AGENDA

Regular Meeting of the

CITY COUNCIL
OF THE CITY OF TROY

MAY 16, 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

May 16, 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 Dan Lewis – Troy Christian Chapel 1

ROLL CALL: 1

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CALL TO ORDER:

INVOCATION & PLEDGE OF ALLEGIANCE: **Pastor Dan Lewis – Troy Christian Chapel**

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 Approval of 2005-2006 Budget

Suggested Resolution
Resolution #2005-05-
Moved by
Seconded by

WHEREAS, Section 8.3 of the City Charter directs the City Council to **ADOPT** a budget for the ensuing year, beginning July 1, 2005:

NOW, THEREFORE, BE IT RESOLVED, That

1. The following listed re-appropriations, operating transfers-in, and operating revenues of the General Operating Fund are anticipated:

Taxes	$34,351,690
Licenses and Permits	2,012,500
Federal Grants	32,320
State Grants	6,658,000
Contributions – Local	135,000

Charges for Services	5,969,200
Fines and Forfeits	995,000
Interest and Rents	1,110,300
Other Revenue	479,780
Operating Transfers In	7,027,640
Re-appropriation	1,359,560
TOTAL	$60,130,990

THEREFORE, The tax rate for the General Operating Fund shall be six and fifty-one hundredths (6.50) mills on the 2005 taxable valuation.

2. To meet the anticipated expenses, the following listed budgetary centers shall be appropriated the following amounts from the General Operating Fund:

Building Inspection	$2,105,420
Council/Executive Administration	2,077,060
Engineering	2,996,560
Finance	4,726,650
Fire	4,092,750
Library /Museum	4,973,280
Other General Government	2,638,720
Police	22,628,610
Parks and Recreation	8,468,160
Streets	5,313,780
Operating Transfer Out	110,000
TOTAL	$60,130,990

3. The following listed re-appropriations and revenues of the Capital Fund are anticipated:

Taxes	$8,019,000
Federal Grants	305,000
State Grants	1,049,000
Contributions Local	572,000
Charges for Services	167,000
Interest and Rents	400,000
Other Revenue	800,000
Operating Transfer In	2,917,330
Re-appropriation	11,850,000
TOTAL	$26,079,330

THEREFORE, The tax rate for the Capital Fund shall be one and sixty-two one hundredths (1.62) mills on the 2005 taxable valuation.

4. The following listed budgetary centers shall be appropriated the following listed amounts from the Capital Fund to meet anticipated expenses:

Executive Administration	$20,000
Building Inspection	20,000
Drains	2,270,920
Finance	100,000
Fire	487,000
Information Technology	600,000
Library	25,000
Museum	518,000
Other General Government	2,951,000
Police	316,010
Parks and Recreation	4,438,400
Streets	12,573,000
Public Works	1,760,000
TOTAL	$26,079,330

5. The following listed revenues of the Refuse Fund are anticipated:

Taxes	$4,108,500
Charges for Services	70,000
Interest and Rents	1,500
Re-appropriation	345,650
TOTAL	$4,525,650

THEREFORE, The tax rate for the Refuse Fund shall be eighty-three one hundredths (.83) mills on the 2005 taxable valuation.

6. The Refuse Fund shall be appropriated $4,525,650

7. The General Debt Service Fund shall be appropriated $2,881,680

AND, There shall be a tax levy of fifty one hundredth (.50) mills on the 2005 taxable valuation for the General Debt Service Fund.

8. The following budgets shall be approved as shown in the budget for 2005- 2006:

Major Road Fund	$3,858,450
Local Road Fund	$1,607,670
Community Development Block Grant Fund	$185,000
Troy Community Fair Fund	$186,440
Budget Stabilization Fund	$25,000
2000 MTF Debt Fund	$265,390
Proposal A Debt Fund	$788,640
Proposal B Debt Fund	$1,316,720
Proposal C Debt Fund	$714,170
Special Assessment Fund	$1,055,830
Water Supply System	$13,624,290

Sanitary Sewer Fund $9,554,690
Aquatic Center Fund.....$596,100
Sylvan Glen Golf Course Fund $1,148,370
Sanctuary Lake Golf Course Fund $1,936,940
Building Operations $1,760,440
Information Technology Fund $1,493,020
Fleet Maintenance Fund $4,059,580
Workers' Compensation Fund $690,000
Compensated Absences Fund $4,532,000
Unemployment Insurance Fund.....$78,000

Yes:
No:

C-2 Commercial Vehicle Appeal, Renewal – 6881 Westaway

Suggested Resolution
Resolution #2005-05-
Moved by
Seconded by

RESOLUTION A FOR APPROVAL

WHEREAS, Section 44.02.02 of Chapter 39, Zoning, of the Code of the City of Troy provides that actions to grant appeals to the restrictions on outdoor parking of commercial vehicles in residential districts pursuant to Section 40.66.00 of Chapter 39 of the Code of the City of Troy "shall be based upon at least one of the following findings by the City Council:

A. The occurrence of the subject commercial vehicle on the residential site involved is compelled by parties other than the owner or occupant of the subject residential site (e.g. employer).

B. Efforts by the applicant have determined that there are no reasonable or feasible alternative locations for the parking of the subject commercial vehicle.

C. A garage or accessory building on the subject residential site cannot accommodate, or cannot reasonably be constructed or modified to accommodate, the subject commercial vehicle.

D. The location available on the residential site for the outdoor parking of the subject commercial vehicle is adequate to provide for such parking in a manner which will not negatively impact adjacent residential properties, and will not negatively impact pedestrian and vehicular movement along the frontage street(s)."; and

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

_____

_____

NOW, THEREFORE, BE IT RESOLVED, That the request from Mr. Adrian Eremie of 6881 Westaway, for waiver of Chapter 39, Section 40.66.00, of the Code of the City of Troy, to permit outdoor parking of a Chevrolet stake truck in a residential district is hereby **APPROVED** for ___ _____(not to exceed two years).

OR

RESOLUTION B FOR DENIAL

WHEREAS, Section 44.02.02 of Chapter 39, Zoning, of the Code of the City of Troy provides that actions to grant appeals to the restrictions on outdoor parking of commercial vehicles in residential districts pursuant to Section 40.66.00 of Chapter 39 of the Code of the City of Troy "shall be based upon at least one of the following findings by the City Council:

A. The occurrence of the subject commercial vehicle on the residential site involved is compelled by parties other than the owner or occupant of the subject residential site (e.g. employer).

B. Efforts by the applicant have determined that there are no reasonable or feasible alternative locations for the parking of the subject commercial vehicle.

C. A garage or accessory building on the subject residential site cannot accommodate, or cannot reasonably be constructed or modified to accommodate, the subject commercial vehicle.

D. The location available on the residential site for the outdoor parking of the subject commercial vehicle is adequate to provide for such parking in a manner which will not negatively impact adjacent residential properties, and will not negatively impact pedestrian and vehicular movement along the frontage street(s).";

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

NOW, THEREFORE, BE IT RESOLVED, That the request from Mr. Adrian Eremie of 6881 Westaway, for waiver of Chapter 39, Section 40.66.00, of the Code of the City of Troy, to permit outdoor parking of a Chevrolet stake truck in a residential district is hereby **DENIED**.

Yes:
No:

C-3 Parking Variance – 3290 W. Big Beaver

Suggested Resolution
Resolution #2005-05-
Moved by
Seconded by

PROPOSED RESOLUTION FOR APPROVAL

WHEREAS, Articles XLIII and XLIV (43.00.00 and 44.00.00) of the Zoning Ordinance provide that the City Council may grant variances from the off-street parking requirements of the Zoning Ordinance upon general findings that:

1. The variance would not be contrary to public interest or general purpose and intent of the Zoning Ordinance.

2. The variance does not permit the establishment of a prohibited use as a principal use within a zoning district.

3. The variance does not cause an adverse effect to properties in the immediate vicinity or zoning district.

4. The variance relates only to property described in the application for variance; and

WHEREAS, Article XLIII (43.00.00) requires that in granting, the City Council shall find that the practical difficulties justifying the variances are:

A. That absent a variance, no reasonable use can be made of the property; or

B. That absent a variance, a significant natural feature would be negatively affected or destroyed; or

C. That absent a variance, public health, safety and welfare would be negatively affected; or

D. That literal enforcement of the Zoning Ordinance precludes full enjoyment of the permitted use and makes conforming unnecessarily burdensome. In this regard, the City Council shall find that a lesser variance does not give substantial relief, and that the relief requested can be granted within the spirit of the Ordinance, and within the interests of public safety and welfare;

WHEREAS, The City Council finds the above-stated general conditions to be present and finds the practical difficulty stated above to be operative in the appeal.

NOW, THEREFORE, BE IT RESOLVED, That the request from Sheffield Office II, L.L.C. for waiver of 86 additional parking spaces at the development at 3290 W. Big Beaver be **APPROVED**.

