Program (VMP)	E-mail		
10742	Warren, Inc.	E-mail		
14785	Weingartz	E-mail	8/8/2005	
13412	Wolverine Tractor & Equipment	E-mail	8/16/2005	

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September 27, 2005

TO: John Szerlag, City Manager

FROM: Brian P. Murphy, Assistant City Manager/Services
Jeanette Bennett, Purchasing Director
Carol K. Anderson, Parks and Recreation Director

SUBJECT: **Agenda Item** – Standard Purchasing Resolution 4: State of Michigan MiDEAL Program – Large Capacity Riding Rotary Mower With Cozy Cab ROPS

RECOMMENDATION

City management requests approval and authorization to purchase a large capacity riding rotary mower through the State of Michigan MiDEAL Program (formerly the Extended Purchasing Program) with Spartan Distributors, Inc. at an estimated total cost of \$58,452.75. Spartan Distributors will deliver the Toro equipment listed below and provide all warranty repairs. In addition, Spartan Distributors will provide and install the Cozy Cab ROPS, which provide a safe and climate-controlled environment for the operator, at an estimated cost of \$8,064.00.

ADDITIONAL INFORMATION

MiDEAL stands for Michigan Delivering Extended Agreements Locally. MiDEAL allows municipalities to buy off competitively bid state contracts, often at greatly reduced prices and/or competitive discounts. In some cases, the State partners with sole distributors to negotiate exclusive contracts with manufacturers, then makes them available to members of their program; such is the case with the Spartan contract.

Spartan is the exclusive distributor of commercial Toro mowers and the sole distributor of Cozy Cab cabs that fit Toro products. Spartan also is the exclusive representative for the only other brand of cab that fits Toro products called Jodel Perry cabs. This cab is more expensive by \$320.25 than the Cozy Cab with the same features. Therefore, the Cozy Cab offered by Spartan is the least expensive cab available for the Toro 580-D mower.

SUMMARY

This purchase will replace heavily used equipment purchased six years ago and due to come out of service from the Parks and Recreation Department. City management requests authorization to purchase the following pieces of equipment:

QTY	Model #	Description	Mfrs Suggested Retail Price	Discounted Price
1	30582	Toro Groundsmaster 580-D	\$77,937.00	* \$58,452.75

QTY	Model #	Description	Unit Price	Total Price	Discounted Price
1	A-10844	Cozy Cab Assembly	\$4,185.00	\$4,185.00	\$ 4,185.00
1	4-11849	Windshield Wiper Kit	\$ 214.00	\$ 214.00	\$ 214.00
1	4-10993	Defroster Fan Kit	\$ 124.00	\$ 124.00	\$ 124.00
1	4-10963	Blinking Flasher Kit	\$ 104.00	\$ 104.00	\$ 104.00
1	4-12670	Heater Kit	\$ 348.00	\$ 348.00	\$ 348.00
1	4-12676	Headlight Kit	\$ 89.00	\$ 89.00	\$ 89.00
1	580-R-9727-134	Badger A/C	\$3,000.00	\$3,000.00	\$ 3,000.00

ESTIMATED GRAND TOTAL	\$66,516.75
* Price reflects 25% State of Michigan Contract Discount	

BUDGET

Funds for this purchase are available in the Parks Capital Account #401752.7978.010.

Prepared by: Jeffrey J. Biegler, Superintendent of Parks



January 21, 2005

487 W. Division Street •
P.O. Box 246
Sparta, MI 49345
616.887.7301
Fax: 616.887.6288

1050 Oplyke Road
Auburn Hills, MI 48326
248.373.8800
Fax: 248.373.8899

City of Troy
Parks & Recreation
ATTN: Mr. Mark Colombo
3179 Livernois
Troy, MI 48083

Dear Mark,

We are pleased to provide a quote on the following equipment:

- | | |
|---|---|
| (1) TORO Groundsmaster 580-D (#30582) | \$ 58,452.75
(State Contract Pricing) |
| <ul style="list-style-type: none"> ▪ Road Package Kit (#30594) ▪ A/C Mounting Kit (#30615) ▪ Suggested Retail Price Per Unit: \$ 77,937.00 | |

* The above prices are based on State Contract # 071B1001610
Spartan Distributors, Inc. / State of Michigan *

OPTIONS FOR GROUNDSMASTER 580:

- | | |
|---|-------------|
| (1) Cozy Cab Assembly (#A-10844) | \$ 4,185.00 |
| (1) Windshield Wiper Kit (#4-11849) | \$ 214.00 |
| (1) Defroster Fan Kit (#4-10993) | \$ 124.00 |
| (1) Blinking Flasher Kit (#4-10693) | \$ 104.00 |
| (1) Heater Kit (#4-12670) | \$ 348.00 |
| (1) Headlight Kit (#4-12676) | \$ 89.00 |
| (1) Badger Truck Refrigeration
(#580-R-9727-134) | \$ 3,000.00 |

Pricing is firm for 30 days from date of quotation.

DELIVERY: July 1, 2005

TERMS: Net 30 Days (to credit-approved accounts)

Enclosed, please find complete product literature, factory specifications and warranty information, as provided by The Toro Company, Club Car, and Badger.

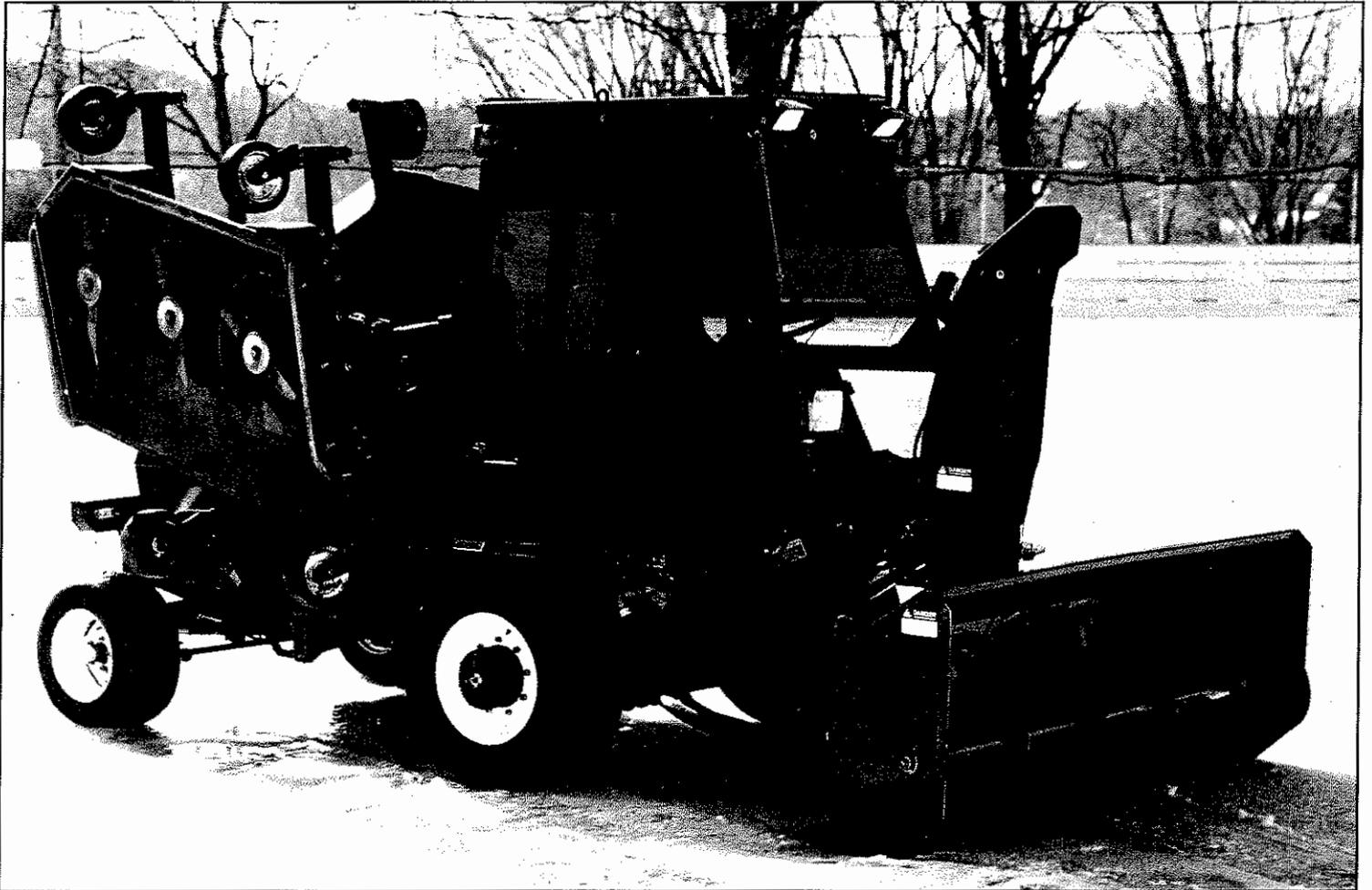
Thank you for your interest in our line of equipment. If you have any questions please feel free to call me at 800-822-2216.

Sincerely,

Tom Gill
Commercial Sales

COZY CAB[®]

Cab for Toro[®] Groundsmaster[®] 580-D (P/N A-10844)



COZY CAB®

Cab for Toro® Groundsmaster® 580-D (P/N A-10844)

Cab Specifications:

- All steel welded construction
- Height: 64.0"
- Width: 48.0"
- Length: 61.0"
- Weight: 725 Lbs.

Standard Equipment:

- ROPS tested and certified to OSHA 1928.51 specs (b) (1)
- Left-hand removable door with fixed glass window and locking door handle
- Right side removable swing out window
- Gray tinted safety glass in all windows
- Seat belt and lifting ears
- Cab primed and painted Toro black enamel with red enamel roof
- Gray acoustical liner
- Single speed windshield wiper
- Fuse block/switch panel and wiring included
- Dome light
- Sound reduction kit
- Shipping crate included

Optional Equipment:

- Blinking Flasher Kit 4-10693
- Two-Speed Pantographic Wiper 4-11849
- Two Front Headlights 4-12676
- Defroster Fan Kit 4-10993
- Heater Kit 4-12670
- Entry Step (not compatible with mower deck) A-10965
- Roof mounted Air Conditioner
Available from Badger Truck & Refrigeration, Eau Claire, WI 1-800-873-6811
- Cab Cowling Kit Toro P/N 82-6330
Required with all cab sales - Available from the Toro Company

Standard Features:

Benefits:

-
- | | |
|--|--|
| <ul style="list-style-type: none">• Gray tinted safety glass with 52% light transmission• Left-hand removable door with locking handle• Rubber isolator mounts• Acoustical cab liner• Heavy-duty, removable floor mat• Fuse block and panel switch• Lifting ears | <ul style="list-style-type: none">• Keeps cab cool and comfortable. Reduces eye fatigue. Enhances overall appearance of cab.• Easily removed for warm weather use.• Locks to prevent unauthorized entry and vandalism.• Reduces noise producing vibration creating a quieter cab interior.• Provides increased noise reduction.• Contributes to a more attractive interior finish.• Provides increased noise reduction.• Removable for easy cleaning.• Allows convenient installation of electrical accessories and easy access for replacement of fuses.• For easy cab installation and removal. |
|--|--|



Custom Products of Litchfield, Inc.

PO Box 718 • Litchfield, MN 55355-0718 • (320)693-3221 • FAX: (320)693-7252 • 1-800-CAR-LINE (1-800-277-5463)

October 10, 2005

TO: John Szerlag, City Manager

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

SUBJECT: **Agenda Item** – Standard Purchasing Resolution 1: Award to Low Bidder
– Type “K” Copper Tubing

RECOMMENDATION

On October 10, 2005, bid proposals were opened to furnish Type “K” Copper Tubing. After reviewing these proposals, City management recommends awarding the contract to the low bidder SLC Meter Service, Inc. of Davisburg, MI, for an estimated total cost of \$48,066.00, at the unit prices listed below.

***SLC Meter Service, Inc**

<u>Item</u>	<u>Quantity</u>	<u>Description</u>	<u>Unit Price</u>	<u>Total Price</u>
1.	1,200 Ft.	¾” Type “K” Copper Tubing	<u>\$1.62</u>	<u>\$ 1,944.00</u>
2.	15,000 Ft.	1” Type “K” Copper Tubing	<u>\$2.14</u>	<u>\$32,100.00</u>
3.	900 Ft.	1 ½” Type “K” Copper Tubing	<u>\$3.42</u>	<u>\$ 3,078.00</u>
4.	1,800 Ft.	2” Type “K” Copper Tubing	<u>\$6.08</u>	<u>\$10,944.00</u>

GRAND TOTAL ALL ITEMS:	\$48,066.00
-------------------------------	--------------------

*Due to the volatility of the commodity market, prices are only good for thirty- (30) days.

BUDGET

Funds for these materials are available through the 2005-2006 Water Department Operating Supply Accounts.

35 Vendors Notified on MITN System
5 Bid Responses Rec'd

Prepared by: Emily Frontera, Administrative Aide

Opening Date: 10/10/05
 Date Prepared: 10/11/05

CITY OF TROY
 BID TABULATION
 TYPE "K" COPPER TUBING

ITB-COT 05-46

VENDOR NAME:

** SLC METER	LIBERTY	NATIONAL	LINWOOD PIPE	ETNA SUPPLY
SERVICE INC	PLUMBING	WATER WORKS	A FERGUSON	COMPANY
			ENTERPRISE	
CHECK NUMBER:	632176644	171032727	632232319	921411484-2
CHECK AMOUNT:	\$500.00	\$500.00	\$500.00	\$ 500.00

ITEM	DESCRIPTION	QTY/FT	UNIT PRICE	UNIT PRICE	UNIT PRICE	UNIT PRICE	UNIT PRICE
1.	3/4" Type "K" Copper Tubing - 60-Foot rolls	1,200	\$ 1.62	\$ 1.66	\$ 1.66	\$ 1.744	\$ 1.79
2.	1" Type "K" Copper Tubing 60-Foot rolls	15,000	\$ 2.14	\$ 2.18	\$ 2.19	\$ 2.296	\$ 2.35
3.	1 1/2" Type "K" Copper Tubing - 60-Foot rolls	900	\$ 3.42	\$ 3.50	\$ 3.50	\$ 3.684	\$ 3.77
4.	2" Type "K" Copper Tubing 60-Foot rolls	1,800	\$ 6.08	\$ 6.22	\$ 6.22	\$ 6.56	\$ 6.72
GRAND TOTAL --			** \$ 48,066.00	\$ 49,038.00	\$ 49,188.00	\$ 51,656.40	\$ 52,887.00
TERMS			NET 30 DAYS	NET 30 DAYS	NET 30	NET 30 DAYS	NET 30
WARRANTY			STANDARD MFG	BLANK	MFR	MFR	MFR
DELIVERY DATE (S)			1-10 DAYS	10-14 DAYS	7 DAYS	5 DAYS	5-14 DAYS
EXCEPTIONS			PRICES FIRM FOR THIRTY DAYS ONLY	ONE LOT PRICING	ONE LOT PRICING	BLANK	BLANK
ACKNOWLEDGEMENT: Y or N			YES	YES	YES	YES	YES

PROPOSAL: Furnish Type "K" Copper Tubing in accordance with the specifications

** DENOTES LOW BIDDER

ATTEST:

Emily Frontera

Charlene McComb

Linda Bockstanz

Jeanette Bennett
 Purchasing Director



Downloading History for ITB-COT 05-46 C.Tubing

The report below shows all fax and e-mail vendors that matched this document when it was originally issued. It also shows all vendors that have downloaded or ordered the document and any subsequent amendments as of 10/11/2005.

Document Title:	Copper Tubing
Date Issued:	9/26/2005
Close Date:	10/10/2005

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

Acct #	Company Name	Service	Date Obtained Document	Date Obtained Amendments
22090	Beaver Enterprises & Supply, Inc.	E-mail	10/5/2005	
17734	Brown Drilling Co., Inc.	Fax		
11088	Co-Pipe Products Inc.	E-mail		
14551	DETROIT NIPPLE WORKS, INC.	E-mail		
20675	Diversified Concepts and Services, Inc.	E-mail		
11938	Downriver Refrigeration Supply Co.	E-mail	9/26/2005	
21808	DSA Wholesale	E-mail		
12428	East Jordan Iron Works, Inc.	E-mail	10/3/2005	
22534	Engineering Exports	Free	10/5/2005	
12990	Etna Supply Company	E-mail	9/26/2005	
18164	Giant Plumbing & Heating Supply Co.	E-mail		
11861	Grainger Industrial Supply	E-mail	10/5/2005	
12394	Graybar Electric	E-mail	10/3/2005	
13552	H L CLAEYS AND CO.	E-mail	9/29/2005	
20197	HYDRO METER SYSTEMS, INC	E-mail	10/4/2005	
19731	Liberty Plumbing Supply	Fax	10/6/2005	
12011	LINWOOD PIPE & SUPPLY / A FERGUSON ENTERPRISE	E-mail	9/27/2005	
12144	Mechanical Sheet Metal Co.	E-mail		
20289	Miracle Mechanical & Construction, LLC	E-mail		
18052	Motor City Pipe and Supply Co. Inc	Free	9/28/2005	
13429				

	Multi-Source	E-mail		
10155	National Waterworks Inc.	E-mail	9/28/2005	
13310	North Star Refrigeration, Heating and Cooling	E-mail		
11936	Northside True Value Hardware	Fax		
14647	OSBORNE CONCRETE COMPANY INC.	Fax		
17790	Pete Wood Plumbing & Heating Co.	E-mail		
12916	Piping Components, Inc.	E-mail	9/26/2005	
12691	Positive Plumbing & Heating Inc.	E-mail		
17098	Quality Comfort Heating & Cooling	E-mail		
15059	R. VanderLind & Son, Inc.	E-mail		
12531	Rohr gasoline equipment inc.	E-mail		
22547	Royal Arc Manufacturing	Free	10/7/2005	
12978	S.L.C. Meter Service, Inc	E-mail	9/29/2005	
10638	State Wire and Terminal Inc.	E-mail	9/28/2005	
17782	Young Supply Company	E-mail	9/26/2005	

[Return to Main Menu](#)

[Return to Report Menu](#)

October 3, 2005

TO: John Szerlag, City Manager

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

SUBJECT: Agenda Item - Private Agreement for T.G.I. Friday's
Project No. 05.918.3

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

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

Approval is recommended.

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

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

G:\Projects\Projects – 05.918.3\Private Agreement Cover Letter.doc

Enclosed Private Agreement, Detailed Summary, Sketch

Sent By: Carrell Poole & Post Architect ; 214 953 0702;

Aug-29-05 10:12AM;

Page 3/5

08.25/2005 14:51 FAX 2483990805

NOWAK & FRAUS

01004

SENT BY: CITY OF TROY ENG;

248 524138 ;

AUG-25-05 1:56PM;

PAGE 2/4

Page 1/1

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

PROJECT NO.	05.918.3	PROJECT LOCATION:	591 W. Big Beaver
RESOLUTION NO.		DATE OF COUNCIL APPROVAL:	

KNOW ALL MEN BY THESE PRESENT: That the City of Troy, a Michigan Municipal Corporation of the County of Oakland, State of Michigan hereinafter referred to as "City" and Drury Inns, Inc. whose address is 721 Emerson Road, Suite 400, St. Louis, MO 63141 and whose telephone number is 314-429-2255 hereinafter referred to as "Owners".

WITNESSETH, FIRST: That the City agrees to allow the installation of water main, storm sewer, paving and soil erosion in accordance with plans prepared by Nowak & Fraus whose address is 1310 N Stephenson Hwy., Royal Oak, MI 48067 and whose telephone number is 248-395-0886, and approved by THE City of Troy Engineering Department.

SECOND: That the Owners agree to contribute the approximate contract price of \$25,595.00. This amount will be transmitted to the City Clerk for installation of said improvements in the form of (check one);

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

RECEIVED
SEP 19 2005
C. E. GLEESON
CONSTRUCTORS INC

Said funds shall be placed on deposit with the City upon the execution of this contract and shall be disbursed to the owner by the City after final inspection and approval by the City of Troy Engineering Department. In addition, the owners agree to contribute the following cash fees:

* Plan Review and Construction Inspection Fee (Public Improvements)	\$	2,075.21
Engineering Review Fee (Private Improvements) (PA1)	\$	1,291.37
Water Main Testing Fee (PA2)	\$	650.00
Street Cleaning/Road Maintenance (Refundable)	\$	5,000.00
TOTAL:	\$	\$9,014.60

* 8.1% (.081) of approximate contract price

Sent By: Carrell Poole & Vost Architect ; 214 953 0702;

Aug-29-05 10:12AM;

Page 4 of 4

08/25/2005 14:51 FAX 2483880805

NOWAK & FRANK

08/05

SENT BY: CITY OF TROY ENG;

248 524138 ;

AUG-25-05 1:57PM;

PAGE 3/4

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

PROJECT NO. 05.918.3

PROJECT LOCATION:

591 W. Big Beaver

RESOLUTION NO.

DATE OF COUNCIL APPROVAL:

THIRD: Owners agree to arrange for a pre-construction meeting with the City Engineer and the contractor prior to start of work. All municipal improvements must be completely staked in the field under the direct supervision of a registered civil engineer or registered land surveyor, according to the approved plans.

FOURTH: Owners hereby acknowledge the benefit to their property conferred by the construction of the aforementioned and agree and consent to pay the total sum of \$ 34,610.60 for the construction of said public utilities in lieu of the establishments of any special district by the City. Further, owners acknowledge that the benefit to their property conferred by the improvement is equal to, or in excess of, the aforementioned amount.

FIFTH: Owners agree that if, for any reason, including, but not limited to, field changes or specification changes as required by the City, the total cost of completion of such improvement shall exceed the sum deposited with the City in accordance with Paragraph SECOND hereof, that Owners will immediately remit such additional amount to the City upon request and the City will disburse such additional amounts in accordance with Paragraph SECOND hereof.

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

Sent By: Carrell Poole & Vost Architect ; 214 953 0702;

Aug-29-05 10:13AM;

Page 5/6

08/25/2005 11:51 FAX 2143990805
SENT BY: CITY OF TROY ENG;

NOWAK & FRAUS
248 524130 |

AUG-25-05 1:57PM;

0004

PAGE 4/4

Page 3 of 3

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

PROJECT NO. 05.918.3

PROJECT LOCATION:

591 W. Big Beaver

RESOLUTION NO.

DATE OF COUNCIL APPROVAL:

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed in duplicate on the 14th day of September, 2005.

OWNERS - DRURY INNS, INC.

CITY OF TROY

By: Joseph B. Perels
Joseph B. Perels

By:

Please Print or Type

Louise E. Schilling, Mayor

Please Print or Type

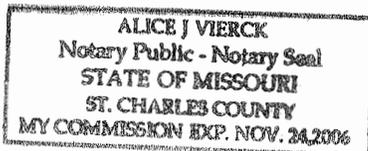
Tanni Bartholamew, City Clerk

MISSOURI ST LOUIS
STATE OF ~~MICHIGAN~~, COUNTY OF ~~OAKLAND~~

On this 14th day of September, A.D. 2005, before me personally appeared Joseph B. Perels known by me to be the same person(s) who executed this instrument and who acknowledged this to be his/her/their free act and deed.

Alice J Vierck

NOTARY PUBLIC, St Louis Missouri
~~Oakland County, Michigan~~



My commission expires: Nov 24, 2006

DETAILED SUMMARY OF REQUIRED ESCROW DEPOSITS AND CASH FEES
PRIVATE AGREEMENT FOR T.G.I. FRIDAY'S
PROJECT NO. 05.918.3

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

Escrow Deposits:

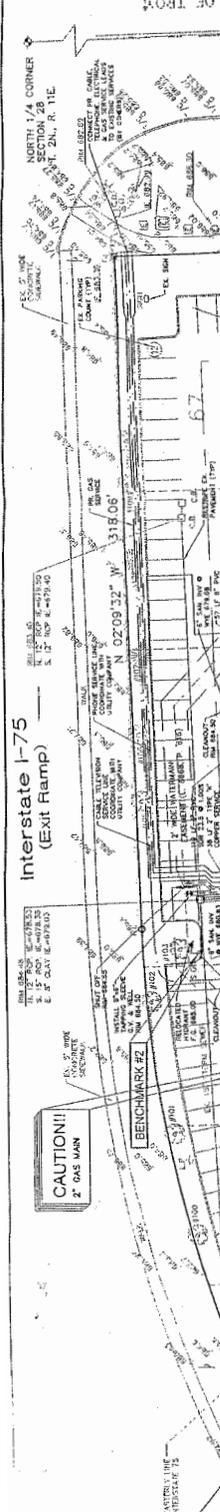
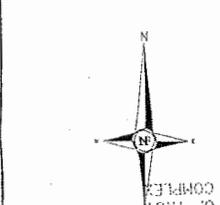
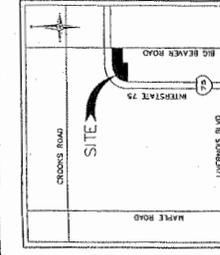
water main	7,970.00
storm sewer	5,800.00
paving	11,826.00

Total Escrow Deposits: (check) **\$ 25,596.00**

Cash Fees:

Review & Inspection	\$2,073.23
Engineering Review	1,291.37
Water Main Testing Fee	650.00
Street Cleaning/Road Maintenance	<u>5,000.00</u>

Total Cash Fees: (check) **\$ 9,014.60**



LEGAL DESCRIPTION-OVERALL PARCEL
 A PART OF LOT 17, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

LEGAL DESCRIPTION - (LEASE PARCEL)
 A PART OF LOT 17, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

UTILITY CROSSING SCHEDULE

A	12" WATER	12" WATER	12" WATER
B	12" GAS	12" GAS	12" GAS
C	12" ELECTRIC	12" ELECTRIC	12" ELECTRIC
D	12" TELEPHONE	12" TELEPHONE	12" TELEPHONE
E	12" CABLE	12" CABLE	12" CABLE
F	12" FIBER OPTIC	12" FIBER OPTIC	12" FIBER OPTIC
G	12" RAILROAD	12" RAILROAD	12" RAILROAD
H	12" HIGHWAY	12" HIGHWAY	12" HIGHWAY
I	12" AIRCRAFT	12" AIRCRAFT	12" AIRCRAFT
J	12" OTHER	12" OTHER	12" OTHER

EASEMENT NOTE
 SECTION OF EXISTING EASEMENT TO BE REMOVED AT THE POINT OF BEGINNING OF THE PROPOSED SEWER LINE. THE REMOVED EASEMENT IS SHOWN IN DASHED LINES.

HYDRANT NOTE
 HYDRANT SHALL BE CONSTRUCTED AT THE POINT OF BEGINNING OF THE PROPOSED SEWER LINE. THE HYDRANT SHALL BE 12" IN DIAMETER AND SHALL BE 4" BELOW FINISHED GRADE.

WATERMAIN CONNECTION NOTE
 WATERMAIN CONNECTION SHALL BE MADE AT THE POINT OF BEGINNING OF THE PROPOSED SEWER LINE. THE CONNECTION SHALL BE 12" IN DIAMETER AND SHALL BE 4" BELOW FINISHED GRADE.

LIGHTING NOTE
 LIGHTING SHALL BE PROVIDED AT THE POINT OF BEGINNING OF THE PROPOSED SEWER LINE. THE LIGHTING SHALL BE 12" IN DIAMETER AND SHALL BE 4" BELOW FINISHED GRADE.

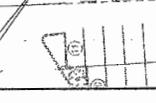
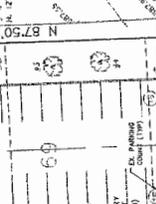
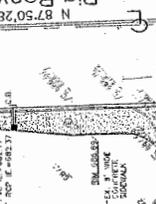
PROPOSED USE NOTE
 PROPOSED USE SHALL BE 4 STORY BRICK AND GLASS. THE PROPOSED USE SHALL BE 4 STORY BRICK AND GLASS.

NOTE
 ALL DIMENSIONS ARE IN FEET AND INCHES. DIMENSIONS ARE GIVEN FROM THE CITY OF TROY CENTERLINE UNLESS OTHERWISE NOTED.

DETECTION NOTE
 DETECTION SHALL BE PROVIDED AT THE POINT OF BEGINNING OF THE PROPOSED SEWER LINE. THE DETECTION SHALL BE 12" IN DIAMETER AND SHALL BE 4" BELOW FINISHED GRADE.

ESTIMATED QUANTITIES

ITEM	QUANTITY	UNIT
12" DIA. RIBBED STEEL PIPE	12	LINEAL FEET
12" DIA. RIBBED STEEL MANHOLE	1	NO.
12" DIA. RIBBED STEEL CHECK VALVE	1	NO.
12" DIA. RIBBED STEEL CLEANOUT	1	NO.
12" DIA. RIBBED STEEL HYDRANT	1	NO.
12" DIA. RIBBED STEEL DETECTOR	1	NO.
12" DIA. RIBBED STEEL LIGHTING	1	NO.
12" DIA. RIBBED STEEL EASEMENT	1	NO.
12" DIA. RIBBED STEEL CONNECTION	1	NO.
12" DIA. RIBBED STEEL DETECTION	1	NO.



LEGEND

EXISTING SANITARY SEWER	EXISTING WATER MAIN
EXISTING STORM SEWER	EXISTING GAS MAIN
EXISTING TELEPHONE	EXISTING CABLE
EXISTING AIRCRAFT	EXISTING OTHER

DATE: October 6, 2005

TO: John Szerlag, City Manager

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

SUBJECT: Agenda Item –Announcement of Public Hearing –
Request to Re-program and Waive Recapture CDBG 2003 Funds

This memorandum is being forwarded for consideration on scheduling a Public Hearing for November 14th, 2005 at 7:30 PM to add Water Sewer Improvements for Charnwood Subdivision Area, Section 6 to our list of CDBG projects for 2003 and re-program year 2003 funds as detailed below:

Existing (From):

Account #	ACTIVITY DESCRIPTION	AMOUNT
803229-2696	Flood Drain Improvements	\$ 55,637.70

Proposed (To)

Account #	ACTIVITY DESCRIPTION	AMOUNT
803229-3824	Water Sewer Improvements	\$55,637.70

In addition the Community and Home Improvement Division of Oakland County has advised us, as a standard practice, to submit a waiver request to protect 2003 funds from recapture for one additional year. Absent a waiver all unobligated 2003 funds would be recaptured December 31, 2005. Therefore we request to waive recapture of 2003 CDBG funds as follows:

Account #	Project Name	Amount
803229-3824	Water Sewer Improvements	\$55,637.70

DATE: October 6, 2005

TO: John Szerlag, City Manager

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

SUBJECT: Agenda Item – Announcement of Public Hearing – Community
Development Block Grant (CDBG) 2006 Application

This memorandum is being forwarded for consideration on scheduling a Public Hearing for November 14th, 2005 at 7:30 PM for the adoption of the Community Development Block Grant (CDBG) 2006 application.

The county has advised us to use \$166,316.00 as our planning estimate for this program year.

The following projects are being recommended for the 2006 CDBG program:

Home Chore Program	\$70,000.00
Administration	\$ 2,500.00
Water Sewer Improvements Charnwood Subdivision Area Section 6	\$93,816.00

DATE: October 4, 2005

TO: John Szerlag, City Manager

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

SUBJECT: Agenda Item – Announcement of Public Hearing – Community Development Block Grant (CDBG) Year 2002 Project Description Amendment

This memorandum is being forwarded for consideration on scheduling a Public Hearing for November 14th, 2005 at 7:30 PM to amend the project description for program year 2002 Special Assessment to include asphalt paving for Tacoma and Olympia Streets.

This will allow us to expend our CDBG program year 2002 appropriation balance of \$11,309.85.

12 residents of Tacoma and Olympia have come forward and qualified for Community Development Block Grant Funds in the amount of \$20,730.32. On the recommendation of Oakland County we will request reimbursement from program year 2002 funds and the balance from program year 2005 Special Assessment account.

October 10, 2005

TO: John Szerlag, City Manager

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

SUBJECT: Agenda Item - Private Agreement for
National Electrical Contractors Association
Project No. 05.902.3

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

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

Approval is recommended.

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

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

G:\Projects\Projects – 05.902.3\Private Agreement Cover Letter.doc

Enclosed Private Agreement, Detailed Summary, Sketch

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

PROJECT NO.	05.902.3	PROJECT LOCATION:	2735 Bellingham
RESOLUTION NO.		DATE OF COUNCIL APPROVAL:	

KNOW ALL MEN BY THESE PRESENT; That the City of Troy, a Michigan Municipal Corporation of the County of Oakland, State of Michigan, hereinafter referred to as "City" and **National Electrical Contractors Association, SE Michigan Chapter** whose address is **25180 Lahser Rd., Southfield, MI 48037** and whose telephone number is **248-355-3500** hereinafter referred to as "Owners".

WITNESSETH, FIRST: That the City agrees to allow the installation of **watermain, paving and sidewalk** in accordance with plans prepared by **Fenn & Associates Inc.**, whose address is **13399 West Star Drive, Shelby Twp., MI 48315** and whose telephone number is **586-254-9577**, and approved BY THE City of Troy Engineering Department.

SECOND: That the Owners agree to contribute the approximate contract price of **\$21,598.00**. This amount will be transmitted to the City Clerk for installation of said improvements in the form of (check one):

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

Said funds shall be placed on deposit with the City upon the execution of this contract and shall be disbursed to the owner by the City after final inspection and approval by the City of Troy Engineering Department. In addition, the owners agree to contribute the following cash fees:

* Plan Review and Construction Inspection Fee (Public Improvements)	\$	1,749.44
Engineering Review Fee (Private Improvements) (PA1)	\$	2,866.34
Water Main Testing Fee (PA2)	\$	650.00
Street Cleaning/Road Maintenance (Refundable)	\$	5,000.00
TOTAL:	\$	\$10,265.78

* 8.1% (.081) of approximate contract price

CONTRACT FOR INSTALLATION OF MUNICIPAL IMPROVEMENTS

(PRIVATE AGREEMENT)

PROJECT NO. 05.902.3

PROJECT LOCATION:

2735 Bellingham

RESOLUTION NO.

DATE OF COUNCIL APPROVAL:

THIRD: Owners agree to arrange for a pre-construction meeting with the City Engineer and the contractor prior to start of work. All municipal improvements must be completely staked in the field under the direct supervision of a registered civil engineer or registered land surveyor, according to the approved plans.

FOURTH: Owners hereby acknowledge the benefit to their property conferred by the construction of the aforementioned and agree and consent to pay the total sum of \$ 31,863.78 for the construction of said public utilities in lieu of the establishments of any special district by the City. Further, owners acknowledge that the benefit to their property conferred by the improvement is equal to, or in excess of, the aforementioned amount.

FIFTH: Owners agree that if, for any reason, including, but not limited to, field changes or specification changes as required by the City, the total cost of completion of such improvement shall exceed the sum deposited with the City in accordance with Paragraph SECOND hereof, that Owners will immediately remit such additional amount to the City upon request and the City will disburse such additional amounts in accordance with Paragraph SECOND hereof.

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

CONTRACT FOR INSTALLATION OF MUNICIPAL IMPROVEMENTS
(PRIVATE AGREEMENT)

PROJECT NO. 05.902.3 PROJECT LOCATION: 2735 Bellingham
RESOLUTION NO. DATE OF COUNCIL APPROVAL:

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

National Electrical Contractors Assn, Inc.
Southeastern Michigan Chapter

OWNERS

CITY OF TROY

By:

By:

[Signature]

Daniel T. Tripp, Executive Director
Please Print or Type

Louise E. Schilling, Mayor

DANIEL T. TRIPP

Please Print or Type

Tonni Bartholomew, City Clerk

STATE OF MICHIGAN, COUNTY OF OAKLAND

On this 30th day of September, A.D. 2005, before me personally appeared DANIEL T. TRIPP known by me to be the same person(s) who executed this instrument and who acknowledged this to be his/her/their free act and deed.

[Signature]

NOTARY PUBLIC, Oakland County, Michigan
SANDRA K. WHITE
Notary Public, State of Michigan
County of Oakland

My commission expires: My Commission Expires May 2, 2012
Acting in the County of Oakland

DETAILED SUMMARY OF REQUIRED ESCROW DEPOSITS AND CASH FEES
PRIVATE AGREEMENT FOR NATIONAL ELECTRICAL CONTRACTORS ASSOCIATION
PROJECT No. 05.902.3

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

Escrow Deposits:

water main	13,348.00
paving	4,000.00
sidewalk	4,250.00

Total Escrow Deposits: (check) **\$ 21,598.00**

Cash Fees:

Review & Inspection	\$1,749.44
Engineering Review	2,866.34
Water Main Testing Fee	650.00
Street Cleaning/Road Maintenance	<u>5,000.00</u>

Total Cash Fees: (check) **\$ 10,265.78**

October 10, 2005

TO: John Szerlag, City Manager

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

RE: AGENDA ITEM – Approval of Conveyance of Easement
from City of Troy to Detroit Edison Company and
Authorization for Signatures – Sidwell #88-20-13-100-051
Police Fire Training Center

In conjunction with the development of property at the southeast corner of John R and Long Lake, Detroit Edison has requested that the City of Troy grant them a permanent easement for underground utilities over part of the Police Fire Training Center property in the northwest ¼ of Section 13. The easement location has been approved by our Engineering and Fire Departments.

Therefore, we recommend that City Council approve the attached easement from the City of Troy to Detroit Edison Company and authorize the Mayor and City Clerk to sign the easement.

Detroit Edison Underground Easement (Right of Way) No. 597094-25

On _____, 2005, for the consideration of system betterment, Grantor grants to Grantee a permanent underground easement ("Right of Way") in, on and across a part of Grantor's Land called the "Right of Way Area."

"Grantor" is:

City of Troy, a Michigan Municipal Corporation,
500 W. Big Beaver Road, Troy, Michigan 48084

"Grantee" is:

The Detroit Edison Company, a Michigan Corporation, 2000 Second Avenue, Detroit, Michigan 48226

"Grantor's Land" is in the Northwest 1/4, Section 13, Town 2 North, Range 11 East, Township of Troy, City of Troy, County of Oakland, State of Michigan, described as:

A parcel of land in and being a part of the Northwest 1/4, Section 13, Town 2 North, Range 11 East, Township of Troy, City of Troy, County of Oakland, State of Michigan, being more particularly described as: Part of the Northwest 1/4 beginning at a point distant South 03 degrees 00 minutes 00 seconds West 527 feet and South 87 degrees 08 minutes 40 seconds East 60 feet from the Northwest section corner, thence South 87 degrees 08 minutes 40 seconds East 347 feet to the centerline of Gibson Drain, thence Southerly 169 feet & Southerly 87 feet & Southerly 87 feet along said centerline, thence North 87 degrees 08 minutes 40 seconds West 370 feet, thence North 03 degrees 00 minutes 00 seconds East 338 feet to the Point of Beginning, containing 2.69 acres of land, more or less, more commonly known as 4850 John R Road, Troy, Michigan.
Sidwell No. 20-13-100-051

The "Right of Way Area" is a part of Grantor's Land and is described as:

As shown on Right-of-Way survey drawing and easement description dated 9/1/05, pages 1 and 2, attached hereto and made a part hereof.

The Right-of-Way easement is ten feet (10') wide.

1. **Purpose:** The purpose of this Right of Way is to construct, reconstruct, modify, add to, operate and maintain underground utility line facilities consisting of poles, guys, anchors, wires, manholes, conduits, pipes, cables, transformers and accessories.
2. **Access:** Grantee has the right of access to and from the Right of Way Area.
3. **Buildings or other Permanent Structures:** No buildings or other permanent structures are allowed in the Right of Way Area without Grantee's prior written consent.
4. **Excavation:** Under 1974 Public Act 53, you must call MISS DIG (1-800-482-7171) before excavating in the Right of Way Area.
5. **Trees, Bushes, Branches, Roots, Structures and Fences:** Grantee may trim, cut down, remove or otherwise control any trees, bushes, branches and roots in the Right of Way Area (or that could grow into the Right of Way Area) and remove structures and fences in The Right of Way Area that Grantee believes could interfere with the safe and reliable construction, operation and maintenance of Grantee's facilities. No trees, plant life, structures and fences can be planted, grown or installed within 8 feet of the front door and within 2 feet of the other sides of transformers and switching cabinet enclosures. Grantee will not be responsible to Grantor for damages to or removal of trees, plant life, structures and fences placed in front of transformer doors.
6. **Restoration:** If Grantee's employees, contractors, vehicles or equipment damage Grantor's Land while entering Grantor's Land for the purposes stated in this Right of Way, then Grantee will restore Grantor's Land as nearly as can be to its original condition.
7. **Successors:** This Right of Way runs with the land and binds and benefits Grantor's and Grantee's successors and assigns.
8. **Exemption:** Exempt under MCL 207.505(a) and MCL 207.526(a).

Grantor(s): *(Type or print name below signature)*
City of Troy, a Michigan Municipal Corporation

By: Louise E. Schilling

Its: Mayor

By: Tonni L. Bartholomew

Its: City Clerk

Acknowledged before me in _____ County, Michigan, on _____, 2005, by Louise E. Schilling, Mayor, and Tonni L. Bartholomew, City Clerk, City of Troy, a Michigan Municipal Corporation, for the Michigan Municipal Corporation.

Notary's
Stamp

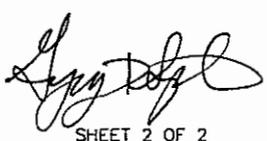
(Notary's name, county, and date commission expires)

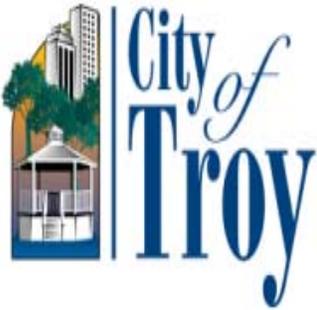
Notary's
Signature

UNDERGROUND EASEMENT

A underground easement on, over, under and across a 10 foot wide strip of land being part of the Northwest 1/4 of Section 13, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan. Being described by its centerline as: Commencing at the Northwest corner of said Section 13; thence South 03°00'00" West, 527.00 feet, along the west line of said Section 13 and the centerline of John R Road; thence South 87°08'40" East, 60.00 feet, to the Easterly Right of Way of John R Road; thence South 87°08'40" East, 185.58 feet, to the POINT OF BEGINNING; thence South 42°28'01" West, 80.84 feet, to the point of ending.

Said easement is to construct, reconstruct, operate and maintain overhead and underground electric lines including poles, wires, manholes, conduits, cables and equipment. Edison may trim or cut down any trees, bushes, or branches in the easement that Edison believes could interfere with the operation and maintenance of its facilities. No buildings, structures or other encroachments shall be placed in the easement without Edison's prior written consent.

Detroit Edison SYSTEM PROJECTS & ENGINEERING	LOCATION MAP AND DESCRIPTION FOR 10' UNDERGROUND EASEMENT IN PART OF THE NORTHWEST 1/4 OF SECTION 13, T. 2 N., R. 11 E., CITY OF TROY, OAKLAND COUNTY, MI			 SHEET 2 OF 2
	SCALE 1 INCH = N.A. FEET			
DRAWN BY G.D. STEPHENS	SURVEY ENGINEER G.D. STEPHENS	DATE OF DRAWING 06/05	DRAWING NO. CE TRV 00	



TO: Mayor and Members of Troy City Council
FROM: Lori Grigg Bluhm, City Attorney
Allan T. Motzny, Assistant City Attorney
DATE: October 12, 2005
SUBJECT: Gerback, as Member of 300 Park Venture, LLC v Troy

The City and the Troy City Council have been sued in a second lawsuit filed by James Gerback. The lawsuit was filed on August 25, 2005, but not served on the City for approximately one month. In this second lawsuit, Gerback challenges the City Council's postponement on his request to rezone the 0.892 acres of residential property that is located on northwest corner of Rochester Road and Marengo. Plaintiff is seeking B-1 zoning, which would permit him to construct a Binson's Home Health Care Center on the property.

In the lawsuit, Gerback alleges that the City Council has breached a clear legal duty by failing to act on Plaintiff's rezoning request within 21 days. The public hearing was scheduled for August 1, 2005, after the Planning Commission recommended a denial of the requested rezoning. The public hearing was postponed until the first meeting in March 2006, which would allow for the completion of the Planning Commission's Future Land Use Plan for the Rochester Road corridor. Under the new state law, the process for making changes to the Master Land Use Plan has been extended, and could not feasibly be completed until early 2006.

In Count I of the Complaint, the Plaintiff seeks an order mandating an immediate decision by the Troy City Council on Plaintiff's rezoning request. Counts II and III allege the City Council has effectively denied the rezoning request, and therefore argue that this constructive denial constitutes a violation of Plaintiff's right to substantive due process (Count II) and the right to equal protection under the law (Count III). In both Counts II and III, Plaintiff seeks an injunction that prevents Troy, "from interfering with Plaintiff's proposed use of the property."

Our office will assume the defense of this case, absent objections from City Council. If you have any questions, please let us know.

WILLIAMS, WILLIAMS, RUBY & PLUNKETT, P.C. 380 N. OLD WOODWARD AVENUE, SUITE 300 BIRMINGHAM, MICHIGAN 48009 TELEPHONE (248) 642-0333

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

JAMES L. GERBACK, as a member of
300 PARK VENTURE, LLC,

RECEIVED FOR FILING
OAKLAND COUNTY CLERK

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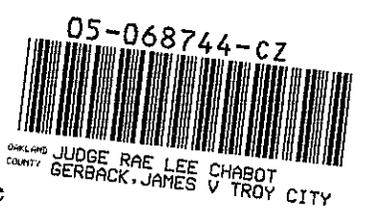
Plaintiff,

v.

THE CITY OF TROY and THE CITY OF TROY
CITY COUNCIL, jointly
and severally,

Defendants.

Case No.



31
DEPUTY COUNTY CLERK

Honorable

Ernest J. Essad, Jr., (P32572)
David E. Plunkett (P66696)
Attorneys for Plaintiff
Williams, Williams, Ruby & Plunkett, P.C.
380 N. Old Woodward, Suite 300
Birmingham, Michigan 48009
(248) 642-0333

**COMPLAINT FOR INJUNCTIVE RELIEF
AND WRIT OF MANDAMUS**

There is no other civil action between these parties arising out of the same transaction or occurrence as alleged in this Complaint pending in this Court, nor has any such action been previously filed and dismissed or transferred after having been assigned to a Judge, nor do I know of any other civil action, not between these parties, arising out of the same transaction or occurrence as alleged in this Complaint that is either pending or was previously filed and dismissed, transferred, or otherwise disposed of after having been assigned to a Judge in this Court.

Plaintiff James L. Gerback, as a member of 300 Park Venture, LLC, by his attorneys, states as follows for his Complaint for Injunctive Relief and Writ of Mandamus against the City of Troy and the City of Troy City Council:

WILLIAMS, WILLIAMS, RUBY & PLUNKETT, P.C. 380 N. OLD WOODWARD AVENUE, SUITE 300 BIRMINGHAM, MICHIGAN 48009 TELEPHONE (248) 642-0333

PARTIES AND PROPERTY

1. Plaintiff James L. Gerback ("Gerback") is a member of 300 Park Venture, LLC ("300 Park"). Gerback's address is 300 Park Street, Suite 375, Birmingham, Michigan 48009.
2. 300 Park has entered into a contract to purchase the subject property from the owner of the property, Fred Flaim ("Flaim"). Flaim and 300 Park executed a Purchase Agreement and Rider on September 22, 2004, as amended by a certain Extension Agreement dated March 15, 2005 (collectively, the "Purchase Agreement"). Flaim has authorized Gerback and 300 Park to commence and pursue litigation to rezone the Property from residential to commercial zoning.
3. Defendant City of Troy is a Michigan municipal body, located in Oakland County, Michigan ("Troy").
4. Defendant City of Troy City Council is a Michigan municipal administrative board ("City Council").
5. The subject property is vacant land consisting of .892 acres located in Troy on the northwest corner of Rochester Road and Marengo Avenue.

JURISDICTION AND VENUE

6. This Court has jurisdiction over Troy and the City Council because they are both located in Oakland County, and this Complaint seeks equitable relief and a writ of mandamus, which are within the jurisdictional limits of the Court.
7. This matter arises from the City Council's effective denial of Plaintiff's rezoning Request by refusing to approve or deny the Request, and the refusal by the Troy Board of Zoning Appeals to hear an appeal of the denial.
8. Venue is proper in this Court.

FACTUAL ALLEGATIONS

9. The Property is zoned R-1B One Family Residential.

10. The Property is vacant land consisting of .892 acres located on the northwest corner of Rochester Road and Marengo Avenue. The Property is approximately 300 feet wide along Rochester Road by only 130 feet deep.

11. On or about March 23, 2005, Plaintiff filed a Rezoning Request with the Troy Planning Commission to rezone the Property to B-1 for the purpose of developing a Binson's Home Health Care Center on the Property (the "Rezoning Request"). (Ex. A.)

12. Plaintiff's support for the Rezoning Request included, but was not limited to, the following:

1. The property immediately to the south of the Property is zoned B-1 (local business), and is used as a multi-tenant commercial building;
2. The property immediately to the north of the Property is used as a law office, despite being zoned R-1B (one family residential);
3. The property to the east across Rochester Road is used as a large religious complex and multi-family housing;
4. The heavy traffic flow on Rochester Road is not conducive to residential use;
5. The shallow dimensions of the Property do not allow for adequate buffering for residential use;
6. The only potential purchasers who have contacted the owner are interested in the Property for commercial use, not residential; and

7. An Opinion and Order by this Court in another matter involving similarly situated property on Rochester Road near the Property where the Court found that the R-1B zoning was unreasonable, basing its finding on the heavy traffic on Rochester Road and the surrounding business development. (Ex. B.)

13. On June 14, 2005, the Troy Planning Commission voted 5-4 to recommend that the City Council deny the Rezoning Request. (Ex. C, relevant meeting minutes).

14. On August 1, 2005, the Council refused to approve or deny the Rezoning Request.

15. Instead, the Council tabled the decision on the Rezoning Request until March 1, 2006, and requested that the Planning Commission review the Master Plan regarding the Rochester Road corridor.

16. The Council's refusal to act on the Rezoning Request until at the earliest March 1, 2006, is effectively a denial of the Rezoning Request because it prevents Plaintiff from making economic use of the Property for seven months.

17. Plaintiff has attempted to obtain a use variance from the City, but has been informed by the Troy City Attorney the Troy Zoning Ordinance does not give the Troy Board of Zoning Appeals jurisdiction to grant use variances or otherwise hear an appeal from Plaintiff.

18. Defendant City Council acted arbitrarily and capriciously in effectively denying Plaintiff's Rezoning Request by tabling the Request. B-1 is the appropriate zoning for the Property, given the surrounding development and the location on Rochester Road. Defendant City Council failed to advance a legitimate governmental interest in effectively denying the Rezoning Request.

WILLIAMS, WILLIAMS, RUBY & PLUNKETT, P.C. 380 N. OLD WOODWARD AVENUE, SUITE 300 BIRMINGHAM, MICHIGAN 48009 TELEPHONE (248) 642-0333

COUNT I
Mandamus

19. Plaintiff hereby incorporates by reference Paragraphs 1 through 18 as though fully set forth here.

20. This Court has the power to issue a writ of mandamus where a party has breached a clear legal duty.

21. Troy and the City Council have breached a clear legal duty by refusing to act on Plaintiff's Rezoning Request.

22. Tabling Plaintiff's Rezoning Request for seven months without taking action on the Request is an unreasonable violation of Plaintiff's right to due process under the Michigan Constitution, and such action is without rational basis, is unreasonable, arbitrary and capricious, and fails to advance any governmental interest.

WHEREFORE, Plaintiff respectfully requests that the Court enter a Writ of Mandamus ordering the City of Troy and the Troy City Council to act on Plaintiff's Rezoning Request within a reasonable time period, not to exceed twenty-one (21) days.

COUNT II
Denial of Substantive Due Process

23. Plaintiff hereby incorporates by reference Paragraphs 1 through 22 as though fully set forth here.

24. The actions of the City Council in effectively denying Plaintiff's Rezoning Request constitute an unreasonable violation of Plaintiff's constitutional right to substantive due process under the Michigan Constitution for the reason for that such action is without rational basis, is unreasonable, arbitrary and capricious, and fails to advance any governmental interest.

WILLIAMS, WILLIAMS, RUBY & PLUNKETT, P.C. 360 N. OLD WOODWARD AVENUE, SUITE 300 BIRMINGHAM, MICHIGAN 48009 TELEPHONE (248) 642-0333

25. The actions of the City Council in denying Plaintiff's Request bear no reasonable relationship to the health, safety and welfare of the public of Troy.

WHEREFORE, Plaintiff respectfully requests that the Court enter an appropriate injunction preventing the City of Troy and the Troy City Council from interfering with Plaintiff's proposed use of the Property.

COUNT III
Denial of Equal Protection

26. Plaintiff hereby incorporates by reference Paragraphs 1 through 25 as though fully set forth here.

27. Plaintiff, Troy and the City Council are subject to the Constitution of the State of Michigan.

28. The Constitution of the State of Michigan requires that all persons be afforded equal protection under the law.

29. Defendants have approved zoning of B-1 for similarly situated parcels in the area of Troy surrounding the Property.

30. The effective denial of Plaintiff's Rezoning Request was arbitrary and capricious and denied it equal protection under the law.

31. Said actions by the Troy and City Council are in violation of the Constitution of the State of Michigan.

32. In its effective denial of Plaintiff's Rezoning Request, the City Council has not cited any health, safety or welfare concern relative to the variance request to distinguish it from any other similar B-1 zoning previously approved by the City Council.

WILLIAMS, WILLIAMS, RUBY & PLUNKETT, P.C. 380 N. OLD WOODWARD AVENUE, SUITE 300 BIRMINGHAM, MICHIGAN 48009 TELEPHONE (248) 642-0333

WHEREFORE, Plaintiff respectfully requests that the Court enter an appropriate injunction preventing the City of Troy and the Troy City Council from interfering with Plaintiff's proposed use of the Property.

Jury Demand

Plaintiff hereby requests a trial by jury on all issues so triable.

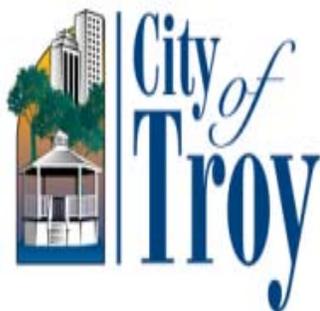
Respectfully submitted,

WILLIAMS, WILLIAMS, RUBY & PLUNKETT, P.C.

By: 

Ernest J. Essad, Jr. (P32572)
David E. Plunkett (P66696)
Attorneys for Plaintiff
380 N. Old Woodward, Suite 300
Birmingham, MI 48009
(248) 642-0333

Dated: August 25, 2005



TO: Mayor and Members of Troy City Council
FROM: Lori Grigg Bluhm, City Attorney
Susan M. Lancaster, Assistant City Attorney
DATE: October 12, 2005
SUBJECT: Vacation of Consent Judgment – Troy Long Lake, L.L.C.

A March 25, 1988 Consent Judgment currently controls the property at the corner of Long Lake Road and Livernois Road in the City of Troy (the site of T-Birds restaurant). This Consent Judgment was in settlement of a lawsuit that was filed against the City of Troy in 1987.

The Consent Judgment limits the development on the Property, and allows for the construction of a restaurant, which is a permitted use in the B-2 (Community Business) zoning district. The Consent Judgment required the original Plaintiff, Three Plus Corporation, to convey additional right of way to the City of Troy, in addition to constructing acceleration and deceleration lanes on Livernois Road and Long Lake Roads, and limiting the number of curb cuts to the property.

According to the terms of the Consent Judgment, the use of the Property needs to be consistent with the Consent Judgment, which essentially requires a restaurant on the property. However, the successor Plaintiff, Troy Long Lake, L.L.C., has recently proposed a People's Bank to replace the T-Birds restaurant. They have submitted their proposal to the Troy Planning Commission, which has granted preliminary site plan approval, contingent upon the vacation of the Consent Judgment and the planting of a buffer between the adjoining residential property and the site. A vacation of the Consent Judgment would allow a bank branch, subject to the provisions of the B-2 (Community Business) zoning district.

A vacation of the Consent Judgment requires the approval of the Troy City Council, as well as the successor Plaintiffs, Troy Long Lake, L.L.C.. A proposed Stipulated Order for Vacation of a Consent Judgment is attached for your review and/or approval.

Troy Long Lake, L.L.C. has not yet closed on the property, but closing is scheduled for mid-October. In the interim, Troy Long Lake L.L.C. is reluctant to close on the property until they have some assurance that their proposed bank is feasible. Therefore, the proposed resolutions are contingent upon the closing on the property, and the document, if approved, would not be entered until Troy Long Lake L.L.C. provided sufficient proof of ownership of the property.

If you have any questions concerning this matter, please let us know.

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

TROY LONG LAKE, L.L.C., a Michigan Corporation, and the Successor in Interest to THREE PLUS CORPORATION, a Michigan Corporation,

Plaintiff,

V.

Case No. 87-340985 AW
Hon. John J. McDonald

CITY OF TROY, a Michigan Municipal Corporation, TROY PLANNING COMMISSION, and TROY BUILDING DEPARTMENT,

Defendants.

_____/
Philip P. Ruggeri (P31554)
Attorney for Successor Plaintiff
TROY LONG LAKE, L.L.C.,
The Successor in Interest to
THREE PLUS CORPORATION
38700 Van Dyke Ave., Suite 200
Sterling Heights, MI 48312
Phone: (586) 977-8000
Fax: (586) 977-8031

Susan M. Lancaster (P33168)
Attorney for Defendants
CITY OF TROY, TROY
PLANNING COMMISSION and
TROY BUILDING DEPARTMENT
500 W. Big Beaver Road
Troy, MI 48084
Phone: (248) 524-3320
Fax: (248) 524-3259

STIPULATED ORDER FOR VACATION OF
CONSENT JUDGMENT

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

PRESENT: HONORABLE _____, CIRCUIT JUDGE
John J. McDonald

STIPULATIONS

1. TROY LONG LAKE, L.L.C., a Limited Liability Company, is the successor owner of real property in the City of Troy, Oakland County, Michigan, which is legally described on the attached Exhibit A, and hereafter referred to as PROPERTY. The PROPERTY was previously owned by the original Plaintiff, THREE PLUS CORPORATION, which currently possesses no interest in the PROPERTY.
2. The PROPERTY was the subject of a Consent Judgment between the original Plaintiff, THREE PLUS CORPORATION and the Defendants, CITY OF TROY, TROY PLANNING COMMISSION AND TROY BUILDING DEPARTMENT. The Consent Judgment was initially entered into on March 25, 1998.
3. According to the terms of the Consent Judgment, the Court retains and possesses jurisdiction over this action.
4. The Consent Judgment limited the development of the PROPERTY, and allowed for a restaurant to be constructed on the PROPERTY, in accordance with the terms and conditions as set forth in the Consent Judgment.
5. A restaurant was constructed on the Property shortly after the entry of the Consent Judgment.
6. The PROPERTY has been sold to the successor Plaintiff, TROY LONG LAKE, L.L.C., who has proposed to tear down the restaurant and construct a new bank on the PROPERTY.

7. The new bank would be permitted as of right in the underlying zoning classification of the PROPERTY (B-2). Without the existence of the Consent Judgment, the Successor Plaintiff would need only to secure site plan approval from the Troy Planning Commission in order to proceed with the proposed development of a bank.
8. On September 13, 2005, the Successor Plaintiff, TROY LONG LAKE, L.L.C., received preliminary approval for their proposed site plan from the Troy Planning Commission, which is contingent upon the vacation of the Consent Judgment entered on March 25, 1988 and the planting of three (3) additional canopy trees on the south edge of the PROPERTY.
9. The Consent Judgment currently precludes the PROPERTY from being used for any purpose other than a restaurant.
10. The parties, and/or their successors in interest, have stipulated to the vacation of the March 25, 1998 Consent Judgment, which would allow the Property uses to be consistent with the underlying zoning classification (B-2, Community Business), and would allow for the construction of a bank on the PROPERTY.
11. A vacation of the Consent Judgment is in the best interest of the parties.
12. The original consideration provided in exchange for the opportunity to construct a restaurant has already been provided. This consideration includes, but is not limited to the construction of acceleration lanes on

Livernois Road and Long Lake Road, the limit to two curb cuts for the restaurant (one on Livernois Road and one on Long Lake Road), and the conveyance of right of way by the original Plaintiffs.

13. The Successor Plaintiff, TROY LONG LAKE, L.L.C., has voluntarily agreed to plant three (3) additional canopy trees to the south edge of the PROPERTY, to buffer the adjoining residential property prior to final site plan approval. The preliminary site plan approval is contingent upon the satisfaction of this condition.

NOW THEREFORE, in consideration of all of the above factors, and after being apprised of the facts through stipulations of the parties, and each party having retained legal counsel,

THIS COURT **ORDERS** that the previous Consent Judgment, governing the PROPERTY described in Exhibit A and dated March 25, 1988, is hereby **VACATED**. The PROPERTY can be developed in any manner consistent with the underlying zoning classification of B-2 (Community Business District), or any future amendments to the zoning classification for the PROPERTY that are approved by the Troy City Council, as long as the proposed development is consistent with any required site plan approval that is received from the City of Troy.

John J. McDonald, Circuit Judge

Approved as to form and substance
and stipulated for entry:

TROY LONG LAKE, L.L.C,

CITY OF TROY,

By:

By: Louise E. Shilling, Mayor

Philip P. Ruggeri (P31554)
Attorney for Troy Long Lake, L.L.C.

By: Tonni Bartholomew, Clerk

Susan M. Lancaster (P33168)
Assistant City Attorney for Troy

LEGAL DESCRIPTION:

PROPERTY DESCRIPTION - PARCEL TAX ID #20-15-101-001

A PARCEL OF LAND IN PART OF THE NORTHWEST 1/4 OF SECTION 15, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 15; THENCE ALONG THE NORTH LINE OF SECTION 15, DUE EAST 245.20 FEET; THENCE SOUTH 00°00'43" EAST 60.00 FEET TO A POINT ON THE SOUTH LINE OF LONG LAKE ROAD (120 FEET WIDE) AND THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 00°00'43" EAST 259.20 FEET TO THE NORTH LINE OF "BELZAIR SUBDIVISION" (LIBER 67, PAGE 31); THENCE ALONG THE NORTH LINE OF "BELZAIR SUBDIVISION," DUE WEST 185.20 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF LIVERNOIS AVENUE (120 FEET WIDE); THENCE ALONG THE EAST RIGHT-OF-WAY LINE OF LIVERNOIS ROAD, NORTH 00°00'43" WEST 229.20 FEET; THENCE NORTH 44°59'38" EAST 42.42 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF LONG LAKE ROAD; THENCE ALONG THE SOUTH RIGHT-OF-WAY LINE OF LONG LAKE ROAD, DUE EAST 155.20 FEET BACK TO THE POINT OF BEGINNING.

CONTAINING 1.0917 ACRES OF LAND, SUBJECT TO AND TOGETHER WITH ANY EASEMENTS, RESTRICTIONS, OR RESERVATIONS AFFECTING TITLE TO THE DESCRIBED PARCEL.

EXHIBIT A

REC'D

October 3, 2005

TO: Mr. John Szerlag, City Manager

FROM: Charles Craft, Chief of Police
Gary Mayer, Police Captain
Chris Stout, Police Sergeant

SUBJECT: Agenda Item - Application for transfer of Class C license for Daawat
Indian Cuisine

RAHI ENTERPRISE, INC, requests to transfer ownership the 2005 Class C licensed business with a Official Permit (Food), located in escrow at 4382 Baldwin, Auburn Hills to a new location within Troy to be located at 3875-3877 Rochester Troy, MI 48084, Oakland County; And Requests a new SDM to be held in conjunction.

At its September 12th meeting, the Liquor Advisory Committee entertained this request. Present to answer questions from the Board was owner Hasmukh Patel. Daawat Indian Cuisine is a 90 seat restaurant that is open for lunch buffet and dinner. There is no bar in the restaurant and all spirits will be served at the tables and/or booths.

The Committee unanimously approved this request.

The police department's background investigation of the shareholders revealed no criminal activity or disqualifying factors. Consequently, we have no objection to this request.

LIQUOR CONTROL COMMISSION

7150 Harris Drive
P.O. Box 30005
Lansing, Michigan 48909-7505

AMENDED
8/31/05
KCP

POLICE INVESTIGATION REQUEST

[Authorized by MCL 436.1201(4)]

To: TROY POLICE DEPARTMENT
CHIEF OF POLICE
500 WEST BIG BEAVER ROAD
TROY, MI 48084-5285

Date: July 14, 2005
REF#: 309994

Chief Law Enforcement Officer

Applicant:

RAHI ENTERPRISE, INC. REQUESTS TO TRANSFER OWNERSHIP OF 2005 CLASS C LICENSED BUSINESS WITH OFFICIAL PERMIT (FOOD), LOCATED IN ESCROW AT 4382 BALDWIN, STORE M-625, AUBURN HILLS, MI 48326, OAKLAND COUNTY, FROM AUBURN HILLS ENTERTAINMENT, INC. (A DELAWARE CORPORATION); TRANSFER LOCATION (GOVERNMENTAL UNIT) (MCL 436.1531(1)) TO 3875-3877 ROCHESTER, TROY, MI 48083, OAKLAND COUNTY; AND REQUESTS A NEW SDM TO BE HELD IN CONJUNCTION AND ~~NEW DANCE-ENTERTAINMENT PERMIT.~~

REQUEST FOR NEW DANCE-ENTERTAINMENT PERMIT. CANCEL

Please make an investigation of the application. If you do not believe that the applicants are qualified for licensing, give your reasons in detail. Complete the Police Inspection Report on Liquor License Request, LC-1800, or for Detroit police, the Detroit Police Investigation of License Request, LC-1802. If there is not enough room on the front of the form, you may use the back.

Forward your report and recommendations of the applicant to the Licensing Division.

Please include fingerprint cards and \$30.00 for each card, and mail to the Michigan Liquor Control Commission.

If you have any questions, contact the Licensing Division at (517) 322-1400, after 10:00 a.m.

POLICE INSPECTION REPORT ON LIQUOR LICENSE REQUEST

Req ID #309994

(Authorized by MCL 436.1217)

Michigan Department of Labor & Economic Growth

MICHIGAN LIQUOR CONTROL COMMISSION

7150 Harris Drive

P.O. Box 30005

Lansing, Michigan 48909-7505

Important: Please conduct your investigation as soon as possible and complete all four sections of this report. Return the completed report and fingerprint cards to the Commission.

BUSINESS NAME AND ADDRESS: (include zip code)

RAHI ENTERPRISE, INC., 3875-3877 ROCHESTER, TROY, MI 48083, OAKLAND COUNTY

REQUEST FOR:

REQUEST TO TRANSFER OWNERSHIP OF 2005 CLASS C LICENSED BUSINESS (IN ESCROW) WITH OFFICIAL PERMIT (FOOD) FROM AUBURN HILLS ENTERTAINMENT, INC. (A DELAWARE CORPORATION); TRANSFER LOCATION (GOVERNMENTAL UNIT) (MCL 436.1531(1) FROM 4382 BALDWIN, STORE M-625, AUBURN HILLS, MI 48326, OAKLAND COUNTY; AND REQUEST A NEW SDM TO BE HELD IN CONJUNCTION, AND NEW DANCE-ENTERTAINMENT PERMIT. CANCEL REQUEST FOR NEW DANCE - ENTERTAINMENT PERMIT.

Section 1. APPLICANT INFORMATION

APPLICANT #1: HASMUKHBHAI J. PATEL - STOCKHOLDER

HOME ADDRESS AND AREA CODE/PHONE NUMBER: 4270 VASSAR DRIVE TROY, MI 48085 H(248)740-1379/B(248)743-0223

DATE OF BIRTH: If the applicant is not a U.S. Citizen: Does the applicant have permanent Resident Alien status? Does the applicant have a Visa? Enter status: Date fingerprinted:

APPLICANT #2: MAYURIBEN H. PATEL - STOCKHOLDER

HOME ADDRESS AND AREA CODE/PHONE NUMBER: 4270 VASSAR DRIVE TROY, MI 48085 H(248)740-1379/B(248)743-0223

DATE OF BIRTH: If the applicant is not a U.S. Citizen: Does the applicant have permanent Resident Alien status? Does the applicant have a Visa? Enter status: Date fingerprinted:

Attach the fingerprint card and \$30.00 for each card and mail to the Michigan Liquor Control Commission.

ARREST RECORD: Felony Misdemeanor Enter record of all arrests & convictions (attach a signed and dated report if more space is needed)

ARREST RECORD: Felony Misdemeanor Enter record of all arrests & convictions (attach a signed and dated report if more space is needed)

Section 2. Investigation of Business and Address to be Licensed

Does applicant intend to have dancing or entertainment? No Yes, complete LC-693N, Police Investigation Report: Dance/Entertainment Permit

Are gas pumps on the premises or directly adjacent? No Yes, explain relationship:

Section 3. Local and State Codes and Ordinances, and General Recommendations

Will the applicant's proposed location meet all appropriate state and local building, plumbing, zoning, fire, sanitation and health laws and ordinances, if this license is granted? Yes No

If you are recommending approval subject to certain conditions, list the conditions: (attach a signed and dated report if more space is needed)

Section 4. Recommendation

From your investigation: 1. Is this applicant qualified to conduct this business if licensed? 2. Is the proposed location satisfactory for this business? 3. Should the Commission grant this request? 4. If any of the above 3 questions were answered no, state your reasons: (Attach a signed and dated report if more space is needed)

Signature (Sheriff or Chief of Police) Date

TROY POLICE DEPARTMENT

APPLICATION FOR OFFICIAL PERMIT FOR DIFFERENCE IN HOURS OF OPERATION
(Authorized by MAC R 436.1437)

Applicant or Licensee Name: RAHI ENTERPRISE, INC.
Address: 3875-3877 Rochester Rd, Troy MI 48083
Type of License: Class C, new SDM

The Commission is requested to grant an after hours permit for: (check boxes that apply)

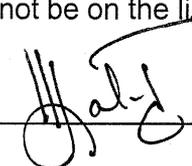
- Operating our restaurant for the sale of food
- Operating night league bowling, tournaments or Sunday morning bowling
- Registering golfers
- Registering Skiers
- Registering Tennis Players
- Other: _____

During the Hours of:

Weekdays _____ A.M. to _____ A.M.

Sundays 11:30 A.M. to 12:00 A.M. pm

It is understood that customers shall not be on the licensed premises for any activity other than the requested activity.

Licensee or Applicant Signatures:  _____

LOCAL LAW ENFORCEMENT RECOMMENDATION

To Law Enforcement Agency:

This application is for official permits allowing the after hours operations indicated above. Please enter your recommendations below and return one signed copy to the Commission. Thank you.

- Recommended. Comments: _____
- Recommended except for _____ permit.
- Not Recommended

Signature and Title _____ Date: _____

AGREEMENT REGARDING LIQUOR LICENSE REQUEST

This Agreement, made this 4th day of August, 2005, by and between the CITY OF TROY, MICHIGAN, a municipal corporation, with offices located at 500 W. Big Beaver Road, Troy, Michigan, 48084, hereinafter known as THE CITY, and RAHI ENTERPRISE, INC. whose address is 3875 Rochester, the Applicant, hereinafter known as APPLICANT.

1. The City Council of the City of Troy, for and in consideration of the following covenants and conditions, agrees to recommend to the Michigan Liquor Control Commission Approval of the request to transfer a 2005 Class C licensed business, with new SDM and Dance-Entertainment permit, located at 3875 Rochester, Troy, by RAHI ENTERPRISE, INC.
2. In consideration of the City of Troy's recommendation for approval of the request, the applicant hereby agrees that:
 - (a) It has read and is aware of the provisions of City of Troy Ordinances, Chapter No. 67, Chapter No. 68 and Chapter No. 98, and agrees that it shall be deemed to have knowledge of any subsequent amendments to said Chapters which may become effective during the term of this agreement.
 - (b) It has read and is in receipt of copies of the provisions of the City of Troy, City Council Resolution No. 93-1028 regarding Entertainment Permits, and agrees that it shall be deemed to have knowledge of any subsequent amendments to the Resolution which may become effective during the term of this agreement.
 - (c) It agrees to observe and comply with all laws, statutes, ordinances, rules, regulations or resolutions of the United States government, State of Michigan, and the City of Troy, or any department or agency of the governmental entities, as well as the rules and regulations of the Michigan Liquor Control Commission as they pertain to the operation of a liquor licensed business in the City of Troy.
 - (d) It agrees to immediately require all employees who serve/sell alcohol to attend a recognized alcohol awareness program, and forward the names of each certified employee to the Troy Police Department. The alcohol awareness program must either be recognized by the Troy Police Department (i.e. TIPS, TAMS), or the program must be reviewed by the Troy Police Department to insure that the program is comparable to the recognized programs.
3. Applicant agrees that the recommendation for Approval agreed upon by the City Council is not a property right and is approved upon the express and continuing condition that no violation as set forth in paragraph 2 of this agreement shall occur.
4. Applicant agrees that the recommendation for Approval agreed upon by the City Council is approved upon the express and continuing condition that the physical characteristics (including but not limited to the inside layout, building design and engineering, seating capacity, parking space allocations, fire exits, and other physical attributes); and also the nature and type of business intended to be conducted remain virtually the same.
5. Applicant agrees that upon such violation, after full investigation and an opportunity for said applicant to be heard, upon a finding by the City Council that a violation as set forth in paragraph 2 of this agreement has occurred, the City Council shall have just cause for revocation of said recommendation for approval.



Hasmukhrai S. Patel

STOCKHOLDER



Mayuriben H. Patel

STOCKHOLDER

Witnesses:

Theresa Marie Visger

Frank

Subscribed and sworn to before me
this 5th day of August, 2005

Marcy Ammons

**MARCY AMMONS
NOTARY PUBLIC, STATE OF MI
COUNTY OF OAKLAND
MY COMMISSION EXPIRES MAY 24, 2011
ACTING IN COUNTY OF Oakland**

Notary Public, Marcy Ammons
County, Oakland
My commission expires: 3/24/11

CITY OF TROY

By: _____
Louise Schilling, Mayor

By: _____
Tonni Bartholomew, City Clerk

Witnesses:

Subscribed and sworn to before me
this _____ day of _____, 200__

Notary Public, Oakland
County, Michigan
My commission expires:

A regular meeting of the Liquor Advisory Committee was held on Monday, September 12, 2005 in the Lower Level Conference Room of Troy City Hall, 500 West Big Beaver Road. Chairman Max K. Ehlert called the meeting to order at 7:00 p.m.

ROLL CALL:

PRESENT: Max K. Ehlert, Chairman
Alex Bennett
W. Stan Godlewski
Patrick C. Hall
James R. Peard
Bohdan L. Ukraineec
Sergeant Thomas Gordon
Pat Gladysz

ABSENT: Henry W. Allemon

Resolution to Excuse Committee Member Allemon

Resolution #LC2005-09-019
Moved by Ukraineec
Seconded by Godlewski

RESOLVED, that the absence of Committee member Allemon at the Liquor Advisory Committee meeting of September 12, 2005 BE EXCUSED.

Yes: 6
No: None
Absent: Allemon

Resolution to Approve Minutes of July 11, 2005 Meeting

Resolution #LC2005-09-020
Moved by Bennett
Seconded by Hall

RESOLVED, that the Minutes of the July 11, 2005 meeting of the Liquor Advisory Committee be approved.

Yes: 6
No: None
Absent: Allemon

Agenda Items

1. **RAHI ENTERPRISE, INC.** requests to transfer ownership of 2005 Class C licensed business with official permit (food), located in escrow at 4382 Baldwin, Store M-625, Auburn Hills, MI 48326, Oakland County, from Auburn Hills Entertainment, Inc. (A Delaware Corporation); transfer location (governmental unit)(MCL 436.1531(1)) to 3875-3877 Rochester, Troy, MI 48083, Oakland County; and requests a new SDM to be held in conjunction and new dance-entertainment. [MLCC REQ ID# 309994] *Daawat Indian Cuisine*

Present to answer questions from the Committee was Hasmukh Patel.

Mr. Patel is the owner of Daawat Indian Cuisine which opened in February 2005. This 90-seat restaurant is open for a lunch buffet and dinner. Mr. Patel and the full-time manager will attend the TIPS class in October, and will make arrangements to send all employees to a training class also. There is no bar in the restaurant and all spirits will be served at the tables and/or booths. He has withdrawn the “dance and entertainment” portion of his request.

Resolution #LC2005-09-021
Moved by Ukrainec
Seconded by Godlewski

RESOLVED, that RAHI ENTERPRISE, INC. be allowed to transfer ownership of 2005 Class C licensed business with official permit (food), located in escrow at 4382 Baldwin, Store M-625, Auburn Hills, MI 48326, Oakland County, from Auburn Hills Entertainment, Inc. (A Delaware Corporation); transfer location (governmental unit)(MCL 436.1531(1)) to 3875-3877 Rochester, Troy, MI 48083, Oakland County; and requests a new SDM to be held in conjunction and new dance-entertainment.

Yes: 6
No: None
Absent: Allemon

- 2. **MJMN, INC.**, requests to transfer all stock interest in 2005 SDD & SDM licensed corporation located at 36949 Dequindre, Troy MI 48084, Oakland County wherein sole stockholder Masoud Matti transfers 100 shares of stock to new stockholder, Kawkab Matti. [MLCC REQ ID# 311118]
Atlas Market and Bakery

Present to answer questions from the Committee was Kawkab Matti.

This request is a total transfer of ownership from father (Masoud Matti) to son (Kawkab Matti). The market has been open for eight months and only three family members sell the liquor. Mr. Matti states that he fully understands the liquor laws. He is currently waiting for one additional inspection approval from the Building Department for a new oven.

Resolution #LC2005-09-022

Moved by Ukrainec

Seconded by Peard

RESOLVED, that MJMN, INC., be allowed to transfer all stock interest in 2005 SDD & SDM licensed corporation located at 36949 Dequindre, Troy MI 48084, Oakland County wherein sole stockholder Masoud Matti transfers 100 shares of stock to new stockholder, Kawkab Matti.

Yes: 6
No: None
Absent: Allemon

-
- 3. **AG SPORTS, INC.**, requests to transfer ownership of 2005 Class C licensed business with Dance-Entertainment Permit, Outdoor Service (1 area) and 3 Bars, located at 2511 Livernois, Troy MI 48084, Oakland County, from Premier Sports, L.L.C.; request new Official Permit (Food). [MLCC REQ ID# 314395] *Spectadium*

Present to answer questions from the Committee were attorney Kelly Allen and Baljamber Atwal.

Mr. Atwal, his wife, and two silent partners have purchased Spectadium and expect to sign the lease this week. He plans to keep the manager of five years, assistant managers, and most of the wait staff who have all been trained. The sports bar theme will not change. He is making selected interior improvements and is waiting for a few inspections.

Resolution #LC2005-09-023
Moved by Ukrainec
Seconded by Peard

RESOLVED, that AG SPORTS, INC., be allowed to transfer ownership of 2005 Class C licensed business with Dance-Entertainment Permit, Outdoor Service (1 area) and 3 Bars, located at 2511 Livernois, Troy MI 48084, Oakland County, from Premier Sports, L.L.C.; request new Official Permit (Food).

Yes: 6
No: None
Absent: Allemon

Ms. Allen also stated that she will appear before the Committee in a few months to represent Capital Grille with a request for a SDM license to sell beer and wine for off-premise consumption.

Sergeant Gordon informed the Committee that he will be returning to Road Patrol duties. Sergeant Chris Stout will assume his responsibilities with regard to liquor licenses.

The meeting adjourned at 7:30 p.m.

Max K. Ehlert, Chairman

Patricia A. Gladysz, Office Assistant II

October 10, 2005

TO: John Szerlag, City Manager

FROM: Brian P. Murphy, Asst. City Manager/Services
Steve Vandette, City Engineer
John K. Abraham, Traffic Engineer 

SUBJECT: Agenda Item – Traffic Committee Recommendations – September 21, 2005

At the Traffic Committee meeting of September 21, 2005, the following recommendations were made for City Council approval:

1. To recommend no changes at Sandshores and Walker (Item 7).
2. To recommend that parking be prohibited on the east side of English from 30 feet south of the 5350 driveway to the 2687 driveway, between 7 a.m. and 4 p.m. school days only; and
to recommend prohibiting parking on the east side of Blair north of the driveway at 2680 to English, between 7 a.m. and 4 p.m. school days only (Item 8).
3. To recommend NOT installing 3-way STOP signs at Heatherwood and Northfield Parkway, but to install an advisory sign on southbound Northfield Parkway indicating that there is a hidden intersection ahead, in a location north of the intersection to be determined by the traffic engineer. This request does not meet the MMUTCD warrants for all-way stop signs. (Item 9)
4. To recommend no changes to the Glyndebourne/Chalgrove/Dalesford intersection (Item 10).
5. To recommend that fire lanes/tow away zones shown in the attached sketch be established at Cambridge Crossing 1, Maple Road (Item 12).
6. To recommend that fire lanes/tow away zones shown in the attached sketch be established at Regents Park – Alisop (Item 13).
7. To recommend that fire lanes/tow away zones shown in the attached sketch be established at Regents Park – Melcombe (Item 14).
8. To recommend that fire lanes/tow away zones shown in the attached sketch be established at Rochester Commons Condos (Item 15).

A regular meeting of the Troy Traffic Committee was held Wednesday, September 21, 2005 in the Lower Level Conference Room at Troy City Hall. Jan Hubbell called the meeting to order at 7:30 p.m.

1. Roll Call

PRESENT: Ted Halsey
Jan Hubbell
Richard Kilmer
Richard Minnick
Peter Ziegenfelder
Katherine Tan, Student Representative

ABSENT: John Diefenbaker

Also present: John Abraham, Traffic Engineer
Sgt. Robert Redmond, Police Department
Lt. Robert Matlick, Fire Department

and Mary Ann and Ray Trepanier, 5331 Blair
Mike Johnson, 450 E. Square Lake
Murray Deagle, 328 Evaline
Kim Clark, 3330 Kilmer
Shane Diehl, 23201 Jefferson
Yolanda Ray, 5350 English
Michael Debs, 1501 Heatherwood
Deborah Miela, 2410 Dalesford
Gloria Gold, 2410 Dalesford

Resolution to Excuse Absent Members

RESOLUTION #2005-09-42

Moved by Kilmer
Seconded by Halsey

To excuse Mr. Diefenbaker.

YES: All-5
NO: None
ABSENT: 1 (Diefenbaker)

MOTION CARRIED

2. Minutes – July 20, 2005**RESOLUTION #2005-09-43**

Moved by Kilmer

Seconded by Ziegenfelder

To approve the July 20, 2005 minutes as printed.

YES: All-5

NO: None

ABSENT: Diefenbaker

MOTION CARRIED

PUBLIC HEARINGS**3. Request for Sidewalk Waiver – 450 East Square Lake**

Mike Johnson is requesting a waiver for the sidewalk at 450 East Square Lake. The sidewalk ordinance requires that sidewalk be installed in conjunction with the development of this parcel due to a recent lot split, combined and replatted. The Public Works Department recommends denial of this waiver request. Petitioner has signed an "Agreement for Irrevocable Petition for Sidewalks."

Petitioner states that there are no other sidewalks in the area, the sidewalk would lead nowhere and connect to nothing.

The Traffic Engineer received a letter from Tsan-Hai Chue, who strongly objects to the waiver.

Mr. Johnson pointed out that there is a sidewalk on the north side of Square Lake, and none on the south side except west of the school near Donaldson.

RESOLUTION #2005-09-44

Moved by Halsey

Seconded by Kilmer

1. WHEREAS, City of Troy Ordinances, Chapter 34, Section 8(D) allows the Traffic Committee to grant temporary waivers of the City of Troy Design Standards for Sidewalks upon a demonstration of necessity; and

WHEREAS, Mike Johnson has requested a temporary waiver of the requirement to construct a sidewalk on the property because there are no other sidewalks in the area, the sidewalk would lead nowhere and connect to nothing; and

WHEREAS, the Traffic Committee has determined the following:

- a. A variance will not impair the public health, safety or general welfare of the inhabitants of the City and will not unreasonably diminish or impair

established property values within the surrounding area, and

b. A strict application of the requirements to construct a sidewalk would result in practical difficulties to, or undue hardship upon, the owners, and

c. The construction of a new sidewalk on the property line would lead nowhere and connect to no other walk, and thus will not serve the purpose of a pedestrian travel-way.

NOW THEREFORE, BE IT RESOLVED that the Traffic Committee grants a two-year waiver of the sidewalk requirement for the property at 450 East Square Lake, which is owned by Mike Johnson.

YES: All-5
NO: None
ABSENT: 1 (Diefenbaker)

MOTION CARRIED

4. Request for Sidewalk Waiver – 1687 Westwood

Mike Johnson is requesting a waiver for the sidewalk at 1687 Westwood. The sidewalk ordinance requires that sidewalk be installed in conjunction with the development of this parcel due to a recent lot split, combined and replatted. The Public Works Department recommends denial of this waiver request. Petitioner has signed an "Agreement for Irrevocable Petition for Sidewalks."

Petitioner states that there are no other sidewalks in the area, the sidewalk would lead nowhere and connect to nothing.

Mr. Johnson said none of the residences on Westwood have sidewalks. There is a short stretch of sidewalk on both sides of Westwood in front of two commercial properties.

RESOLUTION #2005-09-45

Moved by Minnick

Seconded by Halsey

1. WHEREAS, City of Troy Ordinances, Chapter 34, Section 8(D) allows the Traffic Committee to grant temporary waivers of the City of Troy Design Standards for Sidewalks upon a demonstration of necessity; and

WHEREAS, Mike Johnson has requested a temporary waiver of the requirement to construct a sidewalk on the property because there are no other sidewalks in the area, the sidewalk would lead nowhere and connect to nothing; and

WHEREAS, the Traffic Committee has determined the following:

- a. A variance will not impair the public health, safety or general welfare of the inhabitants of the City and will not unreasonably diminish or impair established property values within the surrounding area, and
- b. A strict application of the requirements to construct a sidewalk would result in practical difficulties to, or undue hardship upon, the owners, and
- c. The construction of a new sidewalk on the property line would lead nowhere and connect to no other walk, and thus will not serve the purpose of a pedestrian travel-way.

NOW THEREFORE, BE IT RESOLVED that the Traffic Committee grants a two-year waiver of the sidewalk requirement for the property at 1687 Westwood, which is owned by Mike Johnson.

YES: All-5
NO: None
ABSENT: 1 (Diefenbaker)

MOTION CARRIED

5. Request for Sidewalk Waiver – 3358 Kilmer

RWT Building is requesting a waiver for the sidewalk at 3358 Kilmer. The sidewalk ordinance requires that sidewalk be installed in conjunction with the development of this parcel due to a recent lot split, combined and replatted. The Public Works Department recommends denial of this waiver request. Petitioner has signed an "Agreement for Irrevocable Petition for Sidewalks."

Petitioner states that there are no other sidewalks in the area, the sidewalk would lead nowhere and connect to nothing.

Murray Deagle, representing RWT Building, said there are open ditches all along Kilmer. Mr. Haley asked if RWT would be building any other houses on Kilmer. Mr. Deagle said he might if one were for sale. He mostly does infill construction.

Kim Clark, 3330 Kilmer, doesn't want sidewalks. If sidewalks were put in along Kilmer, all the beautiful shade trees would have to be taken down.

RESOLUTION #2005-09-46

Moved by Halsey
Seconded by Kilmer

1. WHEREAS, City of Troy Ordinances, Chapter 34, Section 8(D) allows the Traffic Committee to grant temporary waivers of the City of Troy Design Standards for Sidewalks upon a demonstration of necessity; and

WHEREAS, RWT has requested a temporary waiver of the requirement to construct a sidewalk on the property because there are no other sidewalks

in the area, the sidewalk would lead nowhere and connect to nothing; and

WHEREAS, the Traffic Committee has determined the following:

- a. A variance will not impair the public health, safety or general welfare of the inhabitants of the City and will not unreasonably diminish or impair established property values within the surrounding area, and
- b. A strict application of the requirements to construct a sidewalk would result in practical difficulties to, or undue hardship upon, the owners, and
- c. The construction of a new sidewalk on the property line would lead nowhere and connect to no other walk, and thus will not serve the purpose of a pedestrian travel-way.

NOW THEREFORE, BE IT RESOLVED that the Traffic Committee grants a two-year waiver of the sidewalk requirement for the property at 3358 Kilmer, which is owned by RWT Building.

YES: All-5
NO: None
ABSENT: 1 (Diefenbaker)

MOTION CARRIED

6. Request for Sidewalk Waiver – 1674 Van Courtland

RWT Building is requesting a waiver for the sidewalk at 1674 Van Courtland. The sidewalk ordinance requires that sidewalk be installed in conjunction with the development of this parcel due to a recent lot split, combined and replatted. The Public Works Department recommends denial of this waiver request. Petitioner has signed an "Agreement for Irrevocable Petition for Sidewalks."

Petitioner states that there are no other sidewalks in the area, the sidewalk would lead nowhere and connect to nothing. There are a few odd lots with sidewalks on the west side of the street. There are ditches along Van Courtland, and shade trees that would have to be destroyed to construct sidewalks.

RESOLUTION #2005-09-47

Moved by Halsey
Seconded by Kilmer

1. WHEREAS, City of Troy Ordinances, Chapter 34, Section 8(D) allows the Traffic Committee to grant temporary waivers of the City of Troy Design Standards for Sidewalks upon a demonstration of necessity; and

WHEREAS, RWT Building has requested a temporary waiver of the requirement to construct a sidewalk on the property because there are no other sidewalks in the area, the sidewalk would lead nowhere and connect

to nothing; and

WHEREAS, the Traffic Committee has determined the following:

- a. A variance will not impair the public health, safety or general welfare of the inhabitants of the City and will not unreasonably diminish or impair established property values within the surrounding area, and
- b. A strict application of the requirements to construct a sidewalk would result in practical difficulties to, or undue hardship upon, the owners, and
- c. The construction of a new sidewalk on the property line would lead nowhere and connect to no other walk, and thus will not serve the purpose of a pedestrian travel-way.

NOW THEREFORE, BE IT RESOLVED that the Traffic Committee grants a two-year waiver of the sidewalk requirement for the property at 1674 Van Courtland, which is owned by RWT Building.

YES: All-5
NO: None
ABSENT: 1 (Diefenbaker)

MOTION CARRIED

REGULAR BUSINESS

Motion to Take Items Out of Order

RESOLUTION #2005-09-48

Moved by Halsey
Seconded by Kilmer

To take Items 8, 9, and 10 out of order.

7. Install YIELD Sign on Sandshores at Walker

Paul Clark, 1695 Three Lakes, requests a YIELD sign on Sandshores at Walker. Both ends of Sandshores run into Walker in two separate locations. There is currently a YIELD sign at the south end of Sandshores, and Mr. Clark wants another one installed at the north end of Sandshores to be consistent. Mr. Clark also mentioned that he sees some confusion from vehicles that exit Sandshores onto Walker drive.

Traffic volume on Sandshores was found to be around 200 vehicles in a day, and on Walker around 545 vehicles in a day. No significant sight obstructions were observed at the intersection. Traffic crash history shows no crashes in the past 3 years at the intersection. Traffic volumes on Troy residential streets range

between 300 and 5000 vehicles per day.

The petitioner did not attend the meeting, and the committee saw no necessity for a YIELD sign at this location

RESOLUTION #2005-09-49

Moved by Kilmer

Seconded by Minnick

Recommend no changes at Sandshores and Walker.

YES: All-5

NO: None

ABSENT: 1 (Diefenbaker)

MOTION CARRIED

8. Establish Parking Restrictions at the Curve on English at Blair

Mary Ann Trepanier, 5331 Blair, requests parking restrictions at the curve on English at Blair. Ms. Trepanier reports that vehicles parked on this curve serve as a sight obstruction to traffic on the roadway due to the curve and the intersection of Blair. She reported that she has seen several close calls when there are vehicles parked along the curve. This route also serves a lot of the school traffic and she feels it is prudent to restrict parking on this curve so that the area is safer. English runs from Dequindre and serves as a route to the school, and also connects to Highbury, which leads to the rest of the neighborhood.

Ms. Trepanier passed out drawings of the area. She reported that school children cross at this corner, and the big school buses often run over the curb trying to get around parked cars. She said there the same problem on Blair near the corner and would like parking prohibited there. Ray Trepanier says English is used as a shortcut to Dequindre, and would like to see no parking allowed in front of 2680 English.

Another citizen at 5350 reports that there is also a speed problem in the area. His daughter was a safety patrol person and found it very hard to help kids cross the street at this location. He would like to see a 3-way STOP there.

Sgt. Redmond said English is heavily traveled, and agrees with the parking restriction request in both areas. He did not recommend a 3-way STOP, but if there were a STOP sign installed, it should be on Blair only.

RESOLUTION #2005-09-50

Moved by Minnick

Seconded by Ziegenfelder

- a. Recommend prohibiting parking on the east side of English from 30 feet south of the 5350 driveway to the 2687 driveway, between 7 a.m. and 4 p.m. school days only.
- b. Recommend prohibiting parking on the east side of Blair north of the driveway at 2680 to English, between 7 a.m. and 4 p.m. school days only.

YES: All-5
NO: None
ABSENT: 1 (Diefenbaker)

MOTION CARRIED

9. **Install 3-way STOP signs at Heatherwood and Northfield Parkway**

Tom Cooper, 1493 Heatherwood, requests 3-way STOP signs at Heatherwood and Northfield Parkway. Mr. Cooper contacted Lt. McWilliams regarding an ALL-WAY STOP traffic control at this intersection in light of a recent crash at the intersection. Some of the concerns are that the intersection is located on a curve of Northfield parkway, and it is reported that oftentimes vehicles on Heatherwood cannot see oncoming traffic from southbound Northfield Parkway. There is a lot of traffic going to Hamilton Elementary school in the morning and at dismissal times; added to this is all the traffic trying to get to the major roads (Long Lake and Coolidge).

Michael Debs, 1501 Heatherwood, said there were two crashes in the last two months due to speeding on Northfield Parkway. He says there is also a blind spot looking north from Heatherwood at Northfield.

Sgt. Redmond said there is a 240 foot clear sight line looking north, and that is sufficient for safety. He said he is aware of one crash at this location, which is still under investigation, and that there is a possibility that the driver on Heatherwood failed to yield to Northfield traffic.

Katherine Tan said that her personal experience is that many students speed on Northfield going to school. Sgt. Redmond said his traffic studies do not indicate a speeding problem on Northfield. The 85th percentile is below the posted speed limit.

Mr. Ziegenfelder works in a building to the north and doesn't see a problem at this location.

The classification of Northfield Parkway is a "residential collector" street with a speed limit of 35 MPH. The primary function of a collector street is to "collect" traffic from the residential streets and lead them onto major roads. STOP signs are normally installed to assign right-of-way, and Heatherwood being a lower volume residential street has a STOP sign, so that Northfield Parkway has right-of-way at this intersection. A traffic volume study shows that Heatherwood carries around 1400 vehicles in a day while Northfield Parkway carries around 3600

vehicles in a day. There was a recent traffic crash at the intersection, however crash history since 2001 shows only 2 other crashes reported. As such, the 3-WAY STOP signs may not alleviate any traffic crash pattern.

Traffic volumes on Troy residential streets range between 300 and 5000 vehicles per day. For stop signs to be installed at Heatherwood and Northfield Parkway, one of the following conditions should be satisfied as per the Michigan Manual of Uniform Traffic Control Devices:

- a. Intersection of a less important road with a main road, where application of a normal right-of-way rule is disruptive to capacity on the main road.
- b. Street entering a through highway or street.
- c. Unsignalized intersection in a signalized area.
- d. Other intersections with a combination of high speed, restricted view and serious accident record.

None of the warrants for an ALL-WAY STOP-controlled intersection have been met for this intersection. It has been documented by different agencies that unwarranted STOP signs normally result in high violation rates and also promote general loss of credibility of all traffic control signs. Attached please find a research document that reviews 70 different articles and papers related to STOP signs that confirm that unwarranted STOP signs do not help traffic safety. This document is also available online at the Traffic Engineering section of the City's website.

RESOLUTION #2005-09-51

Moved by Halsey

Seconded by Kilmer

To recommend not installing 3-way STOP signs at Heatherwood and Northfield Parkway, but to install an advisory sign on southbound Northfield Parkway indicating that there is a hidden intersection ahead, in a location north of the intersection to be determined by the traffic engineer.

YES: All-5

NO: None

ABSENT: 1 (Diefenbaker)

MOTION CARRIED

10. Install STOP sign on Glyndebourne at Dalesford

This item was tabled by the committee at the May 18 meeting and reconsidered at the July 20 meeting. Jefree Vang, 2345 Dalesford, requested STOP signs on Glyndebourne at Dalesford. Mr. Vang thinks that this is a very unsafe intersection and does not really know what to do about it but something needs to be done. He said even though he does not know how to cure this problem, safety is the main issue.

This item has been considered by the Traffic Committee a number of times in the past. The present configuration has STOP signs on all approaches that have sight obstructions. Basically, this intersection has five approaches and only Glyndebourne does not have any traffic control. A traffic crash analysis shows no reported crashes in the past five years. Adding STOP signs on Glyndebourne will create more confusion, since this is a five-legged intersection. The only other option is to do some physical changes to the intersection so that a “T” intersection is created at Glyndebourne/Chalgrove, and a four-way intersection at Glyndebourne/Dalesford, as shown in the attachments. Field observations indicate that currently the intersection operates in such a way that there is the least confusion. Attached are copies of earlier items considered by the Traffic Committee on this matter.

Current traffic volumes on the streets entering the intersection in a day are: Dalesford from the east, 114 vehicles per day; Dalesford from the west, 66 vehicles per day; Chalgrove from the south, 257 vehicles per day; Chalgrove from the north, 83 vehicles per day; Glyndebourne from the north, 167 vehicles per day. Traffic volumes on Troy residential streets range between 300 and 5000, and the values observed at this intersection are in the low end of the usual residential traffic volumes.

Years ago a recommendation went to Council to enclose one side of the island so that it would create a three-way T-intersection at Chalgrove and Glyndebourne, and a four-way intersection at Dalesford, Chalgrove and Glyndebourne and was approved. However, one resident went to Council to oppose this and the decision was overturned. The concern with adding more STOP signs here it that a six-way stop-controlled intersection would be created and cause even more confusion.

Dr. Abraham would like the petitioner to talk to area residents and see if they would be receptive to blocking off the short street from Chalgrove to Dalesford and reconfiguring this intersection to make a 3-way T-intersection and a 4-way intersection. He says that reconfiguring is the best solution. A roundabout would work but would also be costly. The intersection of Dalesford and Glyndebourne will be 4-way and controlled by existing STOP signs on Dalesford. The intersection of Glyndebourne and Chalgrove will be 3-way controlled by the existing STOP sign on Chalgrove. The work will also involve widening the section of Glyndebourne between Dalesford and Chalgrove to accommodate two-way traffic.

In May Dr. Abraham requested a delay on any recommendations until he consulted with Engineering to see if this intersection could be reconfigured and how long it would take. The City Engineer indicated that the work involved could be added to one of the other City contracts and that the work could be completed this summer.

Deborah Miela, 2410 Dalesford, is in favor of the proposed changes. She feels southbound through traffic should stop.

Gloria Gold, 2410 Dalesford, wants STOP signs on Glyndebourne to slow down speeding traffic. Her cat was killed there. She questioned why the island would have to be removed. The Traffic Engineer explained that the island will not be removed. The portion of Glyndebourne between Dalesford and Chalgrove will be widened. Mr. Minnick suggested that widening Glyndebourne at the intersection could increase traffic speeds.

At the July meeting the two residents indicated that they would prefer a 4-way STOP.

This issue was considered by City Council at their July 18 meeting. At that time Ms. Miela and Ms. Gold indicated that they had changed their minds and did not support the resolution to modify the intersection. For that reason, Council referred the item back to the Traffic Committee for further review.

The petitioner attended the first Traffic Committee meeting only, and has not attended any subsequent meetings. Ms. Gold and Ms. Miela have attended all the meetings to express their concerns. Ms. Miela indicated that the current intersection is attractive and she wouldn't want the island removed, and she realizes that a STOP sign wouldn't solve the speed problems. Ms. Gold said widening that area of Charnwood would allow traffic to move even faster than it does now.

RESOLUTION #2005-09-52

Moved by Halsey

Seconded by Kilmer

To recommend no changes to the Glyndebourne/Chalgrove/Dalesford intersection.

YES: All-5

NO: None

ABSENT: 1 (Diefenbaker)

MOTION CARRIED

11. Establish Fire Lanes at Midtown Square Condos, Maple and Coolidge

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

Shane Diehl, representing the condominium association, asked for a variance on the number of signs required. The standards require 54 signs, 100 feet apart, at a total cost of about \$5,000, and he feels that many signs would be unsightly. Mr. Deal requested signs every 150 feet, for a total of only 36 signs. Lt. Matlick and Mr. Deal will rework the plan and place the signs 150 feet apart, with closer spacing in problem areas.

RESOLUTION #2005-09-53

Moved by Kilmer

Seconded by Ziegenfelder

To table this item until the October meeting to give the Fire Department time to rework the fire lanes/tow away zones at Midtown Square Condos, Maple and Coolidge.

YES: All-5

NO: None

ABSENT: 1 (Diefenbaker)

MOTION CARRIED

12. Establish Fire Lanes at Cambridge Crossing 1, Maple Road

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

RESOLUTION #2005-09-54

Motion by Kilmer

Seconded by Ziegenfelder

Recommend that the fire lanes/tow away zones shown in the attached sketch be established at Cambridge Crossing 1, Maple Road.

YES: All-5

NO: None

ABSENT: 1 (Diefenbaker)

MOTION CARRIED

13. Establish Fire Lanes at Regents Park – Alisop

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

RESOLUTION #2005-09-55

Moved by Kilmer

Seconded by Ziegenfelder

Recommend that the fire lanes/tow away zones shown in the attached sketch be established at Regents Park - Alisop.

YES: All-5

NO: None

ABSENT: 1 (Diefenbaker)

MOTION CARRIED

14. Establish Fire Lanes at Regents Park – Melcombe

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

RESOLUTION #2005-09-56

Moved by Kilmer

Seconded by Ziegenfelder

Recommend that the fire lanes/tow away zones shown in the attached sketch be established at Regents Park - Melcombe.

YES: All-5

NO: None

ABSENT: 1 (Diefenbaker)

MOTION CARRIED

15. Establish Fire Lanes at Rochester Commons Condos

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

RESOLUTION #2005-09-57

Moved by Kilmer

Seconded by Ziegenfelder

Recommend that the fire lanes/tow away zones shown in the attached sketch be established at Rochester Commons Condos.

YES: All-5

NO: None

ABSENT: 1 (Diefenbaker)

MOTION CARRIED

16. Visitors' Time

No one else wished to address the committee.

17. Other Business

Ms. Hubbell welcomed Katherine Tan, the new student representative, to the Traffic Committee. Ms. Tan is a student at Troy High School.

Mr. Halsey mentioned that a landscaping truck parks partly in the road at Williard and English. It appears to belong to the homeowner, and its projection into the intersection is hazardous. Sgt Redmond will check.

Lt. Matlick reported that the traffic light at the turnaround on westbound Long Lake Road, east of Rochester, is not functioning properly. Dr. Abraham said the Road Commission for Oakland County is aware of the malfunction and has been working on it every day this week.