OR

PROPOSED RESOLUTION B FOR DENIAL

WHEREAS, Articles XLIII and XLIV (43.00.00 and 44.00.00) of the Zoning Ordinance provide that the City Council may grant variances from the off-street parking requirements of the Zoning Ordinance upon general findings that:

1. The variance would not be contrary to public interest or general purpose and intent of the Zoning Ordinance.

2. The variance does not permit the establishment of a prohibited use as a principal use within a zoning district.

3. The variance does not cause an adverse effect to properties in the immediate vicinity or zoning district.

4. The variance relates only to property described in the application for variance; and

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

WHEREAS, City Council has not found that the requirements of Articles XLIII and XLIV (43.00.00 and 44.00.00) of the Zoning Ordinance have been met;

NOW, THEREFORE, BE IT RESOLVED, That the request from Sheffield Office II, L.L.C. for waiver of 86 additional parking spaces at the development at 3290 W. Big Beaver be **DENIED**.

Yes:
No:

C-4 Rezoning Application – South Side of Henrietta Avenue, South of Big Beaver Road and East of Rochester Road, Section 27 – R-1E to P-1 (Z-695)

Suggested Resolution
Resolution #2005-05-
Moved by
Seconded by

RESOLVED, That the R-1E to P-1 rezoning request, located on the south side of Henrietta Avenue, south of Big Beaver Road and east of Rochester Road, section 27, being 10,880 square feet in size, is hereby **GRANTED**, as recommended by City Management and the Planning Commission.

Yes:
No:

C-5 Zoning Ordinance Text Amendment (ZOTA 2150-A) – Article 04.20.00 and Articles 40.55.00-40.59.00, Pertaining to Accessory Buildings Definitions and Provisions

Suggested Resolution
Resolution #2005-05-
Moved by
Seconded by

Proposed Rescinding Resolution of Referral to the Planning Commission

RESOLVED, That City Council **RESCINDS** Resolution #2004-12-611.
ZOTA 215 A Proposed Approval Resolution

RESOLVED, That Zoning Ordinance Text Amendment (ZOTA 215A dated 04/28/05) – Article 04.20.00 and Articles 40.55.00 – 40.59.00, pertaining to Accessory Buildings Definitions and Provisions, is hereby **ADOPTED.**

Yes:
No:

POSTPONED ITEMS:

D-1 No Postponed Items

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 #2005-05-
Moved by
Seconded by

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

Yes:
No:

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

E-2 Approval of City Council Minutes

Suggested Resolution
Resolution #2005-05-

RESOLVED, That the Minutes of the Regular City Council Meeting of May 9, 2005 at 7:30 PM and the Minutes of the Special/Study Meeting of May 10, 2005 at 7:30 PM be **APPROVED** as submitted.

E-3 Proposed City of Troy Proclamations

Suggested Resolution
Resolution #2005-05-

a) Hamilton Elementary School Named Michigan Blue Ribbon Exemplary School
b) Wass Elementary School Named Michigan Blue Ribbon Exemplary School
c) Wattles Elementary School Named Michigan Blue Ribbon Exemplary School

E-4 Standard Purchasing Resolutions

a) Standard Purchasing Resolution 1: Award to Low Bidder – Camera Equipment

RESOLVED, That a contract to purchase camera equipment is hereby **AWARDED** to the low total bidder, Troxell Communications of Shelby Township, Michigan, at unit prices contained in the bid tabulation opened April 11, 2005, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, for an estimated total cost of $25,628.00.

BE IT FURTHER RESOLVED, That the extended warranties for Item 1 are hereby **REJECTED**.

E-5 Request for Recognition as a Nonprofit Organization Status for the Purpose of Hosting a Raffle on Behalf of the Ted Lindsay Foundation to End Autism

Suggested Resolution
Resolution #2005-05-

RESOLVED, That the request from the Ted Lindsay Foundation to End Autism, Troy, Michigan, County of Oakland, asking that they be recognized as a nonprofit organization operating in the community for the purpose of obtaining a charitable gaming license be **APPROVED** as recommended by City Management.

E-6 Request for Recognition as a Nonprofit Organization Status from the Troy Historical Society for the Purpose of Hosting a Raffle

Suggested Resolution
Resolution #2005-05-

RESOLVED, That the request from the Troy Historical Society, Troy, Michigan, County of Oakland, asking that they be recognized as a nonprofit organization operating in the community for the purpose of obtaining a charitable gaming license be **APPROVED** as recommended by City Management.

E-7 Request to Set a Public Hearing Regarding Acceptance of an Edward J. Byrne Memorial Justice Assistance Grant Program Grant

Suggested Resolution
Resolution #2005-05-

RESOLVED, That a Public Hearing regarding the Justice Assistance Grant be designated to utilize the money to purchase digital cameras and accessories for the Evidence Technician and Traffic Safety Units be **HELD** on June 6, 2005.

E-8 Assessment of Delinquent Accounts

Suggested Resolution
Resolution #2005-05-

WHEREAS, Section 1.167 of Chapter 5 and Section 6 of Chapter 20 of the Ordinance Code of the City of Troy require that delinquent payments and invoices, as of April 1st of each year, shall be reported and the City Council shall certify same to the City Assessor who shall assess the same on the next annual City Tax Roll, to be collected as provided for collection of City Taxes;

WHEREAS, Section 10.8 of the Troy City Charter provides for the collection of delinquent invoices through property tax collection procedures;

WHEREAS, A list of individual properties is on file in the Office of the Treasurer and comprises a summation of totals as follows:

General Fund Invoices	
Including Penalties	$ 22,516.53
Special Assessments	
Including Penalties & Interest	5,498.88
Water & Sewer Accounts	
Including Penalties	462,862.61
Total	$ 490,878.02

NOW, THEREFORE, BE IT RESOLVED, That the City Assessor is hereby **AUTHORIZED** to assess these delinquent accounts on the annual City Tax Roll.

E-9 Private Agreement for St. George Church Addition Project No. 03.919.3

Suggested Resolution
Resolution #2005-05-

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

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 Senior Citizens; Historic District Commission; Personnel Board; 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 Appointments

Suggested Resolution
Resolution #2005-05-
Moved by
Seconded by

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

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

Term Expires 04/30/08

CURRENT MEMBERS

NAME	TERM EXPIRES
James Berar	04/30/07
Burdette L. Black, Jr.	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 seek reappointment)	04/30/05

INTERESTED APPLICANTS

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

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

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
Kerry S. Krivoshein	08/12/99-06/14/01-05/2003	07/09/01
Al Petrulis	02/11/03-07/31/03-07/2005	02/17/03-08/18/03

Nancy Wheeler	03/08/04-03/2006	04/12/04

Personnel Board
Appointed by Council (5) - 3 years

Term Expires 04/30/08

CURRENT MEMBERS

NAME	TERM EXPIRES
Deborah L. Baughman	April 30, 2005
Albert T. Nelson Jr.	April 30, 2006
Stephen Patrick Jr.	April 30, 2006
Ronald L. Tschirhart	April 30, 2008
James E. Vanderbrink	April 30, 2006

INTERESTED APPLICANTS

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

Youth Council
Appointed by Council (13) – 1 year

Term Expires (Student) 06/01/06

Term Expires (Student) 06/01/06

Term Expires (Student) 06/01/06

Term Expires (Student) 06/01/06

Term Expires (Student) 06/01/06

Term Expires (Student) 06/01/06

Term Expires (Student) 06/01/06

Term Expires (Student) 06/01/06

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

NOTE: Expiration Dates - The terms of the outgoing members were scheduled to expire August 31, 2005. The YC wishes to schedule an annual organizational meeting with incoming and outgoing members in May. Therefore, it is recommended that YC members serve for a one-year term effective June 1 of each year

CURRENT MEMBERS

NAME	TERM EXPIRES
Alexandra Bozimowski **(Requests Reappointment)**	~~08/31/2005~~ 06/01/05
Min Chong	~~08/31/2005~~ 06/01/05
Juliana D'Amico	~~08/31/2005~~ 06/01/05
Monika Govindaraj	~~08/31/2005~~ 06/01/05
Catherine Herzog	~~08/31/2005~~ 06/01/05
Maniesh Joshi	~~08/31/2005~~ 06/01/05
Rishi Joshi **(Requests Reappointment)**	~~08/31/2005~~ 06/01/05
Andrew Kalinowski	~~08/31/2005~~ 06/01/05
Jessica Kraft **(Requests Reappointment)**	~~08/31/2005~~ 06/01/05
Manessa Shaw	~~08/31/2005~~ 06/01/05
Nicole Vitale **(Requests Reappointment)**	~~08/31/2005~~ 06/01/05
Karen Wullaert **(Requests Reappointment)**	~~08/31/2005~~ 06/01/05
YuJing Wang	~~08/31/2005~~ 06/01/05

INTERESTED STUDENT APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
Chen, Nancy	05/16/05	05/16/05
Corey, Andrew (YC Recommendation)	05/16/05	05/16/05
D'Amico, Maxine **(YC Recommendation)**	05/16/05	05/16/05
Desai, Nikita	05/16/05	05/16/05
Hacker, Elizabeth	05/16/05	05/16/05
Hepner, Josh	05/16/05	05/16/05
Horvath, Zack	05/16/05	05/16/05
Luo, Lisa (Jia) **(YC Recommendation)**	05/16/05	05/16/05
Marsh, Chelsey	05/16/05	05/16/05
Natarajan, Aswrin **(YC Recommendation)**	05/16/05	05/16/05
Niemic, Joseph	05/16/05	05/16/05
Pochodylo, Amy	05/16/05	05/16/05
Prasad, Anupama **(YC Recommendation)**	05/16/05	05/16/05
Qui, Anna	05/16/05	05/16/05

Randall, Kristin **(YC Recommendation)**	05/16/05	05/16/05
Reimann, Carolyn	05/16/05	05/16/05
Schramm, Alyson	05/16/05	05/16/05
Shaw, Neil **(YC Recommendation)**	05/16/05	05/16/05
Subramanian, Shruthi	05/16/05	05/16/05
Thoenes, Katie **(YC Recommendation)**	05/16/05	05/16/05
Yang, Helen	05/16/05	05/16/05

Yes:
No:

F-2 Appointment of SOCRRA Representative and Alternate Members

Suggested Resolution
Resolution #2005-05-
Moved by
Seconded by

RESOLVED, That Brian P. Murphy be **DESIGNATED** as the SOCRRA Representative and Timothy L. Richnak be **DESIGNATED** as the Alternate SOCRRA Representative with terms expiring on June 15, 2006.