The Traffic Engineer will be out of the country until after the deadline for preparation of the November traffic agenda, and the recording secretary will be out of state for that meeting. The committee decided to cancel that meeting.

RESOLUTION #2005-09-58

Moved by Halsey

Seconded by Minnick

To cancel the November meeting.

YES: All-5

NO: None

ABSENT: 1 (Diefenbaker)

MOTION CARRIED

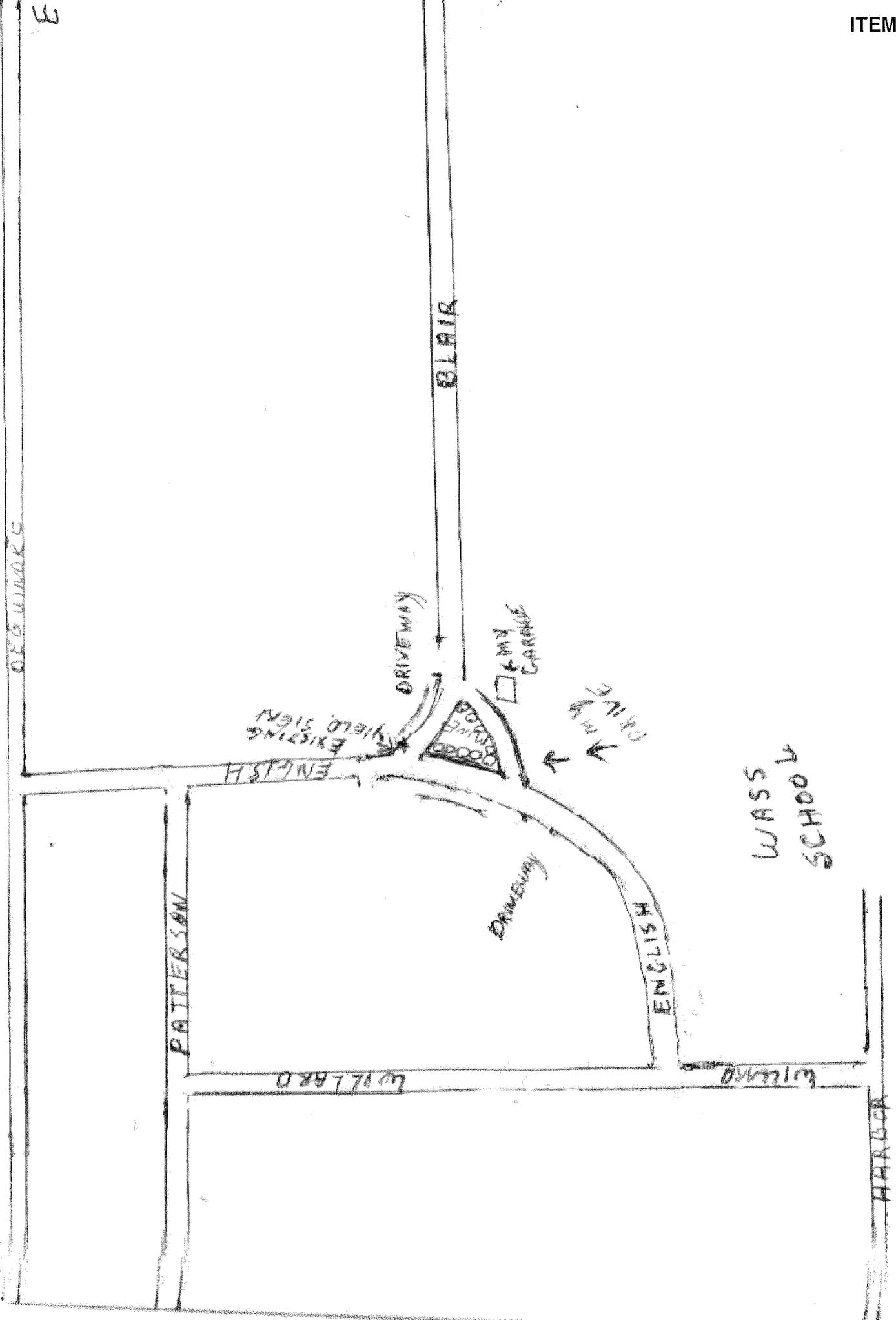
13. Adjourn

The meeting adjourned at 9:04 p.m.

The next meeting is scheduled for October 19, 2005.

Jan Hubbell
Vice Chair

Laurel Nottage
Recording Secretary



3

DE WINDERS

CLAIR

DRIVEWAY

GARAGE

EXISTING YIELD SIGN

WOOD BOND

DRIVE

ENGLISH

DRIVEWAY

ENGLISH

WASS SCHOOL

PATTERSON

WILBARD

WILBARD

HARLOCK



Geographical Information Systems Online



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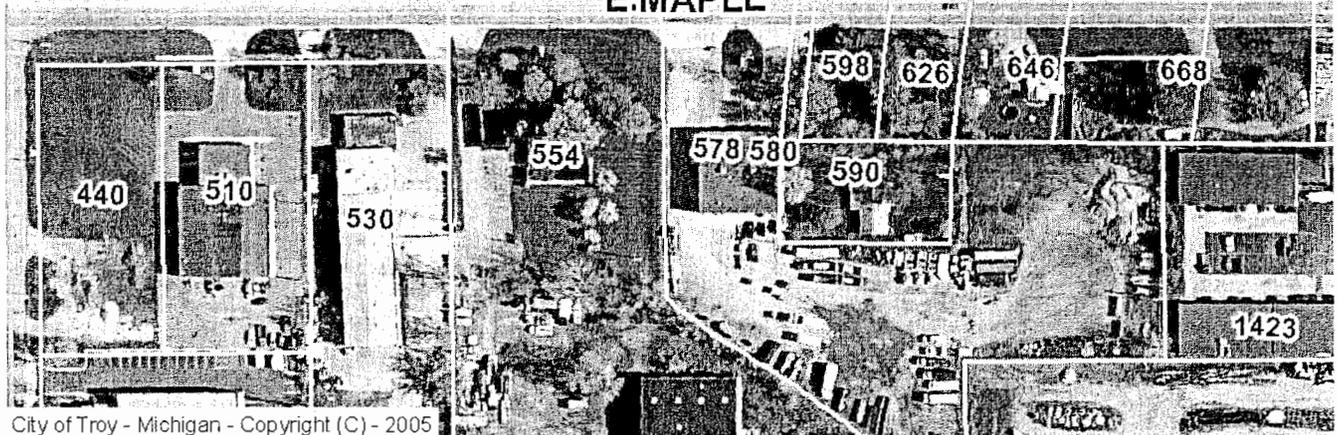
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Geographical Information Systems Online



E. MAPLE



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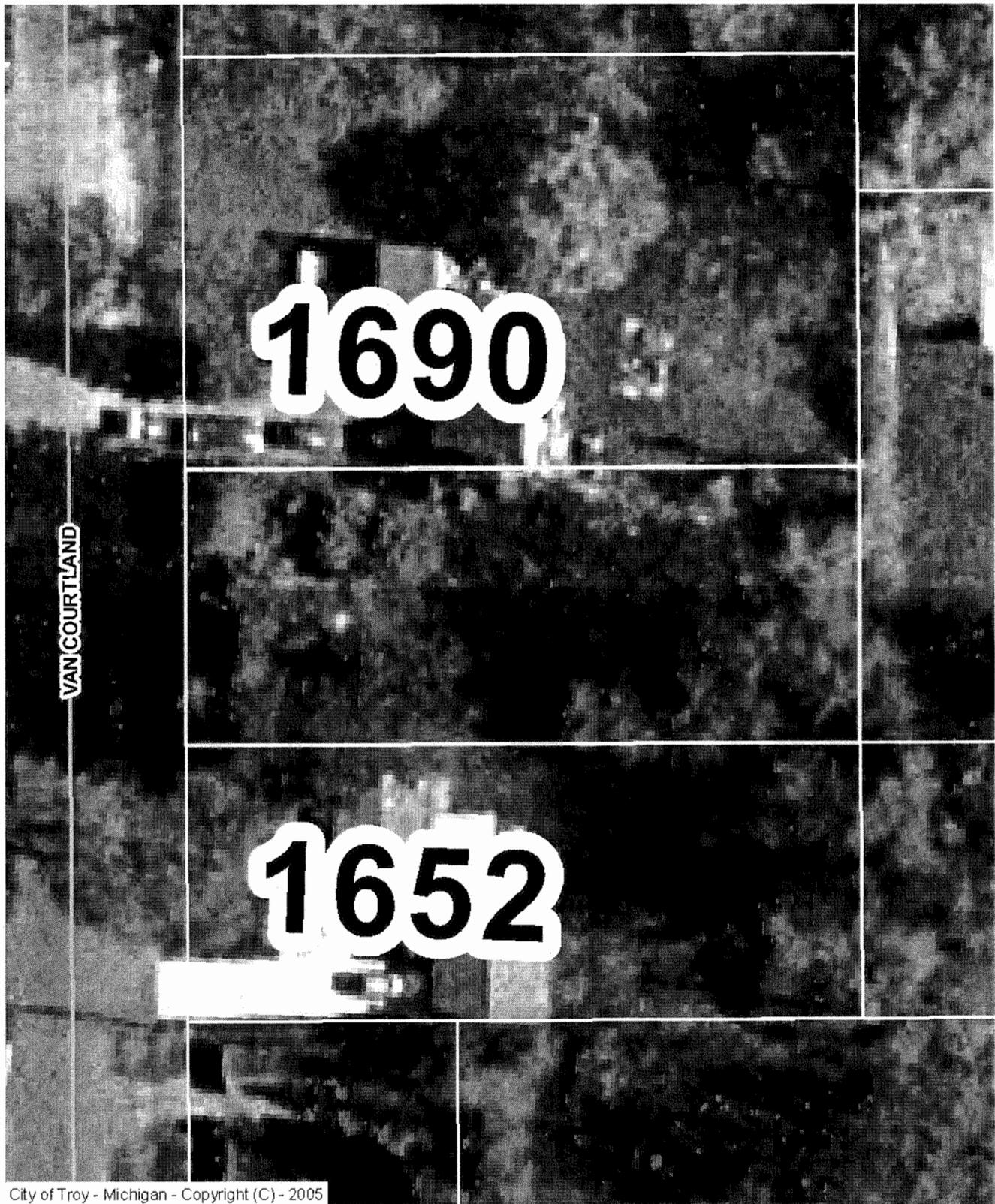


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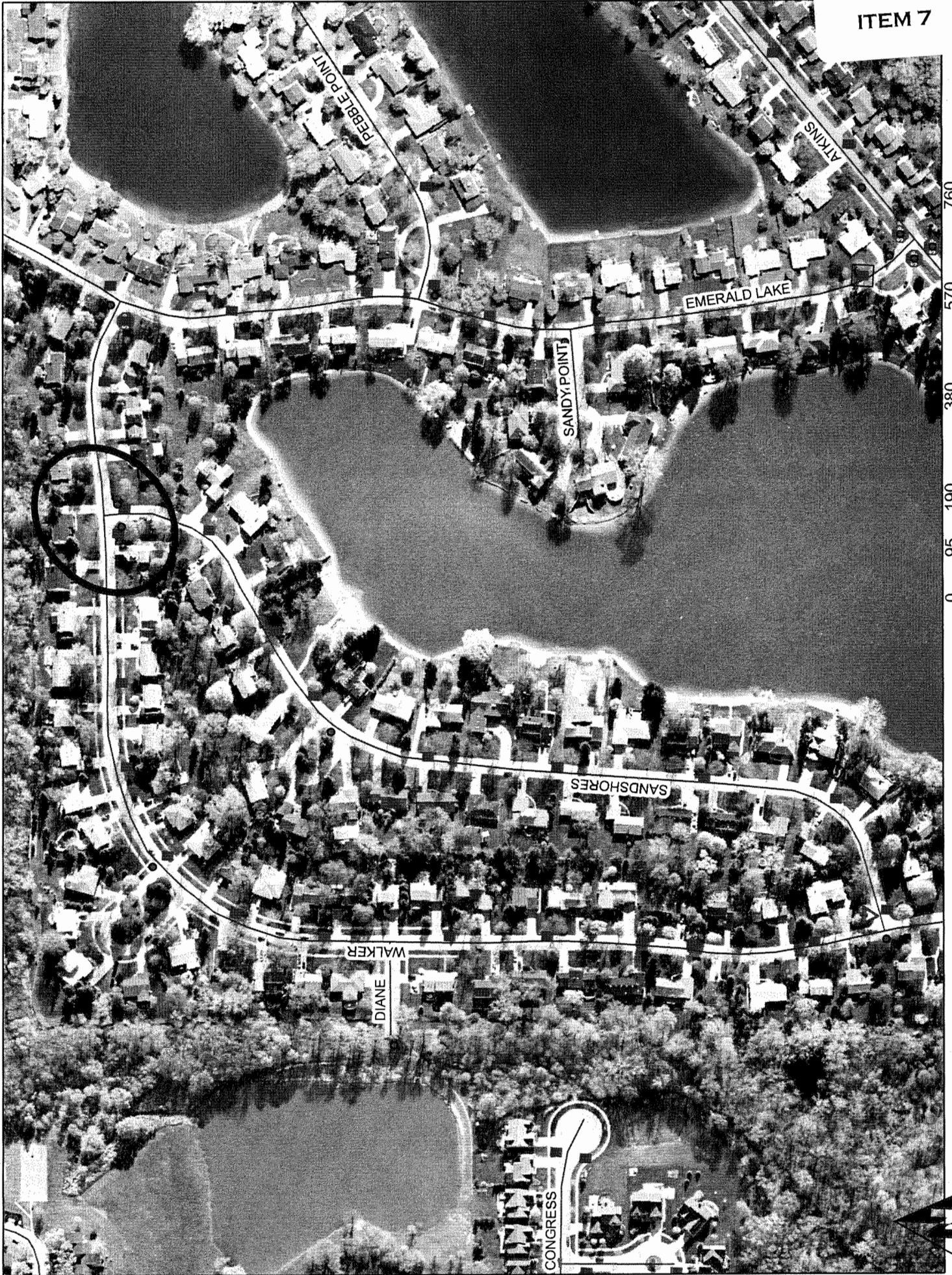
VAN COURTLAND

1690

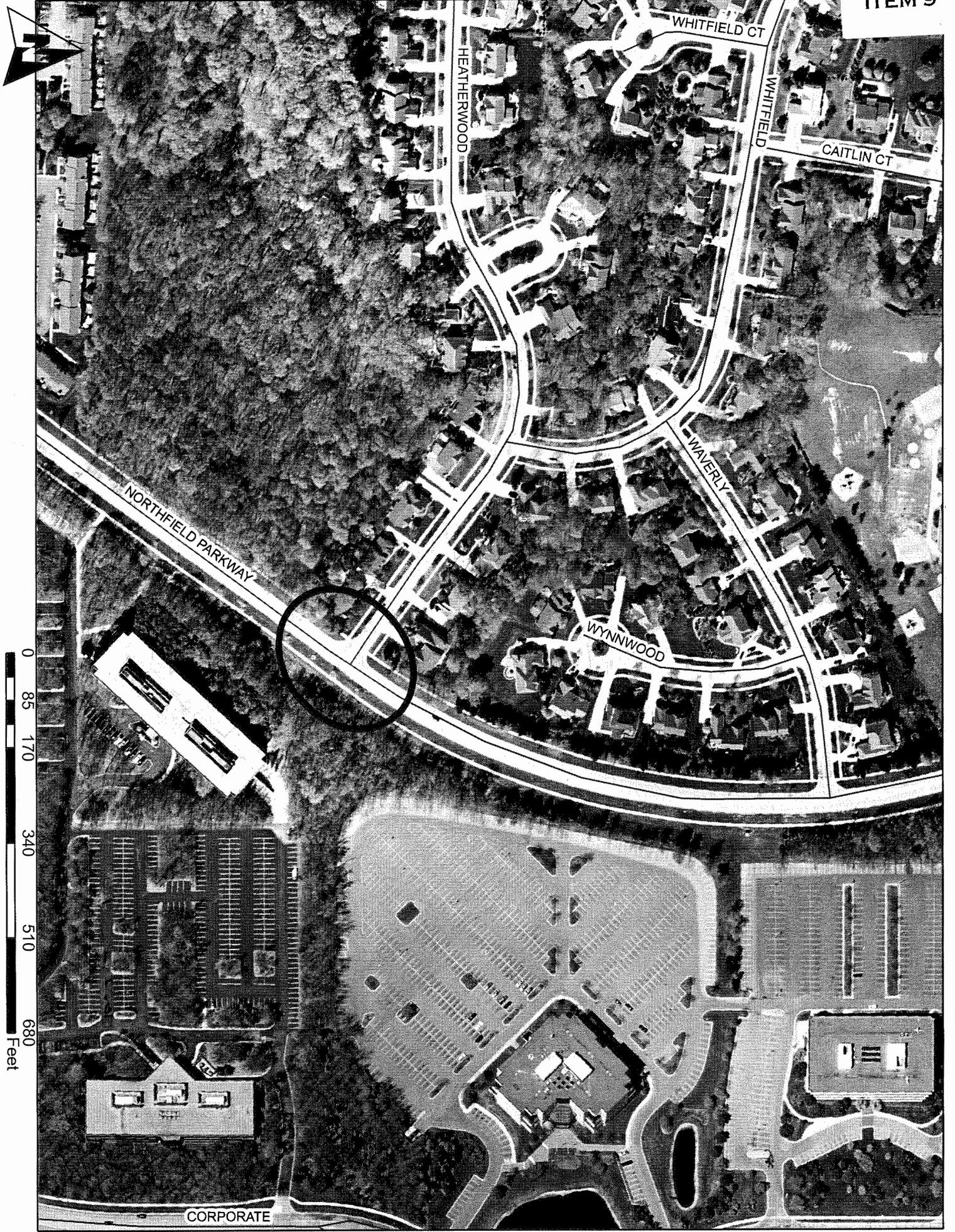
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CORPORATE

Multi-way Stops - The Research Shows the MUTCD is Correct!

W. Martin Bretherton Jr., P.E.(M)

Abstract

This paper reviewed over 70 technical papers covering all-way stops (or multi-way stops) and their success and failure as traffic control devices in residential areas. This study is the most comprehensive found on multi-way stop signs

The study looked at how multi-way stop signs have been used as traffic calming measures to control speed. There have been 23 hypotheses studied using multi-way stop as speed control. The research found an additional 9 hypotheses studied showing the effect multi way stops have on other traffic engineering problems.

The research found that, overwhelmingly, multi-way stop signs do NOT control speed except under very limited conditions. The research shows that the concerns about unwarranted stop signs are well founded.

Introduction

Many elected officials, citizens and some traffic engineering professionals feel that multi-way stop signs should be used as traffic calming devices. Many times unwarranted stop signs are installed to control traffic. The Manual on Uniform Traffic Control Devices (MUTCD)(16) describes warrants for installing multi-way stop signs. However, it does not describe many of the problems caused by the installation of unwarranted stop signs. These problems include concerns like liability issues, traffic noise, automobile pollution, traffic enforcement and driver behavior.

This paper is a result of searching over 70 technical papers about multi-way stop signs. The study concentrated on their use as traffic calming devices and their relative effectiveness in controlling speeds in residential neighborhoods. The references found 23 hypotheses on their relative effectiveness as traffic calming devices. One study analyzed the economic cost of installing a multi-way stop at an intersection. The reference search also found 9 hypotheses about traffic operations on residential streets.

The literature search found 85 papers on the subject of multi-way stops. There are probably many more references available on this very popular subject. The seventy-one references are

shown in Appendix A. There was a problem finding the 14 papers found in literature searches. The 14 papers are listed in Appendix B for information only. Most of the papers were from old sources and are probably out of print.

Multi-Way Stop Signs as Speed Control Devices

A summary of the articles found the following information about the effectiveness of multi-way stop signs and other solutions to controlling speeds in residential neighborhoods.

1. Multi-way stops do not control speeds. Twenty-two papers were cited for these findings. (Reference 1, 2, 7, 8, 10, 12, 13, 14, 15, 16, 17, 19, 20, 39, 45, 46, 51, 55, 62, 63, 64, 66 and 70).
2. Stop compliance is poor at unwarranted multi-way stop signs. Unwarranted stop signs means they do not meet the warrants of the MUTCD. This is based on the drivers feeling that the signs have no traffic control purpose. There is little reason to yield the right-of-way because there are usually no vehicles on the minor street. Nineteen references found this to be their finding. (Reference 7, 8, 10, 12, 13, 14, 15, 17, 19, 20, 39, 45, 46, 51, 55, 61, 62, 63 and 64).
3. Before-After studies show multi-way stop signs do not reduce speeds on residential streets. Nineteen references found this to be their finding. (Reference 19 (1 study), 55 (5 studies), 60 (8 studies) and 64(5 studies)).
4. Unwarranted multi-way stops increased speed some distance from intersections. The studies hypothesizing that motorists are making up the time they lost at the "unnecessary" stop sign. Fifteen references found this to be their finding.(Reference 1, 2, 7, 8, 10, 13, 14, 17, 19, 20,39, 45,46, 51, 55, 70 and 71).
5. Multi-way stop signs have high operating costs based on vehicle operating costs, vehicular travel times, fuel consumption and increased vehicle emissions. Fifteen references found this to be their finding. (Reference 3, 4, 7, 8, 10, 14, 15, 17, 45, 55, 61, 62, 63, 67 and 68).
6. Safety of pedestrians is decreased at unwarranted multi-way stops, especially small children. It seems that pedestrians expect vehicles to stop at the stop signs but many vehicles have gotten in the habit of running the "unnecessary" stop sign. Thirteen references found this to be their finding. (References 7, 8, 10, 13, 14, 15, 17, 19, 20, 45, 51, 55 and 63).
7. Citizens feel "safer" in communities "positively controlled" by stop signs. Positively controlled is meant to infer that the streets are controlled by unwarranted stop signs. Homeowners on the residential collector feel safer on a 'calmed' street. Seven references found this to be their finding. (Reference 6, 14, 18, 20, 51, 58 and 66).

Hypothesis twelve (below) lists five references that dispute the results of these studies.

8. Speeding problems on residential streets are associated with "through" traffic. Frequently homeowners feel the problem is created by 'outsiders'. Many times the problem is the person complaining or their neighbor. Five references found this to be their finding. (References 2, 15, 45, 51 and 55).
9. Unwarranted multi-way stops may present potential liability problems for undocumented exceptions to accepted warrants. Local jurisdictions feel they may be incurring higher liability exposure by 'violating' the MUTCD. Many times the unwarranted stop signs are installed without a warrant study or some documentation. Cited by six references. (Reference 7, 9, 19, 46, 62 and 65).
10. Stop signs increase noise in the vicinity of an intersection. The noise is created by the vehicle braking noise at the intersection and the cars accelerating up to speed. The noise is created by the engine exhaust, brake, tire and aerodynamic noises. Cited by five references. (Reference 14, 17, 20, 45, 55).
11. Cost of installing multi-way stops are low but enforcement costs are prohibitive. many communities do not have the resources to effectively enforce compliance with the stop signs. Five references found this to be their finding. (Reference 1, 10, 45, 51, 55).
12. Stop signs do not significantly change safety of intersection. Stop signs are installed with the hope they will make the intersection and neighborhood safer. Cited by five references. (Reference 55, 60, 61, 62, 63).

Hypothesis seven (above) lists seven references that dispute the results of these studies.

13. Unwarranted multi-way stops have been successfully removed with public support and result in improved compliance at justified stop signs. Cited by three references. (Reference 8, 10, 12).
14. Unwarranted multi-way stops reduce accidents in cities with intersection sight distance problems and at intersections with parked cars that restrict sight distance. The stop signs are unwarranted based on volume and may not quite meet the accident threshold. Cited by three references. (Reference 6, 18, 68).
15. Citizens feel stop signs should be installed at locations based on traffic engineering studies. Some homeowners realize the importance of installing 'needed' stop signs. Cited by two references. (References 56, 57).
16. Multi-way stops can reduce cut-through traffic volume if many intersections along the road are controlled by stop signs. If enough stop signs are installed on a residential or

collector street motorists may go another way because of the inconvenience of having to start and stop at so many intersections. This includes the many drivers that will not stop but slowly 'cruise' through the stop signs. This driving behavior has been nicknamed the 'California cruise'. Cited by two references. (Reference 14, 61).

17. Placement of unwarranted stop signs in violation of Georgia State Law 32-6-50 (a) (b) (c). This study was conducted using Georgia law. Georgia law requires local governments to install all traffic controls devices in accordance with the MUTCD. This is probably similar to traffic signing laws in other states. Cited by two references. (Reference 19, 62).
18. Special police enforcement of multi-way stop signs has limited effectiveness. This has been called the 'hallo' effect. Drivers will obey the 'unreasonable' laws as long as a policeman is visible. Cited by two references. (Reference 39, 46).
19. District judge orders removal of stop signs not installed in compliance with city ordinance. Judges have ordered the removal of 'unnecessary' stop signs. The problem begins when the traffic engineer and/or elected officials are asked to consider their intersection a 'special case'. This creates a precedent and results in a proliferation of 'special case' all-way stop signs. Cited by two references. (Reference 59, 62).
20. Some jurisdictions have created warrants for multi-way stops that are easier to meet than MUTCD. The jurisdiction feel that the MUTCD warrants are too difficult to meet in residential areas. The reduced warrants are usually created to please elected officials. Cited by two references. (Reference 61 and 70).
21. Citizens perceive stop signs are effective as speed control devices because traffic "slows" at stop sign. If everybody obeyed the traffic laws, stop signs would reduce speeds on residential streets. Cited by one reference. (Reference 55).
22. Removal of multi-way stop signs does not change speeds but they are slightly lower without the stop signs. This study findings support the drivers behavior referenced in item #4, speed increases when unwarranted stop signs are installed. Speed decreases when the stop signs were removed! Cited by one reference. (Reference 64).
23. Multi-way stops degrade air quality and increase CO, HC, and Nox. All the starting and stopping at the intersection is bad for air quality. Cited by one reference. (Reference 68).

Speed Control Issues

24. There area many ways to "calm" traffic. Cited by twenty-two references. (Reference 1, 14, 20, 32, 33, 34, 35, 36, 37, 38, 40,41,42, 44, 45, 46, 47, 48, 50, 51, 53 and 66).

They include:

- | | |
|------------------------------|--|
| (a) Traffic Chokers | (f) Sidewalks and Other Pedestrian Solutions |
| (b) Traffic Diverters | (g) Neighborhood Street Design |
| (c) Speed Humps | (h) On-Street Parking |
| (d) Roundabouts | (i) One Way Streets |
| (e) Neighborhood Speed Watch | (j) Street Narrowing |

25. Other possible solutions to residential speed. Most speeding is by residents - Neighborhood Speed Watch Programs may work. This program works by using the principle of 'peer' pressure. Cited by seven references. (Reference 2, 30, 31, 36, 42, 48 and 53).
26. Reduced speed limits are not effective at slowing traffic. Motorists do not drive by the number on the signs, they travel a safe speed based on the geometrics of the roadway. Cited by five references. (Reference 1, 20, 39, 46 and 69).
27. Local streets should be designed to discourage excessive speeds. The most effective way to slow down traffic on residential streets is to design them for slow speeds. Cited by two references. (Reference 43, 52).
28. Speeding on residential streets is a seasonal problem. This is a myth. The problem of speeding is not seasonal, it's just that homeowners only see the problem in 'pleasant' weather. That's the time they spend in there front yard or walking the neighborhood. Cited by one reference. (Reference 2).
29. Speed variance and accident frequency are directly related. The safest speed for a road is the speed that most of the drivers feel safest driving. This speed creates the lowest variance and the safest road. Cited by one reference. (Reference 47).
30. The accident involvement rate is lowest at the 85th percentile speed. The 85th percentile speed is the speed that most drivers feel comfortable driving. The lowest variance is usually from the 85th percentile speed and the 10 mph less. Cited by one reference. (Reference 47).
31. Psycho-perceptive transverse pavement markings are not effective at reducing the 85th percentile speed but do reduce the highest speed percentile by 5 MPH. Cited by one reference. (Reference 47).
32. The safest residential streets would be short (0.20 miles) non-continuous streets that are 26 to 30 feet from curb to curb width. The short streets make it difficult of drivers to get up to speed. Cited by one reference. (Reference 52).

Economics of Multi-Way Stop Signs

Studies have found that installing unwarranted stop signs increases operating costs for the traveling public. The operating costs involve vehicle operating costs, costs for increased delay and travel time, cost to enforce signs, and costs for fines and increases in insurance premiums.

The total costs are as follows (Reference 55):

Operating Costs (1990) (\$0.04291/Stop)	\$ 111,737/year
Delay & Travel Costs (1990) (\$0.03401/Stop)	\$ 88,556 /year
Enforcement Costs (1990)	\$ 837/year
Cost of Fines (19 per year)	\$ 1,045/year
Cost of 2 stop signs (1990)	\$ 280
Costs of increased insurance (1990)	\$ <u>7,606/year</u>
Total (1990)	\$210,061/year/intersection

The cost to install two stops signs is \$280. The cost to the traveling public is \$210,061 (1990) per year in operating costs. This cost is based on about 8,000 vehicles entering the intersection per day.

Another study (62) found that the average annual road user cost increased by \$2,402.92 (1988 cost) per intersection when converting from two to four way stop signs for low volume intersections.

Summary of Stop Signs as Speed Control Devices

Researchers found that multi-way stop signs do not control speed. In analyzing the 23 hypotheses for multi-way stop signs, five were favorable and 18 were unfavorable toward installing unwarranted all-way stop signs. The Chicago study (6) was the only research paper that showed factual support for "unwarranted" multi-way stop signs. They were found to be effective at reducing accidents at intersections that have sight distance problems and on-street parking.

It is interesting to note that residential speeding problems and multi-way stop sign requests date back to 1930 (63). The profession still has not "solved" this perception problem.

Summary of Economic Analysis

Benefits to control speeds by installing multi-way stop signs are perceived rather than actual and the costs for the driving public are far greater than any benefits derived from the installation of the multi-way stop signs.

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Appendix A

References used in Research of Multi-Way Stop Signs

1. Gerald L. Ullman, "Neighborhood Speed Control - U.S. Practices", ITE Compendium of Technical Papers, 1996, pages 111- 115.
2. Richard F. Beaubien, "Controlling Speeds on Residential Streets", ITE Journal, April 1989, pages 37-39.
3. "4 Way Stop Signs Cut Accident Rate 58% at Rural Intersections", ITE Journal, November 1984, pages 23-24.
4. Michael Kyte & Joseph Marek, "Collecting Traffic Data at All-Way Stop Controlled Intersections", ITE Journal, April 1989, pages 33-36.
5. Chan, Flynn & Stocker, "Volume Delay Relationship at Four Way Stop Controlled Intersections: A Response Surface Model", ITE Journal, March 1989, pages 27-34.
6. La Plante and Kripidlowkdkki, "Stop Sign Warrants: Time for Change", ITE Journal, October 1992, pages 25-29.
7. Patricia B. Noyes, "Responding to Citizen Requests for Multi Way Stops", ITE Journal, January 1994, pages 43-48.
8. Chadda and Carter, "Multi-Way Stop Signs - Have We Gone Too Far?", ITE Journal, May 1983, pages 19-21.
9. Gary Moore, "Gwinnett County Legal Opinions on Unwarranted Multi-Way Stops", March 6, 1990.
10. Chadda and Carter, " The Changing Role of Multi-Way Stop Control", ITE Compendium of Technical Papers, 1983, pages 4-31 to 4-34.
11. Lovell and Haver, "The Safety Effect of Conversion to All-Way Stop Control", Transportation Research Record 1068, pages 103-107.
12. "Indiana Suggests Ways to Halt Stop Sign Misuse", Transafety Reporter, February 1989, page 7.
13. "Why Don't They Put in More Stop Signs?", Traffic Information Program Series, ITE, 1978.
14. "State of the Art: Residential Traffic Management", US DOT, FHWA/RD-80/092, December 1980, pages 63-65, 22-23.
15. Dick Williams, "A New Direction for Traffic Dispute", Atlanta Journal, January 14, 1988, Section E, page 1.
16. "Warrants for Multi-Way Stop Signs" (2B-6), Manual on Uniform Traffic Control Devices, US DOT , FHWA, pages 2B-3 to 2B-4.

17. "Stop and Yield Sign Control", Traffic Control Devices Handbook, US DOT, FHWA, 1983, pages 2-14 to 2-16.
18. La Pante & Kropidlowdki, "Stop Sign Warrants ", Presented at ITE Conference, San Diego, CA, September 18, 1989.
19. Walt Rekuc, "Traffic Engineering Study of Multi-Way Stop Signs", City of Roswell, February 15, 1988.
20. Homburger, etal, Residential Street Design and Traffic Control, ITE, Washington, DC, 1989.
21. Speed Zone Guidelines, ITE, Washington, DC, 1993.
22. A Policy on Geometric Design of Highways and Streets, AASHTO, Washington, DC, 1994.
23. A.J. Ballard, "Efforts to Control Speeds on Residential Collector Streets", ITE Compendium of Technical Papers, 1990, pages 445-448.
24. C.E. Walter, "Suburban Residential Traffic Calming", ITE Compendium of Technical Papers, 1994, pages 445-448.
25. K.L. Gonzalez, " Neighborhood Traffic Control: Bellevue's Approach", ITE Journal, Vol. 43, No.5, May 1993, pages 43-45.
26. Brian Kanely & B.E. Ferris, "Traffic Diverter's for Residential Traffic Control - The Gainesville Experience", ITE Compendium of Technical Papers, 1985, pages 72-76.
27. Marshall Elizer, "Guidelines for the Design and Application of Speed Humps", ITE Compendium of Technical Papers, 1993, pages 11-15.
28. T. Mazella & D. Godfrey, "Building and Testing a Customer Responsive Neighborhood Traffic Control Program", ITE Compendium of Technical Papers, 1995, pages 75-79.
29. W.M. Bretherton and J.E. Womble, "Neighborhood Traffic Management Program", ITE Compendium of Technical Papers, 1992, pages 398-401.
30. J.E. Womble, "Neighborhood Speed Watch: Another Weapon in the Residential Speed Control Arsenal", ITE Journal, Vol. 60, No. 2, February 1990, pages 1- 17.
31. Michael Wallwork, "Traffic Calming", The Genesis Group, unpublished.
32. Doug Lemov, "Calming Traffic", Governing, August 1996, pages 25-27.

33. Michael Wallwork, "Traffic Calming", The Traffic Safety Toolbox, ITE, Washington, DC, 1993, pages 234-245.
34. Ransford S. McCourt, Neighborhood Traffic Management Survey, ITE District 6, Technical Chair, unpublished, June 3, 1996.
35. Halbert, etal, "Implementation of Residential Traffic Control Program in the City of San Diego", District 6 Meeting, July 1993.
36. Anton Dahlerbrush, "Speed Humps & Implementation and Impact on Residential Traffic Control", City of Beverly Hills, California, District 6 Meeting, July 1993.
37. Firoz Vohra, "Modesto Speed Hump Experience", District 6, ITE Meeting, July 1993.
38. Patricia Noyes, "Evaluation of Traditional Speed Reduction in Residential Area", District 6 ITE Meeting, July 1993.
39. Cynthia L. Hoyle, Traffic Calming, American Planning Association, Report No 456, July 1995.
40. Sam Yager, Use of Roundabouts, ITE Technical Council Committee, 5B- 17, Washington, DC, February 1992.
41. Guidelines for Residential Subdivision Street Design, ITE, Washington, DC, 1993.
42. Residential Streets, 2nd Edition, ASCE, NAHB & ULI, 1990.
43. Traffic Calming, Citizens Advocating Responsible Transportation, Australia, 1989.
44. Traffic Calming in Practice, Department of Transport, etal, London, November 1994.
45. Todd Long, "The Use of Traffic Control Measures in the Prevention of Through Traffic Movement on Residential Streets", unpublished, Masters Thesis, Georgia Tech, September 1990.
46. Patricia Noyes, "Evaluation of Traditional Speed Reduction Efforts in Residential Areas", ITE Compendium of Technical Papers, District 6 Meeting, 1993, pages 61-66.
47. G.E. Frangos, "Howard County's Speed Control in Residential Areas Utilizing Psycho-perceptive Traffic Controls", ITE Compendium of Technical Papers, 1985, pages 87-92.
48. Halbert, etal, "Implementation of Residential Traffic Control Program in the City of San Diego", ITE Compendium of Technical Papers, District 6, 1993, pages 23-60.

49. Radwan & Sinha, "Gap Acceptance and Delay at Stop Controlled Intersections on Multi-Lane Divided Highways", ITE Journal, March 1980, page 38.
50. Borstel, "Traffic Circles : Seattle's Experience", ITE Compendium of Technical Papers, 1985, page 77.
51. D. Meier, "The Policy Adopted in Arlington County, VA, for Solving Real and Perceived Speeding Problems on Residential Streets", ITE Compendium of Technical Papers, 1985, page 97.
52. Jeff Clark, "High Speeds and Volumes on Residential Streets: An Analysis of Physical Characteristics as Causes in Sacramento, California", ITE Compendium of Technical Papers, 1985, page 93.
53. Wiersig & Van Winkle, "Neighborhood Traffic Management in the Dallas/Fort Worth Area", ITE Compendium of Technical Papers, 1985, page 82.
54. Improving Residential Street Environments, FHWA RD-81-031, 1981.
55. Carl R. Dawson, Jr., "Effectiveness of Stop Signs When Installed to Control Speeds Along Residential Streets", Proceedings from Southern District ITE Meeting, Richmond, Virginia, April 17, 1993.
56. Arthur R. Theil, "Let Baton Rouge's Traffic Engineers Decide Whether Signs Are Needed", State Times, LA, August 30, 1983.
57. Gary James, "Merits Being Totally Ignored in This Instance", Morning Advocate, Baton Rouge, LA, July 30, 1983.
58. James Thomason, "Traffic Signs Allow Crossing", Morning Advocate, Baton Rouge, LA, July 30, 1983.
59. "City-Parish Must Move Stop Signs", Morning Advocate, Baton Rouge, LA, 1983.
60. Synthesis of Safety Research Related to Traffic Control and Roadway Elements, Vol. 2, FHWA Washington, D. C., 1992.
61. B.H. Cottrell, Jr., "Using All-Way Stop Control for Residential Traffic Management", Report No. FHWA VTRC 96-R17, Virginia Transportation Research Council, Charlottesville, Virginia, January, 1996.
62. Eck & Diega, "Field Evaluation at Multi-Way Versus Four-Way Stop Sign Control at Low Volume Intersections in Residential Areas", Transportation Research Record 1160, Washington, DC, 1988, pages 7-13.
63. Hanson, "Are There Too Many Four-Way Stops?", Traffic Engineering, November 1957, pages 20-22, 42.

64. Beaubien, "Stop Signs for Speed Control", ITE Journal, November 1976, pages 26-28.
65. Antwerp and Miller, "Control of Traffic in Residential Neighborhoods : Some Considerations for Implementation", Transportation 10, 1981, pages 35-49.
66. Lipinski, "Neighborhood Traffic Controls", Transportation Engineering Journal, May 1979, pages 213-221.
67. Richardson, "A Delay Model for Multi-Way Stop Sign Intersections", Transportation Research Record 1112, Washington, DC, 1987, pages 107-114.
68. Briglin, "An Evaluation of Four-Way Stop Sign Control", ITE Journal, August 1982, pages 16-19.
69. Ullman and Dudek, "Effects of Reduced Speed Limits in Rapidly Developing Urban Fringe Areas", Transportation Research Record 1114, 1989, pages 45-53.
70. Robert Rees, "All-Way STOP Signs Installation Criteria", Westernite, Jan-Feb 1999, Vol 53, No. 1, pg 1-4.
71. Wes Siporski, "Stop Sign Compliance", posting on Traffic Engineering Council List Serve, Jan 15, 1999.

Appendix B

Additional References for Multi-Way Stop Signs

Not included in Analysis - Reports not available

1. Improving Traffic Signal Operations, ITE Report IR-081, August 1995.
2. Kunde, "Unwarranted Stop Signs in Cities", ITE Technical Notes, July 1982, page 12.
3. "In search of Effective Speed Control", ITE Technical Notes, December 1980, pages 12-16.
4. "Stop Signs Do Not Control Speed", ITE Technical Notes, July 1978, pages 6-7.
5. "An Evaluation of Unwarranted Stop Signs", ITE San Francisco Bay Area, February 1979.
6. "Cost of Unnecessary Stops", Auto Club of Missouri, Midwest Motorists, 1974.
7. Nitzel, Schatter & Mink, "Residential Traffic Control Policies and Measures", ITE Compendium of Technical Papers, 1988.
8. Weike and Keim, "Residential Traffic Controls", ITE Compendium of Technical Papers, Washington DC, August 1976.
9. Landom and Buller, "The Effects on Road Noise in Residential Areas", Watford, United Kingdom, October 1977.
10. Wells and Joyner, "Neighborhood Automobile Restraints", Transportation Research Record 813, 1981.
11. Byrd and Stafford, "Analysis of Delay and User Costs of Unwarranted Four Way Stop Sign Controlled Intersections", TRR 956, Washington, DC, 1984, pages 30-32.
12. Marconi, "Speed Control Measures in Residential Areas", Traffic Engineering, Vol. 47, No. 3, March 1977, pages 28-30.
13. Mounce, "Driver's Compliance with Stop Sign Control at Low Volume Intersections", TRR 808, TRB, Washington, DC, 1981, pages 30-37.
14. Orlob, "Traffic Diversion for Better Neighborhoods", Traffic Engineering, ITE, Vol. 45, No. 7, July 1975, pages 22-25.

National
**SAFE
KIDS**
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Campaign



STOP

**STOP SIGN
VIOLATIONS PUT
CHILD PEDESTRIANS AT RISK**

**A National Survey of Motorist Behavior
at Stop Signs in School Zones and
Residential Areas**

October 2003



INTRODUCTION

Walking is a no-cost transportation option that allows parents and children to spend time together, get exercise and improve air quality by not creating vehicle pollutants. Unfortunately, recent evidence indicates that kids are walking less. In 1969, nearly half of elementary school students walked or biked to school.¹ By 1995, only 10 percent of children traveled by foot to school.² This decline can be attributed to many causes, including traffic danger and other hazards that make walking unsafe for children.³

Decreased walking has contributed to a significant decline in child pedestrian deaths and injuries. However, pedestrian injury remains a leading cause of unintentional injury-related death among children.⁴ In 2000, 706 children ages 14 and under died⁵, an estimated 47,300 were treated in hospital emergency rooms for pedestrian-related injuries in 2001.⁶ Nearly 76 percent of these deaths and 73 percent of injuries were motor vehicle-related. The total annual cost of traffic-related pedestrian death and injury among children ages 14 and under is more than \$7.2 billion.⁷

Speeding and other driver behaviors are a contributing factor to pedestrian-related injuries. In 1999, a National SAFE KIDS Campaign survey found that two-thirds of drivers exceeded the posted speed limit in school zones during the 30-minute periods before and after school.⁸

Each year, stop sign violations are associated with approximately 200 fatal crashes and 17,000 non-fatal injury crashes.⁹ Children are at risk of injury when stop sign and pedestrian right-of-way laws are violated, yet studies investigating the rate of compliance with stop signs at intersections where children could be present have been lacking. Now SAFE KIDS and FedEx Express have closely examined driver behaviors at intersections in school zones and residential neighborhoods. This observational study determined the frequency of driver compliance with stop signs at unsignalized, marked and unmarked pedestrian crosswalks near schools and in residential areas.

METHODOLOGY

Data were collected by 72 SAFE KIDS coalitions, representing 39 states and the District of Columbia. Two hundred eighty-eight intersections were surveyed, using instruments and protocols developed by the National SAFE KIDS Campaign. A total of 25,660 vehicles were observed. All surveyed intersections were marked with stop signs and had no additional traffic control measures, such as crossing guards or flashing lights. All intersections were located in a school zone (52 percent) or a residential neighborhood with child pedestrian traffic (48 percent).

Each intersection was observed for 30 minutes by two observers who collected information about vehicle body type, stopping behavior, presence of pedestrians and whether pedestrians were crossing when the vehicle arrived at the intersection. Stopping behaviors were categorized as follows:

Stop before crosswalk – the wheels of the vehicle came to a complete stop before the crosswalk or stop sign (if crosswalk is unmarked)

Stop in or past crosswalk – the wheels of the vehicle came to a complete stop in or past the crosswalk (or past the stop sign if crosswalk is unmarked)

Rolling stop – the vehicle slowed at the crosswalk (marked or unmarked), but the vehicle wheels never came to a complete stop

No stop – the vehicle did not stop or slow significantly at the intersection

All coalitions submitted their surveys to the National SAFE KIDS Campaign for analysis. TELEform 7.0 software was used for data entry. Frequencies were generated using SPSS 8.0.

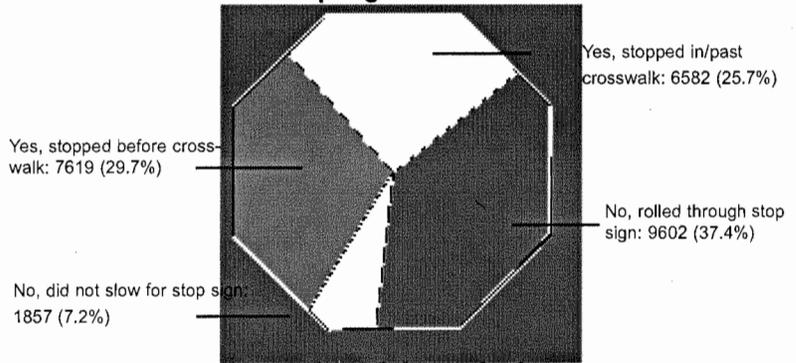


RESULTS

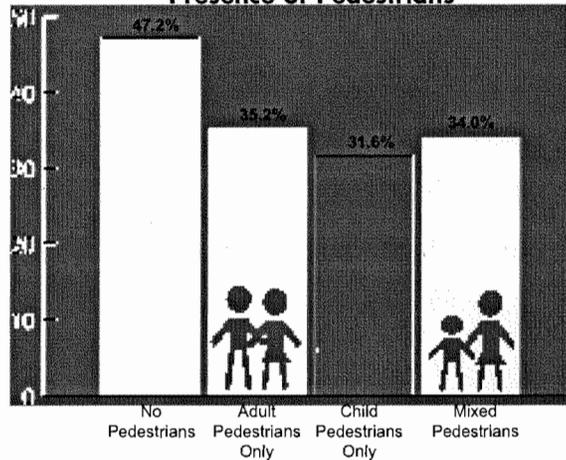
- Motorists did not obey stop signs, putting pedestrians and passengers in other vehicles at risk. Nearly half (45 percent) of vehicles surveyed violated the stop signs by not coming to a complete stop at intersections.
 - More than a third (37 percent) of motorists rolled through the stop signs.
 - Nearly a tenth (7 percent) of motorists did not even slow down for the stop signs.
- When a motorist completed a stop, the vehicle frequently stopped in or past the crosswalk, thus increasing the risk to pedestrians walking across the street. At intersections with marked crosswalks, one quarter (25 percent) of vehicles stopped in or past the crosswalks, impeding the pedestrian pathway.
- Motorists were more likely to stop when pedestrians were present.
 - Nearly a third (32 percent) of motorists violated the stop signs when child pedestrians were present.
 - Nearly half (47 percent) of motorists violated the stop signs when no pedestrians were present.
- Drivers were more likely to stop for pedestrians who were crossing than for those waiting to cross.
 - Nearly a quarter (24 percent) of drivers did not come to a complete stop at intersections where pedestrians were crossing.
 - More than a third (36 percent) of motorists violated the stop signs when pedestrians were waiting to cross.



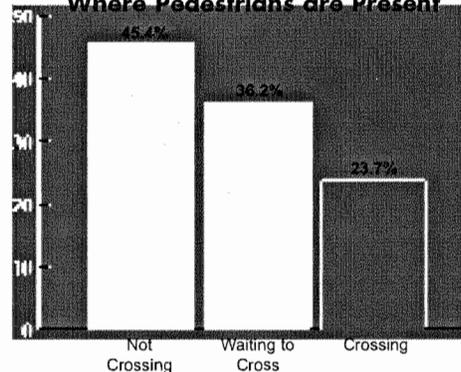
Observation of Stop Sign Violations



Stop Sign Violators in the Presence of Pedestrians



Stop Sign Violations at Intersections Where Pedestrians are Present



DISCUSSION

This observational survey of stop sign compliance in school zones and residential areas indicates that child pedestrians are at risk every day because of motorist behaviors. Child pedestrian safety must be a higher priority for our nation's drivers.

Teaching children pedestrian safety is not enough, especially since we know that children under age 10 are exposed to traffic threats that exceed their cognitive, developmental, behavioral, physical and sensory abilities. This is exacerbated by the fact that parents often overestimate their children's pedestrian skills.¹⁰

Child pedestrians cannot ensure their own safety, and parents cannot be sure their children are walking in a safe environment unless motorists – many of whom are also parents – respect traffic laws. Drivers need to be educated about the risks of traffic violations that they may consider to be minor, such as rolling through a stop sign. Enhanced awareness and enforcement of the laws being violated can save lives and create environments that are safe for child pedestrians.



CALL TO ACTION

Since 1999, SAFE KIDS and FedEx Express have teamed up to bring national and local attention to pedestrian safety issues. The two organizations launched the SAFE KIDS Walk This Way program, which has been instrumental in educating local communities about safe pedestrian behaviors and making school zones safer for child pedestrians. Now they are calling upon the 600 SAFE KIDS coalitions and chapters, concerned FedEx Express employees, other safety advocates, and transportation and law enforcement officials to heighten awareness in local communities about stop sign compliance and other safe driving behaviors.

Education

- Create and distribute public awareness tools like public service announcements and brochures to raise awareness of stop sign laws and penalties for violations
- Conduct media campaigns to help drivers learn about safe behaviors
- Encourage parents to walk or bike with their children to school, if possible, to decrease traffic congestion and increase safety
- Provide ongoing drivers' education through state motor vehicle departments
- Promote programs that encourage more walking and less driving, such as the Partnership for a Walkable America's International Walk to School Day
- Develop "walking school buses" or other programs that provide adult supervision along routes child pedestrians take to school

Enforcement and Enactment

- Conduct targeted stop sign enforcement campaigns regularly
- Establish new pedestrian right-of-way and jaywalking laws, and enforce existing ones
- Advocate for stricter penalties and increased fines for violators of stop sign and other traffic laws
- Support federal funding to support Safe Routes to School through the Pedestrian and Cyclist Equity Act of 2003

Engineering

- Dedicate more funds to slowing down cars and increasing the visibility of traffic signs and signals
- Evaluate effectiveness of existing traffic-calming markings, signals and signs
- Assess driving conditions in residential areas and near school zones and determine effective traffic-calming measures

References

- ¹ Beschen D. *Nationwide personal transportation study: Transportation characteristics of school children.* Washington (DC): U.S. Department of Transportation, Federal Highway Administration; 1972.
- ² Federal Highway Administration, U.S. Department of Transportation. *Our nation's travel: 1995 NPTS early result report.* Washington (DC): U.S. Government Printing Office; 1997. FHWA-PL-97-028.
- ³ Centers for Disease Control and Prevention. *Barriers to children walking and biking to school - United States, 1999.* MMWR 2002;51:701-704.
- ⁴ National Center for Injury Prevention and Control, Centers for Disease Control and Prevention. *Web-based Injury Statistics Query and Reporting System (WISQARS) Fatal injury reports [online]. 2001 [cited 2002 August 15]. Available from: URL: www.cdc.gov/ncipc/wisqars*
- ⁵ National Center for Health Statistics, Centers for Disease Control and Prevention. *National Vital Statistics System, 2000 Mortality Data.* Hyattsville (MD): National Center for Health Statistics; 2002.
- ⁶ Center for Injury Prevention and Control, Centers for Disease Control and Prevention. *2002 Dec.* Available from: URL: www.cdc.gov/ncipc/wisqars
- ⁷ Economics and Insurance Resource Center, Children's Safety Network. *December 2002.* [Estimates based on 2001 dollars.]
- ⁸ Taft CH, Kane BE, Mickalide AD, Paul HA. *Child pedestrians at risk in America: a national survey of speeding in school zones.* Washington (DC): National SAFE KIDS Campaign; October 2000.
- ⁹ National Center for Statistics and Analysis, National Highway Traffic Safety Administration. *FARS, NASS GES, 1998-2002.* Washington (DC): U.S. Department of Transportation, 2003.
- ¹⁰ Dunne RG, Asher KN, Rivara FP. *Behavior and parental expectations of child pedestrians.* Pediatrics 1992;89:486-90.