Yes:
No:

F-3 Preliminary Site Condominium Review (Revised) – Hidden Forest Site Condominium, South Side of Wattles, East of Livernois, Section 22 – R-1C

Suggested Resolution
Resolution #2005-05-
Moved by
Seconded by

RESOLVED, That the Preliminary Plan as submitted under Section 34.30.00 of the Zoning Ordinance (Unplatted One-Family Residential Development) for the development of a One-Family Residential Site Condominium known as Hidden Forest Site Condominium, as recommended for approval by City Management and the Planning Commission, located on the south side of Wattles, east of Livernois, including 37 home sites, within the R-1C zoning district, being 17.79 acres in size, is hereby **APPROVED**.

Yes:
No:

F-4 Amendment to Chapter 20 of the City Code - Water and Sewer Rates

Suggested Resolution
Resolution #2005-05-
Moved by
Seconded by

RESOLVED, That an amendment to Chapter 20, Water and Sewer Rates, is hereby **APPROVED**, and a copy shall be **ATTACHED** to the original Minutes of this meeting.

Yes:
No:

F-5 Papadelis v City of Troy

Suggested Resolution
Resolution #2005-05-
Moved by
Seconded by

RESOLVED, That the City Attorney is hereby **AUTHORIZED** and **DIRECTED** to represent the City of Troy and the City of Troy employees, Mark Stimac and Marlene Struckman, in any and all claims and damages in the matter of Gust Papadelis, et al v City of Troy, et al. Furthermore, the City Attorney is **AUTHORIZED** to pay necessary costs and expenses and to retain any necessary expert witnesses to adequately represent the City.

BE IT FURTHER RESOLVED, The City Attorney is **AUTHORIZED** to seek injunctive and other appropriate relief in the Oakland County Circuit Court.

Yes:
No:

F-6 Revisions to Chapter 97 and Chapter 60 of the Troy City Code – Coin Operated Amusement Devices and Arcades

Suggested Resolution
Resolution #2005-05-
Moved by
Seconded by

Proposed Revisions to Chapter 97

RESOLVED, That Section 4, 7, 8, 9 and 14 of Chapter 97 of the Troy City Code be **REVISED** as recommended by City Management, a copy of which shall be **ATTACHED** to the original Minutes of the meeting.

Proposed Revisions to Chapter 60

RESOLVED, That Section 60.03 of Chapter 60 of the Troy City Ordinances shall be **REVISED** to eliminate the $500.00 application fee for an arcade, a copy of which shall be **ATTACHED** to the original Minutes of the meeting.

Yes:
No:

F-7 Sole Source – ISCO 2150 Sewer Flow Meters

Suggested Resolution
Resolution #2005-05-
Moved by
Seconded by

WHEREAS, The City of Troy has applied for and received grant money from the Rouge River National Wet Weather Demonstration Project;

WHEREAS, The total project cost is estimated to be approximately $525,000 with the City's share estimated at approximately $315,000 and the grant funded portion estimated at approximately $210,000;

WHEREAS, The scope of the grant includes the purchase and installation of sewer meters to monitor sources of inflow and infiltration (I/I) into the Evergreen Farmington Sewer District System (EFSDS);

WHEREAS, Hamlet Engineering Sales Company, (HESCO) of Warren, MI, is the sole source distributor for Teledyne ISCO products and accessories in Michigan.

NOW, THEREFORE, BE IT RESOLVED, That a contract is hereby **AWARDED** to HESCO, the sole source distributor, for the ISCO 2150 flow meter, Flowlink 4.1 software, and RSR232 Communication Cable, at an estimated total cost of $31,275.00.

Yes:
No:

F-8 Ratification of Purchase – Card Readers

Suggested Resolution
Resolution #2005-05-
Moved by
Seconded by

WHEREAS, SimplexGrinnel is an authorized, licensed installer in Michigan of the Andover Controls security system;

WHEREAS, It was necessary to purchase and install four card readers to control door access to the Investigations Division for a multi jurisdictional task force investigating organized crime groups;

WHEREAS, In order to maintain workplace security it was necessary to replace four (4) inoperable Intercom system boxes in the employee parking lot.

NOW, THEREFORE, BE IT RESOLVED, That the purchase and installation of four card readers and the replacement of four intercom system boxes are hereby **CONFIRMED AND RATIFIED** to SimplexGrinnel, an authorized, licensed installer of the Andover Controls security system, at a total cost of $11,327.00.

Yes:
No:

F-9 Adoption of the Michigan Emergency Management Compact (MEMAC)

Suggested Resolution
Resolution #2005-05-
Moved by
Seconded by

WHEREAS, The State of Michigan Emergency Management Act, Act 390 of the Public Acts of 1976, as amended M.C.L. 30.401 et. seq. authorizes the State and its political subdivisions to provide emergency aid and assistance in the event of a disaster or emergency;

WHEREAS, The statutes also authorize the State to coordinate the provision of any equipment, services, or facilities owned or organized by the State or its political subdivisions for use in the affected area upon request of the duly constituted authority of the area;

WHEREAS, This Resolution authorizes the request, provision, and receipt of inter-jurisdictional mutual assistance in accordance with the Emergency Management Act, Act 390 of the Public Acts of 1976, as amended among political subdivisions within the State.

NOW, THEREFORE, BE IT RESOLVED, That in order to maximize the prompt, full and effective use of resources of all participating governments in the event of an emergency or disaster, the City Council hereby **ADOPTS** the Michigan Emergency Management Assistance Compact which is attached hereto and incorporated by reference.

Yes:
No:

F-10 Engineering Services for the Sanitary Sewer Infiltration/Inflow Study Portion of the Rouge River National Wet Weather Demonstration Grant Project

Suggested Resolution
Resolution #2005-05-
Moved by
Seconded by

WHEREAS, The City of Troy applied for and received grant funding for the Local Sanitary Sewer Improvements to reduce SSOs in the Evergreen/ Farmington Sewer District System from the Rouge River National Wet Weather Demonstration Project and Wayne County;

WHEREAS, In addition to the purchase and installation of the sanitary sewer meters, the grant project involves developing a Sanitary Sewer Infiltration/Inflow Study to be completed by a qualified engineering firm;

WHEREAS, Hubbell, Roth & Clark, Inc. was chosen by staff from the City of Troy through the quality based selection process as the most qualified engineering firm to complete the grant funded study;

WHEREAS, Hubbell, Roth & Clark, Inc. has submitted a fixed fee proposal to complete the Sanitary Sewer Infiltration/Inflow Study.

NOW, THEREFORE, BE IT RESOLVED, That the agreement between the City of Troy and Hubbell, Roth & Clark, Inc. to provide engineering services for the Sanitary Sewer Infiltration/Inflow Study portion of the Rouge River National Wet Weather Demonstration grant project is hereby **APPROVED** for an estimated total cost of $52,502.00, and the Mayor and the City Clerk are hereby **AUTHORIZED TO EXECUTE** the Agreement documents.

Yes:
No:

F-11 Schedule Special-Study Meeting on May 23, 2005

Suggested Resolution
Resolution #2005-05-
Moved by
Seconded by

RESOLVED, That a Special-Study meeting is **SCHEDULED** for May 23, 2005 at 7:30 PM in the Council Board Room of Troy City Hall, 500 W. Big Beaver, Troy, Michigan for reason of discussing the following topics:

1) Septic System Inspection Program; and Possible Sanitary Sewer Special Assessment District (SAD) in Charnwood Hills Subdivision
2) Futuring and Strategic Planning Process

Yes:
No:

F-12 Local Match for a Michigan Economic Growth Alliance Attraction and Incentive Package

Suggested Resolution
Resolution #2005-05-
Moved by
Seconded by

WHEREAS, Compact Power, Inc. is proposing to occupy a vacant building at 1857 Technology Drive;

WHEREAS, Compact Power, Inc. is an alternative fuel systems company with potential for not only product development and research, but expansion of manufacturing operations;

WHEREAS, The State of Michigan, Oakland County and the City of Troy are seeking to diversify the economic base by attracting alternative fuel systems companies.

NOW, THEREFORE, BE IT RESOLVED, That the Troy City Council **APPROVE** expenditures from the industrial road maintenance line item in the 2005/06 budget of at least $50,000 for improvements to Technology Drive to serve as the local match for the Michigan Economic Growth Alliance (MEGA) package of incentives to attract Compact Power, Inc's. North American Headquarters and Engineering Center to Troy; and

BE IT FURTHER RESOLVED, That when Compact Power, Inc. meets state eligibility criterion as a company for the Next Energy personal property tax exemption, the Troy City Council will join with the State of Michigan to exempt all qualified personal property from taxation for this company under PA 549 of 2002, recognizing that the exemption for any new equipment must be reapplied for each year and is available through 2012.

Yes:
No:

F-13 South Boulevard Water Main Repairs Addendum No. 1 to Contract 03-5

Suggested Resolution
Resolution #2005-05-
Moved by
Seconded by

WHEREAS, On December 15, 2003, a contract was awarded to Gianetti Contracting Corporation in the amount of $935,916.41 or $1,029,508.05 including the 10% contingency for additional work if required to provide Water Main Replacement & Drainage Improvements to Section 10, Resolution #2003-12-635-E12;

WHEREAS, Giannetti Contracting was mobilized to complete emergency repairs to the 16" water main on South Boulevard between Crooks and Coolidge.

NOW, THEREFORE, BE IT RESOLVED, That the emergency repairs on the South Boulevard, Contract No. 03-5 - Water Main, is hereby **RATIFIED** in the amount of $283,081.44 which is over the approved total contract authorization including the additional work contingency.

Yes:
No:

F-14 Approval of Local Development Finance Authority 2005/06 Budget

Suggested Resolution
Resolution #2005-05-
Moved by
Seconded by

RESOLVED, That the 2005/06 proposed annual budget for the Local Development Finance Authority is hereby **APPROVED**.

Yes:
No:

F-15 Schedule Special-Study Meeting for a Continuation of the Discussion on an Ethics Policy

Suggested Resolution
Resolution #2005-05-
Moved by
Seconded by

RESOLVED, That a special-study meeting for reason of continuing the discussion of an ethics policy for City Council and its boards and committees is **SCHEDULED** for:

Monday, June 27, 2005,
Tuesday, June 28, 2005,
Monday, July 25, 2005,
Tuesday, July 26, 2005,
Monday, August 8, 2005,
Tuesday, August 9, 2005,
or
_____, 2005 (an alternate date of Council's choosing)

at 7:30 PM in the Council Board Room of Troy City Hall, 500 W. Big Beaver, Troy, Michigan.

Yes:
No:

MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

G-1 Announcement of Public Hearings: No Announcements Submitted

G-2 Green Memorandums: No Memorandums Submitted

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

H-1 No Council Referrals

COUNCIL COMMENTS:

I-1 No Council Comments

REPORTS:

J-1 Minutes – Boards and Committees:

a) Downtown Development Authority/Draft – December 15, 2004
b) Troy Historic Study Committee/Final – March 1, 2005
c) Library Board/Final – March 10, 2005
d) Troy Youth Council/Final – March 23, 2005
e) Planning Commission Special Joint Meeting/Final – March 28, 2005
f) Planning Commission Special Meeting/Final – April 5, 2005
g) Planning Commission Special/Study Meeting/Final – April 5, 2005
h) Troy Historic Study Committee/Final – April 5, 2005
i) Advisory Committee for Persons with Disabilities/Draft – April 6, 2005
j) Advisory Committee for Persons with Disabilities/Final – April 6, 2005
k) Building Code Board of Appeals/Final – April 6, 2005
l) Planning Commission/Final – April 12, 2005
m) Library Board/Draft – April 14, 2005
n) Planning Commission Special/Study Meeting/Draft – April 26, 2005
o) Troy Youth Council/Draft – April 27, 2005
p) Advisory Committee for Senior Citizens/Draft –May 5, 2005

J-2 Department Reports:

a) Permits Issued During the Month of April 2005
b) 2005 Board of Review – A copy is available at the City Clerk's Office and the Troy Public Library for public viewing.

J-3 Letters of Appreciation:

a) Letter of Appreciation to John K. Abraham from Lisa Petty at the Institute of Transportation Engineers Inc.
b) Letter of Thanks to Lt. Scott McWilliams from Sam Daya, President of the Morel East Homeowners' Association
c) Letter of Thanks to Officer Klute and Officer Cole from Susan Cannon of Boy Scout Den 4 at Schroeder Elementary School

J-4 Proposed Proclamations/Resolutions from Other Organizations:

a) State of Michigan – Notice of Hearing for the Customers of The Detroit Edison Company – Case No. U-14474 and Case No. U-13808-R

J-5 Calendar

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

RECESSED

RECONVENED

ADJOURNMENT

Respectfully submitted,

John Szerlag, City Manager

SCHEDULED CITY COUNCIL MEETINGS:

Monday, May 23, 2005 ..... Regular City Council
Monday, June 6, 2005 ..... Regular City Council
Monday, June 20, 2005 ..... Regular City Council
Monday, July 11, 2005 ..... Regular City Council
Monday, July 18, 2005 ..... Regular City Council
Monday, August 1, 2005 ..... Regular City Council
Monday, August 15, 2005 ..... Regular City Council
Monday, September 12, 2005 ..... Regular City Council
Monday, September 19, 2005 ..... Regular City Council
Monday, September 26, 2005 ..... Regular City Council

May 11, 2005

TO: The Honorable Mayor and City Council Member

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

SUBJECT: Adoption of 2005/06 City Budget

Attached please find a resolution to formally adopt the 2005/06 budget as discussed during the April 25, 2005 and May 2, 2005 special-study meetings.

The budget resolution reflects a millage rate of 9.45, the same as the current year. The proposed budget includes adjustments made at the May 2, 2005 special-study meeting. At the direction of City Council $53,380 will be restored to community group funding as follows:

- Troy Youth Assistance - $9,300 (from $27,910 to $37,210)
- Troy Community Coalition - $25,000 (from $75,000 to $100,000)
- Troy Boys/Girls Club - $19,080 (from $57,240 to $76,320)

Funding will come from the General Fund Unreserved/Undesignated Fund Balance.

Please note that the final budget document will be prepared and submitted to City Council at the first meeting in July.

May 12, 2005

TO: The Honorable Mayor and City Council Members

FROM: John Szerlag, City Manager

SUBJECT: Alternative to Using General Fund Unreserved/Undesignated Fund Balance for Contributions to Community Groups

Council Member Broomfield inquired what cuts I would make to the proposed fiscal year 2005/06 General Fund budget in order to accommodate an additional $54,000 for Troy community groups. This, of course, would be in lieu of reducing the General Fund Unreserved/Undesignated Fund Balance to make this accommodation.

Given the above, the reduction in funding for the following items can make up for the $53,380 now going to various community groups:

Community Affairs	50th Anniversary events	$10,000
Library	Materials	30,000
Parks and Recreation	Summer programs	5,000
	Winter programs	5,000
	Community Center	4,000
Total		**$54,000**

50th Anniversary Party Events

$10,000 still remains in the budget and is earmarked for a summer concert, which is already in the works.

Library Materials

$750,000 remains in the budget for items such as books, audiovisual materials and subscriptions.

Summer and Winter Programs

Substantial funding still remains in these programs, with the remaining cost off set by program fees.

Community Center

This cut will be absorbed from the entire operation of the Community Center.

Inquiry was also made on how to handle the $2 million identified in the fiscal year 2005/06 major roads budget for right-of-way purchases for the proposed I-75 improvement project. As you know, the resolution passed by City Council at their May 9, 2005 meeting indicates that City staff is directed to proceed with the environmental assessment for the I-75 interchange project, and after the environmental assessment is complete, begin to acquire property for the project where applicable. This means that if the environmental assessment is completed and an interchange site is selected within the next fiscal year, the $2 million for right-of-way acquisition in the major roads budget should stay there to accommodate your earlier direction. All we could do is change the project name from “I-75/Crooks/Long Lake Interchange Improvement” to “I-75 Interchange Improvement”.

As always, please feel free to contact me should you have any questions.

DATE: May 10, 2005

TO: John Szerlag, City Manager

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

SUBJECT: Agenda Item - Public Hearing
Commercial Vehicle Appeal, Renewal
6881 Westaway

On March 19, 2004, City Council approved an appeal for one year for the outdoor storage of a commercial vehicle on the residential property at 6881 Westaway. That approval has now expired. We have contacted the owner and he was given the option to remove the vehicle or appeal to City Council for renewal of the relief of the Ordinance.

In response to our contact, Mr. Ermie has filed an appeal. The appeal requests that a public hearing date be held in accordance with the ordinance. A public hearing has been scheduled for your meeting of May 16, 2005.