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The National SAFE KIDS Campaign would like to express its thanks to program sponsor FedEx Express, as well as the SAFE KIDS coalitions, chapters and members that participated in this study.



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Founding Sponsor



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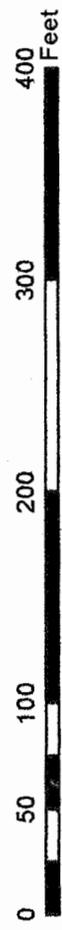
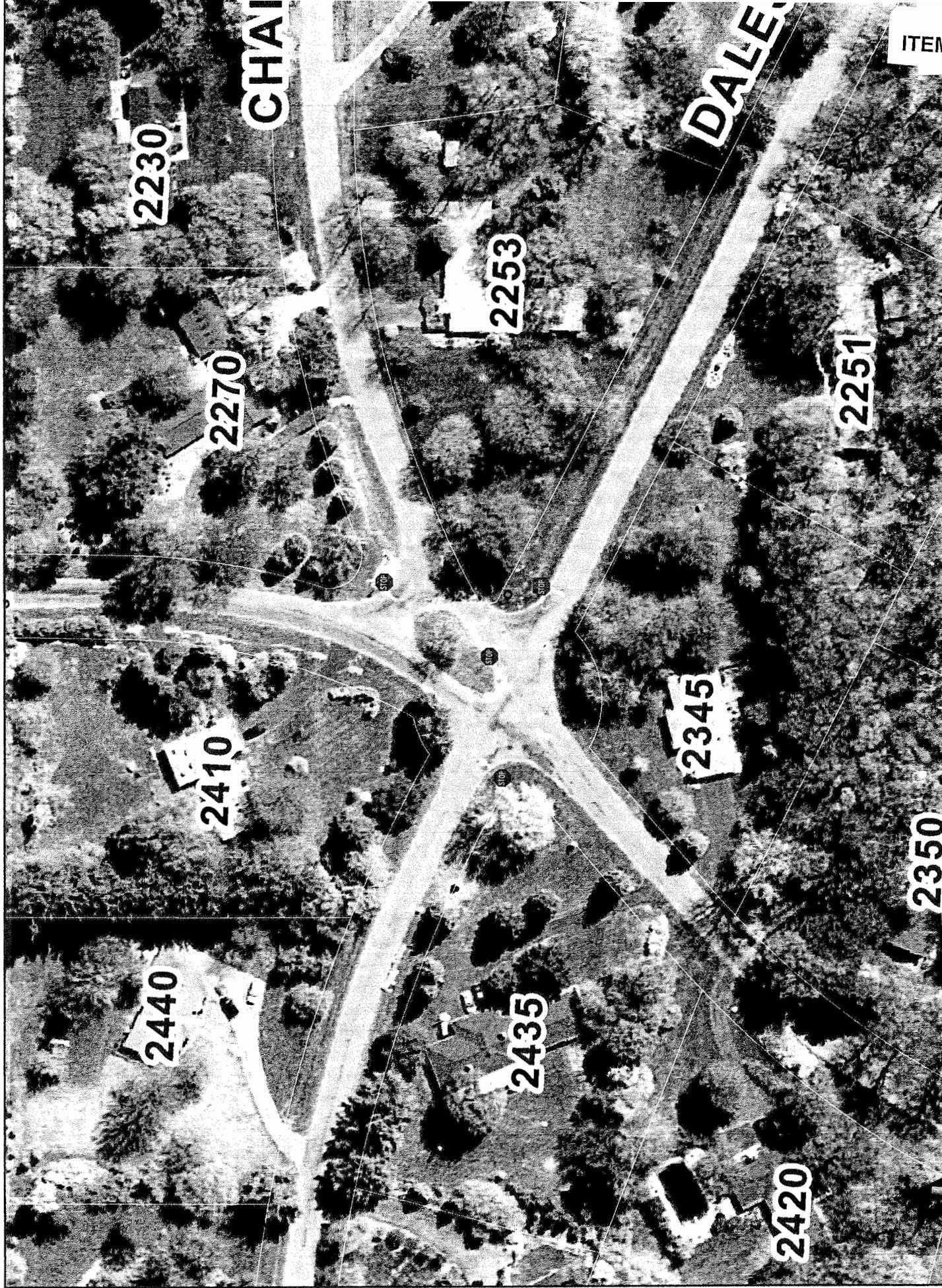


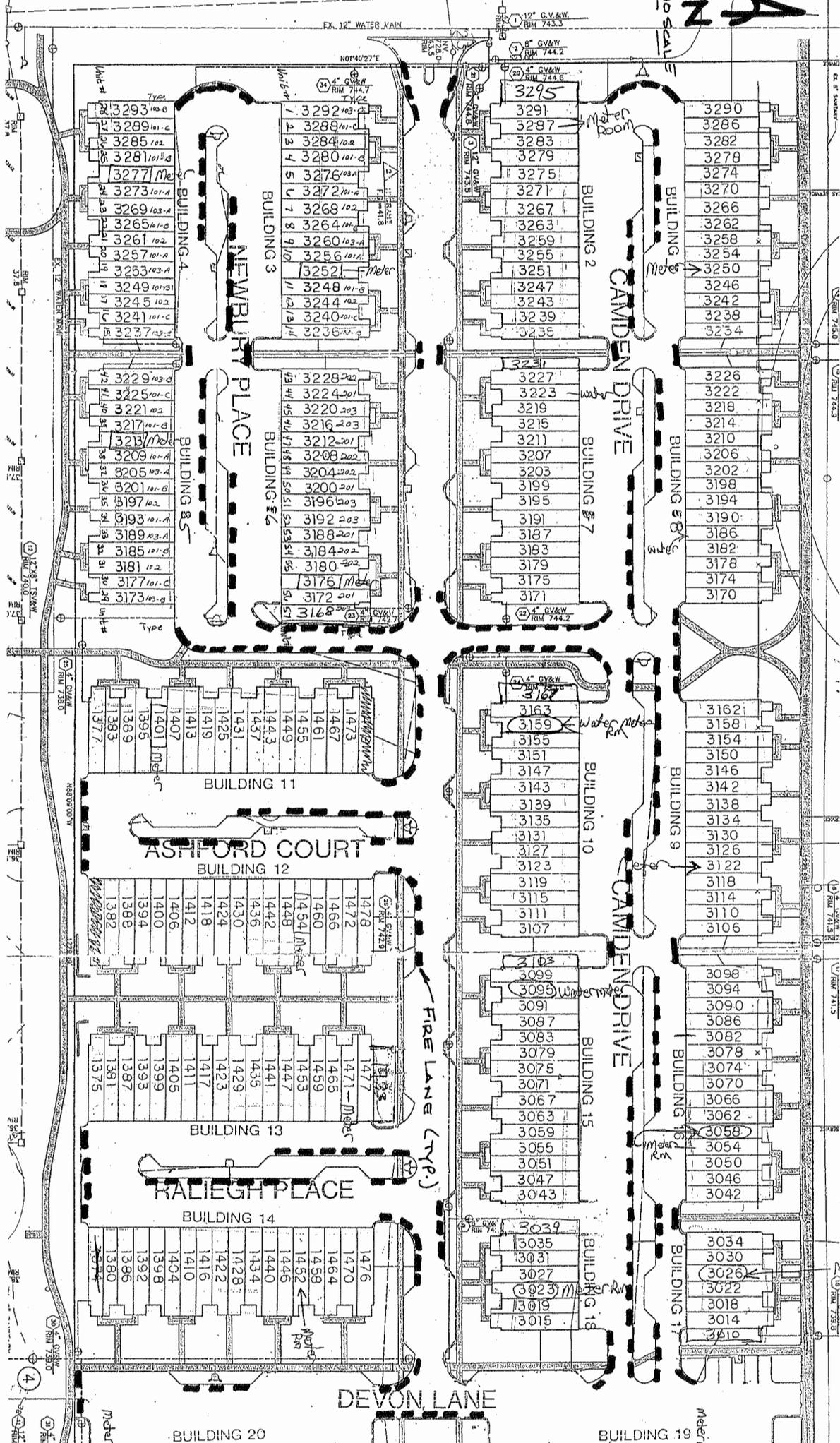
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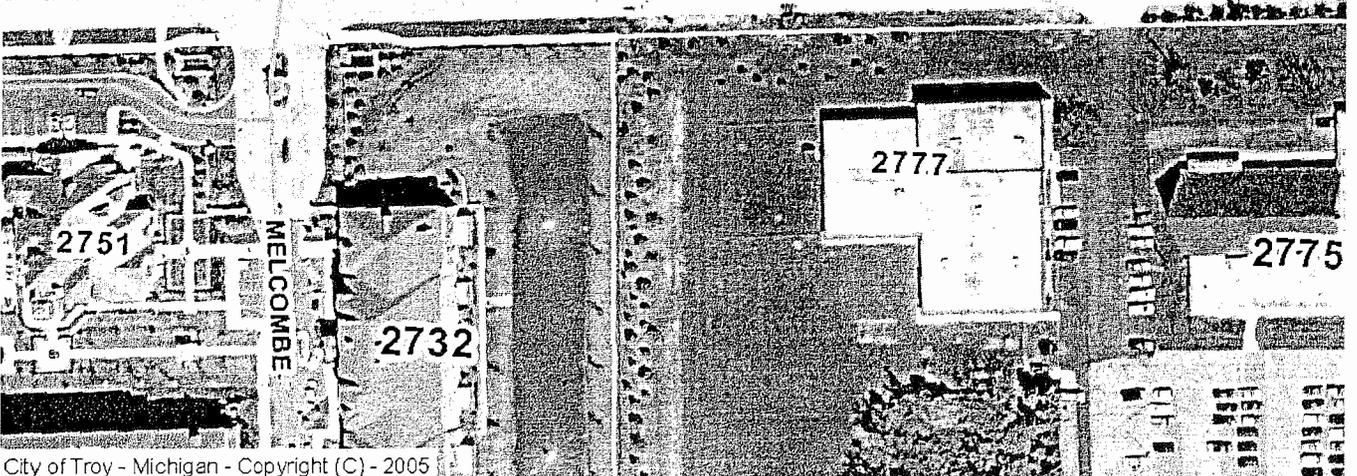
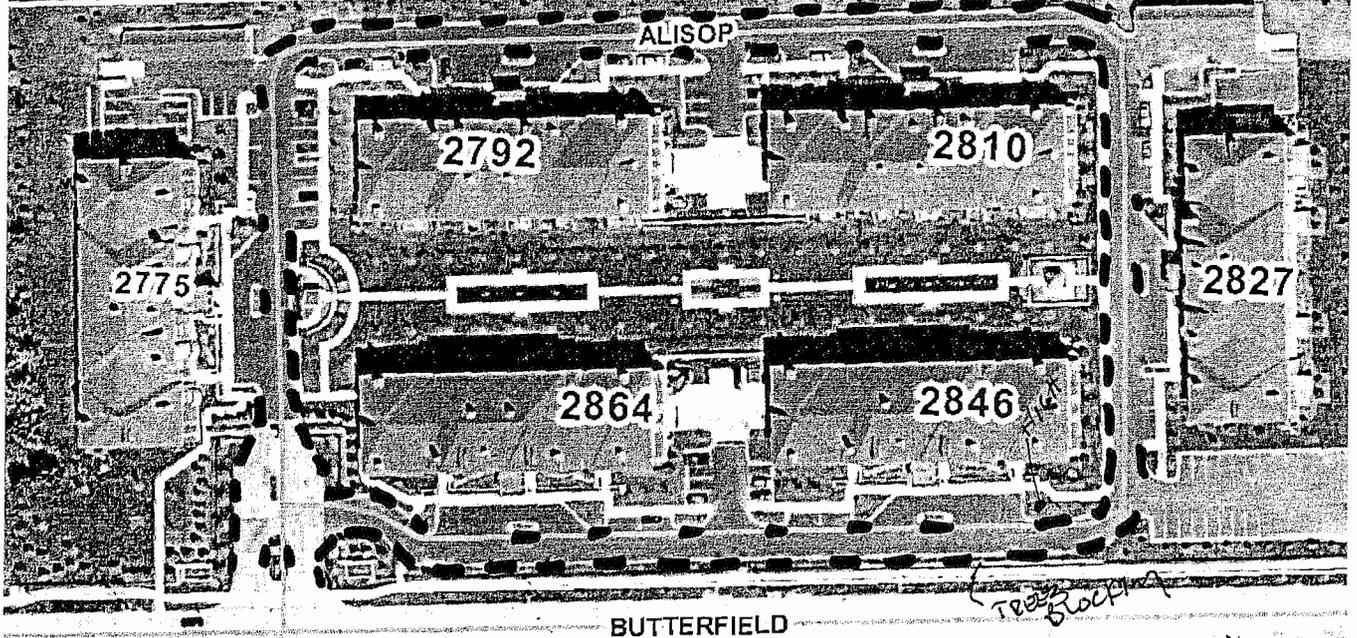
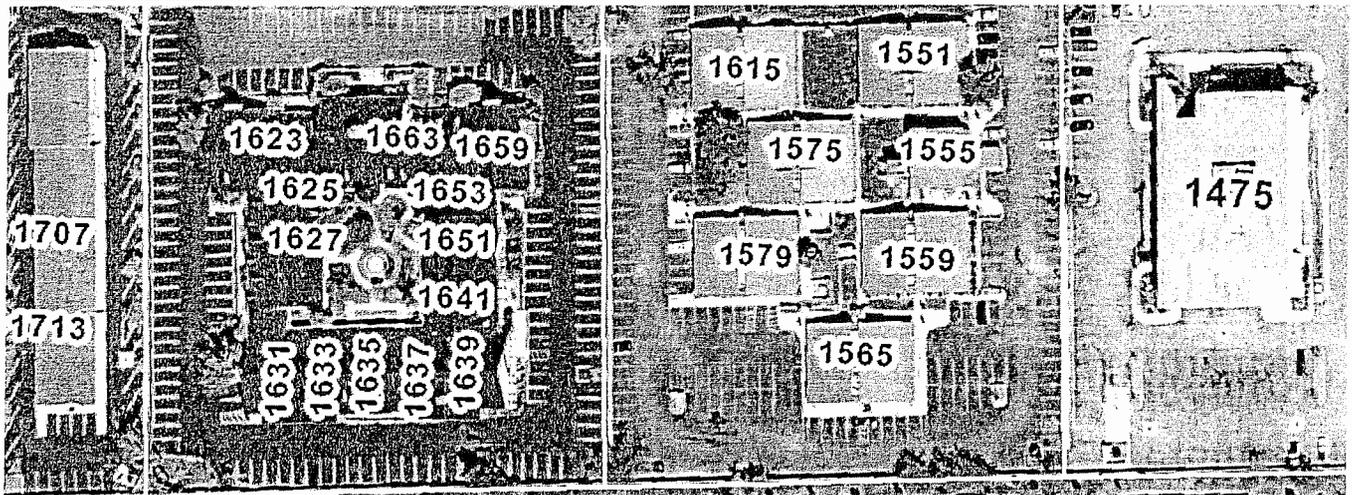


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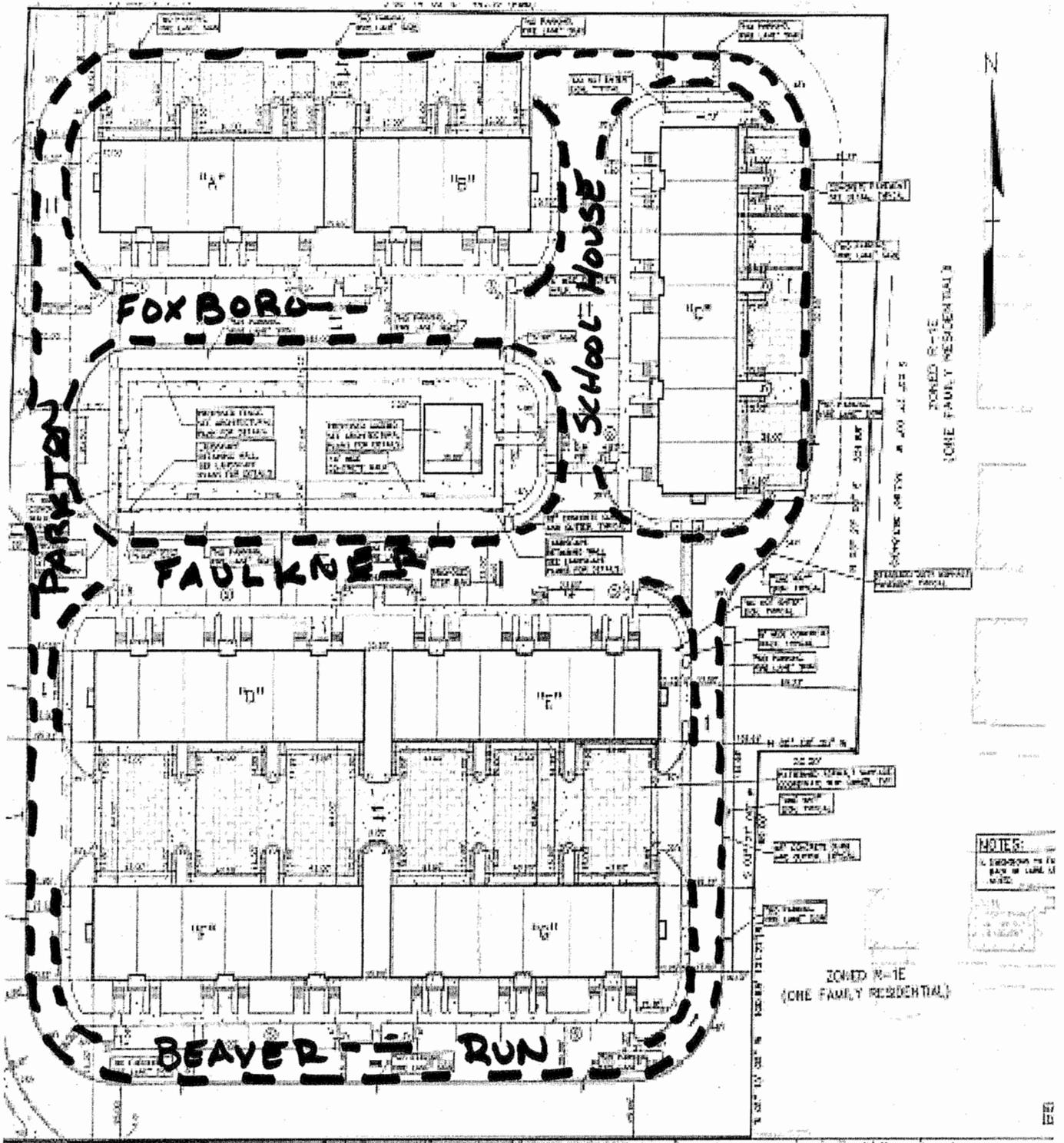


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NOTES:
 1. DIMENSIONS TO FACE UNLESS OTHERWISE NOTED.
 2. ALL WORK TO BE ACCORDING TO THE LATEST EDITION OF THE BUILDING CODE.

ZONED R-1E
 (ONE FAMILY RESIDENTIAL)

ZONED R-1E
 (ONE FAMILY RESIDENTIAL)

October 12, 2005

TO: The Honorable Mayor and City Council Members

FROM: John Szerlag, City Manager

SUBJECT: Dispatch, Lock-Up, and Animal Control Services Agreement
with the City of Clawson

Over the past several months Chief Craft and I have met with Clawson Interim City Manager Mark Pollock and Clawson Police Chief Bruce Henderlight for reason of developing a proposal whereby Troy would provide Police/Fire dispatch, lock-up, and animal control services to the City of Clawson. The attached agreement outlines the scope and costs related to providing these services, and the Clawson City Council unanimously approved our conditions contained therein. It is now submitted for your approval.

Please know that this endeavor will provide a high level of service to Troy and Clawson residents at a reduced cost to both cities. The City of Troy will not be hiring any additional personnel to provide this service, and I'm advised that no one will lose their job in Clawson.

In addition to Chief Craft, Captain Gary Mayer and Assistant City Attorney Susan Lancaster spent a lot of hours on this project and I wish to thank all of them for their efforts.

JS/mr\AGENDA ITEMS\2005\10.17.05 - Dispatch, Lock-Up and Animal Control Services Agreement with Clawson

c: Lori Bluhm, City Attorney
Charles Craft, Police Chief
Bruce Henderlight, Clawson Police Chief
Susan Lancaster, Assistant City Attorney
Gary Mayer, Captain
Mark Pollock, Clawson Interim City Manager

CITY OF TROY AND CITY OF CLAWSON LOCKUP, DISPATCH AND ANIMAL CONTROL SERVICES AGREEMENT

This Agreement is entered into between the CITY OF TROY, a Michigan Municipal Corporation, whose address is 500 W. Big Beaver Road, Troy, Michigan 48084, (hereinafter "TROY") and the CITY OF CLAWSON, a Michigan Municipal Corporation, whose address is 425 North Main Street, Clawson, Michigan 48017, (hereinafter "CLAWSON").

WHEREAS, TROY and CLAWSON are authorized separately by law to provide police, fire and animal control protection for residents of their respective cities; and

WHEREAS, TROY and CLAWSON are authorized separately to provide police and fire communications and dispatch services and the equipment, personnel and facilities for these services; and

WHEREAS, TROY and CLAWSON are authorized by law to separately to provide lockup services for the detention of individuals for criminal, warrant and other purposes; and

WHEREAS, cities may enter into agreements pursuant to the Urban Cooperation Act of 1967, MCL 124.501, et. seq., to provide interlocal use of facilities and/or services which each city has the power or authority to provide separately; and

WHEREAS, TROY has the capacity to provide lockup facilities and services and police communication and dispatch services for police, fire, ambulance, EMT and/or animal control for CLAWSON, but absent this

Agreement, is not obligated to provide any use of facilities and/or services to CLAWSON or its residents; and

WHEREAS, TROY and CLAWSON may enter into an agreement by which TROY would provide lockup facilities and police personnel and police communication and dispatch services for police, fire, ambulance, EMT and animal control services for Clawson; and

NOW, THEREFORE, based upon the foregoing statements, TROY and CLAWSON agree to the following terms, conditions, representations and acknowledgements and mutually agree as follows:

1. DEFINITIONS. For all purposes and as used throughout this Agreement, the words listed below, whether used as singular or plural, with or without quotation marks, or possessive or nonpossessive, shall be defined, read, and interpreted as follows:

A. "Animal control services" shall be defined to include, but not be limited to, the investigation of complaints and/or the rendering of assistance concerning animal nuisances, animal ordinance violations, animal welfare and other related concerns of the Clawson citizens regarding animals where a response is needed and/or expected by an animal control officer, police officer, employee or agent whose job duties may include the receipt of a dispatch call to investigate and/or render assistance. Animal control services will be provided during the regularly scheduled hours of the animal control officers. Upon request, TROY will provide CLAWSON with the monthly work

schedules of the animal control officers. Animal control service does not include random patrol.

B. "Claims" shall be defined to include any and all losses, complaints, demands for relief or damages, lawsuits, causes of action, proceedings, judgments, deficiencies, penalties and costs and expenses, including, but not limited to, any reimbursement for reasonable attorney fees, witness fees, court costs, investigation and/or litigation expenses, any amounts paid in settlement.

C. "Clawson police, fire, ambulance, EMT and animal control personnel" shall be defined to include, but not be limited to: any and all uniformed, non-uniformed, civilian, command, volunteer, administrative and/or supervisory personnel employed and/or contracted with by CLAWSON either to provide, supply, support, administer or direct any CLAWSON police or law enforcement service, fire protection, ambulance services, emergency medical or animal control services and/or any persons, acting by, through, under, or in concert with any of them; or any other CLAWSON official, officer, employee or agent whose job duties may include the receipt of any TROY police dispatch services.

D. "Troy lock up and police services" shall be defined to include, but not be limited to: the temporary housing at the Troy lockup facility of individuals detained and/or arrested for criminal acts, suspected criminal acts, warrants, contempt of court, court orders and other circumstances by the Clawson Police Department until arraignment and/or release by the 52-4 District Court

or any other court or until the relocation to another facility. Lockup services shall also include the booking and/or fingerprinting of detainees; administration of breath tests by qualified personnel and the preparation of related documentation; the feeding of detainees; arranging for transportation to a hospital or medical facility for medical treatment; the confirmation of warrants; the processing of bond money; transportation of detainees to the 52-4th District Court only, but that transportation by TROY will occur if, and only if, a Clawson police officer is unable to transport the detainee. The costs associated with medical transportation, transportation by TROY for medical treatment or medical treatment is the responsibility of CLAWSON. It is the responsibility of CLAWSON to be present and make decisions, which are in compliance with Troy Police Department Policy and Procedures regarding the treatment and/or detention of disruptive prisoners and/or detainees. It is the intent of CLAWSON and TROY to develop procedures regarding the intake and processing of detainees and the presentation of complaints and/or warrants or other documentation relating to the detainees between CLAWSON and TROY and the transfer of paper work between CLAWSON and TROY. CLAWSON shall follow Troy Police Department General Orders as set out in Paragraph 5 and, if there is a conflict between policies and procedures developed by CLAWSON and TROY pursuant to this Agreement and the General Orders, the General Orders shall take precedent. Troy agrees to discuss any changes made to a General Order affecting the terms or performance under this Agreement.

E. “Troy police dispatch services” shall be defined to include, but not be limited to: any emergency or non-emergency telephone call or notice, of any kind, which either requests, requires or, in the sole judgment of Troy Police Department, appears to request or require the presence, attention, or services of police and/or fire personnel, ambulance and/or emergency medical technician (“EMT”) or animal control officers to address, respond, or attend to any issue, event, or circumstance involving public safety, a breach of peace, public health, an accident or accidental injury, the protection of property, any emergency (including but not limited to criminal, medical, fire, health, civil disputes, civil infractions, animal control or animal welfare), which results in any communication or attempted communication between TROY and CLAWSON.

F. “Troy police, fire, ambulance, EMT and animal control personnel” shall be defined to include: any and all uniformed, non-uniformed, civilian, command, volunteer, administrative and/or supervisory personnel employed and/or contracted with by TROY either to provide, supply, support, administer or direct any TROY police or law enforcement service, fire protection, ambulance services, emergency medical or animal control services (as defined herein) and/or any persons, acting by, through, under, or in concert with any of them; or any other TROY official, officer, employee or agent whose job duties may include the dispatch of communication to CLAWSON pursuant to this Agreement

2. NO OBLIGATION TO RESPOND AND/OR ASSIST. TROY agrees that under the terms of this Agreement, except for use of lockup facilities and police personnel, animal control services, and the police dispatch services expressly contracted for herein, TROY shall not be obligated, in any way, to provide or assist CLAWSON or any Clawson police, fire, ambulance, EMT with any other direct, indirect, backup, or supplemental support or police, fire, emergency-related services or protection or animal control services, of any kind or nature whatsoever, or required to send any TROY personnel to respond, in any way, to any call for Clawson police, fire, ambulance, EMT or animal control services or assistance. CLAWSON agrees that it shall, at all times and under all circumstances, remain solely and exclusively responsible for all costs and/or liabilities associated with providing available on-duty Clawson police, fire, ambulance, EMT and animal control personnel to receive and respond to any Troy police dispatch services in a timely and professional manner. If there is a conflict between this Agreement and any mutual aid agreement already in effect at the signing of this Agreement, the mutual aid agreement shall apply.

3. INDEMNIFICATION AND HOLD HARMLESS. CLAWSON acknowledges that there may be circumstances when, despite all reasonable efforts, TROY'S attempt to communicate or provide police dispatch services for Clawson police, fire, ambulance, EMT may be unsuccessful and, as a result, Clawson's timely response to a call for Clawson police, fire, ambulance, EMT or animal control assistance may not be forthcoming. In all such circumstances, CLAWSON agrees to indemnify and hold harmless TROY from any and all resulting claims.

CLAWSON and/or Troy shall be mutually obligated to pay any portion of any court-ordered final judgment or award for which a court has determined that CLAWSON or TROY or any CLAWSON or TROY agent or employee was either solely negligent or solely at fault for any specific dollar amount of damages or loss to any person other than CLAWSON or TROY or any CLAWSON or TROY Police or FIRE Personnel.

TROY and CLAWSON agree that neither is required to indemnify nor hold the other harmless under those circumstances under which claims occur or arise or are made on the basis of the negligence, recklessness or gross misconduct of their own personnel in the performance of the terms of the Agreement, or violations of state or federal law alleged to have arisen as a result of the conduct of their own personnel.

4. LIMITATION OF REPRESENTATIONS. CLAWSON agrees that this Agreement does not, and is not intended to, include any TROY warranty, promise or guaranty, of any kind or nature whatsoever, concerning the provision of Troy police dispatch services to CLAWSON except that TROY will make a reasonable effort to provide police dispatch services for Clawson police, fire, ambulance, EMT and animal control personnel consistent with existing Troy Police Department communication and dispatching policies, procedures, orders and standards.

5. POLICIES AND PROCEDURES: The parties acknowledge that due to the number and variety of factual situations that could arise in the administration of this Agreement, that it is impossible to set out all policies, procedures, orders and

standards applicable to the services, personnel, facilities and/or services to be provided. Therefore, minimally, CLAWSON agrees to be bound by relevant policies and/or procedures set out in Troy Police Department General Order Number 5.2A, Prisoner Treatment and Lockup Operations, Date of Issue July 16, 2004, and any revisions or amendments thereto. Further, CLAWSON agrees to be bound by the relevant policies and/or procedures set out in Troy Police Department General Order Number 5.2E, Animal Control Unit – Animal Care and Control, Date of Issue October 20, 2003, and any revisions and/or amendments thereto. Recovered stray domestic animals will be temporarily housed in the Troy Police Department Animal Holding Facility in accordance with General Orders Policy and Procedures. Owners can pick up their animals at the Troy Police Department Animal Holding Facility until such time as they are transfer by Troy to either the Oakland or Macomb Animal Control facilities. Animal owners shall then be responsible for picking up their animals at those locations.

CLAWSON and TROY agree to comply with all applicable General Orders Policy & Procedures in effect in the Troy Police Department and which have been supplied to CLAWSON. TROY agrees to provide CLAWSON with any revisions and/or amendments at the same time that those revisions are distributed to department personnel. Those revisions and/or amendments will be distributed by first class mail to the following named individual and address:

_____.

CLAWSON shall give written notice to the Troy Chief of Police if a request is made to change the individual and/or address set out above.

6. TROY GENERAL ORDER AND INTERPRETATIONS. If there is a dispute between CLAWSON and TROY regarding the applicability of a Troy Police Department General Order, the Troy Police Department shift commander on duty at the time of the dispute shall make a decision as to whether the provision of a Troy Police Department General Order applies to the situation. If the Troy Police Department shift commander decides that a Troy Police Department General Order provision does apply, he shall make a decision as to how the specific situation shall be handled and convey that decision to the Clawson shift commander on duty at the Clawson Police Department.

A. Complaint Or Interpretation Resolution:

(1) TROY and CLAWSON agree to comply with Troy General Orders in the investigation of any complaint, initiated by the City of Clawson, Clawson residents, or any other citizen or outside agency relative to any action by TROY in the delivery of services as specified in this agreement. Upon completion of the investigation, TROY and CLAWSON agree to supply to each other all pertinent information, subject to the provisions of law protecting TROY employees, regarding the validity of the complaint and action taken. The parties further agree to notify each other of any complaint received by TROY or CLAWSON, related to the services provided to CLAWSON under this agreement and that are associated with the delivery of these services to CLAWSON.

(2). If there is a dispute between TROY and CLAWSON that is not covered by a Troy General Order that requires an immediate decision, the TROY Shift Commander and the CLAWSON Shift Commander on duty at the time shall

mutually agree to an immediate resolution. The Troy Police Chief and the Clawson Police Chief shall mutually resolve the dispute and agree upon the policy for future similar situations.

7. DISPATCH EQUIPMENT. CLAWSON agrees that under the terms of this Agreement, CLAWSON shall be solely and exclusively responsible for all costs, expenses and liabilities associated with the purchase, lease, operation, and/or use of any Clawson police, fire, ambulance, or EMT radio or other communication equipment, and TROY shall not be obligated to provide any Clawson personnel with any radio or other communication equipment of any kind. Similarly, TROY agrees that CLAWSON shall not be obligated under the terms of this Agreement to supply or provide TROY with telephones, telephone lines, radios and other communications equipment or property. Notwithstanding the above, TROY agrees that CLAWSON is not required to purchase any equipment not mandated by the requirements of Oakland County. However, nothing in this Agreement shall prevent TROY from updating, adding to, removing, replacing, changing and/or eliminating its equipment and/or dispatch system or any aspect of its equipment and/or dispatch system. Each party shall be responsible for its own costs for any changes, removal of and addition to its equipment under any and all circumstances.

8. COMPATIBILITY OF CLAWSON AND TROY DISPATCH EQUIPMENT. CLAWSON agrees that this Agreement does not, and is not intended to, obligate or require TROY to change, alter, modify, or develop any different dispatch related codes, policies, practices or procedures; purchase or use any special or

additional equipment; or, alternatively, prohibit TROY from implementing any future communication-related changes that TROY believes to be necessary in performing the terms of this Agreement. However, there are specific communication systems that must be provided by CLAWSON to make police dispatch services effective. CLAWSON shall be required to enter into the interoperable 800 MHZ radio system agreement with Oakland County, which is being entered into between TROY and Oakland County. CLAWSON and TROY shall enter into that radio system agreement prior to the signing of this Agreement. Further, if TROY discovers or determines that it is necessary to update any equipment that is not compatible with the radio communication equipment of CLAWSON, TROY shall notify CLAWSON immediately upon making such determination. TROY will provide CLAWSON a reasonable opportunity to make the necessary changes and if CLAWSON is unwilling and/or unable to obtain the necessary equipment designated by TROY, TROY or CLAWSON shall be allowed to cancel this Agreement pursuant to the cancellation process.

9. CLAWSON'S RESPONSIBILITIES AND GUARANTEES: CLAWSON agrees that it shall be solely and exclusively responsible, during the term of this Agreement, for guaranteeing that (a) all Clawson police, fire, ambulance and/or EMT radios and/or other communication equipment will be properly set and adjusted to receive any Troy police dispatch services and otherwise maintained in full and proper working order; (b) all CLAWSON police, fire, ambulance, EMT and/or animal control officers personnel will be adequately trained and will

comply with all applicable TROY communications codes, practices, policies and procedures as set out in Troy Police Department General Orders as set out in Paragraph 5, as well as any applicable county, state or federal (FCC) communications requirements; (c) CLAWSON and all Clawson police, fire, ambulance, EMT and/or animal control officers shall, at all times, promptly and properly notify the Troy communications supervisor of any on-duty or off-duty status and/or availability or unavailability of Clawson police, fire, ambulance, EMT and/or animal control personnel to receive police dispatch services from Troy; and (d) all CLAWSON police, fire, ambulance and/or EMT radio communication equipment, policies, practices and procedures shall conform to those of TROY as they now exist or may be changed in the future.

10. SUBCONTRACTING. TROY agrees this contract or agreement to provide the services identified may not be transferred and no individual service or obligation provided under this agreement can be subcontracted or transferred to another agency or entity or provider.

11. CANCELLATION. Subject to Paragraph 12, this Agreement shall become effective on the date of the last signature hereon and immediately forwarded to the Secretary of State for filing, and shall remain in effect continuously until it is cancelled by either party. Either CLAWSON or TROY may cancel this Agreement, for any reason (including the convenience of any party), and without any penalty, by delivering a written notice of cancellation of this Agreement to the Chief of Police of the other party's police department. Such written notice shall provide at least a ninety (90) calendar days notice of the effective date of

cancellation, and such cancellation of this Agreement shall be effective at 11:59 P.M. on the last calendar day of the calendar month following the expiration of the 90 calendar day notice period. There are 3 different services for fees established by this Agreement: 1. lockup facility and police services, 2. police dispatch services for police, fire, ambulance and EMT, and 3. services for animal control officers. Therefore, CLAWSON or TROY may cancel one of the services for fee of this Agreement with the intention that the remaining services for fee shall remain in effect. For example, CLAWSON may cancel service for animal control officers but retain the service for fee for lockup facility and police personnel services and police dispatch of police, fire, ambulance and EMT. The notice requirements of this Paragraph shall apply to a cancellation of one of the services for fee under this Agreement.

12. NECESSITY OF CITY COUNCIL RESOLUTIONS: This Agreement, and any subsequent amendments, shall not become effective prior to the approval by resolutions of the City Councils of CLAWSON and TROY. The approval and terms of this Agreement shall be entered into the official minutes and proceedings of the City Councils of CLAWSON AND TROY and shall also be filed with the Clerk of each City. In addition, this Agreement, and any subsequent amendments, shall be filed with the Oakland County Sheriff's Department, Oakland County Board of Commissioners, Clerk for Oakland County, and the Secretary of State for the State of Michigan.

CLAWSON shall take any necessary actions either by Resolutions of Council and/or amendment of its Ordinance to insure that TROY's animal control

officers have jurisdiction and/or authority to perform animal control services in and on behalf of CLAWSON.

13. START-UP DATE. All services under this Agreement shall begin in effect on November 6, 2005 (start-up date). If the start-up date is delayed due to circumstances beyond the reasonable control of Troy or Clawson, such as technical difficulties, lack of availability of sufficient staff to do an adequate start-up or other unanticipated events, i.e., but not limited to, labor strikes, natural disasters or weather events, events of force majeure, or terrorist activities, the parties will mutually agree upon a new start-up date and Troy will adjust the monthly installment payment on a pro-rated basis. If the start-up date occurs on a day other than the 1st day of the month, than the anniversary date as referenced in Paragraphs 14 and 15 of this Agreement, shall be 12 months from the 1st day of the month of the first full month of service. By way of example, if the start-up date is November 6, 2005, the first anniversary date for this Agreement will be December 1, 2006.

14 . FEES FOR SERVICES. In consideration of TROY'S promises and efforts under this Agreement , CLAWSON agrees to pay the following fees:

Lockup Services: CLAWSON shall pay an annual rate of \$86,600 for those services. The first payment for November 2005 is prorated to a monthly fee of \$6,013.89 and shall be paid by November 6, 2005. Thereafter, payments shall be made in monthly installments of \$7,216.67 to be paid by the first day of each month beginning December 1, 2005.

Dispatch Services. CLAWSON shall pay an annual rate as follows: \$89,800 for police dispatch services for police, fire, ambulance and EMT. The first payment for November 2005 is prorated to a monthly fee of \$ 6,236.12 and shall be paid by November 6, 2005. Thereafter, payments shall be made in monthly installments of \$7,483.34 to be paid by the first day of each month beginning December 1, 2005.

Animal Control Services: CLAWSON shall pay an annual rate as follows: \$ 15,200.00 for animal control services. The first payment for November 2005 is prorated to a monthly fee of \$ 1,055.56 and shall be paid by November 6, 2005. Thereafter, payments shall be made in monthly installments of \$ 1,266.67 to be paid by the first day of each month beginning December 1, 2005.

If animal control service is requested and an animal control officer is not on-duty, CLAWSON would be billed the call-in overtime rate for a Troy Animal Control Officer with a three (3) hour minimum, however, pursuant to Troy Police Department policy, animal control officers are not ordered in for such requests. CLAWSON shall pay for all housing and destruction fees incurred if a domestic animal or non-domestic animal is transported to either the Oakland or Macomb County Animal Control facility. CLAWSON will pay for the destruction costs of dead animals recovered in Clawson. CLAWSON will provide for the distribution of animal traps and the recovery of such traps if no animal is captured.

- A. All monthly payments shall be due and payable by CLAWSON without any further notice or demand from TROY.
- B. Each monthly payment shall be made by check drawn on a CLAWSON account and shall be made payable to the "City of Troy" and delivered to the attention of the City of Troy Treasurer, 500 W. Big Beaver Road, Troy, Michigan 48084.
- C. Each such payment shall clearly identify that it is a monthly payment being made pursuant to this Agreement and identify the calendar month for which CLAWSON intended the payment to apply. CLAWSON agrees that TROY, in its discretion, may apply any monthly received from CLAWSON to any past due amount or monthly payment then due and owing to TROY pursuant to this Agreement.

15. ANNUAL REVIEW OF FEES. Each year, prior to the anniversary date of the Agreement, TROY shall review its personnel costs and any costs directly related to the ability of TROY to provide services under this Agreement. If those costs have increased, TROY shall notify CLAWSON in writing of the amount of and the reason for the increased costs for each service under the Agreement no later than 30 days before the anniversary date of the Agreement. Those increased costs will be assessed as fees to CLAWSON from the anniversary date of the Agreement for a one (1) year period. If CLAWSON objects to those increased fees, TROY may cancel the Agreement as set out in Paragraph 11 or

TROY and CLAWSON may agree to amend the fee increase to a different amount, which shall be effective for a one year period beginning the anniversary date of the Agreement and continuing for a one (1) year period from each anniversary date. If an amended fee is not negotiated until after the anniversary date of the Agreement, CLAWSON shall be responsible for payment of the increased fee for each month until and unless a mutual agreement amending the increase fee is reached.

TROY has determined the fee for lockup services based upon the average arrest volumes over time. Each year, TROY and CLAWSON shall evaluate the arrest volumes as determined by the number of persons incarcerated in TROY lockup facility and TROY shall adjust the cost for lockup services accordingly.

16. NO SETOFF FOR FEES. CLAWSON agrees that any and all of its payment obligations as set forth in this Agreement shall be absolute and unconditional in all events and shall not be subject to any set-off, defense counterclaim, or recoupment for any reason whatsoever.

17. INSURANCE REQUIREMENTS. CLAWSON agrees, at its sole cost and expense, to purchase and maintain the following insurance coverage(s), in the minimum coverage amounts indicated, for the entire duration of this Agreement and to provide TROY with the following Certificates of Insurance. CLAWSON acknowledges that all insurance obligations, bonds, and/or certificates or proof of same required shall be subject to the approval of TROY. CLAWSON shall name TROY as an additional insured on their policy with the Michigan Municipal Risk Management Association (MMRMA).

- A. Workers' Compensation Insurance as required by the laws of the State of Michigan with Employer Liability Coverage in the minimum amount of \$100,000.00;
- B. All Certificates of Insurance, self-insurance, or duplicate policies of any outside vendor or contractor shall contain the following clauses:
 - i. "Any coverage afforded to TROY shall apply as primary and not excess to any insurance issued in the name of CLAWSON".
 - ii. "The insurance company(s) issuing the policy or policies shall have no recourse against TROY for payment of any premiums or for assessments under any form of policy.";
 - iii. "Any and all deductibles in the above described insurance policies shall be assumed by, and be for the account of, and at the sole risk of CLAWSON; and
 - iv. "There will be no additional exclusions running to the Additional Insured based upon any actions or activities of the Named Insured."
- C. All Certificates of Insurance are to provide thirty (30) days notice of material change or cancellation. All Certificates of Insurance must be provided no less than thirty (30) working days before the commencement date of services to be

provided under this Agreement to TROY'S Risk Management Department. Insurance carriers, coverage(s), and policy limits are also subject to the approval of TROY.

18. SUBROGATION: The parties agree that they will legally conform with the requirements of this Agreement and in doing so shall be subrogated to any rights to recover or any benefits either may have under any insurance policy and to the full extent of any payment made under any insurance policy as may be required to make the recovering party whole for any claims. In this instance, the other agrees to cooperate and perform any act necessary or required to secure such rights for the prevailing or claiming party.

19. INDEMNIFICATION AND HOLD HARMLESS FOR ALL SERVICES: Except as otherwise provided in this Paragraph, CLAWSON and TROY agree to indemnify and hold each other harmless from an against any and all claims, as defined in this Agreement, which are imposed upon, incurred by, or asserted against the other party by any person and which are based upon, result from, arise from, or are in any way related to any alleged error, injury, mistake, negligent or intentional acts or omissions by TROY and/or CLAWSON and/or Troy and/or Clawson police, fire, ambulance and EMT, including but not limited to:

- A. Any and all alleged breach of any legal duty to any person and/or any Troy or Clawson police, fire, ambulance and EMT for any reason whatsoever.

- B. Any and all alleged breach of any legal duty to any person regarding an arrest, detention, booking or other lockup procedure as set out in this Agreement.
- C. Any and all alleged police, fire, ambulance and EMT's negligence or erroneous response to, or failure to respond to, any communication or police dispatch services.
- D. Any and all alleged failures to receive in a timely manner any telephone call for fire or emergency related services due to any alleged negligence.
- E. Any and all alleged failures by police, fire, ambulance and EMT to receive any transmitted police dispatch services.
- F. Any and all alleged injuries or losses to police, fire, ambulance and EMT arising out of any police dispatch services under this Agreement.
- G. Any and all alleged injuries or losses to police arising out of any use of the lockup facilities and/or police services under this Agreement.
- H. Any and all alleged failures by police, fire, ambulance and EMT to comply with any duty or obligation in this Agreement whether related to lockup facilities and/or police services or police dispatch services as set out in this Agreement.

20. PAYMENT AND SATISFACTION OF CLAIMS: The indemnification right afforded in this Agreement shall be excess and over and above any other valid and collectible insurance right available to TROY or CLAWSON and applicable to

any part of any ultimate net TROY or CLAWSON loss whether or not any such insurance coverage is stated to be primary, contributing, excess, or contingent. To the extent that any promise to indemnify, pay on behalf of, and hold harmless as set forth in this Agreement may become unenforceable or uncollectible, the indemnitor shall contribute the maximum portion that it is permitted to pay and satisfy under applicable law toward the payment and satisfaction of any claims.

21. SURVIVAL OF CLAIMS IF CANCELLATION: The parties agree that all indemnification and hold harmless promises, waivers of liability, representations, insurance coverage obligations, liabilities, payment obligations, and/or any other related obligations provided for in this Agreement with regard to any acts, occurrences, events, transactions, or claims, either occurring or having their basis in any events or transactions that occurred before the cancellation of this Agreement or part of this Agreement, shall survive the cancellation. The parties agree that the cancellation or termination of this Agreement shall be without prejudice to any rights or claims of either party against the other and shall not relieve either party of any obligations which, by their nature, survive cancellation or termination of this Agreement.

22. INDEPENDENT CONTRACTOR: CLAWSON and TROY agree that no employees, volunteers, agents and personnel servicing this Agreement or otherwise, shall be considered or asserted to be employees of the other, and further agree, that at all times and for all purposes under the terms of this Agreement, the legal status and relationship of each party shall be that of an Independent Contractor. The parties also agree that no police, fire, ambulance

and EMT or any other employee, volunteer, agent or personnel shall, by virtue of this Agreement or otherwise, be considered or asserted to be an employee, agent, or working under the supervision and control of the other.

23. RESPONSIBILITIES TO RESPECTIVE EMPLOYEES: CLAWSON and TROY agree that, at all time and for all purposes relevant to this Agreement, CLAWSON and TROY shall each remain the sole and exclusive employer of each of their respective employees. CLAWSON and TROY each agree to remain solely and exclusively responsible for the payment of each of their respective employees' wages, compensation, overtime wages, expenses, fringe benefits, pension or retirement benefits, training expenses, or other allowances or reimbursement of any kind, including, but not limited to, workers' disability compensation, unemployment compensation, Social Security Act protections and benefits, employment taxes, or any other statutory or contractual right or benefit based, in any way, upon employment of personnel.

24. NO CHANGE TO CONDITIONS OF EMPLOYMENT: This Agreement does not, and is not intended to, create, change, modify, supplement, supercede, or otherwise affect or control, in any manner, any terms or conditions of employment of any employees of either CLAWSON or TROY, including, but not limited to, any employment and/or union contracts, any levels or amounts of supervision, any standards of performance, any sequence or manner of performance, and/or any rules regulations, training and education standards, hours of work, shift assignments, orders, policies, procedures, directives, and ethical guidelines which shall solely and exclusively govern and control the

employment relationship between each of the parties hereto and their employees.

25. NO EXERCISE OF CONTROL OVER OTHER PARTIES EMPLOYEES: The parties agree that neither shall provide, furnish or assign any of the other's employees, volunteers, agents or personnel with any job instructions, job descriptions, job specifications, or job duties, or, in any manner, attempt to control, supervise, train, or direct any of the other's employees, volunteers, agents or personnel in the performance of any duty or obligation under the term of this Agreement.

26. NOTICE OF CLAIMS: Each party agrees that it shall promptly deliver to the other written notice and copies of any claims, complaints, charges, or any other accusations or allegations of negligence or other wrongdoing, whether civil or criminal in nature, that either becomes aware of which involves, in any way, facilities, equipment, personnel and/or services under this Agreement. CLAWSON agrees to cooperate with TROY in any investigation conducted by TROY of any acts or performance of any duties by CLAWSON or TROY under this Agreement.

27. NOTICE REQUIREMENTS: Any written notice required or permitted under this Agreement shall be considered delivered to a party as of the date that such notice is deposited, with sufficient postage, with the U.S. Postal Service. Unless specifically otherwise set out in this Agreement, all writing sent to TROY shall be sent to: Chief of Police and City Attorney and all writing sent to CLAWSON shall be sent to: Chief of Police and City Attorney.

28. JURISDICTION AND INTERPRETATION: This Agreement is made and entered into in the State of Michigan and shall in all respects be interpreted, enforced and governed under the laws of the State of Michigan. The language of all parts of this Agreement is intended to and, in all cases, shall be construed as a whole, according to its fair meaning, and not construed strictly for or against any party. As used in this Agreement, the singular or plural number, possessive or nonpossessive, shall be deemed to include the other whenever the context so suggests or requires. Each party's chief of police and legal counsel have negotiated the language of this Agreement.

29. NO WAIVER OF RIGHTS OR PRIVILEGES: Absent an express written waiver, the failure of any party to pursue any right granted under this Agreement shall not be deemed a waiver of that right regarding any existing or subsequent breach or default under this Agreement. No failure or delay on the part of any party in exercising any right, power or privilege hereunder shall operate as a waiver thereof, nor shall a single or partial exercise of any right, power or privilege preclude any other or further exercise of any other right, power or privilege.

30. BINDING ON SUCCESSORS: CLAWSON and TROY acknowledge that this Agreement shall be binding upon each of them and, to the extent permitted by law, upon their administrators, representatives, successors and all persons acting by, through, under, or in concert with them.

31. COMPLIANCE WITH EXISTING CONTRACTS: Each party acknowledges that it has reviewed all of its current or proposed contracts, including any and all

labor or union contracts with any police, fire, ambulance, EMT, animal control and communications personnel, and hereby warrants that it does not have and will not have at any time during the term of this Agreement, any other contractual agreements that will in any manner restrict, interfere with, or prohibit any police, fire, ambulance, EMT and/or animal control and communications personnel, or any other person from complying with CLAWSON'S or TROY'S obligations and duties as set forth in this Agreement.

32. NO VERBAL AMENDMENT: This Agreement, consisting of 27 pages, sets forth the entire contract and understanding between CLAWSON and TROY. This contract shall not be changed or supplemented verbally. This Agreement may be amended only by concurrent resolutions of the City Councils of CLAWSON and TROY in accordance with the procedures set forth in Paragraph 12.

33. PARAGRAPH HEADINGS: The paragraph headings to this Agreement are for convenience reference only and are not to be construed as part of this Agreement for interpretation purposes.