The petitioner's property is relatively large, being 167' wide by 310' deep. The existing house on the property has only a 699 square foot ground floor area and there is already a 550 square foot detached garage. Only 50 square feet of accessory building can be added to the site per the requirements of Section 40.57.04. There is sufficient room on the site to construct a significant attached garage on the property.

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

Attachments

Prepared by: Mark Stimac, Director of Building and Zoning

RECEIVED
APR 2 7 2005
BUILDING DEPARTMENT

COMMERCIAL VEHICLE APPEAL APPLICATION

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

NAME: ADRIAN FREMIE

ADDRESS: 6881 WESTAWAY

CITY: TROY MI. ZIP: 48085 PHONE: (313) 598-6089

ADDRESS OF SITE: 6881 WESTAWAY

NUMBER OF VEHICLES: 1

VEHICLE IDENTIFICATION NUMBER(S)
1GBJC34K6PE125059

LICENSE PLATE NUMBER(S) 4087 MS

DESCRIPTION OF VEHICLE(S) CHEVROLET, FLAT BED

REASON FOR APPEAL (see A - D below) D

THE APPLICANT IS AWARE OF THE REQUIRED FINDINGS WHICH ARE STATED IN THE FOLLOWING:

44.02.01 ACTIONS TO GRANT APPEALS ... SHALL BE BASED UPON AT LEAST ONE OF THE FOLLOWING FINDINGS BY THE CITY COUNCIL:

A. The occurrence of the subject commercial vehicle on the residential site involved is compelled by parties other than the owner or occupant of the subject residential site (e.g. employer).

B. Efforts by the applicant have determined there are no reasonable or feasible alternative locations for parking of the subject commercial vehicle.

C. A garage or accessory building on the subject site cannot accommodate, or cannot reasonably be constructed or modified to accommodate the subject commercial vehicle

D. The location available on the residential site for the outdoor parking of the subject commercial vehicle is adequate to provide for such parking in a manner that will not negatively impact adjacent residential properties, and will not negatively impact pedestrian and vehicular movement along the frontage street(s).

COMMERCIAL VEHICLE APPEAL APPLICATION

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

Supporting data, attached to the application, shall include: a plot plan, drawn to scale, a description and location of the vehicle)s) and a photo of the vehicle on-site..

Adrian Menie
(signature of applicant)

STATE OF MICHIGAN
COUNTY OF _____

On this _____ day of _____, 20_____ before me personally appeared the above named person who depose and sayeth that he/she signed this application with full knowledge of its contents and that all matters stated therein are true.

_____
Notary Public, County, Michigan

My Commission Expires:_____

RECEIVED
MAR 29 2004
BUILDING DEPARTMENT

GEORGE JEROME & CO.
WWW.GJANDCO.COM

MORTGAGE REPORT for:

ST. JAMES MORTGAGE

CONSULTING MUNICIPAL & CIVIL ENGINEERS • SURVEYORS • 28304 HAYES • ROSEVILLE, MI 48066 • (586)774-3000

LEGAL DESCRIPTION OF PROPERTY (AS FURNISHED BY CLIENT)

Lot 7, "BASSETT & SMITH FLOWING SPRING ACRES", a subdivision of part of the N. 1/2 of Section 3, T.2 N., R.11 E., Troy Township (now City of Troy), Oakland County, Michigan. Recorded in Liber 37 of Plats, Page 9 of Oakland County Records.

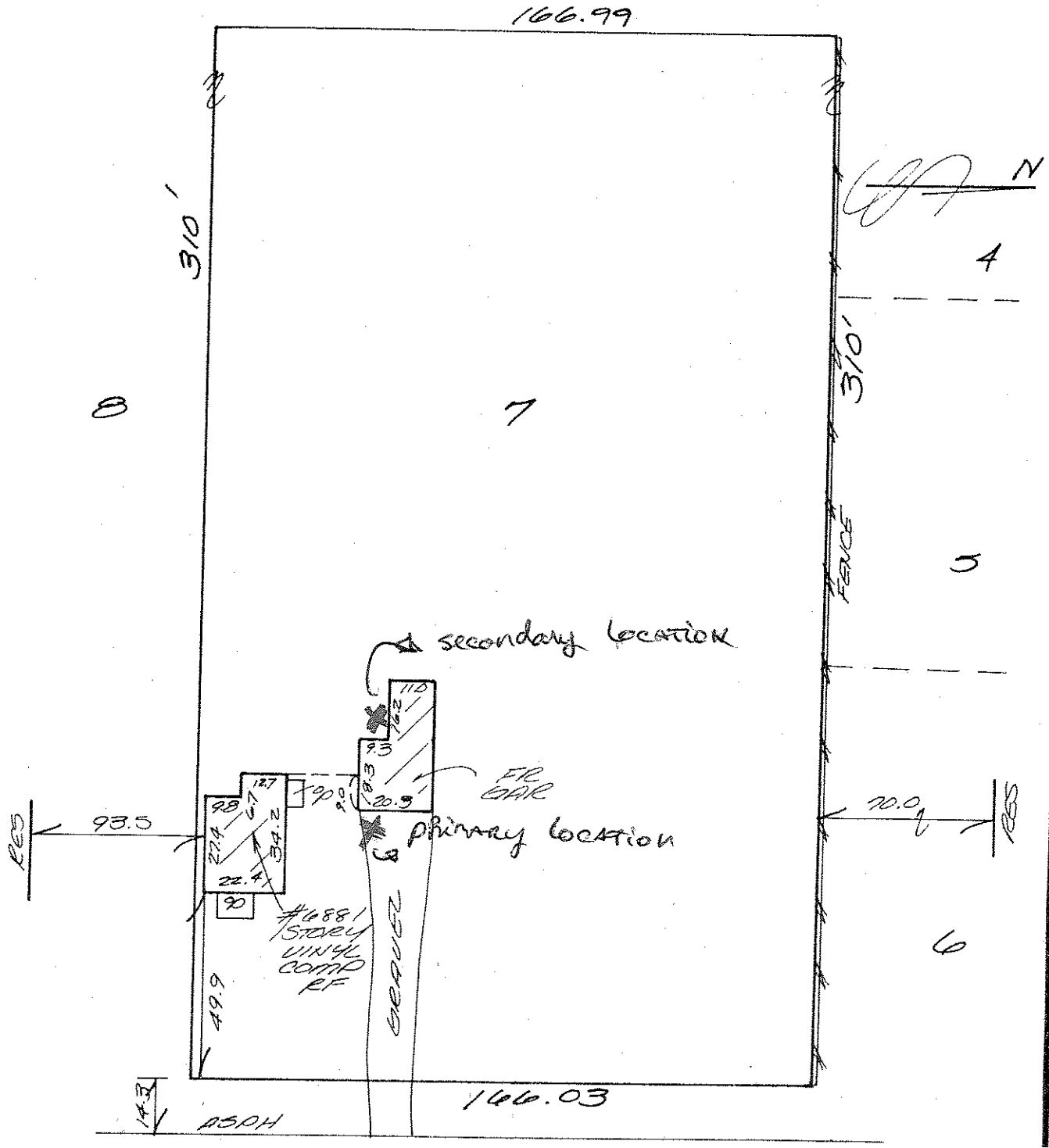
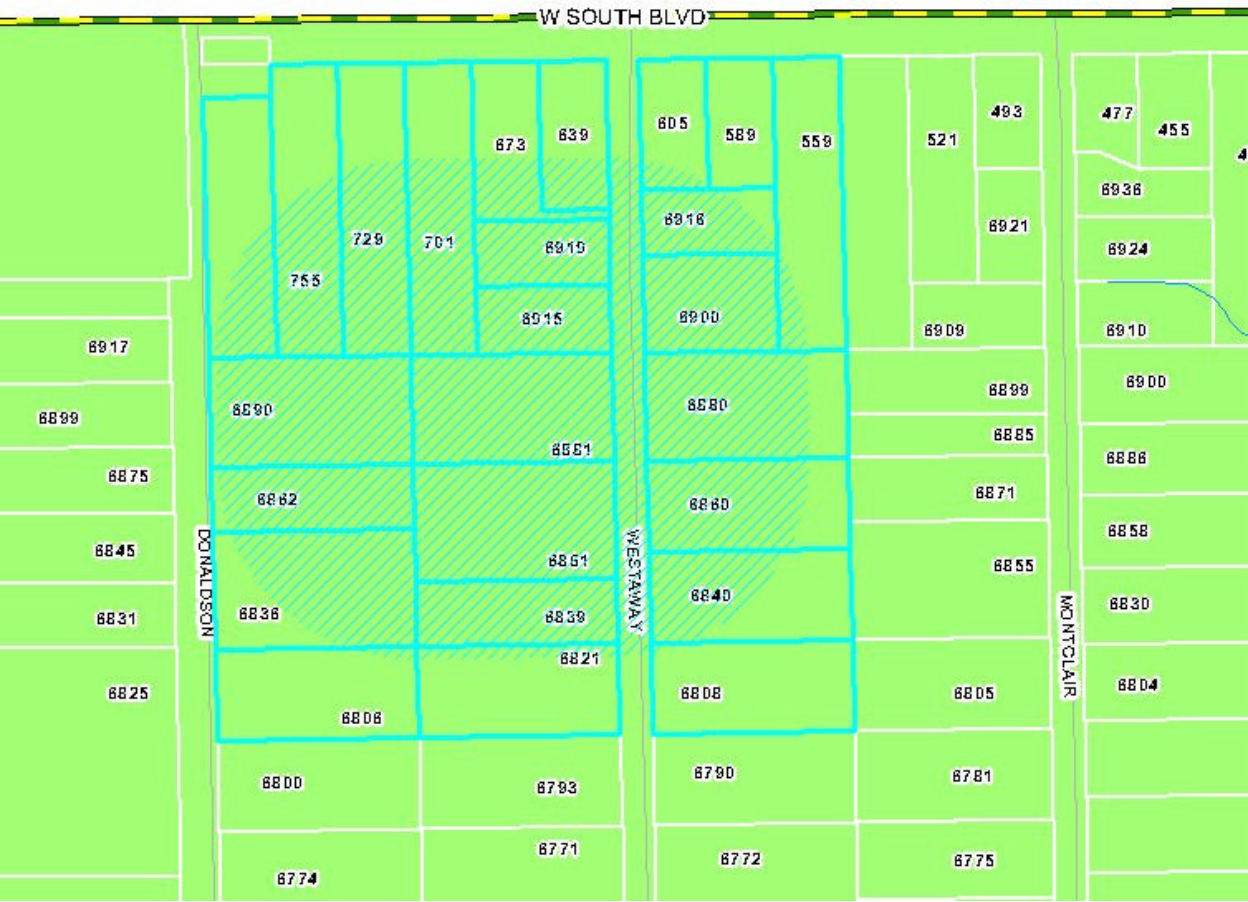