34. DISPUTE RESOLUTION: The parties acknowledge and agree that in the event there is a dispute regarding the implementation or interpretation of the terms of this Agreement not directly involving general orders that have been issued or mutually agreed upon pursuant to this Agreement, that dispute shall first be immediately resolved between the police chiefs of the CITY OF TROY and the CITY OF CLAWSON. In the event the dispute is not resolved, if the parties feel it necessary to do so, a suit for declaratory judgment can be filed in the Oakland County Circuit Court setting forth the particular issues to be

resolved. The parties can express in those pleadings the position each may have regarding the particular dispute. The parties do acknowledge that it is the purpose of this Agreement to fully cooperate and communicate in the resolution of any disputes that may arise between the parties and it is only as a last resort that any matters should be turned over to the Oakland County Circuit Court.

IN WITNESS WHEREOF, _____, CITY OF CLAWSON, hereby acknowledge that they have been authorized by resolution of the CLAWSON CITY COUNCIL, a certified copy of which is attached, to execute this Agreement on behalf of the CITY OF CLAWSON and hereby accept and bind the CITY OF CLAWSON to the terms and conditions of this Agreement.

CITY OF CLAWSON

WITNESSES:

BY:
MAYOR

BY:
CITY CLERK

DATED:_____

IN WITNESS WHEREOF, _____, CITY OF TROY, hereby acknowledge that they have been authorized by resolution of the TROY CITY COUNCIL, a certified copy of which is attached, to execute this Agreement on

behalf of the CITY OF TROY and hereby accept and bind the CITY OF TROY to the terms and conditions of this Agreement.

APPROVED AS TO FORM AND LEGALITY:

CITY OF TROY

WITNESSES:

BY: Louise E. Shilling
MAYOR

BY: Tonni Bartholomew
CITY CLERK

DATED: _____



Date: October 11, 2005
To: John Szerlag, City Manager
From: Peggy E. Clifton, Human Resources Director
Re: **Agenda Item** – Contract Ratification - Troy Police Officers Association (TPOA) and City of Troy

RECOMMENDATION

City management supports and recommends approval of the tentative agreement for a three-year collective bargaining agreement between the City of Troy and the Troy Police Officers Association.

BACKGROUND

On September 22, 2005 the TPOA membership ratified a tentative agreement for a three-year collective bargaining agreement between the City of Troy and TPOA. This agreement replaces the contract that expired June 30, 2005.

This agreement is the 8th collective bargaining agreement to be achieved using the Interest-Based Bargaining method. This is the technique in which both sides discuss possible solutions to “issues” rather than holding to “positions” or “demands”. The tentative agreement provides a mutually satisfactory solution to the issues raised by both parties in negotiations, and serves to bring more consistency in benefits among employee groups, including implementation of cost-saving measures, consistent with our stated goals. We have succeeded in adopting some significant cost savings in pension and health insurance areas. And, while it includes relatively modest increases in some areas, these are in keeping with maintaining a competitive position with our comparable communities, as well as contributing toward our achieving our goal in other areas. A summary of the tentative agreement is attached for your review.

Attachment

PEC/bjm

TENTATIVE AGREEMENT SUMMARY
City of Troy and TPOA
2005-2008 Collective Bargaining Agreement

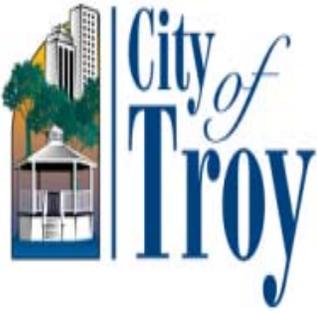
<u>ISSUE</u>	<u>SOLUTION</u>
Wages	3% per year, 3 year contract
Pension	<ol style="list-style-type: none">a. Defined Contribution Plan: For new hires, reduced employer contribution by 1% (from 11% to 10%), and increased employee contribution by 1% (from 5% to 6%).b. The Association agreed to consider participation in an early out pension option that City management may advance as a cost savings measure.
Hospitalization/Medical Insur.	<ol style="list-style-type: none">a. The cash-in-lieu amount currently paid to employees who opt out of health insurance will be frozen at the current level. Employees who decide to opt out after ratification date will receive \$250 (reduced from approximately \$390).b. \$5/\$10 drug rider replaces \$5 for all employees.c. Maximum orthodontic benefit increased to \$2000 from \$1200, consistent with other employee groups.d. Eliminated dual coverage for employees who are married to each other.
Retiree Medical Insur.	<ol style="list-style-type: none">a. For employees retiring after ratification date, \$5/\$10 drug rider replaces \$5 drug rider.b. Clarified eligibility for retiree health insurance and definition of "two person coverage"
Clothing & Cleaning Allowance	Amount of additional clothing allowance allotted for transfers in/out of non-uniform divisions increased from \$75 to \$150; in the event of a mandatory change in uniforms, the amount over \$75 not deducted from the officer's clothing allowance is "per item" instead of "per year".
Shift Bonus	Increased shift bonus to \$.60 per hour for afternoons and \$.80 per hour for midnights (from \$.25 and \$.35 respectively), effective on ratification date.
Tuition Reimbursement	Annual maximum reduced to \$2500 from \$4000.

Overtime

Overtime hours worked on a designated holiday to be paid at the rate of two times the hourly rate (increased from 1.5 times the hourly rate, and consistent with the provision in the command officers' contract).

Language Revisions

1. Discipline: If it is decided that an oral or written reprimand will not be removed from a personnel file, the future date established to review the matter will be in 6 months.
2. Promotions: The employer and the Association will jointly institute a professional development program to assist officers interested in promoting.
3. Vacation: Redefined criteria for use of vacation on a one-day-at-a-time basis, established a mandatory minimum annual usage, prohibited carryover to the next year except under exigent circumstances.
4. Overtime: Established a quarterly maximum accumulation of comp time, eliminating any rollover effect; "extra shift" defined as "full ten hour shift" consistent with earlier arbitration ruling.
5. Physical and Psychological Exams: Clarified that the facility for conducting biennial exams will be selected by the fitness committee (consistent with arbitrator's award), rather than stipulating to specific facility in the contract.
6. Association Business: Permits Association President (or designee) to attend TPOA related arbitration hearings; such time does not count toward the 100 hour cap which applies to attending conferences or other matters.
7. Grievance Procedure: Meetings at the Step 1 or Step 2 level will be held within one hour of the start or end of the officer's shift whenever possible.
8. Arbitration: Grievances not settled at step 3 may be filed with the American Arbitration Assoc. (instead of with the Federal Mediation & Conciliation Service).
9. Court Time: Added language addressing how overtime applies if two court appearances are scheduled for the same day.
10. Sick Leave: Requires officers to call in not less than one hour before the start of the shift and daily thereafter, and to state the reason for the use of sick leave.
11. Funeral Leave: Added that funeral leave may be used for bereavement; added 'stepchild' to definition of family.
12. Vehicle Safety: Maximum mileage that patrol vehicles may be driven increased to 90,000 from 70,000.



TO: Mayor and Members of Troy City Council
FROM: Lori Grigg Bluhm, City Attorney
DATE: October 12, 2005
SUBJECT: Proposed Amendment- Long Lake Crossings

Transwestern Commercial Services is the owner of the Long Lake Crossing Building at 1301 W. Long Lake Road, in the City of Troy. They have recently secured a new tenant for one of the suites in the building. The tenant intends to use the space for computer instruction programs. The tenant is scheduled to move into the space by October 31, 2005.

In September 2005, Casey Powell of Transwestern Commercial Services learned that there is a Consent Judgment that controls the allowable uses of the property. This Consent Judgment was allegedly not recorded with the Oakland County Register of Deeds, but was indicated on the zoning maps of the City of Troy. The Consent Judgment covered several parcels of property in the southwest corner of Long Lake Road and Coolidge Highway. The Consent Judgment represents a settlement of a case that was filed against the City in 1982, and was tried before former Oakland County Circuit Court Judge Alice Gilbert, Zahav Investment Company, Plymouth Investment Company, and Biltmore Properties Company et. al v. City of Troy, Case No. 82-238690 CZ.

Pursuant to the terms of the Consent Judgment, the property at 1301 W. Long Lake Road is required to be developed consistent with the provisions of O-1 (Office) zoning. According to a 1996 amendment to Chapter 39, Section 24.25.03, this would allow:

Technical training uses, when such are accessory or secondary to the Principal Uses permitted in this District, and thus not operated as independent businesses. Additional parking (in accordance with Section 40.21.32) shall be provided for that floor area devoted to technical training (classrooms) which is in excess of thirty (30) percent of the total area of the Principal Use.

Troy's zoning ordinance does not allow for a primary technical training use, which is what is proposed for Transwestern's new tenant. The O-1 provisions are also different than the provisions in Troy's O-M and O-S-C zoning districts, which allow for "Any use charged with the principal function of office-type research or technical training." (Chapter 39, Sections 25.20.03 and 26.20.03).

In May 1993, the City of Troy received a request to allow training as a permitted use for this particular property. At that time, Alan Hayman, agent for the owner of the property, New York Life Insurance Company, requested an amendment to the Consent Judgment that would allow for "Any use charged with the principal function of office type research or technical training" to accommodate Walsh College, who proposed to use the space for "instructional and related administrative purposes." The resolution passed by the City Council at that time stated:

Resolution #93-509

RESOLVED, that the terms of the proposed amendment to the Consent Judgment between Zahav Investment Company, et. al and the City of Troy controlling the Long Lake Crossing site, located at 1301 W. Long Lake, as presented on this date, is hereby approved subject to review by the City Attorney regarding adequacy of language, and the City Attorney is hereby authorized to execute and enter the documents in Oakland County Circuit Court, a copy of which shall be attached to the original minutes of this meeting.

The City's records indicate that a proposed amendment to the Consent Judgment was drafted on or about August 16, 1993. There is also file correspondence discussing different provisions of the proposal between the attorney for the City and the attorney for New York Life Insurance Company. For unknown reasons, the amendment was never executed or filed with the Oakland County Circuit Court or the Oakland County Register of Deeds. Perhaps there was no follow up, since Section 24.25.03 was amended in 1996 to allow for training as a permitted use, but not the primary use of an O-1 district property.

Casey Powell of Transwestern Commercial indicates that Walsh College did use a portion of the first floor of the property at 1301 W. Long Lake Road for training purposes. He is now seeking permission for a similar use, on behalf of his new tenant.

In the event that the Troy City Council is inclined to amend the Consent Judgment to allow technical training as a permitted primary use for the property at 1301 W. Long Lake Road, a draft amendment has been included for your review and/ or approval.

If you have any questions concerning the above, please let me know.

CC: Troy Planning Commission Members
John Szerlag, City Manager
Doug Smith, Director of Real Estate and Development
Brian Murphy, Assistant City Manager- Services
Mark Stimac, Director of Building and Zoning
Mark Miller, Planning Director
Planning Commission Members

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

TRANSWESTERN COMMERCIAL
SERVICES, Successors in interest to
ZAHAV INVESTMENT COMPANY,
PLYMOUTH INVESTMENT COMPANY,
and BILTMORE PROPERTIES COMPANY,

Plaintiffs

v.

Case No. 82-238690 CZ

CITY OF TROY, a Michigan Municipal
Corporation,

Defendant.

CITY OF TROY
CITY ATTORNEY'S OFFICE
Lori Grigg Bluhm (P46908)
Attorney for Defendant
500 W. Big Beaver Rd.
Troy, MI 48084
Phone (248) 524-3320
Fax (248) 524-3259
E-mail Bluhmlg@ci.troy.mi.us

SECOND AMENDMENT TO THE CONSENT JUDGMENT

1. On January 2, 1986, a Consent Judgment was voluntarily entered into between Plaintiffs ZAHAV INVESTMENT COMPANY, PLYMOUTH INVESTMENT COMPANY, and BILTMORE PROPERTIES COMPANY, and Defendant CITY OF TROY, which is attached as Exhibit A.

2. This Consent Judgment was subsequently amended on January 29, 1988 (First Amended Consent Judgment). This amendment was between Plaintiff BILTMORE PROPERTIES COMPANY, and it concerned only one of five parcels of property that are covered by the Consent Judgment (Parcel 1). The First Amended Consent Judgment is attached as Exhibit B.
3. Plaintiff TRANSWESTERN COMMERCIAL SERVICES, is the successor owner of a portion of the 24 acre Parcel 5 (the Long Lake Crossing Parcel, as distinguished from Parcel 1), which is covered by the terms of the Consent Judgment. TRANSWESTERN COMMERCIAL SERVICES owns the office building that is located at 1301 W. Long Lake Road, Troy, Michigan, and is tax parcel number 20-17-200-026.
4. The initial Consent Judgment limits the development and use of Parcel 5, the Long Lake Crossing Parcel, to those uses that are allowed in the City of Troy's O-1 (Office) zoning district, as set forth in paragraph 5 of the Consent Judgment, which is attached as Exhibit A.
5. TRANSWESTERN COMMERCIAL SERVICES and the CITY OF TROY agree that the Consent Judgment shall be amended to provide that in addition to the other uses allowed under the provisions in Paragraph 5 of the Consent Judgment.

NOW THEREFORE,

IT IS HEREBY ORDERED that Paragraph 5 of the Consent Judgment is amended to provide that in addition to the other uses allowed under the provisions in Paragraph 5 of the Consent Judgment, up to 20% of the total square footage of the gross leaseable area of the building can have a principle use of office type research or technical training, as long as the Plaintiff can demonstrate, to the satisfaction of the City of Troy, that there is sufficient parking to accommodate the proposed research or technical training in addition to all other parking requirements for the building.

IT IS FURTHER ORDERED that except as provided in the Consent Judgment or its amendments, all other regulations of the O-1 zoning district, which is Article XXIV (Chapter 24) of the Troy zoning ordinance, shall apply and control the use, development and occupancy of Parcel 5.

IT IS FURTHER ORDERED that all other provisions of the Consent Judgment entered on January 2, 1986, and amended on January 29, 1988, shall remain in full force and effect.

Circuit Judge

Approved as to form and substance
and stipulated for entry:

TRANSWESTERN COMMERCIAL
SERVICES

By:

CITY OF TROY,

By: Louise E. Shilling, Mayor

By: Tonni Bartholomew, Clerk

Lori Grigg Bluhm (P46908)
City Attorney

12/16/85
12/23/85
(B-16)
only

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

ZAHAV INVESTMENT COMPANY, a
Michigan Limited Co-Partnership,
PLYMOUTH INVESTMENT COMPANY, a
Michigan Limited Co-Partnership,
And BILTMORE PROPERTIES COMPANY,
A Michigan Partnership,

Plaintiffs,

V

Case No. 82 238690 CZ

CITY OF TROY, a Michigan
Municipal Corporation,

Defendant.

Marty A. Burnstein
Ginn, Kramer, Jacobson
And Burnstein, P.C.
Attorneys for Plaintiffs
24567 Northwestern Highway
Suite 400
Southfield, Michigan 48075
(313) 358-3222

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

BY
DEPUTY COUNTY CLERK

1986 JAN 2 PM 2 53

RECEIVED FOR FILING
OAKLAND COUNTY CLERK

CONSENT JUDGMENT

At a session of said court held in the
Court House Tower, City of Pontiac, Oakland
County, Michigan on _____

PRESENT: HONORABLE _____

JAN 2 1986
ALICE L. GILBERT
CIRCUIT JUDGE

This case having come on for trial and after trial the
Plaintiffs, Zahav Investment Company, (ZAHAV), Plymouth

A TRUE COPY
LYNN D. ALLEN
Oakland County Clerk / Register of Deeds
[Signature]
Deputy

EXHIBIT A

Investment Company, (PLYMOUTH), and Biltmore Properties Company, (BILTMORE), and the Defendant, City of Troy, (TROY), having entered into negotiations to compromise and settle this litigation and having stipulated and agreed upon the form and substance of this Consent Judgment to reflect their agreed upon settlement, and this Court having approved this Judgment;

Now, Therefore, It is ordered and adjudged as follows:

1. After the date of this Judgment, the land described as Parcel 1 on the General Plan attached as Exhibit A may be developed, used, and occupied for the purposes now set forth in Article XXV, D-1 (Office Building District), of the Troy Zoning Ordinance attached as Exhibit B, subject, however, to the following modifications and additional land use regulations:

A. The office building to be constructed on Parcel 1 may consist of a full basement which cannot be used or leased for any purpose other than storage and placement of furnace, sump pump, or other mechanical equipment; a first floor on which the maximum gross floor area of office space shall not exceed 20,000 square feet, and a pitched roof which may include heating and cooling equipment. Any basement constructed shall not exceed 7 feet in height as measured between the basement floor and the bottom of the duct work. Other than a full basement and the first floor, no other floors shall be permitted. The office building to be constructed in Parcel 1 shall be substantially similar in appearance to the

building depicted on the layout attached as Exhibit C.

B. Except as set forth above, the Schedule of Regulations now applicable to the O-1 district, being Article XXX of the Troy Zoning Ordinance and attached as Exhibit D, shall apply and control the use, development, and occupancy of Parcel 1.

C. Upon completion of construction of an office building on Parcel 1, Biltmore shall be charged with a total of eight (8) sanitary sewer taps against its allocation of sanitary sewer taps pursuant to the Sanitary Sewer Agreement between Biltmore and Troy dated August 22, 1979, as amended.

2. After the date of this Judgment, the land described as Parcel 2 on the General Plan attached as Exhibit A may be developed, used, and occupied for the purposes now set forth in Article X (R-1B-One-Family Residential) of the Troy Zoning Ordinance attached as Exhibit E, subject, however, to the following modifications and additional land use regulations:

A. The Schedule of Regulations now applicable to the R-1B district and attached as Exhibit D, shall apply and control the use, development and occupancy of Parcel 2 with the requirement that the minimum lot width shall be 100 feet at the front building setback line and the minimum lot size shall not be less than 15,000 square feet.

B. The size, number, configuration, and street pattern of the lots developed on Parcel 2 shall be in

accordance with tentative preliminary plat approval granted by the Troy Planning Commission on May 23, 1985, and by the Troy City Council on June 3, 1985, and shall be known as Oak River Subdivision No. 3. Upon Biltmore's request, Troy shall grant extensions of the plat approval in writing for successive one year periods as long as the Plat continues to conform to the approvals granted by Troy on May 23, 1985 and June 3, 1985.

Any future processing of Biltmore's Oak River Subdivision Plat No. 3 shall be subject to the Michigan Subdivision Control Act and Troy's Ordinances and Regulations.

3. After the date of this Judgment, the land described as Parcel 3 on the General Plan attached as Exhibit A may be developed, used, and occupied for the purposes now set forth in Article X (R-1B-One-Family Residential) of the Troy Zoning Ordinance attached as Exhibit E, subject, however, to the following modifications and additional land use regulations:

A. Parcel 3 may be developed using the Averaged Lot Size Residential Development Option now set forth in Article XXXV of the Troy Zoning Ordinance attached as Exhibit F.

B. The Schedule of Regulations now applicable to the R-1B district and attached as Exhibit D, shall apply and control the use, development and occupancy of Parcel 3 with the requirement that the minimum lot width shall be 95 feet at the front building setback line.

C. Upon entry hereof, this Consent Judgment, shall be recorded and shall constitute restrictive covenants as follows: (i) the use of storage sheds, buildings, and construction of any kind on the area labelled "Open Space Preservation Area" on Parcel 3 as depicted on the General Plan attached as Exhibit A shall be prohibited; (ii) only those uses permitted in the R-1B zoning district shall be permitted as to Parcels 2, 3, 4, 6, 7, and 8; and (iii) these restrictive covenants shall be enforceable by any lot owner within Parcels 2, 3, 4, 6, 7, and 8.

D. Except as provided in this Judgment and subject to the requirements of the Subdivision Control Act, being MCLA 560.101 et seq, as amended, and Troy's Ordinances and Regulations, the size, number, configuration, and street pattern of the lots developed on Parcel 3 shall be determined by Biltmore and/or Plymouth and approved by the Troy City Council. Neither Biltmore, Plymouth, nor Troy shall be bound by the configuration and number of lots portrayed on Exhibit A for Parcel 3.

4. After the date of this Judgment, the land described as Parcel 4 on the General Plan attached as Exhibit A may be developed, used, and occupied for the purposes now set forth in Article X (R-1B-One-Family Residential) of the Troy Zoning Ordinance attached as Exhibit E, subject, however, to the following modifications and additional land use regulations:

A. Parcel 4 may be developed using the Averaged Lot Size Residential Development Option now set forth in Article XXXV of the Troy Zoning Ordinance attached as Exhibit F.

B. The size, number, configuration, and street pattern of the lots developed on Parcel 4 shall be in accordance with tentative preliminary plat approval granted by the Troy Planning Commission on May 23, 1985, and by the Troy City Council on June 3, 1985, and shall be known as Merihill Acres Subdivision No. 3 or such other name as Biltmore may select with Troy's approval. Plaintiff, at its option, may increase the lot sizes in said plat. Upon Biltmore's request, Troy shall grant extensions of the plat approval in writing for successive one year periods as long as the Plat continues to conform to the approvals granted by Troy on May 23, 1985 and June 3, 1985. Any future processing of Biltmore's Merihill Acres Subdivision Plat No. 3 shall be subject to the Michigan Subdivision Control Act and Troy's Ordinances and Regulations as they each exist on the date of this Judgment.

*"Long Lake Crossing"
Parcel*

5. After the date of this Judgment, the land described as Parcel 5 on the General Plan attached as Exhibit A may be developed, used, and occupied for the purposes now set forth in Article XXV, 0-1 (Office Building District), of the Troy Zoning Ordinance attached as Exhibit B, subject, however, to the following modifications and additional land use regulations:

B. A. Any office building constructed on Parcel 5 may contain a full or partial basement which cannot be used or leased for any purpose other than storage and placement of furnace, sump pump and other mechanical equipment. There will not be any above ground parking decks constructed in connection with any office building on Parcel 5.

C. B. The Schedule of Regulations now applicable to the O-1 district, being Article XXX of the Troy Zoning Ordinance and attached as Exhibit D, shall control the use, occupancy, and development of Parcel 5 with the requirements that the floor to floor elevation between the first and second stories, the second and third stories, and the third story and the roof of structures within Parcel 5 may not exceed 12 feet 6 inches for each floor and a total wet sprinkler fire suppression system conforming to Article 17 of the 1984 BOCA Building Code shall be provided.

D. G. Prior to the issuance of a certificate of occupancy for the first office building constructed on Parcel 5, Biltmore shall construct a 6 foot high earth berm with a ratio of 1 on 3 side slopes, which shall be approximately 36 feet wide at the base within a 40 foot greenbelt easement to be established by Biltmore on the westerly boundary line of Parcel 5. The earth berm shall be landscaped in accordance with the standards of the City of Troy pertaining to subdivision non-access greenbelts as specifically set forth in Chapter 41, Section 4.02 of Troy's Subdivision Control Ordinance and

substantially similar to that depicted on Exhibit G attached.

E. D. Prior to the issuance of a certificate of occupancy for the first office building constructed on Parcel 5, and unless otherwise agreed by Troy and Biltmore, Biltmore shall construct a 6 foot high earth berm with a ratio of 1 on 3 side slopes, which shall be approximately 36 feet wide at the base within a 40 foot greenbelt easement to be established by Biltmore on the southerly boundary line of Parcel 5. The earth berm shall be landscaped in accordance with the standards of the City of Troy pertaining to subdivision non-access greenbelts as specifically set forth in Chapter 41, Section 4.02 of Troy's Subdivision Control Ordinance and substantially similar to that depicted on Exhibit G attached.

F. E. Prior to the issuance of a certificate of occupancy for the first office building constructed on Parcel 5, Biltmore shall install concrete road pavements 36 feet in width in Northfield Parkway from Long Lake Road South to the center of Section 17, and a sidewalk 5 feet in width on the East side of Northfield Parkway from Long Lake Road to the center of Section 17.

6. After the date of this Judgment, the land described as Parcel 6 on the General Plan attached as Exhibit A may be developed, used, and occupied for the purposes now set forth in Article X (R-1B-One-Family Residential) of the Troy Zoning Ordinance attached as Exhibit E, subject, however, to the following modifications and additional land use

regulations:

A. The size, number, configuration, and street pattern of the lots developed on Parcel 6 shall be in accordance with tentative preliminary plat approval granted by the Troy Planning Commission on May 23, 1985, and by the Troy City Council on June 3, 1985, and shall be known as Merihill Acres Subdivision No. 2. Upon Biltmore's request, Troy shall grant extensions of the plat approval in writing for successive one year periods as long as the Plat continues to conform to the approvals granted by Troy on May 23, 1985 and June 3, 1985. Any future processing of Biltmore's Merihill Acres Subdivision Plat No. 2 shall be subject to Michigan's Subdivision Control Act and Troy's Ordinances and Regulations.

7. After the date of this Judgment, the land described as Parcel 7 on the General Plan attached as Exhibit A may be developed, used, and occupied for the purposes now set forth in Article X (R-1B-One-Family Residential) of the Troy Zoning Ordinance attached as Exhibit E, subject, however, to the following modifications and additional land use regulations:

A. Parcel 7 may be developed using the Averaged Lot Size Residential Development Option now set forth in Article XXXV of the Troy Zoning Ordinance attached as Exhibit F.

B. The Schedule of Regulations now applicable to the R-1B district and attached as Exhibit D, shall apply and

control the use, development and occupancy of Parcel 7 with the requirement that the minimum lot width shall be 90 feet at the front building setback line.

C. Except as provided in this Judgment and subject to the requirements of the Subdivision Control Act, being MCLA 560.101 et seq, as amended, and Troy's Ordinances and Regulations, the size, number, configuration and street pattern of the lots developed on Parcel 7 shall be determined by Biltmore and approved by the Troy City Council. Neither Biltmore nor Troy shall be bound by the configuration and number of the lots portrayed on Exhibit A for Parcel 7.

B. After the date of this Judgment, the land described as Parcel 8 on the General Plan attached as Exhibit A may be developed, used, and occupied for the purposes now set forth in Article X (R-1B-One-Family Residential) of the Troy Zoning Ordinance attached as Exhibit E, subject, however, to the following modifications and additional land use regulations:

A. The Schedule of Regulations now applicable to the R-1B district and attached as Exhibit D, shall apply and control the use, development and occupancy of Parcel 8 with the requirement that the minimum lots width shall be 100 feet at the front building setback line and the minimum lot size shall not be less than 15,000 square feet.

B. Except as provided in this Judgment and subject to the requirements of the Subdivision Control Act,

being MCLA 560.101 et seq, as amended, and Troy's Ordinances and Regulations, the size, number, configuration and street pattern of the lots developed on Parcel B shall be determined by Biltmore and approved by the Troy City Council. Neither Biltmore nor Troy shall be bound by the configuration and number of the lots portrayed on Exhibit A for Parcel B.

9. The Plaintiffs shall undertake construction of improvements on Parcels 7 and 8 prior to or simultaneous with development of either Parcel 1 or Parcel 5, whichever first occurs.

10. With regard to Coolidge Road south of Long Lake Road, Troy will use its best efforts during the years 1986 or 1987, at Troy's option, to cause the construction of an extension of the southbound lane of Coolidge Road Boulevard, from its present location south of Long Lake Road, to a point approximately three-quarters of a mile south of Long Lake Road. The cost and expense of the construction of the Boulevard extension shall be borne by Troy. Troy shall have the option to utilize Biltmore to arrange for construction of the Boulevard extension through the use of a paving contractor who shall be paid by Troy. Upon completion of construction of the extension of Coolidge Road Boulevard, Biltmore shall pay to Troy, as its financial contribution to the cost of the Coolidge Road extension, an amount of money equal to the cost of constructing acceleration, de-acceleration and passing lanes for each intersection that does or in the future will provide

ingress and egress into Coolidge Road as to Parcels 1, 2, 3, and 4, which cost of construction of the acceleration, de-acceleration and passing lanes shall be estimated by M.C.S. Associates, Inc. and approved by Troy at the time of construction of the extension.

A. In the event Troy elects to exercise its option to have Biltmore arrange for the construction of the Coolidge Boulevard extension through the use of a paving contractor, Troy will be required to make progress payments to Biltmore (for simultaneous payment to the paving contractor) on the 10th day of each month for the work completed during the preceding month as certified in writing by Biltmore's project engineer. All progress payments made by Troy shall be less a 10% retention. The 10% retention monies shall not be released until Biltmore's project engineer certifies in writing that the work is fully completed in accordance with the plans and specifications and Troy accepts in writing the pavement extension for permanent maintenance.

11. Troy will use its best efforts to cause the construction of a Boulevard street, street lighting, sidewalks, drains and landscaping along Long Lake Road which will extend from the I-75 Expressway West through Northfield Parkway and Corporate Drive (Ring Road) near or adjacent to the East line of Parcel 5 and other roads in the area described on the General Plan attached as Exhibit A. The cost and expense of the construction of these facilities shall be borne by the

benefitted landowners as determined by a special assessment district established by Troy. The Plaintiffs, as benefitted landowners, acknowledge that they will benefit from such facilities constructed by Troy and agree to pay their fair share of the assessments based upon the benefits received.

12. The Plaintiffs' use, development, and occupancy of their respective parcels shall be governed by Articles X, XXV, XXX, XXXV, and XXXIX of the current Troy Zoning Ordinance, Troy's Subdivision Control Ordinance, and Troy's Sign Ordinances, without variance, as modified only by the provisions of this Consent Judgment.

13. Within 90 days after the entry of this Consent Judgment, the Plaintiffs shall dedicate to Troy or any other governmental agency having jurisdiction the following proposed rights of way:

A. The South 60 feet of Long Lake Road adjacent to the North boundary line of Parcel 1 as described on the General Plan attached as Exhibit A.

B. The West 60 feet of Coolidge Road adjacent to the East boundary lines of Parcels 2 and 8. The legal description for the dedication within Parcel 2 is already included in the plat for Oak River Sub. No. 3. The legal description for the dedication within Parcel 8 is described on the General Plan attached as Exhibit A.

C. The East 60 feet of Coolidge Road adjacent to the West boundary lines of Parcels 3 and 4 which has already been dedicated with the recording information shown on the General Plan attached as Exhibit A.

D. The South 75 feet of Long Lake Road adjacent to the North boundary line of Parcel 5 described on the General Plan attached as Exhibit A.

E. The South 75 feet of Long Lake Road adjacent to the North boundary line of Parcel 3 described on the General Plan attached as Exhibit A.

F. All of the right of way owned by Plaintiffs for Northfield Parkway, being 86 feet wide located between Long Lake Road and the center of Section 17, which is adjacent to Parcels 4, 5, and 7 described on the General Plan attached as Exhibit A and which has not been previously dedicated.

G. A right of way, if requested by Troy, not exceeding 60 feet in width dedicated from Parcel 5, described on the General Plan attached as Exhibit A, adjacent to all or a part of the East line of Parcel 5.

14. The Plaintiffs shall follow the general plan set forth and detailed in the General Plan, attached as Exhibit A, provided that minor modifications to the General Plan not inconsistent with the spirit of this Consent Judgment may be made, without the necessity of amending this Consent Judgment, so long as Troy and the then current titleholder of the affected parcel consent to such modification.

15. Troy's classification of Parcels 2, 3, 4, 6, 7, and 8 as "R-1B" within the meaning of Chapter 39, Section

Revised
12/23/85

10.00.00, et seq, of the Troy City Code is constitutional and reasonable.

16. This Consent Judgment may be amended as it applies to any one or more of the eight (8) separate parcels by the written consent of the owner of the parcel(s) which is the subject of the amendment and Troy. The consent of no other owners (including no owners of any of the other parcels) persons or entities whatsoever shall be required for such the amendment.

17. The provisions of this Consent Judgment shall be binding upon and inure to the benefit of the parties, those acting under their discretion and control, and their respective heirs, successors, assigns, and transferees.

18. The Plaintiffs, or their successors and assigns, shall reimburse the City of Troy for all costs incurred by Troy in defending any action which may be brought hereafter by Plaintiffs, its successors, assigns, or third parties, seeking to set aside or vacate any portion of this Consent Judgment.

19. If any Plaintiffs or any entity consisting of the officers and directors of any of the Plaintiffs acquire the school property identified on Exhibit A, any future development of the land shall be in accordance with the requirements of the R-1B district in effect on this date.

20. This Court shall retain Jurisdiction of this case in order to effectuate the intent of this Consent Judgment, and to enforce compliance with the terms of this Consent Judgment, and to reconcile any differences of the parties that may arise in connection with the performance of this Consent Judgment.

201520
12/23/85

21. A certified copy of this Consent Judgment shall be recorded in the Oakland County Register of Deeds with regard to the real property described in this Consent Judgment.

ALICE L. GILBERT
CIRCUIT JUDGE

Alice Gilbert, Oakland
County Circuit Court
Judge

APPROVED AS TO FORM AND CONTENT:

GINN, KRAMER, JACOBSON and
BURNSTEIN, P.C.

BY:

Marty A. Burnstein

MARTY A. BURNSTEIN
(P 11443)
Attorney for Plaintiffs
24567 Northwestern Highway
Suite 400
Southfield, Michigan 48075
(313) 358-3222

CITY OF TROY

BY:

John J. Martin III

JOHN J. MARTIN, III
(P 25888)
Attorney for Defendant
500 West Big Beaver Road
Troy, Michigan 48084
(313) 524-3320

Dated:

12-26-85

DISK 92
COHENCON/JMT

Chapter 39 - Zoning Ordinance

25.00.00 ARTICLE XXV O-M MID-RISE OFFICE DISTRICT

25.10.00 INTENT:

The O-M, Office Mid-Rise, District is intended to accommodate office buildings and restricted related retail and service establishments on large land parcels in proximity to areas of major commercial or civic development. Civic development shall mean Civic Center building. Such Districts are intended to provide transition between these areas and major thoroughfares, and areas of less intense development. Because of the large land area involved, it is felt that greater flexibility as to building height and related uses is warranted, as compared to the O-1 (Office Building) District. Because of this flexibility, great care must be taken as to planning of such areas and the development which is to occur within them. Site plan approval of each development is thus a necessity in order to assure that such Districts are fully compatible with adjacent areas.

25.10.01 Persons seeking to rezone property to the Zoning District governed by this Article shall conform to the requirements of Section 03.20.00.

25.20.00 PRINCIPAL USES PERMITTED:

The O-M District shall not be applied to parcels of less than five (5) acres in area. In such Districts, no building, structure or land shall be erected or used except for one or more of the following uses, unless otherwise provided in this Ordinance:

25.20.01 Any use permitted as a principal use in the O-1 Office Building District as established under Article XXV of this chapter.

25.20.02 Data processing and computer centers, including sales, service and maintenance of electronic data processing equipment.

25.20.03 Any use charged with the principal function of office-type research or technical training.

25.20.04 Other uses similar to the above uses.

25.20.05 Accessory structures and uses customarily incident to the above permitted uses.

25.25.00 USES PERMITTED SUBJECT TO SPECIAL CONDITIONS:

The following uses shall be permitted, subject to the conditions hereinafter imposed for each use. Plan Commission review and approval shall be required when the establishment of such uses involves the construction of a new building or addition to an existing building.

Chapter 39 - Zoning Ordinance

26.00.00 ARTICLE XXVI O-S-C HIGH RISE OFFICE DISTRICT

26.10.00 INTENT:

The O-S-C (Office-Service-Commercial) District is designed and intended to accommodate large office buildings and restricted retail and service establishments which serve large numbers of people. A major purpose of this District is to provide limited areas for buildings of greater height and more intensive land use activity in an otherwise low density community. Because of the greater building height, intensity of land use, and associated high volumes of vehicular and pedestrian traffic, this District is not compatible in conjunction with low density residential areas. It is therefore intended that this District be located only in proximity to areas of major commercial or civic development, and to major thoroughfares or freeways. Further, because of the intensity of use and the potential diversification of land uses in such a District, great care must be taken as to the planning of such areas and the development which is to occur within them. Site plan approval of each development is thus an absolute necessity to assure a compatible arrangement of the varied land uses which are permitted to be established.

26.10.01 Persons seeking to rezone property to the Zoning District governed by this Article shall conform to the requirements of Section 03.20.00.

26.20.00 PRINCIPAL USES PERMITTED:

In an O-S-C District, no building, structure or land shall be erected or used except for one or more of the following uses, unless otherwise provided in this ordinance:

26.20.01 Any use permitted as a principal use in the O-1 office building District as established under Article XXIV of this chapter.

26.20.02 Data processing and computer centers, including sale, service, and maintenance of electronic data processing equipment.

26.20.03 Any use charged with the principal function of office-type research or technical training.

26.20.05 Other Uses Similar to the Above Uses.

26.20.06 Accessory Structures and Use Customarily Incident to the Above Permitted Uses.

88-63
1-25-83

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

218

ZAHAV INVESTMENT COMPANY, a
Michigan Limited Co-Partnership,
PLYMOUTH INVESTMENT COMPANY, a
Michigan Limited Co-Partnership,
and BILTMORE PROPERTIES COMPANY,
a Michigan Partnership,

Plaintiffs,

v

Case No. 82-238690 CZ

CITY OF TROY, a Michigan
Municipal Corporation,

Defendant.

Peter A. Letzmann (P16587)
City Attorney
John J. Martin, III (P25888)
Assistant City Attorney
Attorneys for Defendant
500 W. Big Beaver Road
Troy, Michigan 48084
(313) 524-3320

RECEIVED FOR FILING
OAKLAND COUNTY CLERK
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BY
CLERK OF COUNTY CLERK

FIRST AMENDED CONSENT JUDGMENT

At a session of said court held in
the Courthouse in the City of
Pontiac, Oakland County, Michigan,
on: JAN 29 1988

PRESENT: HONORABLE ALICE L. GILBERT, CIRCUIT JUDGE

The parties having agreed that paragraph 1 of the Consent
Judgment entered by this court on January 2, 1986, shall be
amended as set forth in paragraph 1 below;

IT IS ORDERED AND ADJUDGED:

1. After the date of this Judgment, the land described as
Parcel 1 on the General Plan attached as Exhibit A may be deve-

EXHIBIT B

loped, used, and occupied for the purposes now set forth in Article XXV, O-1 (Office Building District), of the Troy Zoning Ordinance attached as Exhibit B, subject, however, to the following modifications and additional land use regulations:

A. The office building to be constructed on Parcel 1 may consist of a full basement which cannot be used or leased for any purpose other than storage and placement of furnace, sump pump, or other mechanical equipment; a first floor on which the maximum gross floor area of office space shall not exceed 20,000 square feet, and a pitched roof which may include heating and cooling equipment. Any basement constructed shall not exceed 7 feet in height as measured between the basement floor and the bottom of the duct work. Other than a full basement and the first floor, no other floors shall be permitted. The office building to be constructed in Parcel 1 shall be substantially similar in appearance to the building depicted on the layout attached as Exhibit C.

B. The office building to be constructed on Parcel 1 shall substantially conform to the Site Plan, attached as Exhibit H, and the Landscape Development Plan, attached as Exhibit I.

C. Except as set forth above, the Schedule of Regulations now applicable to the O-1 district, being Article XXX of the Troy Zoning Ordinance and attached as

Exhibit D, shall apply and control the use, development, and occupancy of Parcel 1.

D. Upon completion of construction of an office building on Parcel 1, Biltmore shall be charged with a total of eight (8) sanitary sewer taps against its allocation of sanitary sewer taps pursuant to the Sanitary Sewer Agreement between Biltmore and Troy dated August 22, 1979, as amended.

2. All other provisions of the Consent Judgment entered on January 2, 1986, shall remain in full force and effect.

ALICE L. GILBERT

CIRCUIT JUDGE

APPROVED AS TO FORM AND CONTENT:

PLAINTIFFS:

BILTMORE PROPERTIES CORPORATION,
a Michigan Corporation, The
sole owners of Parcel 1
described in this First
Amended Consent Judgment

By: *Norman J. Cohen*
Norman J. Cohen
Its President

DEFENDANT:

CITY OF TROY, a Michigan
municipal corporation

By: *Richard E. Doyle*
Richard E. Doyle
Mayor

By: *Kenneth L. Courtney*
Kenneth L. Courtney
City Clerk

By: *Peter A. Letzmann*
Peter A. Letzmann (P16587)
City Attorney
Attorney for Defendant

A TRUE COPY
LYNN D. ALLEN
Oakland County Clerk - Register of Deeds
By: *Lynn D. Allen*
Deputy

October 10, 2005

TO: John Szerlag, City Manager

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

SUBJECT: AGENDA ITEM – ANNOUNCEMENT OF PUBLIC HEARING
(NOVEMBER 14, 2005) – ZONING ORDINANCE TEXT AMENDMENT
(ZOTA-201) – Article 28.30.00 Commercial Indoor Recreation in the M-1
Light Industrial Zoning District.

RECOMMENDATION

The Planning Commission developed language for this ZOTA and held a public hearing on July 12, 2005 and recommended approval. City Management recommends approval of ZOTA 201.

BACKGROUND

The Link School of the Arts (1077 Rankin) submitted a Zoning Ordinance text amendment application to permit dance schools in the M-1 district. The Planning Commission determined that arts and dance schools should be included in a category known as indoor commercial recreation, and this category should be considered as a use permitted by Special Use Approval in M-1.

Commercial Indoor Recreation Facilities are appropriate uses in the M-1 Light Industrial District for a number of reasons: (1) These uses are compatible with uses presently permitted in the M-1 district; (2) The text amendment will be consistent with abutting communities, which generally permit similar uses in their industrial districts; (3) The amendment will encourage the re-use of buildings and properties in the M-1 District; and (4) There are a significant number of vacant, relatively large, high-ceilinged buildings that would be appropriate for these types of uses.

The definition of “Indoor Commercial Recreation Facility” considered at the Planning Commission Public Hearing included the uses dance studios and performance theaters. It was the intent to permit dance and performance studios, but not the intent to permit performance theaters, such as Freedom Hill located in the City of Sterling Heights. This potential situation was identified by Richard Carlisle, the City’s Planning Consultant, following the Planning Commission Public Hearing. The proposed ZOTA was modified to reflect this intent.

Attachments:

1. ZOTA 201, City Council Public Hearing Draft
2. Minutes from July 12, 2005 Planning Commission Regular Meeting.

Prepared by RBS/MFM

G:\ZOTAs\ZOTA 201 Trade_Industrial Arts or Dance Schools in M-1\Announcement CC Public Hearing Memo 10 17 05.doc

CITY OF TROY
AN ORDINANCE TO AMEND
CHAPTER 39 OF THE CODE
OF THE CITY OF TROY
CITY COUNCIL PUBLIC HEARING DRAFT

The City of Troy ordains:

Section 1. Short Title

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

Section 2. Amendment to Article IV of Chapter 39

Article IV of Chapter 39 of the Code of the City of Troy is amended to add a new section 04.20.73, which defines Indoor Commercial Recreation Facilities, to read as follows:

04.20.73 INDOOR COMMERCIAL RECREATION FACILITY: An enterprise conducted entirely within a building, which receives a fee in return for the provision of some recreational activity or facility. Such activities and facilities include racquetball, tennis courts, gymnasiums, swimming pools, skating rinks, dance and performance studios, skateboard parks, climbing facilities, miniature golf courses, indoor driving ranges, batting cages, firing ranges, basketball courts, soccer fields and similar activities or facilities. Such facilities may provide ancillary accessory uses such as pro shops or snack bars.

04.20.734 JUNK YARDS: an open area where waste, used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled including, but not limited to; scrap iron and other metals, paper, rags, rubber tires, and bottles. A "junk yard" includes automobile wrecking yards and includes any area of more than two hundred (200) square feet for storage, keeping or abandonment of junk but does not include uses established entirely within enclosed buildings.

Section 3 – Amendment to Article XXVIII of Chapter 39

Article XXVIII of Chapter 39 of the Code of the City of Troy is amended to add a new Section 28.30.09 which permits Indoor Commercial Recreational Facilities as Special Uses in the M-1 Light Industrial District, to read as follows:

28.30.09 Indoor commercial recreation facilities, subject to the following conditions:

A. Off-street parking requirements shall be determined based on the Zoning Ordinance requirements.

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

Section 4. Savings

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

Section 5. Severability Clause

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

Section 6. Effective Date

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

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

Louise Schilling, Mayor

Tonni Bartholomew, City Clerk

ZONING ORDINANCE TEXT AMENDMENTS

- 12. **PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT (ZOTA 201) – Article 28.30.00 Arts and Dance Schools (Commercial Recreation) in Light Industrial Zoning Districts**

Mr. Miller presented a summary of the proposed zoning ordinance text amendment relating to arts and dance schools in the light industrial zoning districts. Mr. Miller reported that City Management recommends approval of ZOTA 201 as printed on the draft ZOTA dated June 24, 2005.

There was a brief discussion relating to commercial recreation in the RC zoning districts. It was determined to discuss this at a future study meeting.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2005-07-121

Moved by: Wright

Seconded by: Littman

RESOLVED, That the Planning Commission hereby recommends to the City Council that Article 28.30.09, pertaining to indoor commercial recreation facilities in the M-1 Light Industrial Zoning District, and related additional definitions, be amended as printed on the Proposed Planning Commission Public Hearing Draft Zoning Ordinance Text Amendment.

Yes: All present (7)

No: None

Absent: Vleck, Waller

MOTION CARRIED

LIBRARY BOARD MINUTES - FINAL

JUNE 2, 2005

A Regular Meeting of the Troy Library Board was held on Thursday April 14, 2005 at the Office of the Library Director. Brian Griffen, Chairman, called the meeting to order at 7:30 P.M.

ROLL CALL

PRESENT: Joanne Allen
Lynne Gregory
Brian Griffen
Nancy Wheeler
Audre Zembrzuski

Lauren Andreoff, Student Representative

Brian Stoutenburg, Library Director

Resolution #LB-2005-06-01
Moved by Allen
Seconded by Gregory

RESOLVED, That Cheng Chen be excused.

Yes: 5—Allen, Gregory, Griffen, Wheeler, Zembrzuski
No: 0

The Pledge of Allegiance to the Flag was given.

Resolution #LB-2005-06-002
Moved by Zembrzuski
Seconded by Allen

RESOLVED, That the Minutes of April 14, 2005 be approved with a correction. Under Board Member Comments, the fourth paragraph should read: Griffen asked that the LCD projector be housed at the Library and that the Museum request it as needed.

Yes: 5—Allen, Gregory, Griffen, Wheeler, Zembrzuski
No: 0

Reviewed Agenda entries.

Resolution #LB-2005-06-003
Moved by Zembrzuski
Seconded by Allen

RESOLVED, That the Agenda be approved.

Yes: 5—Allen, Gregory, Griffen, Wheeler, Zembrzuski
No: 0

MOTION CARRIED

POSTPONED ITEMS

There were no postponed items.

REGULAR BUSINESS

Election of Officers.

Resolution #LB-2005-06-04

Moved by Gregory

Seconded by Allen

RESOLVED, That Griffen be elected Chairperson, Zembrzuski be elected Vice-Chairperson, and that Wheeler be elected Secretary.

Yes: 5—Allen, Gregory, Griffen, Wheeler, Zembrzuski
No: 0

Review of Exhibitor Procedure.

The Board discussed possible options to consider dealing with the issue of pricing and sales information of art exhibits. Three options were identified: 1) Artists could reserve gallery or display case space but would be limited to posting only their name and biographical information – no pricing or contact information, 2) Artists could rent the gallery or display case space for a fee and post pricing and contact information, 3) Challenge the Law Department's opinion for the purpose of allowing artists to exhibit without cost and be able to post prices and contact information.

Resolution #LB-2005-06-005

Moved by Wheeler

Seconded by Zembrzuski

RESOLVED, That a fee be charged to artists wanting to post pricing and contact information for rental of gallery and display case space.

Yes: 3—Allen, Gregory, Wheeler
No: 2—Griffen, Zembrzuski

MOTION CARRIED

Zembrzuski stated the need to include a proposed fee structure. Fees of \$75.00 for the gallery leading from the lobby to Youth Services, and fees of \$50.00 for the other galleries were discussed. Griffen asked that a poll be taken of what other libraries art

exhibit practices and policies are. The Board agreed to review a draft policy at their next meeting.

Challenge to “Political Timber” by Chris Lynch.

The Board was informed about a patron challenge to this book. A committee of professional librarians was appointed to provide the Director with a recommendation. The Committee recommended that the book be moved from the Youth Services department to the Teen Resource Center. Other titles by Lynch owned by the library were individually reviewed by the committee and they recommended that those that were more appropriate to older teenagers also be moved to the Teen Resource Center. Andreoff, based on her knowledge and experience with Teen fiction supported this action. The patron will be notified as to the decision.

Summer Meeting Schedule.

Resolution #LB-2005-06-06

Moved by Gregory

Seconded by Zembrzuski

RESOLVED, That there would be no Board meetings during the months of July and August, 2005 unless there was a need to call one. The next meeting would be September 8, 2005.

Yes: 5—Allen, Gregory, Griffen, Wheeler, Zembrzuski

No: 0

MOTION CARRIED

REPORTS & COMMUNICATIONS

Director’s Report.

The HVAC project is progressing more slowly than expected. It appears that they are a month behind schedule.

Board Member comments.

Zembrzuski asked if the recent lawsuit against the Bloomfield Township Library concerning their not issuing non-resident library cards would affect our library. No, we will continue to offer them for \$200.

Griffen asked if signage promoting the summer reading club activities in Youth Services, Adult Services and the Teen Resource Center could be placed in the lobby area and that a bookmark be prepared for Circulation staff to put into books being checked out. Yes, this will be done.

Zembrzuski stated that a potential volunteer came in to the library in the evening; and when asked about volunteer opportunities, he was told that he would have to come back during the day. The Library will have volunteer applications available at the Circulation desk.

Student Representative's Comments.

No comments.

SLC Report.

Gregory reported that the SLC Annual Plan had been modified so that \$95,000 could be distributed to member libraries to purchase AV materials with the provision that those new collections would be available for Interloan. The SLC Board approved to keep the shared automation cost per user at the same rate as the previous year.

Friends of the Library.

The Friend's held their Annual Meeting and had a "visioning workshop" to begin discussing future expansion of the Library, funding ideas and what their role could be.

Gifts.

Six gifts totaling \$1,116.95 were received.

Informational Items.

June TPL Calendar

Contacts and Correspondence.

14 written comments from the public were reviewed.

Public Participation.

There was no public participation.

The Library Board meeting adjourned at 9:00 P.M.

Brian Griffen
Chair

Brian Stoutenburg
Recording Secretary

TROY HISTORIC COMMISSION MINUTES – FINAL**JUNE 28, 2005**

A Regular Meeting of the Troy Historic Commission was held Tuesday, June 28, 2005 at the Troy Museum & Historic Village. Brian Wattles called the meeting to order at 8:05 P.M. following a tour of the buildings by the Historical Commission and members of the Accessibility Commission.

ROLL CALL **PRESENT:** Ed Bortner
 Terry Navratil
 Kevin Lindsey
 Roger Kaniarz
 Brian Wattles
 Loraine Campbell, Museum Manager

ABSENT: Rosemary Kornacki
 Vera Milz

Resolution #HDC-2005-06-001
Moved by Lindsey
Seconded by Navratil

RESOLVED, That absences of Kornacki and Milz be approved

Yes: 5 —Bortner, Navratil, Lindsey, Kaniarz, and Wattles
 No: 0

MOTION CARRIED

Resolution #HDC-2005-06-002
Moved by Lindsey
Seconded by Navratil

RESOLVED, That the minutes of March 22, 2005 be approved as amended.

Yes: 5 —Bortner, Navratil, Lindsey, Kaniarz, and Wattles
 No: 0

MOTION CARRIED

OLD BUSINESS

A. Capital Projects

Paver Pathways

The pathways to the Church, Parsonage, Town Hall and the Caswell and Poppleton ramps were completed on May 18, 2005 for \$50,289.38 plus \$550 for sod and extra grindstone.

Slate Roof Repairs and Masonry repairs to Township Hall
Bids will be collected simultaneously in July. Masonry repairs will be scheduled before the roof and gutter repairs. We will request that budgeted funds from FY 2004/05 be carried over to FY 2005/06 for this project.

Fencing

A contract was approved \$18,428 to Future Fence Company to fabricate custom 48" tall iron fence, gates and posts for the area between the Township Hall and concrete wall of the Party Store, for the distance between the eastern end of the concrete wall and the eastern fence line at Livernois and for the distance along Livernois to Lange Street. Future Fence fabricated new fencing for The Henry Ford and received an excellent recommendation. Fabrication should take six weeks. City crews will install the fence in early fall.

The General Repairs Budget for FY 2005/06 is \$358,000. These funds are earmarked for : The balance of the roof and masonry repairs to the main building, new iron fence and gates along Lange Street, refinishing the wood floors in Town Hall and the Pioneer Room.

B. Programs

School group attendance was down slightly in the fall, however public program and walk-in attendance increased significantly.

Summer Program descriptions are being written now.

C. Interns

Dan Fodale has submitted his draft of the Solomon Caswell biography. Staff is reviewing it.

Catherine Jo Dixon and Stephanie Schneider from Oakland University have drafted story highlighting the work of a tinsmith for field day presentations. Staff is revising it.

Kari Brown of CMU is working with Loraine and the Heritage Campaign. She is a history major and a museum studies minor at CMU.

NEW BUSINESS

A. Grants

The Museum was not awarded the Michigan Department of History Arts and Libraries grant to complete an Interpretive Master Plan for the Museum or the National Endowment for the Humanities Grant for archive shelving and storage units.

The Museum was awarded the IMLS- funds for the MAP I (Museum Assessment.) Terry Navratil and Rosemary Kornacki will serve on the MAP Assessment team that will meet in July.

B. Publications

Facilities Use Brochure

Text and illustrations for a bi-fold facilities use brochure were submitted to Community Affairs and the designs at Oakland Printing.

Reprint of Troy Township History 1877

This publication is selling well in the gift shop.

Veteran's Booklet

The copy, illustrations and layout for this publication are complete. Initially 25 copies will be duplicated through the city. Kinkos will print the cover.

C. New Acquisitions:

See attached reports.

D. Troy Historical Society Liaison Report

Committee Work:

The committee has completed their business plan and met with Brian Murphy and city department heads to outline the steps to be completed in the next year including:

1. Completing a formal Letter of Agreement between the City and the Historical Society. This and the amended business plan will be presented to Council for approval
2. Completing a gift agreement for a barn
3. Inform the neighbors adjacent to the Museum of the scope of the projects
4. Develop RFP for site plan development (assistance will be provided by Engineering Department)
5. Develop site plan and put through the approval process

Fundraisers:

Arcadia Book- Sales have recouped all costs. All sales are now 100% revenue.

The first Appraisal Fair did not post revenue. Evaluation indicated ways it can be made more cost effective and profitable. A date has been selected for next year's event.

34 Beavers have been sponsored. 15 of the decorated figures were displayed at the city birthday party. R. History Beaver will be in place at the museum in July.

Milestones:

A purchase agreement for the property at 100 Wattles Road will be presented to Council on July 11.

The Troy Historic Commission Meeting was adjourned at 9:30 p.m. The next regular meeting will be held Tuesday, September 27, 2005 at the Troy Museum & Historic Village.

Brian Wattles
Acting Chairman

Loraine Campbell
Recording Secretary

DRAFT

TROY DAZE ADVISORY COMMITTEE

A regular meeting of the Troy Daze Advisory Committee was held **Tuesday, August 23** at the Troy Community Center. Meeting was called to order at 7:40 pm.

ROLL CALL

Present: Bob Berk
Jim Cyrulewski
Cheryl Whitton-Kaszubski
Bob Preston
Cele Dilley
Jeff Stewart
Mike Gonda
Bill Hall

City Staff Present:

Cindy Stewart
Bob Kowalski
Jeff Biegler
Bob Matlick

EXCUSE ABSENT MEMBERS

Resolution # TD-2005-08-28

Moved by Cheryl Whitton Kaszubski

Seconded by Bill Hall

RESOLVED that absent member Kessie Kaltsounis is excused.

Yeas: All Nays: None

MOTION CARRIED

APPROVAL OF MINUTES

Resolution # TD-2005-08-29

Moved by Cheryl Whitton-Kaszubski

Seconded by Cele Dilley

RESOLVED that the minutes from July 26, 2005 Troy Daze Advisory Committee are approved as submitted.

Yeas: All Nays: None

Motion Carried

NEW BUSINESS

1. Awarding of Troy Daze jackets: Problem getting jackets - short 2 for this order. Decide what to do for 2006 after this year's festival.

Recipients of jackets: Bob Bishop, Ed Carpus, Everett Brown, Janet Terstle and Dr. Norwood.

2. MFEA Convention: November 3-6, 2005 in Kalamazoo.

OLD BUSINESS

1. Update on Purchase Orders –All items listed as well as trophies, ribbons, fireworks, straw bales and helium ordered.
2. Parking: Police Explorers approached Troy Daze. Their fee is based on a percentage of cars parked. Cap of \$4500 increased over 2004. Asking if cap can be increased to \$5000. Did not believe there was room in the budget for increase. Police Department asked if festival does very well, can we give \$500 as bonus.
3. Security: Fire Explorers will have additional hours due to new car show (approximately 30 hrs.). They are asking for an increase \$1500 to \$1750 (2005) and \$250 increase for next 2 years. 2006: \$2000 and 2007: \$2250

Jeff Biegler said \$750 is not a big amount to be concerned about related to the budget.

Resolution #TD-2005-08-30

Moved by Mike Gonda

Seconded by Cele Dilley

RESOLVED to increase the Police Explorers parking agreement by an additional \$500 and an increase for the Fire Explorers by \$250 based on Festival Success (expected rev/exp/city expenses) with January 2006 accounting.

Yeas – Cyrulewski, Whitton-Kaszubski, Hall, Gonda, Dilley, Stewart

No – Preston

MOTION CARRIED

ADJOURN MEETING

Resolution #TD-2005-08-31

Moved by Bill Hall

Seconded by Bob Preston

RESOLVED that the Troy Daze Advisory Committee be adjourned at 8:30 pm.

Yeas: All

Nays: None

MOTION CARRIED

Bob Berk, Chairman

Cindy Stewart, Recording Secretary

TROY DAZE FESTIVAL ADVISORY COMMITTEE

A regular meeting of the Troy Daze Advisory Committee was held **Tuesday, August 23**, at the Troy Community Center. Meeting was called to order at 8:03 pm.

Roll Call

Present:

Bill Hall	Cele Dilley
Jeffrey Super	Tom Kaszubski
Cheryl Whitton-Kaszubski	Bob Berk
Berj Alexanian	Jeff Stewart
Lois Cyrulewski	Mike Gonda
Megan Cyrulewski	Alison Miller
Jennifer Vickers	Barbara Samuels
Tom Tighe	Doris Schuchter
Robert Preston	JoAnn Preston
Jonathan Campian	Phil Musick
Marilyn Musick	Tom Clark
Tom Duszynski	Dan O' Brien
Linda Hannon	Poncho Massaini

City Staff Present

Cindy Stewart
Jeff Biegler
Bob Kowalski
Bob Matlick

B. Approval of Minutes:

Motion to approve the minutes from August 23, 2005 with the addition of Page 2 - Add holders and flags brought back to EthniCity tent.

Moved by Bill Hall / Seconded by Cele Dilley

Yeas: All Nays: None

MOTION CARRIED

C. Treasurers Report

No update. Money is coming in, Pepsi wants to change to one year sponsorship at \$5000 and approximately \$1200 (150 cases) of product.

D. Correspondence

1. August meeting notice
2. Letter to Principals
3. Letter to Arnold Amusements
4. Note to Henry Ford Medical
5. Letter to Boulan Middle School

6. Booth Meeting: September 7th at 7 pm
7. Committee Shirts: Thursday-Blue, Friday–Purple, Sat-Black, Sunday- Gold

E. Events Chairpersons Update

Cheryl W. (Treasurer): Certificates for prizes ready except for Talent Show (next week). She will make available at Festival Headquarters along with entertainment checks.

Tom K: Mums arriving September 15, they are 25 cents cheaper this year. EthniCity: all but two contracts in & times set.

Jeff Super (Shuttles): Can a sign be put at Boulan School? Yes, every year. There are 15 carts for shuttle service. Marie Hoag has eight drivers for Senior Sensation.

Bill Hall (Mr. Troy /Info Booth): Balloons at City Hall pick up from Community Affairs office. Oakridge Market is donating 13 cases of chips. Mr. Troy, two contestants to date.

Cele Dilley (Booths): 15 spaces open inside tent.

Marilyn Musick (Magic Cauldron): Hours 12-6 pm on Saturday and Sunday.

Jonathan Campian (Waffle Breakfast): Volunteers set and on track.

Bob Preston (Volunteers): Volunteer committee met and there are 50 time slots out of 295 spots filled. Volunteers from Troy High, Project Lead, SADD Chapter, Troy Youth Council. Thursday filled in info booth. Friday filled except for late evening. Kids will check in at info booth with Sandy and receive assignment. All events needing volunteers need sign in sheet. When they complete assignment, they will get a letter of completion of hours.

Poncho: There are 65 flag stands.

JoAnn Preston (EthniCity): There is a good number of booths and also entertainment. Can sign be in EthniCity tent and by stage re: performances.

Doris Schuchter (EthniCity): Will LOWV want a booth? Contact Pam Brady.

Barb Samuels: (Student Art): How many art flats are available? (24): Student Art - 12 and Photo Contest – 12. Sunday hours: 12 -6 pm (students pick up art from 4 - 6 pm)

Jennifer Vickers (Jaycees 5K run/walk): Met with Troy Police. Unclear on one road closure. Sponsors not finalized yet, send info to Cindy by Monday, August 29, 2005.

Medical arranged? Yes, doctors/nurses. No Alliance Mobile Health (CS-send finalized schedule to Laurie Thiel).

Linda Hannon (Special Needs Kids Event): registration coming in - more next week when school's back in session. Need table by front tent. Same dismissal with buses like last year? There is a problem with groups seeing bus in the queue and racing to them.

- Petting Zoo open for kids after lunch plus bringing coloring books.
- Volunteers meet in lunch tent at 11 am.
- Same route for buses to depart
- Looking for stuff for goody bags

Bob Matlick (Fire): Fireworks permit done. Met with Mad Bomber (vendor).

Dan O'Brien (Outdoor Stage): Outdoor Stage entertainment is filled.

Bob Kowalski: Police Department all set.

Mike Gonda (Operations): Need yellow caution tape. Does Arnold know to park trailers in soccer field before setting up midway? Jim will contact them. There are two big tents coming in one week early (Friday).

Jeff Stewart (Special Needs Adults): Need to rope off three sides of entertainment tent (6-9 pm) for Thursday and Friday (special needs kids, special needs adults events). Need: Plates, napkins, cups, forks. Purchase and Troy Daze will reimburse. Registration at Entertainment Tent. Got free DJ services. Shuttle Drivers to bring adults to Ent. Tent.

Cindy Stewart (Publicity): Sending publicity daily, press releases, web updates.

- Supplement: received 10,000 in 2004. Extras? What's the number this year? 7,000.
- Four new sponsor banners being created.
- Booth parking passes will be ready by Friday, September 2 at the latest.

(Corporate Reception): Friday, 4:45 - 5:45 pm in the tent across from Festival Headquarters. Mike Gonda is talking to Nino's re: donations.

Tom Duszynski (Photo Contest): will extend entry deadline to September 13. Coordinate efforts with Student Art and continue looking for sponsors. Adray is a possibility. Entry forms at the Community Center, City Hall and Online.

Jim Cyrulewski: Miss Troy /Junior Miss went well. There were 45 girls overall that participated. Last year for Cyndee K and her sister - former Miss Troy's might be new chairperson. Possibility of moving event to festival site discussed briefly.

F. New Business

1. Volunteer of the Year selection: Mike Gonda nominated by Bill Hall/seconded by Cele Dilley. Approved unanimously.
2. Business Nominee of the Year:
Henry Ford Medical Services nominated by Bill Hall / Seconded by Cheryl Whitton.
3. Corporate Reception –Friday, September 16, 4:45 –5:45 pm.
4. Recognition of Arnold's 25th Anniversary with cake on Wednesday, September 14, at 7 pm at festival headquarters.

G. Old Business

1. Operations Manual – If there are no revisions, final copy at the next meeting
2. Action Items - Completed. Cele to provide current booth listing.

H. Adjourn

Moved by Bill Hall

Seconded by Cheryl Whitton-Kaszubski

Motion to adjourn Troy Daze Advisory Committee at 9:23 pm.

Yeas: All Nays: None MOTION CARRIED

Bob Berk, Chairperson

Cindy Stewart, Recording Secretary

A meeting of the **Troy Youth Council (TYC)** was held on August 24, 2005 at 7:00 PM at Community Center in room 303, 3179 Livernois Road. Nicole Vitale and Rishi Joshi called the meeting to order at 7:05 p.m.

MEMBERS PRESENT: Andrew Corey
Maxine D’Amico
Rishi Joshi (co-chair)
Jessica Kraft
Jia (Lisa) Luo
Aswin Natarajan
Anupama Prasad
Kristin Randall
Neil Shaw
Katie Thoenes
Nicole Vitale (co-chair)
Karen Wullaert

MEMBERS ABSENT: Alexandra (Sasha) Bozimowski (excused)
VISITORS: Padma Kupa, Ethnic Issues Advisory Board Member
ALSO PRESENT: Scott Mercer, Recreation Supervisor

- 1. Roll Call**
- 2. Approval of Minutes**

Resolution # TY-2005-08-17
Moved by Vitale
Seconded by Kraft
RESOLVED, That the minutes of 5/18/05 be approved.
Yes: All - 12
No: None
Absent: 1 – Bozimowski
MOTION CARRIED

- 3. Attendance Report:** To note and file
- 4. Membership Update:** New members (8) welcomed by Vitale.
- 5. Visitor:**
 - Padma Kuppaa, Ethnic Issues Advisory Board Member – Presented information regarding National Conference for Community and Justice/Leadership in the New Century. Invited council members to meeting scheduled for Tuesday, September 6th (7:00pm) at City Hall.
- 6. Troy Daze Festival Update**
 - Members submitted availability form for Community Affairs.
- 7. Motion to Excuse Absent Members Who Have Provided Advance Notification**

Resolution # TY-2005-08-18
Moved by Joshi
Seconded by Kraft
RESOLVED that Alexandra Bozimowski is excused.

Yes: All - 12
No: None
Absent: 1 – Bozimowski
MOTION CARRIED

- 8. **Youth Council Comments** - None
- 9. **Public Comments** - None

The meeting adjourned at 7:20 P.M.

Rishi Joshi, Co-chair

Scott E. Mercer, Recreation Supervisor

Following adjournment - took photos.

Reminder Next Meeting: September 28th at 7:00 P.M. @ **Community Center**

ADVISORY COMMITTEE FOR PERSONS WITH DISABILITIES – FINAL – SEPTEMBER 7, 2005

A Regular Meeting of the Troy Advisory Committee for Persons with Disabilities was held Wednesday, September 7, 2005, at the lower level conference room at City Hall. Angela Done called the Meeting to order at 7:05 P.M.

Present: C. Buchanan, member A. Done, member
 A. Fuhrman, alternate T. House, member
 P. Manetta, member D. Pietron, member
 M. Pritzlaff, alternate S. Werpetinski, member

Present: M. Grusnick, staff
 K. Jearls, staff

Absent: S. Burt, member EA
 K. Gauri, member EA

ITEM B – APPROVAL OF MINUTES OF MEETING OF August 3, 2005

Buchanan made a motion that the minutes of August 3, 2005, with corrections, be approved. Supported by House. All voted in favor.

ITEM C – VISITORS, DELEGATIONS AND GENERAL PUBLIC

Kathy Laudicina, and her husband attended our meeting. Kathy has recently submitted an application for membership on this Committee.

ITEM D – NEW BUSINESS

Due to overwhelming circumstances, Burt and Buchanan do not wish to serve as chairpersons at this time. A motion was made by House to nominate Angela Done for Chairperson for a 6 month period. Supported by Pietron. All voted in favor.

House will contact Cindy Stewart regarding a student for our Committee. It was also suggested to request a cognitively disabled person or someone with a cognitively disabled sibling to join our Committee.

Werpetinski will send a written request to Barb Holmes to enhance the lighting in the disability station for voting at Precincts 23 and 24.

At the October meeting, it is requested that members bring in their ideas for goals to be discussed.

ITEM E – REGULAR BUSINESS

Buchanan will attend the City Council meeting on 9/12/05 and House on 9/19. Pritzlaff will attend on 10/3/05. It was agreed to continue attending Council meetings with the option to check the agenda beforehand.

ADVISORY COMMITTEE FOR PERSONS WITH DISABILITIES – FINAL – SEPTEMBER 7, 2005

ITEM F – OLD BUSINESS

Done contacted Margene Scott of the Michigan Municipal League and left a message regarding the conferences being held 9/20/05 and 9/21/05. As of this meeting, she has not heard back.

ITEM G - INFORMATIONAL ITEMS

Werpetinski commented that in the Friendship News it was stated that wheelchair accessibility was not available for a dance and pizza party. Fuhrman will check into that with Carla Vaughn and Jeff Stewart.

ITEM H – ADJOURN

Buchanan made a motion to adjourn at 8:50 which was seconded by Manetta.

Angie Done, Chairperson

Kathy Jearls, Recording Secretary

The Chairman, Ted Dziurman, called the meeting of the Building Code Board of Appeals to order at 8:30 A.M., on Wednesday, September 7, 2005 in the Lower Level Conference Room of the Troy City Hall.

PRESENT: Ted Dziurman
Rick Kessler
Bill Nelson
Tim Richnak
Frank Zuazo

ALSO PRESENT: Mark Stimac, Director of Building & Zoning
Pam Pasternak, Recording Secretary

ITEM #1 – APPROVAL OF MINUTES – MEETING OF AUGUST 3, 2005

Motion by Richnak
Supported by Kessler

MOVED, to approve the minutes of the meeting of August 3, 2005 as written.

Yeas: All – 5

MOTION TO APPROVE MINUTES CARRIED

ITEM #2 – VARIANCE REQUEST. TAMELA CORBIN, 503 RANDALL, for relief of Chapter 83 to install a 6' high privacy fence in the front yard setback along Tallman.

Petitioner is requesting relief of the Ordinance to install a 6' high privacy fence. This property is a double front corner lot. It has front yard setback requirements along both Randall and Tallman. Chapter 83 limits the height of front yard fences on this property to not more than 30". The site plan submitted indicates a 6' high privacy fence setback 2' from the east property line along Tallman.

This item first appeared before this Board at the meeting of August 3, 2005 and was postponed to allow the petitioner the opportunity to present the height and a picture of the fence she wishes to install, to allow the petitioner to present a landscaping plan to the Board and to allow the Building Department the opportunity the chance to research the records regarding a previous variance.

A review of the Building Department records show that on June 14, 1973, a variance was granted by the Building Code Board of Appeals for a 6' high privacy fence running along the east property line, south, 60' from the rear property line, then continuing south with a 4' high privacy fence for 16' and connecting to the house at a 4' height. A copy of the minutes from that meeting is included for your reference.

The Chairman postponed this item until the petitioner came in.

ITEM #3 – VARIANCE REQUEST. MARK DURETTE, 2463 AVERY, for relief of Chapter 83 to install a 48” high privacy fence in the front setback of Foxcroft Drive.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to install a 48” high fence. This lot is a double front corner lot. As such, it has front yard requirements along both Avery and Foxcroft Drive. The lot does, however, have a common rear-yard-to-rear-yard relationship to the property behind it. In these cases, Chapter 83 limits fences in the required front setback along Foxcroft Drive to a non-obscuring fence (more than 50% open) not more than 48” in height. The site plan submitted indicates a 48” high privacy fence in the front setback along Foxcroft Drive.

Mr. Durette was present and stated that the fence has been installed. He explained that they had hired a contractor who said that all permits had been obtained and the fence put in correctly. Aesthetically this fence is very attractive and Mr. Durette’s neighbors have indicated that they approve. The fence is back from the corner and does not obscure traffic because this lot is on a cul-de-sac. Their family room faces Foxcroft and they wanted this fence to increase their privacy from traffic along Foxcroft.

Mr. Dziurman asked why they had put their fence up next to the neighbor’s fence on the north side of the property. Mr. Durette explained that they have a dog and because the neighbor’s fence was a split rail fence, they added the fence to prevent their dog from going on the neighbor’s property. They chose a black chain link fence so that it would not take away from the split rail fence. Mr. Dziurman then asked how far the fence was from the sidewalk and Mr. Durette said it was about a foot back.

Mr. Kessler stated that he feels the fence looks nice but does not see a hardship running with the property that would justify this variance. Normally corner lots are larger than other lots in the area and the Board asks for a minimum setback of 10’ from the sidewalk to allow for landscaping, which will soften the look of the fence. Mr. Durette said that there is a line of trees that are approximately 10’ from the sidewalk. Mr. Kessler then stated that the fence could be located farther back than the 10’. Mr. Durette said that he had driven through the area and there are a number of fences that are both 6’ high and right next to the sidewalk. Mr. Dziurman stated that the Board does not know the history of these fences and it was possible that they were put up in accordance with variances that had been granted.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are eight (8) written approvals on file. There are no written objections on file.

Mr. Kessler asked if visibility was obstructed when backing out of the driveway. Mr. Durette indicated that this fence had been in place for the last two years and does not believe that visibility is compromised because of the fence. Mr. Durette also said that they are extremely careful when backing out of the drive. Mr. Kessler stated that he strongly objects to a fence along the driveway.

ITEM #3 – con't.

Mr. Dziurman asked if Mr. Durette would be willing to modify his request and angle the fence line near the driveway. Mr. Durette said that he could probably do that and asked how large a setback the Board would want. Mr. Dziurman said that he personally would like to see it back about 10' or angle the fence by the driveway.

Mr. Zuazo asked how far back the tree line was from the sidewalk and Mr. Durette said that it is approximately 10' back and he believes that the previous owner had put the trees in to provide screening.

Mr. Richnak stated that he could not make a motion to approve this request and Mr. Kessler said that he would like to see the fence brought straight back about 15' to 20'. A discussion began regarding the utility boxes and the sump pump outlet. Mr. Nelson said that he would like to see the fence moved back to increase visibility.

Motion by Richnak
Supported by Nelson

MOVED, to approve the request of Mark Durette, 2463 Avery, for relief of Chapter 83 to install a 48" high privacy fence in the front setback of Foxcroft Drive.

- Fence should be moved north 15'.
- Installation should not interfere with the utility boxes.
- Moving the fence back will increase visibility.

Mr. Zuazo asked if the Board wanted any type of modification of the fence along the sidewalk. The other Board members did not want any other modification.

Yeas: 4 – Nelson, Richnak, Dziurman, Kessler
Nays: 1 – Zuazo

MOTION TO GRANT VARIANCE WITH STIPULATION CARRIED

ITEM #2 – TAKEN OUT OF ORDER. VARIANCE REQUEST. TAMELA CORBIN, 503 RANDALL, for relief of Chapter 83 to install a 6' high privacy fence in the front yard setback along Tallman.

Petitioner is requesting relief of the Ordinance to install a 6' high privacy fence. This property is a double front corner lot. It has front yard setback requirements along both Randall and Tallman. Chapter 83 limits the height of front yard fences on this property to not more than 30". The site plan submitted indicates a 6' high privacy fence setback 2' from the east property line along Tallman.

This item first appeared before this Board at the meeting of August 3, 2005 and was postponed to allow the petitioner the opportunity to present the height and a picture of

ITEM #2 – con't.

the fence she wishes to install, to allow the petitioner to present a landscaping plan to the Board and to allow the Building Department the opportunity the chance to research the records regarding a previous variance.

A review of the Building Department records show that on June 14, 1973, a variance was granted by the Building Code Board of Appeals for a 6' high privacy fence running south, 60' from the rear property line, then continuing south, a 4' high privacy fence for 16' and connecting to the house at a 4' height. A copy of the minutes from that meeting is included for your reference.

Ms. Corbin was present. Mr. Dziurman explained that because this Board had granted a variance back in 1973, if she wished to put her fence in the same place a new variance would not be required.

Ms. Corbin stated that instead of a 6' high privacy fence running along Tallman, she wished to install a 54" high lattice type vinyl fence. Mr. Stimac stated that would be within the variance granted in 1973 and she could withdraw this request.

Mr. Dziurman said that as long as she follows the variance granted in 1973 a new variance was not required.

Ms. Corbin stated that she would withdraw her request. Withdrawal request noted and filed. No further action taken by this Board.

ITEM #4 – VARIANCE REQUEST. CHRISTOPHER MEERSCHAERT, 5562 HUNTERS GATE, for relief of Chapter 83 to install a 48" high fence along Beach Road.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to install a 48" high fence. This lot is a double front through lot. It has front yard requirements along both Hunters Gate and Beach Road. This is because there are houses fronting on Beach Road within the same block. Chapter 83 limits fences in front yards to a maximum height of 30 inches. The site plan submitted indicates a 48" high fence 15' from the property line along Beach Road.

Mr. Meerschaert was present and stated that he felt that because there is an existing swimming pool in the yard a 48" high fence is required. Mr. Meerschaert also stated that there are a number of properties in the same area that have the same type of fencing he wishes to install.

Mr. Dziurman clarified that the petitioner was appearing before this Board because the height of the fence was 48". Mr. Stimac explained that because this was a double front through lot, Chapter 83 limits the height of fences in the front yards to 30". Mr. Stimac also stated that if the fence were moved back 40' from the east property line it could be

ITEM #4 – con't.

48" high and a variance would not be required; however, the petitioner is asking to place the fence 15' from the property line.

Mr. Dziurman asked what type of fence the petitioner wished to install. Mr. Meerschaert stated that he wants to meet the requirements of the Code for swimming pools and would have two gate entrances, one of which would run along Beach Road to allow direct access to the utility easements.

Mr. Dziurman asked which code took precedence when there was a conflict such as this: e.g. swimming pool versus front through lot. Mr. Stimac said that both codes are of equal importance and that there is nothing in the pool code that grants exceptions to Chapter 83.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are three (3) written approvals on file. There are no written objections on file.

Mr. Meerschaert stated that this portion of Beach Road is heavily wooded and the fence would not be visible. Mr. Richnak asked about the location of the fence and Mr. Meerschaert stated that the fence would be about 5 to 6' from the end of the tree line.

Mr. Zuazo asked if any portion of this home was visible from Beach Road. Mr. Meerschaert stated about 12' of 120'. They are planning to put in a brown wrought iron fence that would blend in with the existing vegetation.

Mr. Kessler asked if the fence would be put right up to the property line on the side. Mr. Meerschaert explained that the fence would be about 2 ½' inside of the property line and they plan to put in arborvitae. Mr. Kessler asked if they would mow the easement. Mr. Meerschaert said that is the reason for the gate at the back of the property.

Mr. Richnak asked if the petitioner was planning to adding any type of plant material to the side of the fence along Beach Road and the petitioner stated that he had planned to put shrubs on the inside of the fence. Mr. Richnak stated that he would like to see some type of plantings along Beach Road. Mr. Meerschaert stated that he had not planned to put in arborvitae in this location because of the Edison box. Mr. Stimac stated that this box would have clearance requirements on it. Mr. Meerschaert said that he had seen the damage done by Edison when they dig up an easement and that is the reason he would rather not add additional plantings. Mr. Zuazo stated that he could angle the fence away from the Edison box. Mr. Meerschaert said that he would be willing to add arborvitae.

Motion by Richnak
Supported by Kessler

ITEM #4 – con't.

MOVED, to grant Christopher Meerschaert, 5562 Hunters Gate, relief of Chapter 83 to install a 48" high privacy fence 15' from the property line along Beach Road.

- Either the corner of the fence is to be angled away from utility box, or
- Petitioner must add a minimum of five (5) arborvitae along the northeast fence line.

Yeas: All

MOTION TO GRANT VARIANCE WITH STIPULATION CARRIED

ITEM #5 – VARIANCE REQUEST. STONE AGE INVESTMENTS, LARRY FARIDA, 1613 LIVERNOIS, for relief of Section 403.2 of the State of Michigan Plumbing Code to eliminate separate men and women's bathrooms.

Mr. Stimac explained that the petitioner is requesting relief of Section 403.2 of the State of Michigan Plumbing Code to have a single, unisex bathroom available to the public where separate men's and women's facilities are required. Section 403.2 states: *Where plumbing fixtures are required, separate facilities are required for each sex.* The only exception closely applicable in this instance is exception three of that Section that states: *Separate facilities shall not be required in structures or tenant spaces with a total occupant load, including both employees and customers, of 15 or fewer.* This building has an occupancy load well in excess of 15 persons.

Larry Farida was present and stated that the lower level of this building has separate facilities for employees. Other than the month of December, the total number of customers is rarely more than 10 or 15 people.

Mr. Stimac explained that the previous State Plumbing Code did not require public facilities unless the building was more than 5,000 square feet. The new Plumbing Code requires that all businesses have public facilities available.

Mr. Dziurman stated that there are separate facilities in the lower level but there would be one unisex restroom available on the first floor.

Mr. Kessler asked if the petitioner would not have more than fifteen people, including customers, in the store at one time. Mr. Farida stated that basically he is moving his business from one corner of Livernois to another and believes that his customer base would remain the same.

Mr. Dziurman asked if he thought this new location would increase his customer base. Mr. Farida said that he does not believe he will gain a lot of new customers as this is mainly a wine shop and not a deli. If they have to add the additional restroom, they will lose the bottle return area.

ITEM #5 – con't.

Mr. Zuazo asked if they cut cheese in their existing building. Mr. Farida said that they cut cheese in cubes and it is sold in pre-packaged containers. Mr. Zuazo then asked how far the restroom facility was from the prepping area. Mr. Farida indicated that the restroom is in the back of the building and the prepping area is located at the front of the building. Mr. Zuazo then clarified that Mr. Farida was asking for one restroom for use by the general public instead of two.

Mr. Richnak asked if this would have been allowed under the previous Plumbing Code and Mr. Stimac explained that public facilities were not required unless the building was more than 5,000 square feet. Mr. Richnak then asked what would happen if the variance request was granted, and the building became something other than a retail store. Mr. Stimac explained that if the use changed, the property would have to be re-evaluated and the codes regarding the new use would have to be met.

Mr. Zuazo asked if they had any plans to add a deli and Mr. Farida said absolutely not. Mr. Farida said that the only thing they will sell will be pre-packaged cheese.

Mr. Kessler asked if the business doubled in six months if Mr. Farida would be willing to add another restroom. Mr. Farida said that if he had a number of customers asking to use the facilities, he would be more than willing to add a second restroom. Mr. Kessler said that technically the Plumbing Code requires a drinking fountain as well as restrooms for public use. Mr. Kessler also said that most people do not ask to use restrooms as they believe they are for employee use only. Mr. Farida stated that he could count the number of people asking to use the restroom on one hand since he took over this business in 2000.

Mr. Zuazo asked if Mr. Farida had a food service license. Mr. Farida indicated that less than 5% of their business is food service and they plan to eliminate selling sandwiches and cutting cheese. The only type of food that they will sell will be pre-packaged. Mr. Farida also said that they have a license under the Department of Agriculture.

Motion by Richnak

Supported by Nelson

MOVED, to grant Stone Age Investments, Larry Farida, 1613 Livernois, relief of Section 403.2 of the State of Michigan Plumbing Code to eliminate separate men and women's restrooms.

- Variance will not be contrary to public interest.
- Variance will not have an adverse effect.
- Board does not see the volume of customers that would require a second restroom.

Yeas: All

ITEM #5 – con't.

MOTION TO GRANT VARIANCE CARRIED

The Building Code Board of Appeals meeting adjourned at 9:43 A.M.

Ted Dziurman, Chairman

Pamela Pasternak, Recording Secretary

TROY DAZE ADVISORY COMMITTEE**A. CALL TO ORDER**

A regular meeting of the Troy Daze Advisory Committee was held **Wednesday, September 7, 2005** at the Troy Community Center. Meeting was called to order at 8:27 pm.

B. MEMBERS PRESENT

Present:

Jim Cyrulewski
Cele Dilley
Kessie Kaltsounis
Cheryl Whitton-Kaszubski
Bob Berk
Bill Hall
Mike Gonda

City Staff Present:

Cindy Stewart, Jeff Biegler, Bob Matlick, Tonya Perry

Absent:

Marilyn Musick
Jeff Stewart
Berj Alexanian
Bob Preston

EXCUSE ABSENT MEMBERS

Resolution #TD-2005-09-32

Moved by Bill Hall

Seconded by Jim Cyrulewski

RESOLVED that absent members are excused

Yeas: All

Nays: None

MOTION CARRIED

C. NEW BUSINESS

1. MFEA Convention Attendees - Lois and Jim Cyrulewski

D. OLD BUSINESS

1. None

MOTION TO ADJOURN

Resolution #TD-2005-09-33

Moved by Bill Hall

Seconded by Cele Dilley

RESOLVED that the Troy Daze Advisory Committee Meeting be adjourned at 8:30 p.m.

Yeas: All

Nays: None

MOTION CARRIED

Bob Berk, Chairperson

Cindy Stewart, Recording Secretary

TROY DAZE FESTIVAL COMMITTEE

A regular meeting of the Troy Daze Festival Committee was held **Wednesday, September 7, 2005** at the Troy Community Center. Meeting was called to order at 8:32 pm.

A. ROLL CALL

Present:

Mike Gonda	Bob Berk
Bob Preston	Jim Cyrulewski
Scott Wharff	Cheryl Whitton-Kaszubski
Cecile Dilley	Shirley Darge
Bill Hall	Jeff Winarski
Kessie Kaltsounis	Alison Miller
Lois Cyrulewski	Megan Cyrulewski
Cindy Kmett	Tom Tighe
Tom Kaszubski	Tim McAvoy
Jeff Super	Tom Duszynski
Bob Broquet	

City Staff Present:

Jeff Biegler
Bob Matlick
Tonya Perry
Cindy Stewart

B. APPROVAL OF MINUTES

August minutes not available yet.

C. TREASURER'S REPORT

None

D. CORRESPONDENCE

None

E. EVENTS CHAIRPERSONS UPDATE

Small area near the picnic area needs to be roped off for the Beaver Sculptures, which will be painted by local artists.

Problem with people not being able to contact Shannon DeVies re: Talent Shows. Many calls coming to Parks & Rec and Community Affairs. Lois said to tell people to just show up at designated times.

All City Departments are mandated to reduce fuel consumption. Shuttle drivers should run full golf carts, less trips & no joy riding. Jeff Biegler will draft a note re: conserving fuel to tape on all golf carts.

EthniCity Tent is full.

Food Vouchers for Volunteers who work more than 4 hours – Committee Chairs should see Kessie.

Teen Volunteer Meeting is scheduled for September 14 at 7 pm

Mr. Troy Competition now has 29 contestants.

Rock Financial just committed to \$4000 donation. They will be co-sponsor of Shuttle Service and sponsor of Photography Contest and Student Art Show.

Festival Headquarters trailer will be in place this Friday at 9 am.

Old Business

1. Volunteer Needs – Shuttle Service, new Car Show, Student Art, Photography Show, EthniCity and Info Booth.
2. Layout Meeting – Sunday, Sept. 11 at 10 am at Boulan Park.
- 3.

Motion to adjourn by Bill Hall, seconded by Cheryl Whitton.

Meeting is adjourned at 9:08 p.m.

A regular meeting of the Liquor Advisory Committee was held on Monday, September 12, 2005 in the Lower Level Conference Room of Troy City Hall, 500 West Big Beaver Road. Chairman Max K. Ehlert called the meeting to order at 7:00 p.m.

ROLL CALL:

PRESENT: Max K. Ehlert, Chairman
Alex Bennett
W. Stan Godlewski
Patrick C. Hall
James R. Peard
Bohdan L. Ukrainec
Sergeant Thomas Gordon
Pat Gladysz

ABSENT: Henry W. Allemon

Resolution to Excuse Committee Member Allemon

Resolution #LC2005-09-019
Moved by Ukrainec
Seconded by Godlewski

RESOLVED, that the absence of Committee member Allemon at the Liquor Advisory Committee meeting of September 12, 2005 BE EXCUSED.

Yes: 6
No: None
Absent: Allemon

Resolution to Approve Minutes of July 11, 2005 Meeting

Resolution #LC2005-09-020
Moved by Bennett
Seconded by Hall

RESOLVED, that the Minutes of the July 11, 2005 meeting of the Liquor Advisory Committee be approved.

Yes: 6
No: None
Absent: Allemon

Agenda Items

1. **RAHI ENTERPRISE, INC.** requests to transfer ownership of 2005 Class C licensed business with official permit (food), located in escrow at 4382 Baldwin, Store M-625, Auburn Hills, MI 48326, Oakland County, from Auburn Hills Entertainment, Inc. (A Delaware Corporation); transfer location (governmental unit)(MCL 436.1531(1)) to 3875-3877 Rochester, Troy, MI 48083, Oakland County; and requests a new SDM to be held in conjunction and new dance-entertainment. [MLCC REQ ID# 309994] *Daawat Indian Cuisine*

Present to answer questions from the Committee was Hasmukh Patel.

Mr. Patel is the owner of Daawat Indian Cuisine which opened in February 2005. This 90-seat restaurant is open for a lunch buffet and dinner. Mr. Patel and the full-time manager will attend the TIPS class in October, and will make arrangements to send all employees to a training class also. There is no bar in the restaurant and all spirits will be served at the tables and/or booths. He has withdrawn the “dance and entertainment” portion of his request.

Resolution #LC2005-09-021
Moved by Ukraine
Seconded by Godlewski

RESOLVED, that RAHI ENTERPRISE, INC. be allowed to transfer ownership of 2005 Class C licensed business with official permit (food), located in escrow at 4382 Baldwin, Store M-625, Auburn Hills, MI 48326, Oakland County, from Auburn Hills Entertainment, Inc. (A Delaware Corporation); transfer location (governmental unit)(MCL 436.1531(1)) to 3875-3877 Rochester, Troy, MI 48083, Oakland County; and requests a new SDM to be held in conjunction and new dance-entertainment.

Yes: 6
No: None
Absent: Allemon

2. **MJMN, INC.**, requests to transfer all stock interest in 2005 SDD & SDM licensed corporation located at 36949 Dequindre, Troy MI 48084, Oakland County wherein sole stockholder Masoud Matti transfers 100 shares of stock to new stockholder, Kawkab Matti. [MLCC REQ ID# 311118]
Atlas Market and Bakery

Present to answer questions from the Committee was Kawkab Matti.

This request is a total transfer of ownership from father (Masoud Matti) to son (Kawkab Matti). The market has been open for eight months and only three family members sell the liquor. Mr. Matti states that he fully understands the liquor laws. He is currently waiting for one additional inspection approval from the Building Department for a new oven.

Resolution #LC2005-09-022

Moved by Ukrainec

Seconded by Peard

RESOLVED, that MJMN, INC., be allowed to transfer all stock interest in 2005 SDD & SDM licensed corporation located at 36949 Dequindre, Troy MI 48084, Oakland County wherein sole stockholder Masoud Matti transfers 100 shares of stock to new stockholder, Kawkab Matti.

Yes: 6
No: None
Absent: Allemon

-
3. **AG SPORTS, INC.**, requests to transfer ownership of 2005 Class C licensed business with Dance-Entertainment Permit, Outdoor Service (1 area) and 3 Bars, located at 2511 Livernois, Troy MI 48084, Oakland County, from Premier Sports, L.L.C.; request new Official Permit (Food). [MLCC REQ ID# 314395] *Spectadium*

Present to answer questions from the Committee were attorney Kelly Allen and Baljamber Atwal.

Mr. Atwal, his wife, and two silent partners have purchased Spectadium and expect to sign the lease this week. He plans to keep the manager of five years, assistant managers, and most of the wait staff who have all been trained. The sports bar theme will not change. He is making selected interior improvements and is waiting for a few inspections.

Resolution #LC2005-09-023

Moved by Ukrainec

Seconded by Peard

RESOLVED, that AG SPORTS, INC., be allowed to transfer ownership of 2005 Class C licensed business with Dance-Entertainment Permit, Outdoor Service (1 area) and 3 Bars, located at 2511 Livernois, Troy MI 48084, Oakland County, from Premier Sports, L.L.C.; request new Official Permit (Food).

Yes: 6
No: None
Absent: Allemon

Ms. Allen also stated that she will appear before the Committee in a few months to represent Capital Grille with a request for a SDM license to sell beer and wine for off-premise consumption.

Sergeant Gordon informed the Committee that he will be returning to Road Patrol duties. Sergeant Chris Stout will assume his responsibilities with regard to liquor licenses.

The meeting adjourned at 7:30 p.m.

Max K. Ehlert, Chairman

Patricia A. Gladysz, Office Assistant II

The Regular Meeting of the Troy City Planning Commission was called to order by Chair Strat at 7:32 p.m. on September 13, 2005, in the Council Chambers of the Troy City Hall.

1. ROLL CALL

Present:

Gary Chamberlain
Lynn Drake-Batts
Lawrence Littman
Robert Schultz
Thomas Strat
Mark J. Vleck
David T. Waller
Wayne Wright

Absent:

Fazal Khan

Also Present:

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

APPROVAL OF AGENDA

Resolution # PC-2005-09-135

Moved by: Littman
Seconded by: Schultz

RESOLVED, To approve the Agenda as distributed.

Yes: All present (8)
No: None
Absent: Khan

MOTION CARRIED

Excuse absent member(s) - See Resolution # PC-2005-09-146, page 12.

2. MINUTES

Resolution # PC-2005-09-136

Moved by: Littman
Seconded by: Wright

RESOLVED, To approve the August 9, 2005 Regular Meeting minutes as published.

Yes: All present (8)
No: None
Absent: Khan

MOTION CARRIED

Resolution # PC-2005-09-137

Moved by: Littman
Seconded by: Wright

RESOLVED, To approve the August 23, 2005 Special/Study Meeting minutes as published.

Yes: All present (8)
No: None
Absent: Khan

MOTION CARRIED

3. **PUBLIC COMMENT** – Items not on the Agenda

Ted Wilson of 5038 Kellen Lane, Bloomfield Township, was present. Mr. Wilson, chairman of the Economic Development Committee for the Troy Chamber of Commerce, announced a focus group meeting to discuss the Maple Road Corridor is scheduled on September 28, 2005 at the SMART Bus Depot Facility in Troy. The focus group comprise of representatives from the Chamber, the City, Lawrence Tech University and the private sector. Mr. Wilson briefly outlined the plan of action and upcoming meetings. Mr. Wilson said the Chamber is supportive of two proposed developments located on the north side of Maple Road that are being considered by the Commission tonight.

TABLED ITEMS

4. **SITE PLAN REVIEW (SP 920)** – Proposed Troy Retail Center (formerly Cranbrook Plaza), North side of Maple, West side of Dequindre, Section 25 – B-2

Mr. Miller reported the Planning Department has not received any additional information on the proposed development since it was tabled at the August 9, 2005 Regular Meeting. It is the recommendation of the Planning Department to table the item to the October Regular Meeting.

The petitioner was not present.

Mr. Savidant reported that the petitioner is pursuing options with respect to the sidewalks. He indicated the Planning Department has not been provided a timetable for the project by the applicant but assumes postponement to the October Regular Meeting would be appropriate.

Resolution # PC-2005-09-138

Moved by: Wright
Seconded by: Schultz

RESOLVED, That Preliminary Site Plan Approval, as requested for the Proposed Troy Retail Center, located on the north side of Maple and west of Dequindre, located in Section 25, on approximately 7.25 acres, within the B-2 zoning district, is hereby tabled to the October 11, 2005 Regular Planning Commission Meeting.

Yes: All present (8)
No: None
Absent: Khan

MOTION CARRIED

5. **SPECIAL USE REQUEST (SU 328)** – Existing Clark Station, Northeast corner of Maple and Livernois, Section 27, Zoned H-S (Highway Service)

Mr. Miller presented a summary of the Planning Department report for the proposed special use. He indicated the petitioner has addressed the environmental issues related to a previous gasoline tank leak. Mr. Miller reviewed the itemized facts provided by the City's Environmental Specialist with respect to the cleanup of the site. Mr. Miller reported that it is the recommendation of the Planning Department to approve the Special Use Request and Site Plan as submitted.

The petitioner and project architect, Mike Kozlowski of CED, 5603 S. Telegraph Road, Dearborn Heights, was present. Mr. Kozlowski provided a brief description of the development plan and proposed site improvements.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2005-09-139

Moved by: Schultz
Seconded by: Wright

RESOLVED, That the Special Use Approval and Site Plan Approval, pursuant to Section 22.30.02 of the Zoning Ordinance, as requested for the proposed Clark Station improvements, located on the northeast corner of Maple and Livernois, Section 27, within the H-S Zoning District, be granted.

Yes: All present (8)
 No: None
 Absent: Khan

MOTION CARRIED

REZONING REQUESTS

6. PUBLIC HEARING – PROPOSED REZONING (Z 708) – Proposed Gymnastics Center and Car Rental Agency, North side of Maple, West of Blaney (1600 W. Maple), Section 29 – From M-1 (Light Industrial) to B-3 (General Business)

Mr. Miller presented a summary of the Planning Department report for the proposed rezoning request. Mr. Miller reported that it is the recommendation of City Management to approve the rezoning request.

The petitioner was not present.

The Planning Department reported that the petitioner indicated he would be present.

Resolution # PC-2005-09-140

Moved by: Chamberlain
 Seconded by: Wright

RESOLVED, That the item be moved to the end of the agenda to give the petitioner a chance to be here and address the item.

Yes: All present (8)
 No: None
 Absent: Khan

MOTION CARRIED

See page 11.

7. PUBLIC HEARING – PROPOSED REZONING (Z 709) – Proposed Single Family Home, North of Maple, East of Rochester (at east end of Woodslee), Section 27 – From M-1 (Light Industrial) to R-2 (Two Family Residential)

Mr. Miller presented a summary of the Planning Department report for the proposed rezoning. Mr. Miller reported that it is the recommendation of City Management to approve the rezoning request.

Mr. Schultz asked if the 5-foot bump would cause a jog in the zoning district line.

Mr. Miller said there would be a 5-foot jog in the zoning district line because it appears to run almost due north/south. Mr. Miller said the petitioner controls property on both the east and west sides of the subject property and is acquiring property to develop a wider residential site. He said the little bump-out would project into the M-1 zoning area. Mr. Miller reported the large single family site directly to the east of the subject rezoning is within the M-1 zoning district.

The petitioner, Mike Agnetti of Thornhill Construction Company, 2977 Lovington, Troy, was present. Mr. Agnetti said the property he owns to the east is currently being used as a residential use.

PUBLIC HEARING OPENED

Jack Bertoia of 5075 Bayside, Troy, was present. Mr. Bertoia, a property owner in the neighborhood, supports the proposed rezoning request. He said the request would be beneficial to the neighborhood and a more consistent use of the land. Mr. Bertoia said the properties on all sides of the 5-foot bump-out are currently used as residential and the request would not impede any current or future zoning.

PUBLIC HEARING CLOSED

Resolution # PC-2005-09-141

Moved by: Littman
Seconded by: Wright

RESOLVED, That the Planning Commission hereby recommends to the City Council that the M-1 to R-2 rezoning request, located north of Maple, east of Rochester, south of Woodslee, within Section 27, being approximately 600 square feet in size, be granted.

Yes: All present (8)
No: None
Absent: Khan

MOTION CARRIED

SITE PLAN REVIEWS

8. **SITE PLAN REVIEW (SP 923)** – Proposed Peoples State Bank, Southeast corner of Livernois and Long Lake Road, Section 15 – B-2 (Community Business) District (Controlled by Consent Judgment)

Mr. Savidant presented a summary of the Planning Department report for the proposed development. Mr. Savidant reported that it is the recommendation of the Planning Department to approve the site plan contingent on the vacation of the Consent Judgment by City Council.

Mr. Chamberlain stated that the property is going back to what it was developed approximately 30 or 40 years ago. He said the site was a bank approximately 3 businesses ago, prior to T-Bird Restaurant and Dairy Queen.

Mr. Miller provided an explanation for the Consent Judgment on the site. Mr. Miller reported the Consent Judgment relates to property acquisition, improvements and payments related to the property, and does not restrict the uses on the site. He said discussion with the City Attorney's Office determined there is no need for the Consent Judgment.

The petitioner, Phil Ruggeri of Troy Long Lake LLC, 38700 Van Dyke, Sterling Heights, was present. He introduced David Wilson, Chief Financial Officer of Peoples State Bank, and Mark Drane, project architect of Rogvov Architects, 32500 Telegraph, Bingham Farms.

Chair Strat disclosed that he has had business dealings with Mr. Ruggeri in the past but that he has no financial interest in the proposed development, nor is he associated with Peoples State Bank.

The members agreed there was no reason to exclude Chair Strat from discussion and vote on the item.

Mr. Littman commented that the proposed development appears to have fewer drive-through lanes than most banks.

Mr. Drane replied the two drive-up lanes and one drive-up ATM lane are sufficient for the bank.

Chair Strat complimented the petitioner on the thoroughness of the site plan submission.

Mr. Schultz said he would personally be more comfortable if additional landscaping was provided along the south edge to shelter the residential property from the commercial property.

Mr. Drane noted that the south end is paved and a greenbelt would be provided. He said he would be happy to add more canopy trees.

Resolution # PC-2005-09-142

Moved by: Schultz

Seconded by: Vleck

WHEREAS, The State of Michigan by way of Public Act 207 of 1921, the City and Municipal Zoning Act, and Public Act 285 of 1931, the Municipal Planning Act, and subsequent amendments thereto provides for city planning and authorizes Planning Commissions and their powers; and

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

THEREFORE BE IT RESOLVED, That Preliminary Site Plan Approval, as requested for the proposed Peoples State Bank, located on the southeast corner of Livernois and Long Lake, located in Section 15, on approximately 1.1 acres, within the B-2 zoning district, is hereby granted, subject to the following conditions:

1. Contingent on the vacation of the current Consent Judgment by City Council.
2. Add a minimum of three (3) additional canopy trees to the south edge of the property between their property and residential.

Yes: All present (8)

No: None

Absent: Khan

MOTION CARRIED

9. SITE PLAN REVIEW (SP 924) – Proposed National City Bank Branch, Southeast corner of Big Beaver and Town Center Drive, Section 28 – O-S-C (Office-Service-Commercial) District

Mr. Savidant presented a summary of the Planning Department report for the proposed development. Mr. Savidant reported that it is the recommendation of the Planning Department to approve the site plan and parking space reduction as submitted with the condition to construct a sidewalk along the south side of the building, as required by the Zoning Ordinance.

Chair Strat said he would rather see a green area along the south side of the building instead of the sidewalk that is required by the Zoning Ordinance. He asked which section of the ordinance stipulates this requirement.

Mr. Savidant cited Section 39.80.04. He informed the members that there is a building entrance along the south side that he believes is an employee entrance.

The petitioner, Jill Stewart of Yamasaki Associates, Inc., 900 Tower Drive, Troy, was present. Ms. Stewart introduced National City Bank representatives, Joe Kuiper of Kalamazoo and Dan McCarthy of Royal Oak, and Tony Antone of Kojaian Company. Ms. Stewart said it would be their preference to landscape the south side of the building instead of providing a sidewalk. She explained that the sidewalk would extend from the employee entrance/exit door to the asphalt pavement of the drive-through lane and to the retention bin. Ms. Stewart said the retention bin would be used for daily trash, of which the bank shreds on a daily basis.

Discussion continued briefly relating to the sidewalk requirement.

Mr. Schultz brought to the petitioner's attention that the proposed elevations have been reversed on some of the site plan sheets.

Mr. Schultz said he personally would like to see additional landscaping and/or architectural elements provided on the south end of the building. He said the south end of the building is extremely ugly and very visible from Troy Center Drive.