Photo Taken By Building Department Staff

6915
6881
WESTWAY


W SOUTH BLVD
DONALDSON
WESTAWAY
MONTCLAIR
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589
559
521
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477
455
729
701
755
6916
6919
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TO: CITY COUNCIL

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

RECEIVED
MAY 06 2005
BUILDING DEPARTMENT

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

If you let the stake truck park there; soon they will have two or three trucks parked there or they will say they are just visiting there. Its bad enough just having lawn service trucks and ~~trailers~~ trailers parked up and down the street on either side all sumer. If they are approved to park stake truck; then I am getting one also, and want the right and fairness to do the same.

NAME: Lionel Lassiter

ADDRESS OR PROPERTY DESCRIPTION 6916 Westaway

TO: CITY COUNCIL

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

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

RECEIVED
MAY 06 2005
BUILDING DEPARTMENT

NAME: Stephen D. Hassoth

ADDRESS OR PROPERTY DESCRIPTION 6836 DONALDSON

TO: CITY COUNCIL

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

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

if one person gets approved then everybody in the neighborhood will want to do the same thing. The neighborhood will look like a truck stop.

RECEIVED
MAY 06 2005
BUILDING DEPARTMENT

NAME: Patricia Phillips

ADDRESS OR PROPERTY DESCRIPTION 559 West South Blvd. Troy, Mich. 48085

DATE: May 10, 2005

TO: John Szerlag, City Manager

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

SUBJECT: Agenda Item - Public Hearing
Parking Variance 3290 W. Big Beaver

We have received an application from Sheffield Office II, L.L.C., to lease a portion of an existing office building at 3290 W. Big Beaver for medical offices. The proposal would result in 19,669 square feet of the existing 154,083 square foot building being used for medical offices with the remaining 134,414 square feet being used for general office. Section 40.21.70 of the Zoning Ordinance requires that a minimum of 705 parking spaces be provided on this site with this arrangement. The plans submitted with the application indicate that there are only 619 parking spaces available on the site. In response to our denial of the building permit, the applicant has filed an appeal for the deficiency of the 86 spaces.

A Public Hearing has been scheduled for your meeting of May 16, 2005 in accordance with Section 44.01.00.

We have enclosed copies of the petitioner's application for your reference. We will be happy to provide additional information regarding this request if you desire.

Prepared by: Mark Stimac, Director of Building and Zoning

PARKING VARIANCE APPLICATION
FOR PUBLIC HEARING BEFORE CITY COUNCIL
CITY OF TROY

TO TROY CITY COUNCIL

DATE: 4/12/2005

Request is hereby made for a variance to modify the parking provisions of the Zoning Ordinance enacted by the City Council or contrary to a decision rendered by the Building Official in denying an application for a permit.

Applicant: Sheffield Office II, L.L.C. Phone: 248-324-2030

Address: c/o FFMC 34975 W. 12 Mile Rd., Frm. Hills, MI 48331

Address of Property: 3290 W. Big Beaver Road

Lot #_____ Subdivision: _____

Zoning District: O-M / P-1 Business Impr. Sidwell # 88-20-19-453-008

Owner of Property: Sheffield Office II, L.L.C. Phone: 248-324-2030

Address: c/o FFMC 34975 W. 12 Mile Rd., Frm. Hills, MI 48331

This appeal is made on a determination by the Director of Building & Zoning, in the enforcement of the Zoning Ordinance, in a letter dated: 4/7/2005

Has there been a previous appeal involving this property? _____ If Yes, state date_____

and particulars _____

REASON FOR VARIANCE:

Dimension of Stall? _____ Parking Spaces Required: 705

Number of Stalls? _____ Parking Spaces Provided: 619

Other Dimensions? _____ Variance Requested: 86

Outline your appeal, listing sections of the ordinance from which relief is sought and also outline your proposals, indicating your hardships. (continued on back of page)

RECEIVED
APR 13 2005
BUILDING DEPARTMENT

Application for Parking Variance

PLOT PLAN OF SITE ATTACHED HERETO

STATE OF MICHIGAN)
)
COUNTY OF OAKLAND)

I HEREBY DISPOSE AND SAY THAT ALL THE ABOVE STATEMENTS, AND INFORMATION IN THE ATTACHED PAPERS AND SITE PLANS SUBMITTED ARE TRUE AND CORRECT.

Date: 3/12/05

(Signature of Applicant)

Signed and Sworn to before me this 12th day of April 20 05

Colleen DiComo-Walla
Notary Public

COLLEEN DICOMO-WALLA
Notary Public, Wayne County, MI
My Commission Expires Nov. 12, 2007
Acting in OAKLAND County

My Commission Expires: 11/12/07

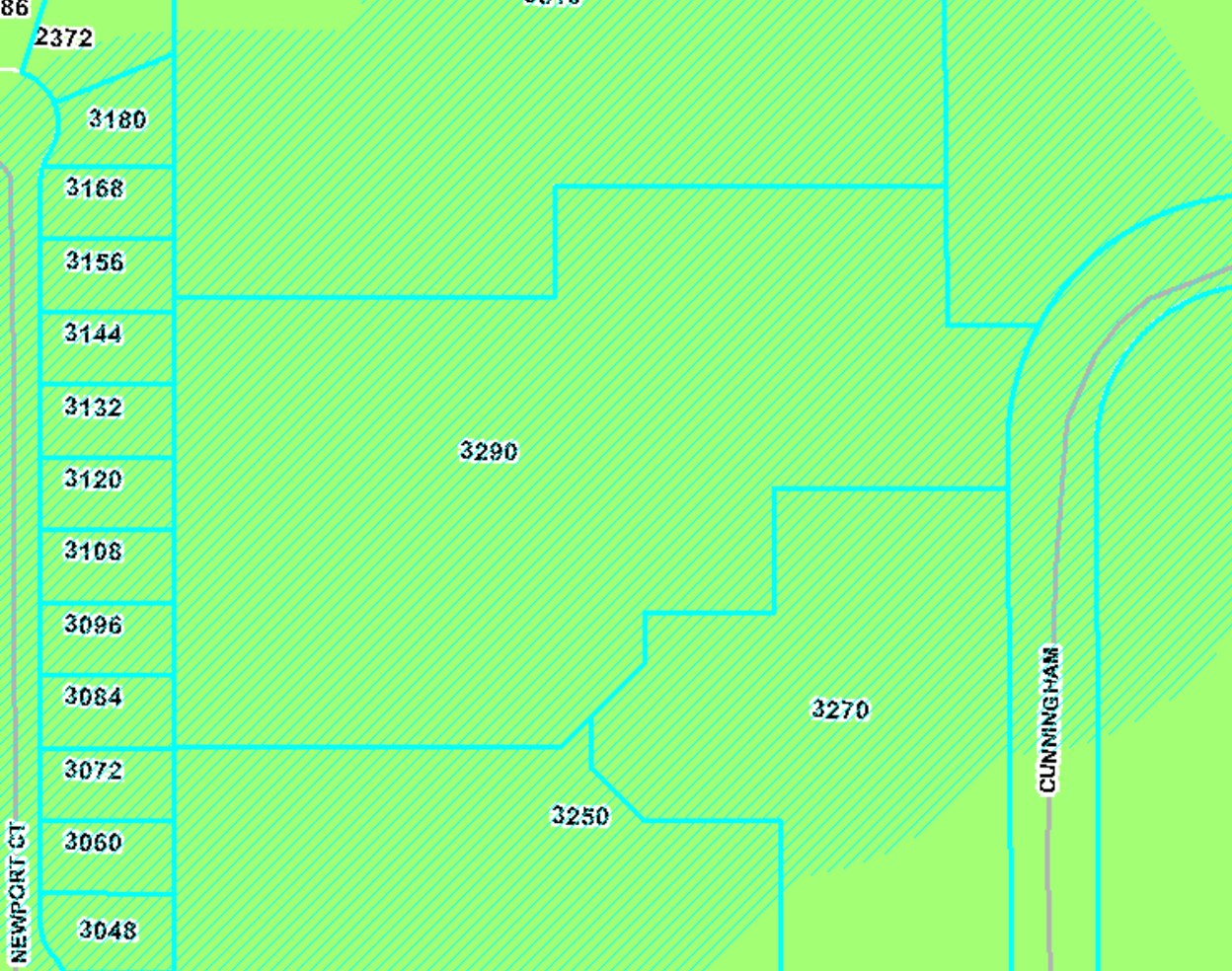
Filing Fee $200.00	Date Paid

REV:2/2002

RECEIVED
APR 13 2005
BUILDING DEPARTMENT

	Gross Floor Area (Per Plans)	Gross Medical Floor Area - Exstg.	Medical Useable Floor Area (85%)	Gross Office Floor Area - Exstg.	Office Useable Floor Area (80%)	Medical Pkg Req (1: 100 USF)	Office Pkg Req (1: 200 USF)	Total Parking Actual
3290	154,083	19,669	16,719	134,414	107,531	167	538	619

RECEIVED
APR 1 8 2005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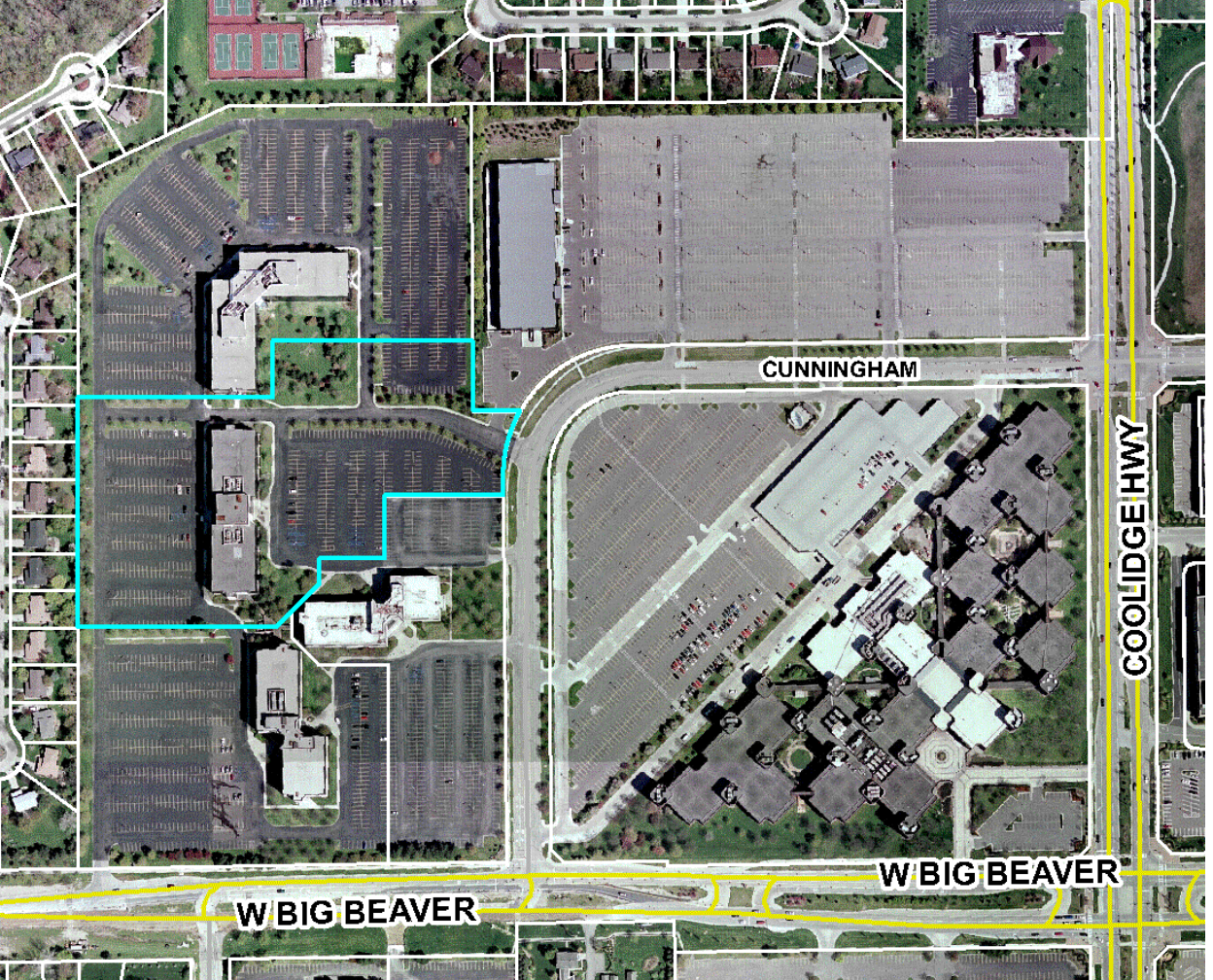

CUNNINGHAM
COOLIDGE HWY
W BIG BEAVER
W BIG BEAVER

May 9, 2005

TO: John Szerlag, City Manager

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

SUBJECT: AGENDA ITEM – PUBLIC HEARING FOR REZONING APPLICATION – South side of Henrietta Avenue, south of Big Beaver Road and east of Rochester Road, Section 27 – R-1E to P-1 (Z 695)

RECOMMENDATION

The application is consistent with the intent of the Future Land Use Plan and compatible with surrounding land uses and zoning districts. Rezoning the property to P-1 Vehicular Parking Zoning District will allow the applicant to expand his off-street parking facilities and add viability to his property. At the same time, the rezoning will offer protection to the abutting residential property to the east, as off-street parking will be the only permitted use. A 4.5-foot high masonry wall is required to be constructed on the eastern property line, to provide a buffer with the residential parcel to the east. On April 12, 2005, the Planning Commission recommended approval of the rezoning request. City Management concurs with the Planning Commission recommendation.

HISTORY OF PARCEL

On May 11, 2004 the Planning Commission recommended denial of the application. On August 9, 2004 City Council instructed the Planning Commission to look at the potential installation of an E-P zoning buffer located between the proposed rezoning property and the adjacent residences with attention given to grade as it might affect development.

The City and Village Zoning Act, PA 207 of 1921, was amended in January 2005 to allow communities conditional approval of rezoning applications based upon specific use and design conditions; provided they are requested voluntarily by the applicant. The applicant met with the Planning Department to develop a site plan for a proposed overflow parking area. The applicant originally proposed adding a landscaped berm as a buffer between the parking lot and the residence to the east. The applicant indicated that the resident to the east preferred a screen wall rather than a landscaped berm. The site plan was amended to provide a masonry wall to assist in buffering the P-1 property from the abutting residential property to the east. It should be noted that the wall design represents the minimum requirement under the provisions of the P-1 district.

During this process, the City Attorney's Office determined that the conditional rezoning approach should not be used as written due to a lack of appropriate standards to be used in its application (see attached memo). The applicant has requested that the Planning Commission consider the rezoning application, including the site plan. Note that an E-P buffer was not proposed on the site plan.

GENERAL INFORMATION

Name of Owner / Applicant:
The owner and applicant is Arnold D. Becker.

Location of Subject Property:
The property is located on the south side of Henrietta Avenue, south of Big Beaver Road and east of Rochester Road, in Section 27.

Size of Subject Parcel:
The parcel is approximately 10,880 square feet in area, or 0.25 acres.

Current Use of Subject Property:
The property is currently vacant.

Current Zoning Classification:
R-1E One Family Residential District.

Proposed Zoning of Subject Parcel:
P-1 Vehicular Parking District.

Proposed Uses and Buildings on Subject Parcel:
The applicant is proposing to construct a paved parking area with a 4.5-foot high screen wall on the eastern property line, as required when adjacent to a residential zoning district.

Current Use of Adjacent Parcels:
North: Off-street parking area.
South: Off-street parking area.
East: Single family residential.
West: Kaufman's Auto Body and a vacant commercial building.

Zoning Classification of Adjacent Parcels:
North: P-1 Vehicular Parking.
South: O-1 Office Building.
East: R-1E One Family Residential.
West: P-1 Vehicular Parking.

ANALYSIS

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

PRINCIPAL USES PERMITTED:
Premises in such Districts shall be used only as off-street vehicular parking areas, and shall be developed and maintained subject to such regulations hereinafter provided.

Vehicular and Non-motorized Access:
The parcel fronts on Henrietta Street.