Chair Strat asked the petitioner if she had any building renderings available to view.

Ms. Stewart apologized that she did not have any renderings with her. Ms. Stewart reported that Mr. Kuiper has clarified that the door on the south side of the building would be used primarily for servicing equipment and trash.

Mr. Waller asked if any considerations were given to providing green components.

Ms. Stewart replied that National City Bank follows a prototype system and design to their buildings. She said the project does not meet certain site plan requirements or allowances under the U.S. Green Building Council LEEDS certification program. Ms. Stewart said there are elements of the project that on further inspection would contribute to that but at this point, the building would not be able to achieve a minimum certification.

Chair Strat encouraged that the development incorporate storm water management.

Mr. Schultz questioned the building's cohesiveness to the adjacent building.

Ms. Stewart replied the brick color is tan and would be compatible to the surrounding buildings. She provided information on the panel material.

Mr. Motzny clarified that the Zoning Ordinance section previously cited by Mr. Savidant was not referenced correctly. Section 39.70.03 relates to sidewalks in commercial areas. Mr. Motzny said the Planning Commission could modify the requirement and request landscaping in lieu of a sidewalk.

Resolution # PC-2005-09-143

Moved by: Drake-Batts
 Seconded by: Waller

WHEREAS, Article 40.20.12 permits the Planning Commission to deviate the parking requirements based upon the specific standards set forth in the Article. The applicant has provided a letter providing justification for the reduced number of parking spaces.

RESOLVED, The Planning Commission hereby approves the reduction of 156 parking spaces to 1,928 spaces, when 2,084 spaces are required, as per Article 40.20.12.

BE IT FURTHER RESOLVED, That Preliminary Site Plan Approval, as requested for the Proposed National City Bank, located on the southeast corner of Big Beaver and Town Center Drive, located in Section 28, on approximately 1.16 acres, within the O-S-C zoning district, is hereby granted, subject to the following condition:

1. That there is no sidewalk along the south side of the building, which will be landscaped.

Yes: All present (8)
 No: None
 Absent: Khan

MOTION CARRIED**ZONING ORDINANCE TEXT AMENDMENT**

10. **PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT (ZOTA 218) – Article 10.30.03 Daycares in Schools within the R-1 Districts**

Mr. Savidant presented a summary of the proposed zoning ordinance text amendment. He reported that the City's Planning Consultant and Assistant City Attorney agree with the proposed text amendment in concept. The Assistant City Attorney suggested and City Management agrees with revising the text to clarify what constitutes a school complex.

Mr. Miller noted that (1) public schools are exempt from municipal zoning; and (2) schools are permitted in the R-1A through R-1E zoning districts with the requirement that they located on major thoroughfares.

There was a brief discussion on the placement of definitions within the Zoning Ordinance.

Mr. Motzny confirmed that the definition of school is not currently inclusive of definitions listed in the Zoning Ordinance.

PUBLIC HEARING OPENED

Nichol Childs of 1931 Atlas, Troy, was present. Ms. Childs addressed the affect of potential traffic generated by child care centers in residential areas in relation to traffic generated by group day care centers in residential areas.

Sharon Schafer of 5593 Mandale Drive, Troy, was present. Ms. Schafer said she assumes, based upon the numbering system, that the proposed zoning ordinance text amendment relating to group day care homes in residential districts (ZOTA 214) has been under consideration longer than the ZOTA 218. Ms. Schafer said she supports the proposed zoning ordinance text amendment under consideration this evening because working families in Troy need every option available to them for child care. She stated child care centers in residential areas would not cause any less noise or traffic than group day care homes in residential areas, and she hopes the members remember that she brought that to their attention when ZOTA 214 is considered in a couple of weeks.

PUBLIC HEARING CLOSED

Resolution # PC-2005-09-144

Moved by: Wright
Seconded by: Schultz

RESOLVED, That the Planning Commission hereby recommends to the City Council that Article X, pertaining to Daycares in the R-1A through R-1E Zoning Districts, be amended as printed on the Proposed Zoning Ordinance Text Amendment received tonight, as follows:

Section 10.30.03 (B) – Such uses shall not be permitted in the interior of any residential block. Such uses shall be located adjacent to a multiple family residential, office or commercial district, or within a previously established church complex or a public or private school utilized for the education of children, other than a home school.

Discussion on the motion.

Mr. Vleck asked if charter schools are exempt from municipal zoning.

Mr. Motzny replied that charter schools are considered public schools and the exemption would apply to them as well as public schools.

Mr. Miller confirmed that it was a Montessori school that prompted the proposed zoning ordinance text amendment.

Chair Strat suggested that the description of private schools should be included as part of a definition in Article IV.

Vote on the motion on the floor.

Yes: All present (8)
No: None
Absent: Khan

MOTION CARRIED

REZONING REQUEST

6. PUBLIC HEARING – PROPOSED REZONING (Z 708) – Proposed Gymnastics Center and Car Rental Agency, North side of Maple, West of Blaney (1600 W. Maple), Section 29 – From M-1 (Light Industrial) to B-3 (General Business)

Mr. Miller presented a summary of the Planning Department report for the proposed rezoning request. Mr. Miller reported that it is the recommendation of City Management to approve the rezoning request.

The petitioner, Toby Buechner of 2411 Hampton, Troy, was present. Mr. Buechner apologized for his lateness.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2005-09-145

Moved by: Chamberlain
Seconded by: Wright

WHEREAS, The State of Michigan by way of Public Act 207 of 1921, the City and Municipal Zoning Act, and Public Act 285 of 1931, the Municipal Planning Act, and subsequent amendments thereto providing for city planning and authorizing Planning Commissions and their powers; and

WHEREAS, the City of Troy Planning Commission is empowered by the Charter of City of Troy, Section 1.19 and the City Code, Section 39, to approve matters coming before it and recommend to City Council, where City Council holds that approval power for themselves.

THEREFORE, BE IT RESOLVED, That the Planning Commission hereby recommends to the City Council that the M-1 to B-3 rezoning request, located on the north side of Maple, west of Blaney, within Section 29, being approximately 1.7 acres in size, be granted.

Yes: All present (8)
 No: None
 Absent: Khan

MOTION CARRIED

Mr. Miller confirmed that the proposed project would have to come back before the members for site plan approval.

Resolution # PC-2005-09-146

Moved by: Wright
 Seconded by: Schultz

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

Yes: All present (8)
 No: None
 Absent: Khan

MOTION CARRIED

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

There was no one present who wished to speak.

GOOD OF THE ORDER

Mr. Schultz thanked the Planning Department for providing the new masthead for the Agenda, and noted it was very nice and professional. He asked the department to be consistent in labeling the Public Comment sections and identify which section is to discuss items on the Agenda and items not on the Agenda.

Mr. Littman agreed the new format looks better.

Mr. Waller said the new masthead looks good. He asked that the Agendas be identified to what type of meeting is being held; i.e., Regular, Study, etc. Further, Mr. Waller addressed potential revisions to the Bylaws. He distributed a copy of the Bylaws incorporating recent revisions and asked that any comments or suggestions be sent to him via email.

Chair Strat said he would hope to have the Bylaws on the next study session Agenda.

Mr. Miller said the Planning Department is working on additional language to add to the Agenda in relation to responsibilities of the Planning Commission. Further, Mr. Miller addressed City Council action items, as follows:

- (1) Rezoning Application (Z 706), South side of Long Lake Road, West of Calvert Drive, Section 14, from R-1C to CR-1 – Approved by City Council;
- (2) City Council adopted a Resolution requesting the Planning Commission make a recommendation on September 27 regarding group day care homes;
- (3) City Council adopted a Resolution scheduling a Public Hearing on October 24, 2005 to discuss and determine the appropriateness of amending the Downtown Development District (DDA) boundaries to exempt the Monarch PUD project. He announced a DDA meeting is scheduled on September 21, 2005.

Mr. Miller said he looks forward to seeing those members who are attending the Michigan Association of Planning conference in Mackinac Island.

Mr. Waller asked about the request of Councilman Lambert relating to the Future Land Use Plan.

Mr. Miller said he would look into Mr. Lambert's request. Mr. Miller reviewed the memorandum provided to City Council that addressed the authority for adoption of the Future Land Use Plan.

Chair Strat commended the Planning Department on the new masthead. He suggested that the Commission's objectives and goals be incorporated on the Agenda's second page where the approval requirements are printed; i.e., achieve innovative storm water management, protection of natural resources; and insure safety for vehicular and pedestrian usage.

Mr. Miller confirmed that the September 27, 2005 Planning Commission Public Hearing on proposed ZOTA 214 relating to group day care homes in residential districts would be held in the Council Chambers to accommodate the projected number of attendees.

The Regular Meeting of the Planning Commission was adjourned at 8:55 p.m.

Respectfully submitted,

Thomas Strat, Chair

Kathy L. Czarnecki, Recording Secretary

The Special/Study Meeting of the Troy City Planning Commission was called to order by Chair Strat at 7:31 p.m. on September 27, 2005 in the Council Chambers of the Troy City Hall.

1. ROLL CALL

Present:

Gary Chamberlain
Lynn Drake-Batts
Fazal Khan
Robert Schultz
Thomas Strat
Mark J. Vleck
David T. Waller
Wayne Wright

Absent:

Lawrence Littman

Also Present:

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

Resolution # PC-2005-09-147

Moved by: Schultz
Seconded by: Wright

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

Yes: All present (8)
No: None
Absent: Littman

MOTION CARRIED

Mr. Schultz announced that due to a personal matter, it might be necessary for him to exit the meeting occasionally to accept phone calls or leave the premises.

APPROVAL OF AGENDA

Chair Strat requested that the Agenda be revised to include reports from those members who attended the Michigan Association of Planning (MAP) conference.

Resolution # PC-2005-09-148

Moved by: Wright
Seconded by: Vleck

RESOLVED, To approve the Agenda as revised.

Yes: All present (8)
No: None
Absent: Littman

MOTION CARRIED2. **MINUTES**

Mr. Wright asked that the September 13, 2005 Regular Meeting minutes reflect the following changes: Agenda Item #10, ZOTA 218, page 10, 3rd paragraph and under the Good of the Order, page 13, last paragraph – Reverse the numbering of ZOTA 218 and ZOTA 214.

Resolution # PC-2005-09-149

Moved by: Wright
Seconded by: Chamberlain

RESOLVED, To approve the September 13, 2005 Regular Meeting minutes as amended.

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

MOTION CARRIED3. **PUBLIC COMMENTS** (Items not on the Agenda)

There was no one present who wished to speak.

4. **BOARD OF ZONING APPEALS (BZA) REPORT**

Mr. Wright reported on the September 20, 2005 BZA meeting.

5. DOWNTOWN DEVELOPMENT AUTHORITY (DDA) REPORT

Mr. Miller reported on the September 21, 2005 DDA meeting. A Resolution to amend the boundaries of the Downtown Development Authority district, excluding the proposed Monarch Private Residences Planned Unit Development (PUD 4), was approved by the DDA. Mr. Miller indicated the Resolution was very lengthy and detailed, and he would provide a copy to the members either by e-mail or at the next Study Session meeting.

6. PLANNING AND ZONING REPORT

Mr. Miller requested that this item be deferred to the October 4, 2005 Special/Study Meeting.

ZONING ORDINANCE TEXT AMENDMENT

7. PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT (ZOTA 214) – Articles 04.20.00 and 10.30.00, Group Day Care Homes in the R-1A through R-1E Districts

Resolution # PC-2005-09-150

Moved by: Vleck
Seconded by: Schultz

RESOLVED, That the Planning Commission hereby rescinds Resolution #PC-2005-08-131, which resolved that the Planning Commission take no further action on ZOTA 214 until the State Legislature and the Governor have taken final action on HB 4398.

Yes: All present (8)
No: None
Absent: Littman

MOTION CARRIED

Ms. Drake-Batts questioned proposed language relating to a minimum square footage requirement for outdoor play areas.

Chair Strat said the members have not had an opportunity to discuss in detail the proposed verbiage provided by the Planning Department.

Mr. Vleck explained the procedure normally followed by the Planning Commission to reach consensus on proposed zoning ordinance text amendments. Mr. Vleck said the members have not had time to reach a consensus on proposed verbiage for consideration and approval by the City Council, and noted that tonight's Public Hearing was at the request of the City Council.

Chair Strat addressed the chart of Planning Commission actions, prepared by the Planning Department. He said the chart could be misleading to the City Council in that it appears the Planning Commission studied the verbiage in detail and at great length.

A brief discussion continued on the time the Planning Commission studied proposed verbiage.

Mr. Khan asked why City Management changed its stance to a position of neutrality on group day care homes.

Mr. Miller said initially City Management recommended that group day care homes not be permitted in residential areas because traffic statistics indicate that the impact of traffic generated from the number of trips to/from a group day care home would be beyond what normally occurs in a residential area. After further study, City Management determined that although the traffic would have an affect on the health, safety and welfare of residents, it would not be an immediate or dangerous affect. City Management decided group day care homes is a community value that needs to be determined via a recommendation from the Planning Commission and an ultimate decision by the City Council.

Mr. Schultz said it is unfortunate that City Management had not shared their change of position on the matter prior to this evening in which the Planning Commission was dictated to have a Public Hearing and requested to send a recommendation to the City Council.

Mr. Khan agreed.

Mr. Miller reviewed the number of responses received by the Planning Department in favor and in opposition to the proposed zoning ordinance text amendment since the August 9, 2005 Regular Meeting.

Mr. Vleck emphasized the procedure followed by the Planning Commission for proposed zoning ordinance text amendments, and indicated the members have not had sufficient time to discuss the proposed text on group day care homes. Mr. Vleck said, in his opinion, the members can either table the matter for further discussion and draft proposed text or send to the City Council a recommendation of no change to the Zoning Ordinance. He stated he has read all the public comment provided to him by the Planning Department, and will read all public comment received thereafter.

Mr. Schultz concurred with Mr. Vleck's comments, and asked speakers at tonight's Public Hearing to not repeat the same comments and information that was heard at the previous Public Hearing.

Chair Strat announced guidelines that would be utilized for the Public Hearing due to the size of the audience and the possible number of people who might wish to

speak: (1) a time limit of 3 minutes for each speaker and limited to speaking once; (2) repetitive comments are discouraged; (3) maintain professional image; and (4) no clapping. Chair Strat designated Vice Chair Schultz as the timekeeper.

Chair Strat asked the members for a vote of confidence on the guidelines established for the Public Hearing.

Resolution # PC-2005-09-151

Moved by: Wright

Seconded by: Waller

RESOLVED, To approve the procedures set forth for the Public Hearing.

Yes: All present (8)

No: None

Absent: Littman

MOTION CARRIED

Mr. Khan asked speakers to address specifically the proposed options and text prepared by City Management.

Mr. Waller asked everyone to consider that tonight's Public Hearing was called by City Management, not the Planning Commission; and reminded everyone that it was discussed at the August 9, 2005 Regular Meeting how the Planning Commission members were not prepared to vote on any proposed text.

Chair Strat commented on the professional booklet received by child care providers and the information received both in support and opposition of the proposed zoning ordinance text amendment. He said it is his opinion that the Zoning Ordinance would be amended, but it is necessary to review in detail the options prepared by City Management and regulations as relates to group day care homes. Chair Strat asked speakers to address those issues.

PUBLIC HEARING OPENED

David Schafer of 5593 Mandale, Troy, was present. Mr. Schafer noted that the Planning Commission members have asked speakers to limit their comments to the proposed language, with no assurances that the proposed amendment would go forward. He said that it is most likely that the Planning Commission members would still hear comments from speakers on the efficacy, validity and value of day care in Troy.

Nichol Childs of 1931 Atlas Court, Troy, was present. Ms. Childs highlighted statistics obtained from surveys distributed to group day care homes in Troy with respect to the number of families utilizing group day care, Troy residency, proximity

to residency, and outdoor play areas. Ms. Childs said the State requires a total of 400 square feet for outdoor play areas, not 400 square feet per child. She cited several quotes of the Mayor relating to existing and future jobs, future plans and redevelopment and diversification of existing land uses.

Curtis Childs of 1931 Atlas Court, Troy, was present. Mr. Childs highlighted a recent U.S. Department of Treasury report relating to the composition of the labor force. He addressed a Public Hearing held by the City of Farmington Hills Planning Commission with respect to day care providers, and quoted a comment from the City of Farmington Hills chairman, "Child care truly is not a business, it is a requirement of modern society." Mr. Childs commented on the City Management options as follows: Option 2 is good; Option 3 is reasonable other than the required 400 square feet of outdoor play area per child; and Option 4 should not even be an option. Mr. Childs cited statistics from the Michigan State Police relating to crashes on major thoroughfares within the City of Troy.

Kelsey Ciccone of 1336 Lamb Drive, Troy, was present. Ms. Ciccone, 12 years old, and her sister attended the group day care home operated by Sharon Schafer, from birth to a year ago. She asked the City to not take away the opportunity from other kids to have the love and attention that she and her sister had growing up at the Schafer home.

Tom Mason of 929 E. Third Street, Royal Oak, was present. Mr. Mason spoke in support of group day care homes. His children attend a home day care in Troy, and he and his wife are considering moving to Troy to be closer to the day care provider.

Sharon Schafer of 5593 Mandale, Troy, was present. Ms. Schafer addressed the options prepared by City Management, and noted that Option 1 is to stay "status quo" which would mean that group day care homes would be closed down. She shared the accomplishments of her three children that she believes is a reflection to friends, neighbors, day care families and the Troy school district. Ms. Schafer asked the City of Troy to have the vision to be leaders in the State of Michigan and show other cities that group day care homes are good for the State.

Patricia Rencher of 208 Mack Avenue, Detroit, was present. Ms. Rencher is the Vice President of Programs with the Detroit Urban League. Ms. Rencher said the program is administered by the State of Michigan through the U.S. Department of Agriculture to insure proper nutrition is followed by the 200-plus licensed day care providers. She noted that it is also their obligation to observe and report through announced and un-announced visits any violation of health and safety. Ms. Rencher expressed support for group day care homes as a viable choice to parents.

April Orselli of 894 Sylvanwood, Troy, was present. Ms. Orselli spoke in favor of group day care homes. She said allowing group day care homes would promote the City's motto.

Kim Duford of 3141 McClure, Troy, was present. Ms. Duford addressed the original proposed zoning ordinance text amendment, and said it was simple and should remain simple. Ms. Duford said child care providers responded to the Planning Commission's request for information in the form of a booklet based on facts and statistics that answered most of the Commission's questions and concerns. She noted that the Commission has heard from Troy residents who use child care services, Troy businesses, teachers, doctors and neighbors.

Kara White of 22640 Wildwood, St. Clair Shores, was present. Ms. White, Vice President of a Troy business, said it is very important for the City of Troy to have group day care providers as a day care option for businesses. She indicated parents like to have their children cared for near their workplace.

Syed Mohiuddin of 6150 Country Ridge Drive, Troy, was present. Mr. Mohiuddin spoke in support of home day care providers. He said home day care providers are not like typical commercial businesses, and have been recognized as legitimate home businesses by both the State and Federal governments.

Sharon Manning of 2651 E. Square Lake Road, Troy, was present. Ms. Manning said there is a need for quality day care, and suggested that existing group day care homes be grandfathered in. Ms. Manning asked that the proposed language address personal property taxes. She informed the members that she is the only group day care provider who is assessed personal property taxes.

Kathy McDonald of 196 Birchwood, Troy, was present. Ms. McDonald addressed group day care homes in comparison to adult foster care homes with respect to traffic, employees, and noise.

Deane Castilloux of 90 Chopin, Troy, was present. Ms. Castilloux, a family day care provider, is strongly against grandfathering in existing group day care homes because it would eliminate her option to expand into a group day care provider, and could potentially jeopardize her business with respect to fees charged for care.

Chris Komasara of 5287 Windmill, Troy, was present. Mr. Komasara compared traffic concerns related to group day care homes to the traffic generated from public schools located within residential subdivisions. Mr. Komasara spoke in support of group day care homes.

[Mr. Wright stated that the City has no control over public schools and cannot control the locations of public schools.]

[Mr. Miller noted that the Zoning Ordinance requires schools to be located on major thoroughfares, but public schools are exempt from the Zoning Ordinance.]

Barb Webb of 787 Marengo, Troy, was present. It is her understanding that there is a 14% greater demand for infant child care in Oakland County than there are

centers to care for infants. Ms. Webb asked that the members vote in favor of group day care homes.

Ramzi Daloo of 2016 Connolly Drive, Troy, was present. Mr. Daloo informed the members that his niece and nephew operate a day care center for approximately 110 children in Farmington Hills. His niece and nephew are very much in support of group day care homes. Mr. Daloo asked that consideration be given to the young families moving into the City of Troy, as older residents choose to leave.

John Bjelobrk of 5581 Mandale Drive, Troy, was present. Mr. Bjelobrk, a neighbor of a home day care provider, asked that home day care providers respect the space, feelings, lifestyle and freedom of their neighbors.

PUBLIC HEARING CLOSED

Mr. Vleck indicated he is not in receipt of information he requested from the State Building Department and Human Resources Department, and would like to study the item further. Mr. Vleck said a Study Session, not a formal Public Hearing, is the proper format for review and discussion of the item.

Mr. Khan addressed concerns with proposed language with respect to the requirement for outdoor play areas, employees, and site plan waivers. Mr. Khan said he is not ready to vote on the item.

Chair Strat said he personally is in favor of group day care homes, but recognizes that regulations must be stipulated in the Zoning Ordinance. Chair Strat said the item is of priority and would be more appropriately studied at an informal Study Session.

Resolution # PC-2005-09-152

Moved by: Vleck
Seconded by: Wright

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

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

THEREFORE BE IT RESOLVED, To hold a Public Hearing for ZOTA 214 at the Planning Commission Regular Meeting in December and to expedite necessary actions to study this item in the next Planning Commission Study Session in October due to the following reasons:

WHEREAS, This Public Hearing was not initiated by the Planning Commission.

WHEREAS, This Planning Commission is not ready to send any recommendations to the City Council regarding ZOTA 214.

WHEREAS, Staff prepared the verbiage for the proposed ZOTA and the Planning Commission has had very limited discussion on the verbiage of the proposed ZOTA and a consensus as to any necessary changes to the ordinance language has not yet been reached by the Planning Commission.

WHEREAS, Although there may be intent, the status of House Bill No. 4398 has not changed.

WHEREAS, The previous Public Hearing held for by this Body was to get public information from both group day care operations and the neighbors within 300 feet from the existing group day care homes and use that information to help in the formation of any proposed ZOTA language.

WHEREAS, According to the City of Troy Assistant Attorney, Allan Motzny, City of Troy Director of Building and Zoning, Mark Stimac, and the State of Michigan Construction Codes and Fire Safety Department, any building or structure or portion thereof that is used for education, supervision or personal care services for more than five children older than 2-1/2 years of age would be classified as a Group E occupancy and would require the inspection by a State or City Building Inspector before that building could be used for that purpose.

WHEREAS, There is nothing within the child care licensing law that exempts these facilities from the Michigan Building Code provisions.

AND WHEREAS, we would request that the Building Department will hold in abeyance any enforcement of the zoning laws regarding the existence of the group day care homes that are currently licensed and operating in the City until this matter has been resolved by the Planning Commission and the City Council.

Discussion on the motion on the floor.

Mr. Waller stated for clarification that the Public Hearing in December would be a new Public Hearing because the Chair tonight officially closed the Public Hearing.

Chair Strat said the intent of the Public Hearing would be to get public input on detailed items relating to the proposed language.

Mr. Waller said publication of the Public Hearing notice should carry with it all the language that has been developed to that point by the Planning Commission in their Study Sessions.

Vote on the motion on the floor.

Yes: All present (8)
No: None
Absent: Littman

MOTION CARRIED

Chair Strat explained the procedure that would be followed by the Planning Commission for its Study Session and Public Hearing in December. He said the proposed draft language would be prepared in advance of the December Public Hearing so the public could comment on the proposed language. Chair Strat asked that public comment be limited at the Study Session so members can focus on the proposed language.

Chair Strat opened the floor for comments and questions. He addressed specific questions and comments posed by Syed Mohiuddin of 6150 Country Ridge, Troy; Curtis and Nichol Childs of 1931 Atlas Court, Troy; and Michael Upton of 1267 Hartland, Troy.

Mr. Miller said the proposed draft language that is arrived at by a consensus of the Planning Commission would be made available to those who request it prior to the Public Hearing in December.

Mr. Schultz addressed the two Public Comment portions listed on every Planning Commission agenda.

Chair Strat requested a recess at 8:56 p.m.

The meeting reconvened at 9:13 p.m.

[Messrs. Schultz and Kulesza exited the meeting.]

Resolution # PC-2005-09-153

Moved by: Waller
Seconded by: Wright

RESOLVED, That Member Schultz is excused from the balance of this meeting for personal reasons.

Yes: All present (7)
No: None
Absent: Littman, Schultz

MOTION CARRIED

8. REPORTS ON MICHIGAN ASSOCIATION OF PLANNING (MAP) CONFERENCE

Planning Director Miller and Members Waller, Chamberlain and Khan provided brief reports on the Michigan Association of Planning conference.

9. PUBLIC COMMENT (Items on the Agenda)

Sharon Schafer of 5593 Mandale Drive, Troy, was present. Ms. Schafer said it appears Planning Commission members and City Management have come around to understand the service provided by group day care homes. She expressed her thanks and hopes the matter goes forward in a positive way.

Curtis Childs of 1931 Atlas Court, Troy, was present. Mr. Childs distributed additional information related to group day care homes. He thanked City Management for their change to neutrality on the group day care matter.

GOOD OF THE ORDER

Mr. Savidant shared a personal story on his attendance at a previous MAP conference held at Mackinac Island.

Mr. Vleck said he is anxious to receive requested information from various governmental agencies on group day care homes. He noted it appears information can vary among governmental agencies.

Chair Strat agreed. He shared a development project he worked on with respect to different governmental agencies.

Mr. Wright addressed potential traffic hazards as a result of the height of berms, especially at Big Beaver and Long Lake Roads.

Mr. Waller suggested that Mr. Wright put his observation in writing.

Messrs. Miller and Savidant provided a brief update on the proposed PUD 5, Caswell Town Center.

Chair Strat commended the members and public for a professionally conducted meeting.

ADJOURN

The Special/Study Meeting of the Planning Commission adjourned at 9:50 p.m.

Respectfully submitted,

Thomas Strat, Chair

Kathy L. Czarnecki, Recording Secretary

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A meeting of the **Troy Youth Council (TYC)** was held on September 28, 2005 at 7:00 PM at Community Center in room 304, 3179 Livernois Road. Nicole Vitale and Jessica Kraft called the meeting to order at 7:01 p.m.

MEMBERS PRESENT: Alexandra (Sasha) Bozimowski
 Andrew Corey
 Maxine D'Amico
 Rishi Joshi
 Jessica Kraft (co-chair)
 Jia (Lisa) Luo
 Anupama Prasad
 Kristin Randall
 Neil Shaw
 Katie Thoenes
 Nicole Vitale (co-chair)
 Karen Wullaert

MEMBERS ABSENT: None

VISITORS: Nancy Morrison, Youth Director Troy Community Coalition

STAFF PRESENT: Scott Mercer, Recreation Supervisor

1. Roll Call

2. Approval of Minutes

Resolution # TY-2005-09-19

Moved by Joshi

Seconded by Kraft

RESOLVED, That the minutes of August 24, 2005 be approved.

Yes: All - 12

No: None

Absent: 0

MOTION CARRIED

3. Attendance Report: Updated through August meeting - To note and file

4. Membership Update: Aswin Natarajan resigned. City representative to review files and contact first alternate selected in April 2005 regarding interest in filling position.

5. Visitor:

- Nancy Morrison, Youth Director Troy Community Coalition– Presented information on the following topics:
 1. 7 Habits of Highly Effective Teens – Reviewed program
 2. Teens Taking Action – Provided details about group
 3. Youth Dialog Day – Requested feedback on program and asked Youth Council to be involved with Teens Taking Action (TTA).
 4. Naming of Teen Room in Community Center – Youth Council and Teens Taking Action (TTA) to work together to promote contest and select winner.
 5. Troy Spring Break – Asked for ideas and input from Youth Council.

6. Troy Daze Festival Update

- Review of attendance by Youth Council Members. Report was reviewed and corrections to be sent to Community Affairs.

7. Motion to Excuse Absent Members Who Have Provided Advance Notification

No members absent

8. Youth Council Comments - None

9. Public Comments - None

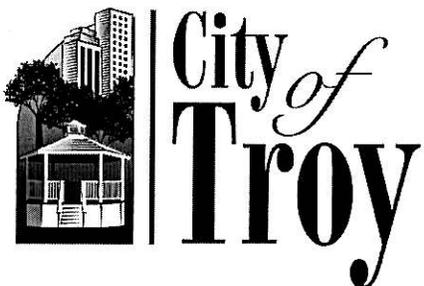
The meeting adjourned at 7:46 P.M.

Jessica Kraft, Co-chair

Scott E. Mercer, Recreation Supervisor

Following adjournment - took photos.

Reminder Next Meeting: October 26th at 7:00 P.M. @ **Lloyd Stage Nature Center**

**Information Technology
Department**

10/05/05

A handwritten signature in black ink, appearing to read "John Szerlag".

Memo

To: John Szerlag, City Manager
From: Gert Paraskevin, IT Director
CC: John M. Lamerato, Assistant City Manager/Finance and Administration
Date: 9/26/2005
Re: Wireless access at Community Center and Library

As requested, we have been investigating the possibility of providing wireless Internet access to the public at both the Community Center and Library. After much investigation we have come up with both the configuration and funding to establish this access at both locations. The costs are as follows:

Community Center

We would install two (2) wireless access points to the existing Wide Open West (WOW) Internet connection that now provides wired Internet access to the public in such areas as the Senior lab, Teen room, and meeting rooms. The total cost to be funded from the Parks and Recreation budget is \$470.

Library

We would establish a new public Internet connection from WOW, and install a router, two (2) wireless access points with additional antennas, and a network switch. The cost for the hardware is \$750. The WOW connection is \$1,000 for installation and \$89 per month for a two-year commitment. The total cost for the first two years is \$3,886. The Library will provide the funding from their existing budget.

We are moving forward with these plans. If you should have any questions or comments please let me know.

**CITY OF TROY
TRAVEL EXPENSE REPORT**

Name: Robin Beltramini Position: Mayor Pro Tem
 Other Employees Included in Request: Lori Bokum (shared room, parking charges are Lori's)
 Trip Destination: MML Annual Convention Date From: Sept. 20, 2005 To: Sept. 23, 2005
 Purpose of Trip: Grand Rapids MI

Items	Sun	Mon	Tues	Wed	Thurs	Fri	Sat	TOTAL
Miles (Personal Car)								
Enter Current Mileage								
Rate: \$ 0.40 /mile								
City Car Expense (Details on Bottom)								
Air/Bus/Train								
Registration				460				460 ✓
Room (Attach all Receipts)					149.80			149.80
Meals (Include tips and taxes. Note meals included with registration)								
Breakfast:								
Lunch:								
Dinner:					Incl			
Other Detail, Explain Below								
Additional Other Detail, Explain Below								
TOTAL EXPENSE				460	149.80			609.80

Details of City Car Expense

Total Mileage	
Gasoline/Oil Purchased (Attach Receipts)	
Maintenance Work (Attach Receipts)	
Parking/Storage	
Other ()	
Total	

Cash Advanced	609.80
Balance Due Employee	0
(or) Balance Due City	

Robin Beltramini
Requested By

9/30/05
Date

[Signature]
Department Head

10/6/05
Date

Approved - Human Resources Director
[Signature]
Approved - Financial Services Director

Date
10.5-05
Date

Notes and Explanations:

Charge to: Council Education & Training

Dept. Account # 102-7960

DATE: October 3, 2005
 TO: John Szerlag, City Manager
 FROM: Mark Stimac, Director of Building & Zoning
 SUBJECT: Permits issued during the Month of September 2005

	NO.	VALUATION	PERMIT FEE
<u>INDUSTRIAL</u>			
Add/Alter	9	\$892,800.00	\$5,690.00
Sub Total	9	\$892,800.00	\$5,690.00
<u>COMMERCIAL</u>			
Tenant Completion	2	\$118,000.00	\$1,116.00
Add/Alter	31	\$4,212,941.00	\$33,656.00
Wreck	2	\$0.00	\$200.00
Sub Total	35	\$4,330,941.00	\$34,972.00
<u>RESIDENTIAL</u>			
New	14	\$2,822,686.00	\$20,242.00
Add/Alter	37	\$1,426,695.00	\$14,870.00
Garage/Acc. Structure	8	\$30,288.00	\$748.00
Pool/Spa/Hot Tub	1	\$3,500.00	\$95.00
Wreck	6	\$0.00	\$300.00
Fnd./Slab/Rat Wall	1	\$1,500.00	\$110.00
Fnd./Slab/Footing	1	\$2,000.00	\$55.00
Sub Total	68	\$4,286,669.00	\$36,420.00
<u>TOWN HOUSE/CONDO</u>			
New	4	\$584,600.00	\$4,696.00
Add/Alter	7	\$79,688.00	\$1,296.00
Sub Total	11	\$664,288.00	\$5,992.00
<u>INSTITUTIONAL/HOSPITAL</u>			
Add/Alter	1	\$1,250,000.00	\$8,895.00
Sub Total	1	\$1,250,000.00	\$8,895.00
<u>MISCELLANEOUS</u>			
Signs	67	\$0.00	\$6,390.00
Fences	16	\$0.00	\$280.00
Sub Total	83	\$0.00	\$6,670.00
TOTAL	207	\$11,424,698.00	\$98,639.00

PERMITS ISSUED DURING THE MONTH OF SEPTEMBER 2005

	NO.	PERMIT FEE
Mul. Dwel. Insp.	87	\$870.00
Cert. of Occupancy	55	\$3,510.25
Plan Review	181	\$9,717.80
Microfilm	43	\$438.00
Building Permits	207	\$98,639.00
Electrical Permits	223	\$18,697.00
Heating Permits	184	\$10,138.00
Air Cond. Permits	94	\$3,775.00
Plumbing Permits	135	\$9,849.00
Storm Sewer Permits	25	\$530.00
Sanitary Sewer Permits	14	\$448.00
Sewer Taps	18	\$6,526.00
TOTAL	1266	\$163,138.05

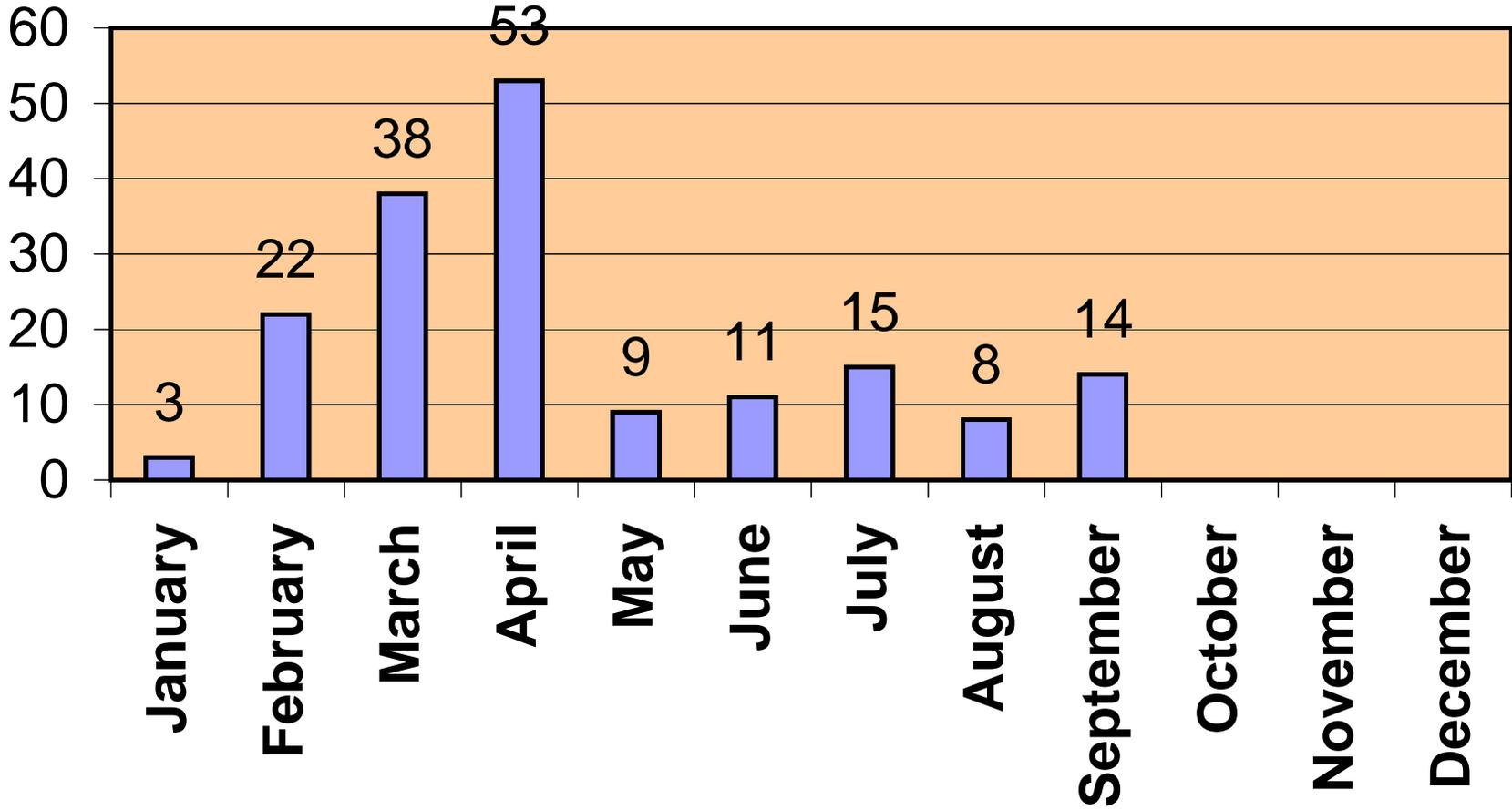
LICENSES & REGISTRATIONS ISSUED DURING THE MONTH OF SEPTEMBER 2005

	NO.	LICENSE FEE
Mech. Contr.-Reg.	95	\$475.00
Elec. Contr.-Reg.	27	\$405.00
Master Plmb.-Reg.	16	\$16.00
Sewer Inst.-Reg.	1	\$50.00
Sign Inst. - Reg.	7	\$70.00
E. Sign Contr-Reg.	1	\$15.00
Fence Inst.-Reg.	5	\$50.00
Bldg. Contr.-Reg.	18	\$180.00
F.Alarm Contr.-Reg.	1	\$15.00
TOTAL	171	\$1,276.00

BUILDING PERMITS ISSUED

	BUILDING PERMITS 2004	PERMIT VALUATION 2004	BUILDING PERMITS 2005	PERMIT VALUATION 2005
JANUARY	100	\$5,235,481.00	93	\$6,617,765.00
FEBRUARY	130	\$21,354,496.00	133	\$8,586,755.00
MARCH	158	\$9,372,242.00	143	\$19,405,253.00
APRIL	178	\$14,158,227.00	234	\$16,039,899.00
MAY	232	\$11,511,644.00	229	\$8,974,377.00
JUNE	232	\$16,224,865.00	207	\$14,432,280.00
JULY	178	\$19,788,711.00	176	\$7,490,327.00
AUGUST	224	\$11,179,780.00	202	\$13,132,327.00
SEPTEMBER	198	\$13,582,037.00	207	\$11,424,698.00
OCTOBER	197	\$11,540,976.00	0	\$0.00
NOVEMBER	161	\$6,232,506.00	0	\$0.00
DECEMBER	148	\$7,316,487.00	0	\$0.00
TOTAL	2136	\$147,497,452.00	1624	\$106,103,681.00

SINGLE FAMILY DWELLING PERMITS 2005



BRIEF BREAKDOWN OF NON-RESIDENTIAL BUILDING PERMITS
ISSUED DURING THE MONTH OF SEPTEMBER 2005

Type of Construction	Builder or Company	Address of Job	Valuation
Commercial, Add/Alter	SYNERGY GROUP, INC.	755 W BIG BEAVER ROOF	350,000.00
Commercial, Add/Alter	NUCORE CONSTRUCTION	1735 E BIG BEAVER A	300,000.00
Commercial, Add/Alter	C B BOVENKAMP INC	2800 W BIG BEAVER Q-101	385,000.00
Commercial, Add/Alter	COMM CONTRACTORS INC	2800 W BIG BEAVER P-145	398,247.00
Commercial, Add/Alter	GALE CONSTRUCTION CO.	700 TOWER 300	425,000.00
Commercial, Add/Alter	DON VERCRUYSSSE	4600 INVESTMENT 200	250,000.00
Commercial, Add/Alter	MARY BRENT	1067 E LONG LAKE	250,000.00
Commercial, Add/Alter	JIM WINDEL	1301 W LONG LAKE 140	103,000.00
Commercial, Add/Alter	DAVE DIESON	1650 RESEARCH 300	267,000.00
Commercial, Add/Alter	PARKWAY CONSTRUCTON	740 JOHN R	611,000.00
Total Commercial, Add/Alter			3,339,247.00
Industrial, Add/Alter	ND INDUSTRIES INC	1893 BARRETT	373,000.00
Industrial, Add/Alter	JANSSEN REFRIGERATION CO INC	2135 W MAPLE	120,000.00
Industrial, Add/Alter	MAPLEWOOD COURT LLC	1307 E MAPLE	150,000.00
Total Industrial, Add/Alter			643,000.00
Inst./Hosp., Add/Alter	AIM CONSTRUCTION	44201 DEQUINDRE LAB	1,250,000.00
Total Inst./Hosp., Add/Alter			1,250,000.00
Records 15			Total Valuation: 5,232,247.00

**CITY OF TROY
TRAVEL EXPENSE REPORT**

Name: Robin Beltramini Position: Mayor Pro Tem

Other Employees Included in Request: _____

Trip Destination: Portland ME Date From: Sept 15, 2005 To: Sept 18, 2005

Purpose of Trip: Mtg of NLC Finance, Administration, & Gov'tal Affairs Cte

Items	Dates:	Sun	Mon	Tues	Wed	Thurs	Fri	Sat	TOTAL
Miles (Personal Car)	9/18								
Enter Current Mileage									
Rate: \$ 0.40 /mile									
City Car Expense (Details on Bottom)									
Air/Bus/Train						235. ⁹⁰			\$ 235. ⁹⁰ ✓
Registration									
Room (Attach all Receipts)						69. ⁵⁰	69. ⁵⁰	69. ⁵⁰	208. ⁵⁰ ✓
Meals (Include tips and taxes. Note meals included with registration)									
Breakfast:									
Lunch:									
Dinner:						23. ⁰³			23. ⁰³ ✓
Other Auto park - airport Detail, Explain Below						7. ⁵⁰	7. ⁵⁰	7. ⁵⁰	22. ⁵⁰
Additional Other Detail, Explain Below									
TOTAL EXPENSE						335. ⁹⁸	77. ⁰⁵	77. ⁰⁵	490. ⁰⁸

Details of City Car Expense

Total Mileage	
Gasoline/Oil Purchased (Attach Receipts)	
Maintenance Work (Attach Receipts)	
Parking/Storage	
Other ()	
Total	

Cash Advanced	\$
Balance Due Employee	\$ 490. ⁰⁸
(or) Balance Due City	#VALUE!

Robin E. Beltramini 9/30/05
Requested By Date

Department Head Date

Approved - Human Resources Director Date

Jim Ward 10.7.05
Approved - Financial Services Director Date

Charge to: Council Education & Training

Notes and Explanations:

Dept. Account # 102.7960

October 10, 2005

TO: John Szerlag, City Manager

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

SUBJECT: **Agenda Item** – Report - Auction – Vehicle Sale
on September 17, 2005 & BidNet Sale on August 14, 2005.

SUMMARY

In compliance with Resolution #2002-12-644-E-9 which requires that final auction reporting be submitted to City Council, Motor Pool miscellaneous vehicles and City equipment, and a “Drug Forfeiture” vehicle were taken by the awarded City auctioneer, Mid-Thumb Auctioneering Service, LLC, to an auction held in Waterford Township, Michigan. The auction was held on Saturday, September 17, 2005. A list of the vehicles and equipment auctioned and the amount received is attached. The contract contains a provision that the auctioneer produces final accounting and the funds settlement within 30 days after the auction takes place. He has met the criteria. In compliance with Resolution #2004-02-075, final reporting is also being presented for one BidNet Auction.

Income from sales is as follows:

Motor Pool Vehicles & Items	\$46,531.30
City Miscellaneous Items	\$32.00
BidNet Item	\$36.00
Costs: Auction Fee	
6% for cleaned Motor Pool vehicles & misc. Items	(\$2,793.81)
5% for BidNet Fees	(\$1.79)
Net Income	\$43,803.90

BACKGROUND

Included in the specifications for the auction contract is the ability of our auctioneer to take the City’s auction items to other auction locations. Mid-Thumb Auctioneering, LLC suggested using the Waterford Township site. All transportation, reporting, and advertising are included in the auction fee.

Resolution #2004-02-075 established the auction fee of 5% and provided approval to use BidCorp with the provision that other on-line auction service options would be considered. BidNet moved forward and implemented the on-line surplus auction service for MITN (Michigan Inter-governmental Trade Network), which can be accessed through the City of Troy home web page. MITN is Purchasing’s official e-procurement website used for posting bids, tabulations, quotations, and award information. It was a Purchasing goal that one e-procurement site would be operational for all functions.


Planning an Auction (810) 325-9595
MID-THUMB AUCTIONEERING SERVICE, LLC.
8769 MORRIS RD.
GOODELLS, MI 48027

AUCTION FINAL SETTLEMENT

AUCTION HELD FOR: Waterford Twp.
 PROPRIETOR OF SALE: City of Troy - Fleet
 LOCATION OF AUCTION: Civic Ctr Dr.
Waterford
 DATE AUCTION WAS HELD: Saturday Sept. 17, 05

TOTAL PROCEEDS OF VEHICLES SOLD ***** \$ 46,531.50
 TOTAL PROCEEDS OF ALL OTHER ITEMS SOLD ***** \$ 32.00
 EXPENSES: 46,563.50

AUCTION FEE ON VEHICLES: Fleet & Items 6% ***** \$ 2,791.89
 AUCTION FEE ON ALL OTHER ITEMS: City's 6% ***** \$ 1.92

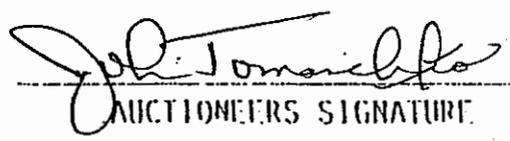
Fleet	City	
\$ 46,531.50	\$ 32.00	
- 2,791.89	- 1.92	TOTAL EXPENSES \$ 2,793.81
\$ 43,739.61	30.08	

NET PROCEEDS ***** \$ 43,769.69

ADVERTISING BREAKDOWN:

<u>Staples</u>	\$ <u>121.53</u>	<u>Tradin Times</u>	\$ <u>190.00</u>
	\$ <u>647.7</u>	<u>Auction Exchange</u>	\$ <u>170.91</u>
<u>Wheeler Dealer</u>	\$ <u>200.00</u>	<u>Detroit Newspapers</u>	\$ <u>520.60</u>
<u>Kaper Car Press</u>	\$ <u>163.08</u>	<u>Savibe Buyers Guide</u>	\$ <u>155.20</u>
<u>Times Herald</u>	\$ <u>130.00</u>	<u>Jays Part A Tow Rent</u>	\$ <u>75.00</u>
<u>TOTAL</u>	\$ <u>1,791.89</u>		

PROPRIETOR APPROVAL & RELEASE SIGNATURE: X


 AUCTIONEERS SIGNATURE

X
 DATE Oct 5, 05 CHECK# 8393
8394

VEHICLE AUCTION REPORT

NUMBER	MAKE	MODEL	YEAR	AUCTION FEE	AUCTION PRICE
070	FORD	CROWN-VICTORIA	96	\$156.00	\$2,600.00
241*	DODGE	DAKOTA P-U/EXT	01	\$72.00	\$1,200.00
448	AUTOCAR	16YD.TRI-AXLE	89	\$750.00	\$12,500.00
449	AUTOCAR	16YD.TRI-AXLE	89	\$735.00	\$12,250.00
861	CHEVROLET	LUMINA 4DR	95	\$120.00	\$2,000.00
904	FORD	CROWN VICTORIA	99	\$174.00	\$2,900.00
905	FORD	CROWN VICTORIA	99	\$174.00	\$2,900.00
955	CHEVROLET	CAMARO (POL)	02	\$600.00	\$10,000.00
Vehicle Total				\$2,781.00	\$46,350.00
Misc. Items				\$ 10.89	\$ 181.50
Grand Total				\$2,791.89	\$46,531.50

Vehicles sold by Mid-Thumb Auctioneering Service on 9/17/2005

* Note - Vehicle #241 had major accident damage - sold "as is"

FINANCE: PLEASE CREDIT ACCOUNT #6610.4693 GAIN/SALE OF DEPRECIATED FIXED ASSETS

Total Sale - Vehicles	\$46,350.00
Total Sale – Misc. Items	<u>181.50</u>
Total Sale	\$46,531.50
Auction Fee	<u>- 2,791.89</u>
	\$43,739.61

Prepared by: Samuel P. Lamerato, Superintendent of Fleet



MITN Auctions	National Auctions	Auctions Main Menu	HELP/FAQ	Contact Support	MITN Admin Menu
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Report For The City Of Troy, MI**Detailed Report For Seller: ALL****Reported On 9/27/2005****From: 8/1/2005 To: 9/30/2005**

Item ID	Date	Sale Amount	Charge	Type of Fee	Auction Description	Seller
0	8/9/2005	0	35.50	Payment		Bockstanz
549	8/15/2005	36.00	1.80	Sale	HP FAX MACHINE	Bockstanz

Total Sales Amount	Total Amount Charged	Total Payments	Total Balance Due for the selected date range	Total Balance Due
\$36.00	\$1.80	\$35.50	(\$33.70)	\$1.79

[Return to Reports Menu](#)

October 10, 2005

TO: John Szerlag, City Manager

FROM: Doug Smith, Real estate and Development Director

SUBJECT: AGENDA ITEM - Development Report, October 2005

Troy's Class A office space continues to increase occupancy rates. In both the Northfield Parkway area and the Big Beaver Corridor, the vacancy rates have gone from approximately 24% to 17%. Although much more needs to be done, it certainly is moving in the right direction. Unfortunately the news on Maple Road and particularly Stephenson Highway for industrial including research center (RC) properties remains rather bleak, but activity level at least creates some optimism for slight improvement in this area as well.

The Kmart situation still remains unsettled as we have not heard from Madison Marquette or Kmart that the particular contract has in fact been consummated, so we await word on both Madison Marquette's decision to move forward and/or Kmart's decision to sell the property.

If you haven't seen recently the activity on the top of the Top of Troy property, they are now installing the signs for National City Bank. We are anxious to have the new tenant move into the Top of Troy building and have its presence clearly obvious to the community.

Burton Katzman is the developer of PUD #3, and has decided to attempt to sell the property and perhaps the project, so you may see or hear about signs of this property being on the market. There is no purchaser as the date of this memo, but we are still hopeful that Burton Katzman may find a tenant and build a building as approved through the PUD process.

The Monarch project as it moves forward has certainly caught the eye of state and national developers in terms of igniting their interest in exploring the Big Beaver Corridor for development. As expected, this project will be a great catalyst for the remainder of the corridor.

Staff continues to work closely with Birchler/Arroyo as the dated gathering phase of this project moves forward and we still expect a final product in early March 2006.

The northeast corner of Crooks and Big Beaver continues to see a lot of activity as the new Morton's is under construction and we await the plans for Kruse and Muer to move into the old TGI Friday's space and provide quite a "culinary corner".

The Maple Corridor Study Committee, which is chaired by Arnie Mikon (Yamasaki) from the Chamber and has involved both city staff, Planning Commission and a number of leading business owners along the Maple Corridor, has had two meetings and promises to provide some recommendations for City Council's consideration sometime early next year as well.

October 10, 2005

TO: John Szerlag, City Manager

FROM: Brian P. Murphy, Assistant City Manager Services
Carol K. Anderson, Parks and Recreation Director

SUBJECT: Agenda Item: CCPTF Pathways

A report submitted to Council by the Civic Center Priority Task Force (CCPTF) in February of 2004 identified pathways located throughout the Civic Center campus as one integral and highly desirous element of the overall plan. The intent of the pathway portion of the plan is to link the main building of the Civic Center with the Community Center, as well as provide hard-surfaced access throughout the site for both utilitarian and recreational purposes such as walking, jogging, biking, and skating.

The current Parks and Recreation Department budget includes funds for the pathway project that will begin this fall. The pathway system will link the main City Hall/Library complex to the Community Center with an 8' wide asphalt pathway allowing non-motorized travel between the two locations that can be used by the general public as well as by City staff. Asphalt pathways will also ring the green space west of the Community Center, connect to the existing sidewalk along Livernois Road, and run along the west side of the ring road around the Civic Center. A smaller series of asphalt pathways will meander through the treed lot at the corner of Livernois and Town Center Drive, which is envisioned as an Enhanced Garden area. Attached please find a schematic of the proposed pathway system.

The development of the pathway system will be divided into multiple phases, with the first phase running between the Library and the Community Center and around the green space west of the Community Center. The first phase is broken into three sections. **Section A** leads from Civic Center Drive directly across from the Library connecting to the loop around the green space to the west of the Community Center. **Section B** is the 3100 lineal foot loop around the green space to the west of the Community Center. **Section C** connects the loop path to Livernois Road sidewalk.

The Streets Department will complete sections A and B this fiscal year. A user survey will be conducted prior to making a recommendation relative to the installation of Section C.

Provided funds are approved and budgeted in future fiscal years, subsequent phases will be implemented. This work will include the asphalt section along the

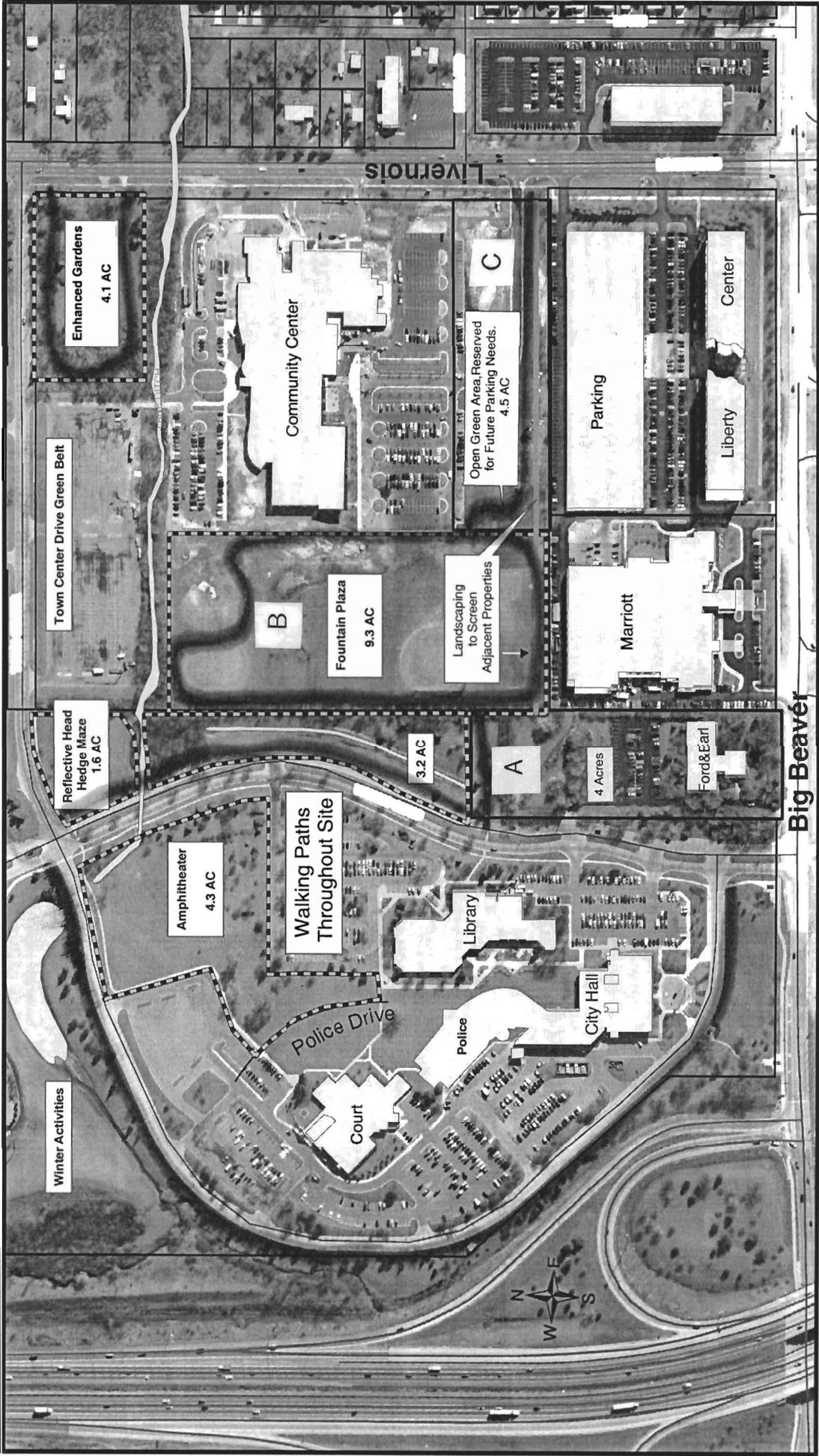
ring road (approx. 3425 lineal feet) and along the east side of Civic Center Drive (approx. 1220 lineal feet) leading to the intersection of Civic Center Drive and Town Center Drive, as well as the pathway through the Enhanced Garden area (approx. 920 lineal feet).

The pathway system identified in the CCPTF report is an important first step in the implementation of the overall Civic Center master plan. It will establish a link between the main Civic Center/Library buildings and the Community Center and will offer non-vehicular access throughout the entire site as well. The pathways will provide a safe surface for those individuals seeking an area for walking, jogging, bicycling, skating, or just strolling. Additional supporting amenities such as resting areas with benches will be provided at points along the pathway to encourage pathway use. Benches will be purchased and installed to coincide with the construction of the pathway.

Attached: CCPTF Proposed Pathway Schematic

Prepared by: Jeffrey J. Biegler, Superintendent of Parks

CIVIC CENTER PRIORITY TASK FORCE ELEMENTS- Amended 5/12/04



Andy,

Sept 24, '05

thanks for all of the support that you and your staff provided for my rookie season as Troy Dare Photo Contest chairman. It is a pleasure to work with dedicated, professional staff that deal with so many issues promptly and effectively. We are blessed to have such a fine Comm Relations staff working for our City!! Thanks!

P.S. Tammy sez thx for handing out the FTPL coupons!

Tom D.



L. BROOKS PATTERSON, OAKLAND COUNTY EXECUTIVE

C O U N T Y M I C H I G A N
D E P A R T M E N T O F C O M M U N I T Y
A N D E C O N O M I C D E V E L O P M E N T

COMMUNITY AND HOME IMPROVEMENT DIVISION
Karry L. Rieth, Manager

RECEIVED

September 27, 2005

SEP 29 2005

Mr. John Szerlag, City Manager
City of Troy
500 W. Big Beaver Rd.
Troy, MI 48084

CITY OF TROY
CITY MANAGER'S OFFICE

Dear Mr. Szerlag:

The Community & Home Improvement Division staff would like to thank the City of Troy for hosting Oakland County's Community Development Block Grant Annual Application workshop at the Troy Community Center on September 27, 2005. The session was well attended by representatives from communities throughout Oakland County.

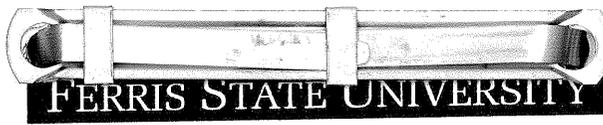
Special thanks goes to Vicki Richardson who arranged for the space and refreshments and the community center personnel who set up the room, brought in additional chairs, etc. All were very polite and helpful.

On behalf of our 50 participating communities, I thank you for your generous support.

Sincerely,

Karry L. Rieth
Manager

Cc: Vicki Richardson



CHIEF - THIS IS FOR THE
SUMMER INTERNS THAT
WENDELL MOORE PLACES
THROUGHOUT THE DEPARTMENT
IN THE SUMMER.
103c
Gary

September 14, 2005

Captain Gary Mayer
Troy Police Department
500 West Big Beaver Rd.
Troy, MI 48084

Dear Captain Mayer,

Please allow this letter to convey our sincere appreciation to you personally and to all the members of your agency who assisted in making the 2005 Ferris State University Criminal Justice Summer Internship Program a success. We feel that the internship program is an essential part of the student's education and without your cooperation the program would not be possible. We appreciate the considerable time and effort that you and your staff devoted to our intern(s).

We are constantly trying to improve the meaningfulness of the internship program with the ultimate goal of preparing the students for the real world. We would welcome any suggestions or comments from you or members of your agency relative to the operation of our internship program.

Once again, please accept our gratitude for your assistance with our internship program this year. We look forward to working with you again in the future.

Sincerely,

Terry M. Nerbonne, Ph. D.
Internship Coordinator
School of Criminal Justice

CC: CAPT MANUOS FILE
W. MOORE FILE
CITY MANAGER



4420 Livernois
Troy, MI 48098
P 248/823-5095
F 248/823-5240
www.troy.k12.mi.us/tya

September 28, 2005

SPONSORED BY:

City of Troy
Troy Schools
Oakland County
Probate Court
Circuit Court –
Family Division

Ms. Cindy Stewart
City of Troy
Community Affairs Department
500 W. Big Beaver
Troy, MI 48084

BOARD OF DIRECTORS:

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Secretary
William Waggoner
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Chuck Palmer
Advisor
Paul Scobie
YA Caseworker
Susan Arnold
Robin Beltramini
Sheryl Butzine
Leonette Ciepielowski
Ann Comiskey
Pastor Larry Cranston
Tom Gueth
Mary Beth Halushka
Joe Janus
Charlene Krupitzer
Sgt. George Zielinski

Dear Cindy,

Thank you so much for the energy and enthusiasm you brought to the Troy Youth Assistance Annual Breakfast Meeting last week. Your care and dedication to young people and families is evident and those in attendance valued your comments. Pinch-hitting at the last minute as you did was above and beyond the call of duty. Your contribution to the breakfast really made the entire event a memorable time. On behalf of the Board of Directors of Troy Youth Assistance, our heartfelt thanks... you make a real difference!

Sincerely,

Paul W. Scobie
Caseworker
Troy Youth Assistance

PS/r



TROY FOUNDATION FOR EDUCATIONAL EXCELLENCE

4400 Livernois Rd. • Troy, MI 48098 • 248/823-4000 • Fax 248/823-4013

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Nancy Piotrowski
Kathy Reid
Donald Schenk
Dave Schafer
Lee Stacey
Paul Wakefield
John Weyhrauch

TSD Board

Representatives

Paula Fleming
Mary Beth Halushka

TSD Administration

Representatives

Tim McAvoy

Student

Representatives

Nina Lavelanel
Tori Scheufler

September 29, 2005

Sgt. Robert Kowalski
Troy Police Department
500 West Big Beaver
Troy, MI 48084

Dear Sgt. Kowalski,

Thank you for your generous support of the **Dr. Janet H. Jopke Memorial "Steppin' Out for Excellence" Fun Walk** on September 24, 2005. We had more than 500 people show up to walk. Everyone had a lot of fun and the walk was a huge success.

The Troy Police Department played a highly visible and important role in this success. You were visible to all participants, supporters and other sponsors through the event program and your presence. We appreciated you and your fellow officers making sure the walkers were safe on Northfield Parkway and crossing Wattles. Your support, along with that of other community members, organizations and businesses, allows the Troy Foundation for Educational Excellence to continue its mission of supporting programs which encourage excellence through innovative teaching, facilitating student development, awarding grants to programs not paid for with tax-based school funding and furthering community/school partnerships by providing support to the students of the Troy School District. Thank you for being a partner in keeping Troy an A+ district.

On behalf of the Foundation's Board of Trustees, we extend sincere thanks for your support, and look forward to your continued support in the future.

Sincerely,

Cathy Killian
Chairperson of the Walk

Lt. Lyczkowski

Kaptur

Bresdenich

Harrison

Troy Foundation for Educational Excellence

The Troy Foundation for Educational Excellence is a nonprofit, 501(c)(3) organization created in 1988 by friends and supporters of the Troy School District to promote and fund innovative educational opportunities not possible with tax-based school funding. All fund-raising efforts benefit students of the Troy School District.



9/30/05

Dear Chief of Police Clark,

We at the Troy Sports Center would like to thank you for the daily and nightly watches both in and outside the rink that your officers are providing. We had a robbery last winter, and since then the presence of Troy's finest have been a comforting feeling. There have been no problems in the parking lot or the rink. We appreciate the time and effort the police force puts in not only at the rink but in the community as well.

Thanks,
Troy Sports Center Management

cc: City Mgr.
BB
dept file

RECEIVED
Chief of Police
10/4/05 CTR

5-4
J-04a
OK
RS

REPORT (MISC. #05172)

September 22, 2005

BY: General Government Committee, William R. Patterson, Chairperson

**IN RE: MR #05172 – BOARD OF COMMISSIONERS – SUPPORT FOR A
CONSTITUTIONAL AMENDMENT FOR THE SOLE PURPOSE OF
NARROWLY AND CLEARLY DEFINING THE TERM “PUBLIC USE”
CONSISTENT WITH THE 2004 MICHIGAN SUPREME COURT DECISION
(COUNTY OF WAYNE VS. HATHCOCK ET AL) THAT OVERTURNED THE
POLETOWN DECISION**

To the Oakland County Board of Commissioners

Chairperson, Ladies and Gentlemen:

The General Government Committee, having reviewed Miscellaneous Resolution #05172 on September 12, 2005, reports with a recommendation that the resolution be adopted.

Chairperson, on behalf of the General Government Committee, I move acceptance of the foregoing report.

GENERAL GOVERNMENT COMMITTEE

William R Patterson

General Government Committee Vote:
Motion carried unanimously on a roll call vote.

MISCELLANEOUS RESOLUTION #05172

BY: Sue Ann Douglas, District #12; David Woodward, District #18; Bill Bullard, District #2; Eric Coleman, District #23; Charles E. Palmer, District #19; David Coulter, District #25; Marcia Gershenson, District #17; Eileen T. Kowall, District #6; John A. Scott, District #5; Mike Rogers, District #14;

IN RE: **BOARD OF COMMISSIONERS - SUPPORT FOR A CONSTITUTIONAL AMENDMENT FOR THE SOLE PURPOSE OF NARROWLY AND CLEARLY DEFINING THE TERM "PUBLIC USE" CONSISTENT WITH THE 2004 MICHIGAN SUPREME COURT DECISION (*County of Wayne vs. Hathcock et al*) THAT OVERTURNED THE POLETOWN DECISION**

To the Oakland County Board of Commissioners
Chairperson, Ladies and Gentlemen:

WHEREAS the right of an individual to own property without the threat that his/her government will take their property and give it to a private entity for a non-public use is fundamental to democracy in the United States; and

WHEREAS Eminent Domain is the power of a government to take private property for public use; the 5th Amendment of the US Constitution and articles in many state constitutions allow this practice provided that fair compensation is made; and

WHEREAS historically Eminent Domain has been used for public uses such as roads, parks, schools and other governmental functions; and

WHEREAS in 1954, the United States Supreme Court began to erode individual property rights when it determined in *Berman vs. Parker* that government's power of eminent domain could be used to seize property in order to remove "blighted" areas; and

WHEREAS the definition of a "blighted" area has become so expansive that in 1981 the Michigan Supreme Court allowed the City of Detroit to condemn a stable neighborhood called Poletown to make way for a General Motors plant; and

WHEREAS in 2004, the Michigan Supreme Court overturned the "Poletown" decision when it ruled on *The County of Wayne vs. Hathcock et al*, and noted that: "...if one's ownership of private property is forever subject to the government's determination that another private party would put one's land to better use, then the ownership of real property is perpetually threatened by the expansion plans of any large discount retailer, "megastore," or the like."; and

WHEREAS the Michigan Supreme Court also noted in 2004 that: "...we must overrule *Poletown* in order to vindicate our Constitution, protect the people's property rights, and preserve the legitimacy of the judicial branch as the expositor—not creator—of fundamental law."; and

WHEREAS on June 23, 2005, the United States Supreme Court, in a 5-4 decision, ruled in the case, *Kelo vs. City of New London, Connecticut*, that government may use eminent domain for the benefit of developers; and

WHEREAS United States Supreme Court Justice Sandra Day O'Connor said in her dissent to the Kelo decision: "All private property is now vulnerable to being taken and transferred to another private owner, so long as it might be upgraded. ... The specter of condemnation hangs over all property. Nothing is to prevent (local governments) from replacing any Motel 6 with a Ritz-Carlton, any home with a shopping mall, or any farm with a factory."; and

WHEREAS even though the Michigan Supreme Court, through a strict constitutional interpretation, reversed the *Poletown* decision and placed Michigan property owners in a more secure position for the immediate future than property owners in many other states, a future Michigan Supreme Court could reverse the current ruling, once again allowing the condemnation of private property for private developers where no public use is involved; and

WHEREAS during the 23 years the *Poletown* decision was the law of the land in the State of Michigan, many of Michigan's residential and small business property owners were let down by their government as it, with little thought or care for their long term interests, took their property and gave it to private developers for the sole purpose of increasing the government's tax base; and

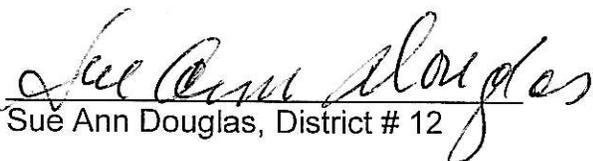
WHEREAS United States Supreme Court Justice John Paul Stevens, in writing for the majority on the Kelo decision, pointed out that the Constitution does not preclude individual states "from placing further restrictions (on) the exercise of the taking power."

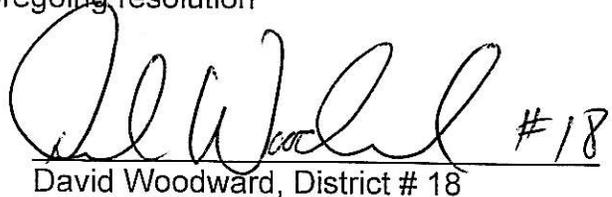
NOW THEREFORE BE IT RESOLVED that the Oakland County Board of Commissioners, on behalf of Oakland County property owners, urges the Michigan Legislature to place an amendment to the State of Michigan Constitution on the ballot for the sole purpose of narrowly and clearly defining "public use" in a manner that is consistent with the 2004 Michigan Supreme Court ruling (*County of Wayne vs. Hathcock et al*) on eminent domain that overturned the 1981 *Poletown* decision.

BE IT FURTHER RESOLVED that the Oakland County Board of Commissioners, on behalf of Oakland County property owners, commends the Michigan Supreme Court for their just and bold ruling in 2004 (***County of Wayne vs. Hathcock et al***) that overturned the *Poletown* decision.

BE IT FURTHER RESOLVED that copies of this resolution be forwarded to the Michigan Supreme Court, Governor Jennifer Granholm, the Oakland County legislative contingent in Lansing, the Michigan Association of Counties and all Oakland County Communities.

Chairperson, I move adoption of the foregoing resolution


Sue Ann Douglas, District # 12

 #18
David Woodward, District # 18

Bill Bullard Jr
Bill Bullard, District #2

Charles E. Palmer
Charles E. Palmer, District #19

Marcia Gershenson
Marcia Gershenson, District #27/17

John A. Scott
John A. Scott, District #5

Greg Jamison
District #16

William D. Mohr
District #13

Hugh D. Crawford
Dist. #9

Chuck Ross
#20

E. J. Wilson #3

Christine A. Long #7

D. Nuth #11

Kelaine Zach #22

Vin Trand #15

Eric Coleman
Eric Coleman, District #23

David Coulter
David Coulter, District #25

Eileen T. Kowall
Eileen T. Kowall, District #6

Mike Rogers
Mike Rogers, District #14

Thomas F. Maddaloni #4

William R. Patterson
DISTRICT #1

John J. [unclear] #8

Vincent Geyog #21

George W. Suarez #24

Matthie M. Pritchett #10

[unclear] #25

Resolution #05172

August 18, 2005

The Chairperson referred the resolution to the General Government Committee. There were no objections.

Resolution #05172

September 22, 2005

Moved by Douglas supported by Patterson the resolution be adopted.

Moved by Douglas supported by Patterson the General Government Committee Report be accepted.

A sufficient majority having voted in favor, the report was accepted.

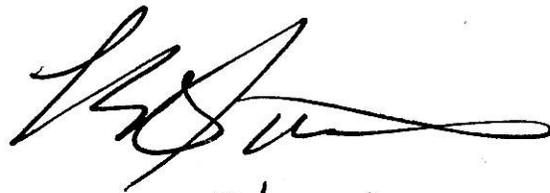
Vote on resolution:

AYES: Gershenson, Gregory, Hatchett, Jamian, Kowall, Long, Melton, Middleton, Molnar, Moss, Nash, Palmer, Patterson, Potter, Scott, Wilson, Woodward, Zack, Bullard, Coleman, Coulter Crawford, Douglas. (23)

NAYS: None. (0)

A sufficient majority having voted in favor, the resolution was adopted.

DOES NOT REQUIRE COUNTY EXECUTIVE ACTION

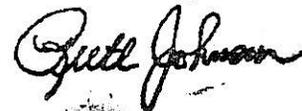


9/22/05

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

I, Ruth Johnson, Clerk of the County of Oakland, do hereby certify that the foregoing resolution is a true and accurate copy of a resolution adopted by the Oakland County Board of Commissioners on September 22, 2005, with the original record thereof now remaining in my office.

In Testimony Whereof, I have hereunto set my hand and affixed the seal of the County of Oakland at Pontiac, Michigan this 22nd day of September, 2005.



Ruth Johnson, County Clerk

J-4
J-04b
OK
S

Miscellaneous Resolution # 05 231

BY: Commissioner Marcia Gershenson, District #17 and William R. Patterson, District #1

RE: Board of Commissioners - Domestic Violence Awareness Month

TO: Oakland County Board of Commissioners

Chairperson, Ladies and Gentlemen:

WHEREAS domestic violence is a serious crime that affects people of all races, ages, income levels and sexes, and shatters families and communities; and

WHEREAS in the United States, over 1,800 women are murdered as a result of domestic violence every year; and

WHEREAS three out of five Michigan women are affected by domestic violence; and

WHEREAS thousands of individuals in Oakland County are impacted by domestic violence each year; and

WHEREAS domestic violence and abuse of family members can take many forms, including physical, sexual, emotional and psychological battering where abusers use intimidation, threats, isolation and a variety of other behaviors to maintain fear and power; and

WHEREAS domestic violence can be prevented with the development of educational programs. Every citizen has the ability to aid and assist those suffering from domestic abuse and let victims know that support is available through shelters, hotlines and other services; and

WHEREAS domestic violence is a tremendous concern among community leaders, police, judges, advocates, healthcare workers and concerned Americans as they work together across the nation to develop solutions to this serious problem and to implement services that will improve our responses when it occurs; and

WHEREAS Domestic Violence Awareness Month is a time to increase education and intervention efforts to improve public awareness of the severity of the crime and to help prevent violence and reduce the related costs to society.

NOW THEREFORE BE IT RESOLVED that the Oakland County Board of Commissioners does hereby proclaim the month of October as Domestic Violence Awareness Month.

BE IT FURTHER RESOLVED that October 13th be recognized as Purple Ribbon day, a day dedicated to spreading the message that domestic violence will not be tolerated in our communities by supporters wearing purple ribbon and clothing.

BE IT FURTHER RESOLVED that the Oakland County Board of Commissioners applauds the efforts organizations, such as Help Against Violent Encounters Now (HAVEN) for their dedication to eliminating domestic violence through treatment and prevention services across Oakland County and surrounding communities.

BE IT FURTHER RESOLVED that the Oakland County Board of Commissioners requests the Oakland County Clerk to forward copies of this adopted resolution to the 61 cities, villages and townships in Oakland County.

Chairperson, we move the adoption of the foregoing Resolution.

Marcia Gustafson

Commissioner
District # 17

Dan Conley

Commissioner
District # 25

Christie Long

Commissioner
District # 7

E. J. Wilson

Commissioner
District # 3

Thomas T. Middle

Commissioner
District # 4

Hugh D. Crawford

Commissioner
District # 9

Bill Bullard Jr

Commissioner
District # 2

Jim [unclear]

Commissioner
District # 15

Mattie M. Stalchett
District # 10

Wilmae Zach # 22

William R Patterson

Commissioner
District # 1

William D. Mohr

Commissioner
District # 13

Sue Jamian

Commissioner
District # [unclear]

[unclear]

Commissioner
District # 5

Sue Douglas

Commissioner
District # 12

Cheryl [unclear]

Commissioner
District # 20

Charles Palmer

Commissioner
District # 19

[unclear]

Commissioner
District # 8

Eileen V. Kowall

District # 6
[unclear] # 18

Resolution #05231

September 22, 2005

Moved by Gershenson supported by Patterson the rules be suspended to bring Miscellaneous Resolution #05231 – BOARD OF COMMISSIONERS – DOMESTIC VIOLENCE AWARENESS MONTH before the Board for immediate consideration.

Vote on suspension of the rules:

AYES: Nash, Palmer, Patterson, Potter, Scott, Wilson, Woodward, Zack, Bullard, Coleman, Coulter, Crawford, Gershenson, Gregory, Hatchett, Jamian, Kowall, Long, Melton, Middleton, Molnar, Moss. (22)

NAYS: None.

A sufficient majority having voted in favor, the rules were suspended and Miscellaneous Resolution #05231 was before the Board.

Moved by Gershenson supported by Patterson the resolution be adopted.

Vote on resolution:

AYES: Palmer, Patterson, Potter, Scott, Wilson, Woodward, Zack, Bullard, Coleman, Coulter, Crawford, Gershenson, Gregory, Hatchett, Jamian, Kowall, Long, Melton, Middleton, Molnar, Moss, Nash. (22)

NAYS: None.

A sufficient majority having voted in favor, the Resolution was adopted.

I HEREBY APPROVE THE FOREGOING RESOLUTION

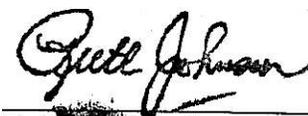


9/26/05

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

I, Ruth Johnson, Clerk of the County of Oakland, do hereby certify that the foregoing resolution is a true and accurate copy of a resolution adopted by the Oakland County Board of Commissioners on September 22, 2005, with the original record thereof now remaining in my office.

In Testimony Whereof, I have hereunto set my hand and affixed the seal of the County of Oakland at Pontiac, Michigan this 22nd day of September, 2005.



Ruth Johnson, County Clerk

October 2005

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

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
					October 1
					2
3	4	5	6	7	8
7:30pm City Council-Regular (Council Chambers)	7:30pm Planning Commission-Study (Council Boardroom)	8:30am BUILDING CODE BOARD OF APPEALS (Conference Room L) 7:00pm ADVISORY COMMITTEE FOR	10:00am Senior Advisory Board meeting (Comm Ctr conf rm) 7:00pm COTHA Candidates Forum (Council Ch		9
10	11	12	13	14	15
	7:30pm Planning Commission-Regular (Council Chambers)		7:30pm Park Board meeting (Comm Ctr conf rm)		16
17	18	19	20	21	22
6:00pm City Council-Special Joint with DDA (Council Chambers) 7:30pm City Council-Regular (Council Chambers)	7:30pm BZA (Chambers) 7:30pm Historic District Commission (Conference Room C)	7:30am DDA Meeting (Conference Room Lower Level)	3:00pm Brownfield Redevelopment Authority Meeting (Conference Room C)		23
24	25	26	27	28	29
7:30pm City Council-Regular (Council Chambers)	7:30pm Planning Commission-Study (Council Boardroom)				30
31					

PH Oct. 24; PP from 9/12 - Amend boundaries.(DDA)
PH Nov. 14; (ZOTA-201) M-1 Lt. Ind. Zoning Dist.

November 2005

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

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
	November 1	2	3	4	5
	7:30pm Planning Commission-Study (Council Boardroom)	8:30am BUILDING CODE BOARD OF APPEALS (Conference Room L) 7:00pm ADVISORY COMMITTEE FOR PERSONS WITH	10:00am Senior Advisory Board meeting (Comm Ctr conf rm)		
7	8	9	10	11	12
	City General Election		7:30pm Park Board meeting (Comm Ctr conf rm)		
14	15	16	17	18	19
7:30pm City Council-Regular (Council Chambers)	7:30pm BZA (Chambers) 7:30pm Historic District Commission (Conference Room C)	7:30am DDA Meeting (Conference Room Lower Level)			
21	22	23	24	25	26
7:30pm City Council-Regular (Council Chambers)			City Hall Closed THANKSGIVING		
28	29	30			
7:30pm City Council-Regular (Council Chambers)	7:30pm Planning Commission-Regular (Council Chambers)				

December 2005

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

January 2006						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

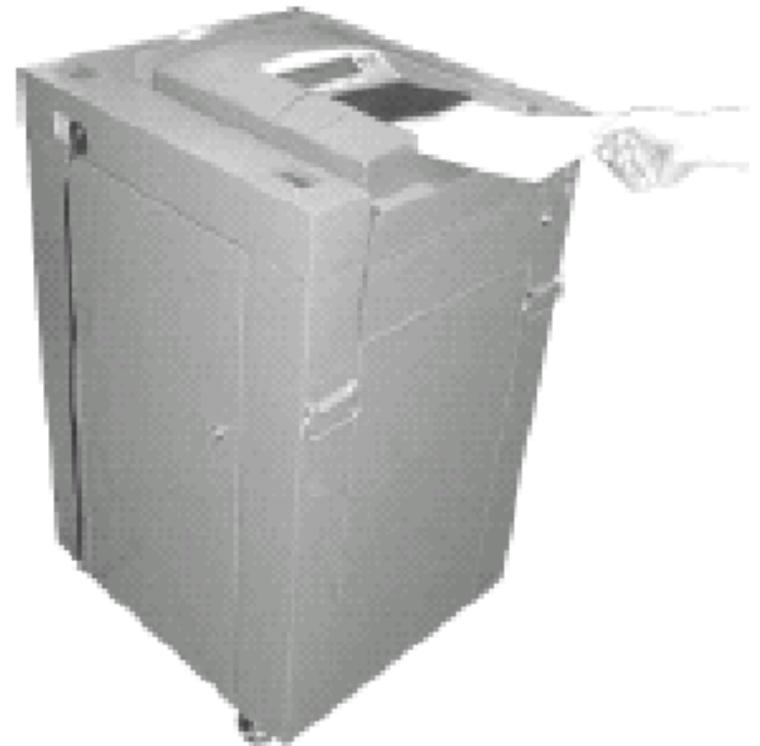
Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
			December 1	2	3
			10:00am Senior Advisory Board meeting (Comm Ctr conf rm)		4
					5
7:30pm City Council-Regular (Council Chambers)	7:00pm Tree Lighting Ceremony - City Hall 7:30pm Planning Commission-Study (Council Boardroom)	8:30am BUILDING CODE BOARD OF APPEALS (Conference Room L) 7:00pm ADVISORY COMMITTEE FOR PERSONS WITH			10
					11
					12
	12:00pm Updated: Assessing Board of Review (Conference Room D) 7:30pm Planning Commission-Regular (Council Chambers)				17
					18
					19
7:30pm City Council-Regular (Council Chambers)	7:30pm BZA (Chambers) 7:30pm Historic District Commission (Conference Room C)	7:30am DDA Meeting (Conference Room Lower Level)		City Hall Closed	24
					25
					26
City Hall Closed				City Hall Closed	31

NEW ELECTION VOTING

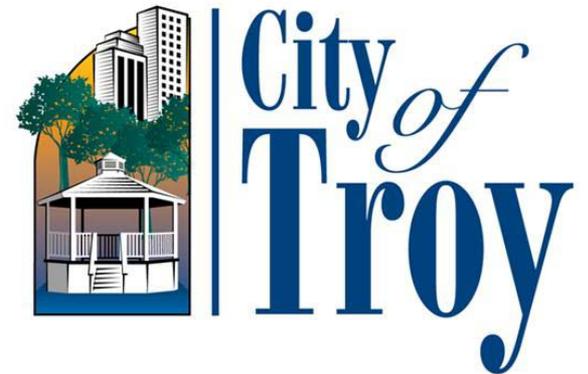
M-100 Optical Scan

Tonni L. Bartholomew, City Clerk
Barbara A. Holmes, Deputy Clerk
City of Troy
500 W Big Beaver Road
Troy, MI 48084
248-524-3316

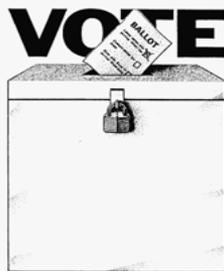
elections@ci.troy.mi.net



The City of Troy will be utilizing new voting devices in all precincts and for Absent Voters effective with the November 8, 2005 City Regular General Election



- ★The new equipment is M100 optical scan
- ★The M100 voting device is very similar to the voting equipment used by Troy voters in the past
- ★The equipment upgrade is a result of the implementation of the Federal Help America Vote Act (HAVA)
- ★The equipment was purchased by Oakland County through the State of Michigan with Federal funds and will be utilized by all Oakland County voters



M100 Optical Scan

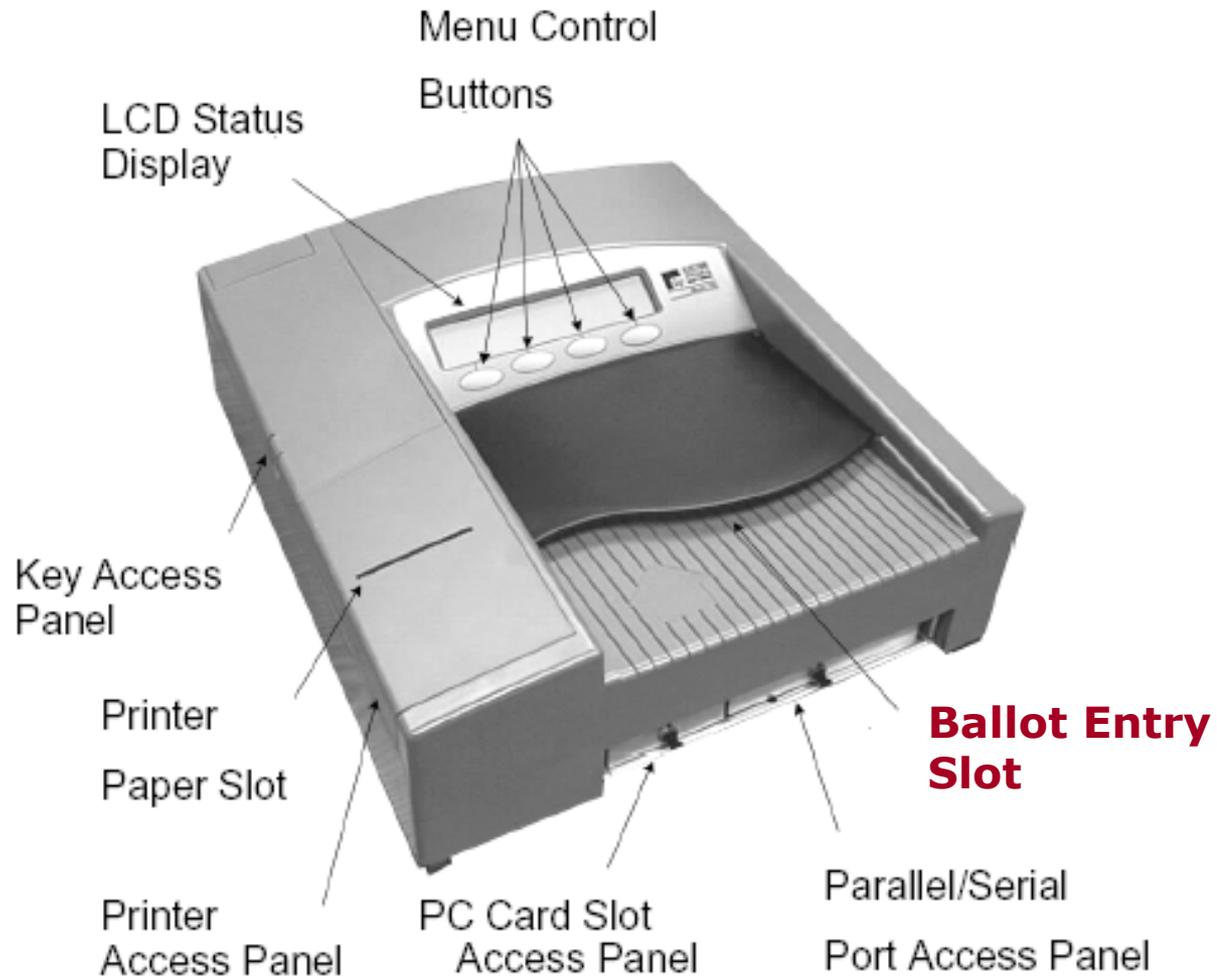


M100 Scanner

**M100
Scanner**

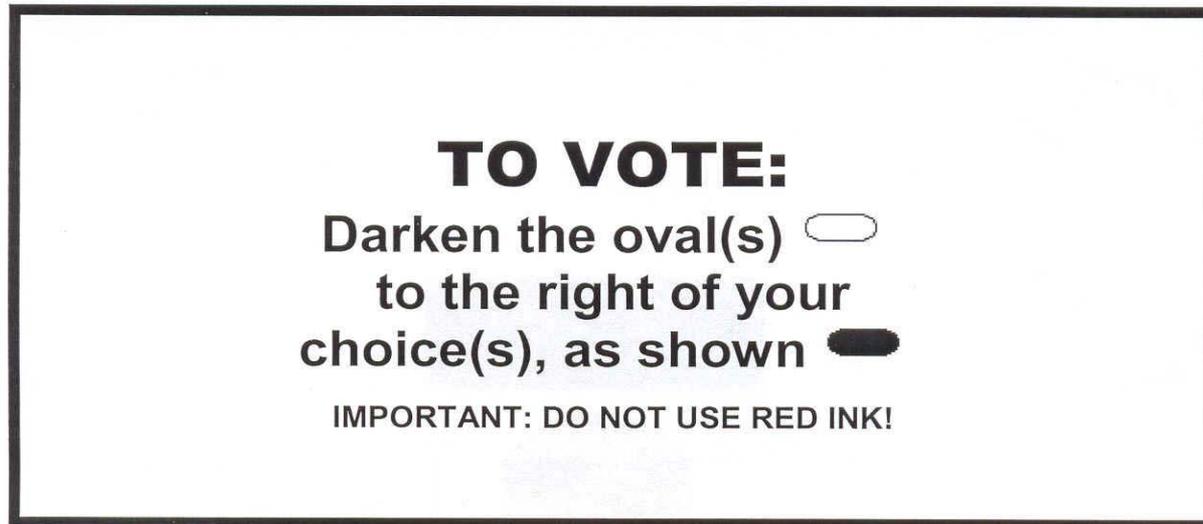


M100 Scanner Features



How to Mark a Ballot

- ★ The most notable change for Troy voters will be the manner in which a voter marks the ballot. To vote, fill in the oval as shown below.
- ★ Use **Medium Point Black Ink Pens** only!
- ★ Do **NOT** use **red** or **green** ink pens.



If the Scanner Beeps

An explanation will appear on the LED screen explaining the reason for the beep. Additional instructions for rejected ballot will be provided by the Election Inspector.

The voting device may beep for any one or more of the following reasons:

- ★ If a voter has "OVER-VOTED" by voting in more than a single party primary election.
- ★ If a voter has "OVER-VOTED" an office.
- ★ If a voter has not cast any votes; a "BLANK BALLOT".



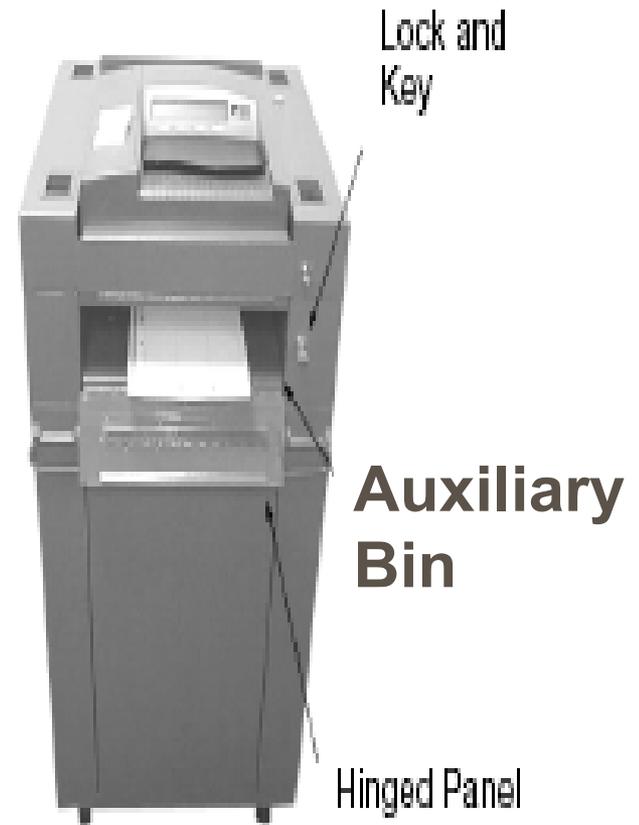
Make A Mistake ???

Get a new ballot; please do not try to erase



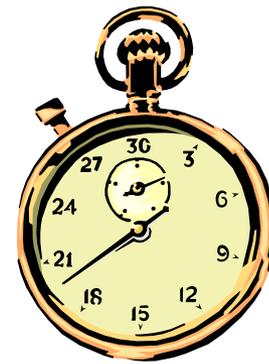
If the Scanner Cannot Accept Ballots

- ★ The Auxiliary Bin will be used until the scanner is available to accept ballots.
- ★ The Auxiliary Bin is located just below the front of the scanner.
- ★ Voters place their ballots through the bin's slot.
- ★ ALL ballots inserted in the Auxiliary Bin MUST be processed by two Inspectors of different political affiliation after the Polls close.



Closing the Polls

- ★ The Polls close at EXACTLY 8:00 PM!
- ★ An “Application to Vote” will be issued to any voter arriving PRIOR to 8:00 PM.
- ★ Doors accessing the precinct must remain unlocked until the closing process is completed.
- ★ Members of the public may watch the closing process.
- ★ A copy of the precinct results will be made available for public viewing at the precinct



Campaigning At The Polls

- ★ No person is permitted to solicit voters or engage in any type of campaigning within 100 feet of any doorway used by voters to enter the polling place.
- ★ No posting, displaying, or distributing any material with reference to the election within 100 feet of the entrance to the polling place.



Campaigning At The Polls

- ★ A voter may park a car or other vehicle bearing campaign signs or bumper stickers within the 100 feet only during the time he/she is voting. Otherwise has to be outside the 100 feet
- ★ Inspectors have the right to ask voters to remove campaign buttons or to cover up clothing bearing a slogan or candidate's name



Poll Watchers



- ★ Poll Watchers do not have the authority to challenge a person's right to vote
- ★ Poll Watchers cannot sit behind the processing table. (A Challenger may)
- ★ Poll Watchers may look at the Poll Book at the discretion of the Election Inspectors
- ★ Challengers have the right to look
- ★ Poll Watchers and Challengers may NOT touch the Poll Book or any other voting records



Exit Polling

- ★ Exit Pollsters are persons employed to survey electors after they have voted
- ★ Policy on Exit Pollsters:
 - ★ Must remain at least 20 feet away from the entrance of the polling place
 - ★ May not enter the building in which the polling place is located
 - ★ Not question any person entering the polling place



Challengers

- ★ A political party or interest group may not have more than two challengers present in the precinct at anytime, only one of the challengers may hold the authority to challenge at any given time. They may alternate the authority to challenge with notification to the precinct board
- ★ Challengers may not touch ballots, election materials or voting equipment

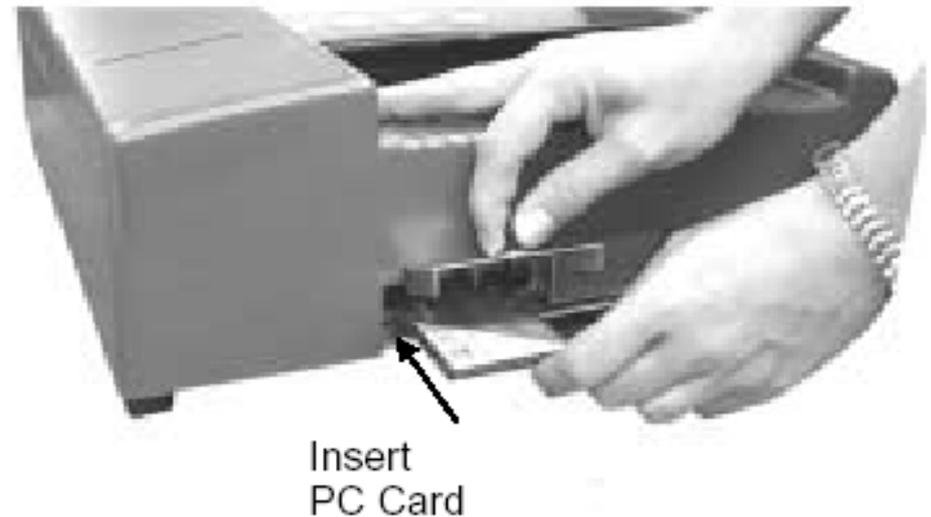


Challengers

- ★ Challengers may not obstruct or delay the work of the election inspectors
- ★ A Challenger must have a Challenger Card issued by the organization they represent and must exhibit the card when entering the precinct

Delivery of Precinct Results to City Hall

- ★ Precinct Election Results are retained on a memory card inside the voting tabulator.
- ★ Election Inspectors confirm the memory card seal number prior to removal of the card.



Delivery of Precinct Results to City Hall (cont.)

- ★ Once the card is removed it will be inserted into its plastic case and then into the Memory Card Transfer Bag.
- ★ The Memory Card Transfer Bag is then sealed and the seal number is recorded on the inside cover of the last page of the Poll Book and prepared for delivery to City Hall.





CITY OF TROY ELECTION RESULTS

The City of Troy unofficial election results will be available election night on Cable Channels 10 and 52 and on the City of Troy web page at www.troymi.net

CITY OF TROY

GENERAL ELECTION DATES

Election Day: **Tuesday, November 8, 2005**

The Polls will be open from 7:00 AM until 8:00 PM

Last day to Register to Vote: **Tuesday, October 11, 2005**



The City Clerk's Office will be open

Saturday, November 5, 2005

10:00 AM until 2:00 PM

for ABSENTEE BALLOTING



John D
John L
Brian
Memo
J-07

BOARD OF COMMISSIONERS

September 9, 2005

1200 N. Telegraph Rd.
Pontiac, MI 48341-0470
Phone: (248) 858-0100
Fax: (248) 858-1572

Mrs. Tonni Bartholomew
City Clerk
City of Troy
500 West Big Beaver Road
Troy, MI 48084-5285

Dear Mrs. Bartholomew:

On behalf of the Oakland County Board of Commissioners, I am pleased to advise you that on September 1, 2005, the Board adopted Miscellaneous Resolution #05171 authorizing the City of Troy to be reimbursed for expenses incurred in connection with a mosquito control project. Your community is eligible to receive a reimbursement up to \$30,057.91 from the Oakland County West Nile Virus Fund.

The County's Fiscal Services Division is authorized to issue a reimbursement for expenses incurred by your community's mosquito control project. West Nile Virus Fund reimbursements are issued only after copies of paid invoices for eligible expenses are submitted.

Any outstanding invoices of actual costs are to be submitted once the work is completed. In order to ensure processing of your full reimbursement, copies of paid invoices must be submitted September 30, 2005. All requests for eligible reimbursements are to be submitted to:

Timothy J. Soave
Manager, Oakland County Fiscal Services Division
1200 North Telegraph Road, Dept. 403
Pontiac, MI 48341-0403

If you have any questions regarding the authorized payment amount, please contact Tim Soave, Manager, Fiscal Services at 248.858.0807 or the Board of Commissioner's Office at 248.858.0100.

Thank you for your participation in this successful program.

Sincerely,

William D. Molnar County Commissioner District #13	Chuck Palmer County Commissioner District #19	Chuck Moss County Commissioner District #20	George Suarez County Commissioner District #24

/sm

Enclosure

MISCELLANEOUS RESOLUTION #05171

BY : William D. Molnar, District #13, Charles E. Palmer, District #19,
Chuck Moss, District #20, and George W. Suarez, District #24

IN RE: WEST NILE VIRUS FUND REIMBURSEMENT FOR PROJECT IN THE CITY OF
TROY - FISCAL YEAR 2005 ALLOCATION

TO THE OAKLAND COUNTY BOARD OF COMMISSIONERS

Chairperson, Ladies and Gentlemen:

WHEREAS the Oakland County Board of Commissioners via
Miscellaneous Resolution #05061 approved the extension of the West Nile
Virus Fund for FY 2005; and

WHEREAS the Oakland County Board of Commissioners established a
West Nile Virus Fund Disbursement Policy per Miscellaneous Resolution
#03060 in an effort to assist cities, villages and townships (CVTs)
with mosquito control measures to prevent the spread of West Nile Virus
and to help protect the health, safety and welfare of the people of
Oakland County; and

WHEREAS pursuant to the Disbursement Policy, the City of Troy has
submitted a resolution of authorization to the County for reimbursement
of expenses incurred in connection with an eligible mosquito control
project; and

WHEREAS the FY 2005 authorized amount of funding for the City of
Troy is \$30,057.91 from the West Nile Virus Fund as repayment to the
City of Troy for expenses incurred in connection with mosquito control
projects.

NOW THEREFORE BE IT RESOLVED that the Oakland County Board of
Commissioners approves the project submitted by the City of Troy as
eligible for reimbursement from the West Nile Virus Fund.

BE IT FURTHER RESOLVED that the Board authorizes the FY 2005
appropriation in the amount of \$30,057.91 from the West Nile Virus Fund
(Account #90-210000-23030-9098) to repay the City of Troy for expenses
incurred in connection with the mosquito control project, once proper
invoices are presented.

Chairperson, I move the adoption of the foregoing resolution.



Resolution #05171

August 18, 2005

The Chairperson referred the resolution to the Finance Committee. There were no objections.

FISCAL NOTE (M.R. #05171)

September 1, 2005

BY: FINANCE COMMITTEE, CHUCK MOSS, CHAIRPERSON

IN RE: WEST NILE VIRUS FUND REIMBURSEMENT FOR PROJECT IN THE CITY OF
TROY - FISCAL YEAR 2005 ALLOCATION

TO THE OAKLAND COUNTY BOARD OF COMMISSIONERS

Chairperson, Ladies and Gentlemen:

Pursuant to Rule XII-C of this Board, the Finance Committee has reviewed the above referenced resolution and finds:

1. Funding of \$30,057.91 is available in the West Nile Virus Fund for FY 2005 to reimburse the City of Troy for this project; no additional appropriation is required.
2. The Committee recommends adoption of this resolution.

FINANCE COMMITTEE

FINANCE COMMITTEE:

Motion carried unanimously on a roll call vote with Jamian absent.