Potential Storm Water and Utility Issues:
The applicant will have to provide on-site storm water detention.

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 parcel is classified on the Future Land Use Plan as Non-Center Commercial. There is no specific plan designation for P-1 Vehicular Parking in the Future Land Use Plan. The only use permitted within the P-1 zone is off-street parking. The off-street parking area will provide additional parking for uses that are zoned B-3. The B-3 Zoning District has a primary correlation with the Non-Center Commercial classification. Based on this reasoning, the application complies with the Future Land Use Plan.

Compliance with Location Standards
There are no location standards for the P-1 Vehicular Parking Zoning District.

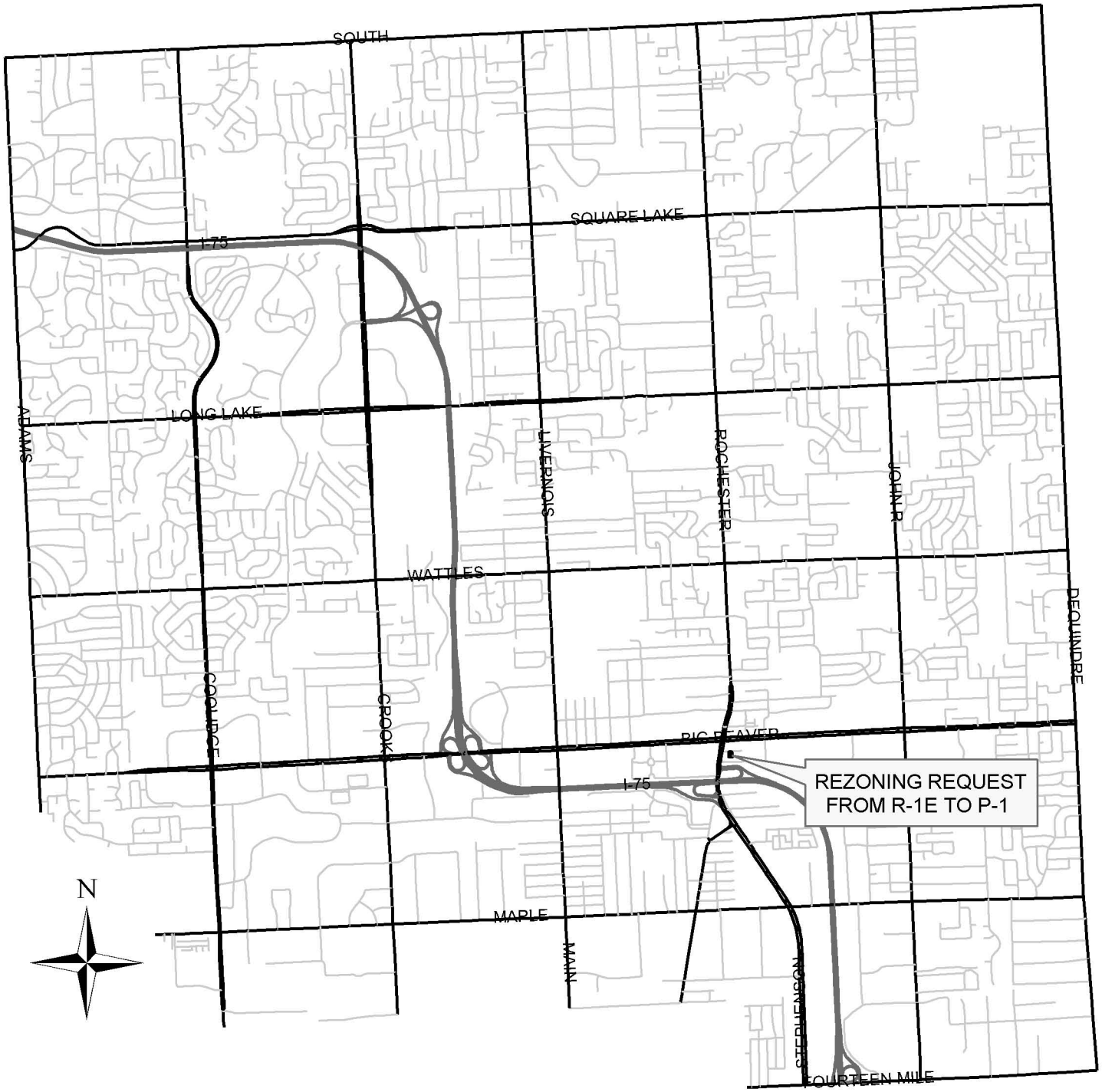
Attachments:
1. Maps.
2. Memo prepared by Assistant City Attorney dated April 7, 2005.
3. Minutes from April 12, 2005 Planning Commission meeting.
4. Minutes from August 9, 2004 City Council meeting.
5. Minutes from May 11, 2004 Planning Commission meeting.
6. Photographs of site.

cc: Applicant
File (Z 695)

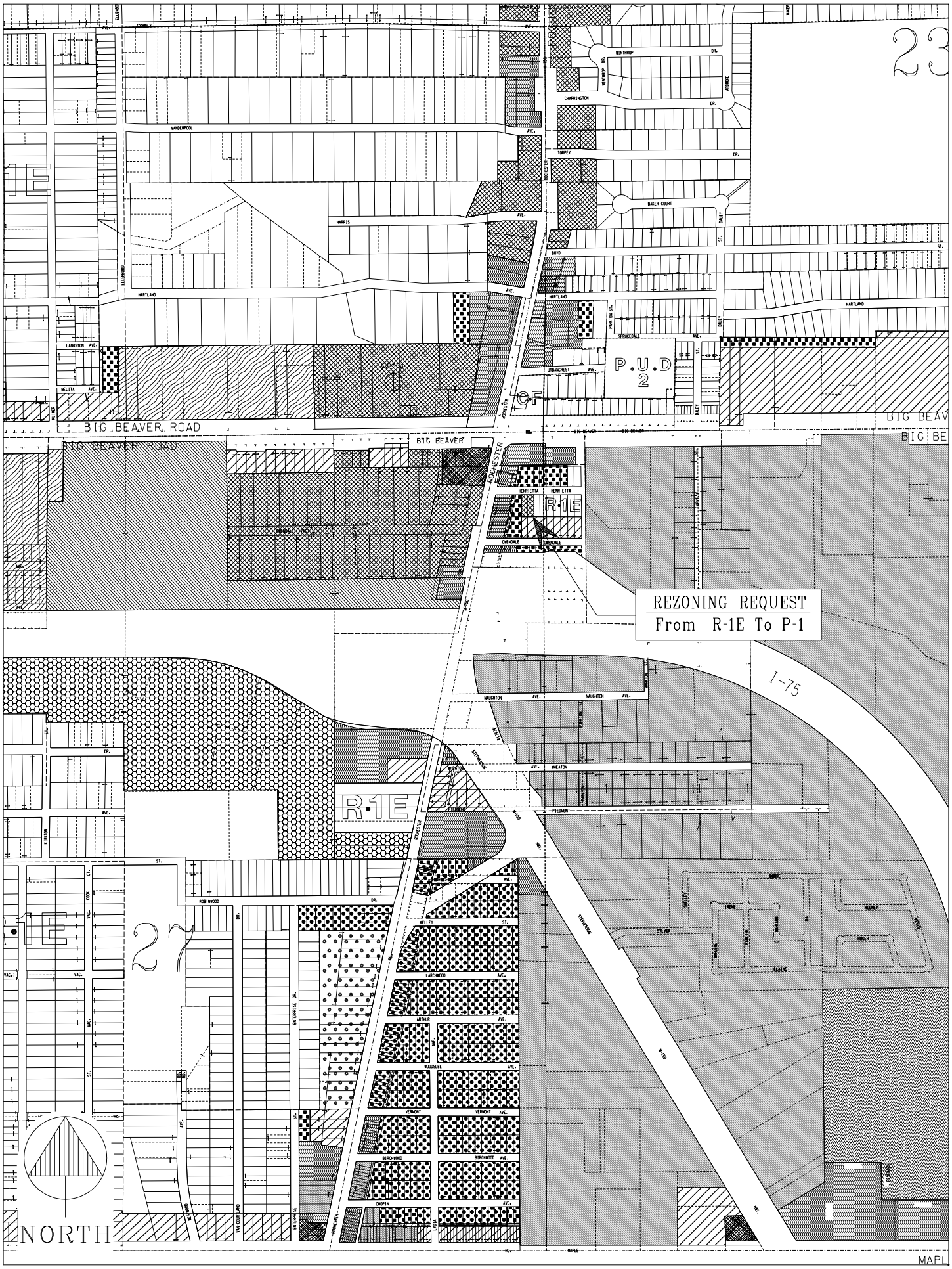
Prepared by RBS, MFM

G:\REZONING REQUESTS\Z-695 Becker Property Sec. 27\Becker Rezoning CC Public Hearing 05 16 05.doc

CITY OF TROY



PREPARED BY CITY OF TROY PLANNING DEPT.


REZONING REQUEST
From R-1E To P-1
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HARTLAND
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NELITA
WINTHROP
CHARRINGTON
TOPPET
BAKER COURT
DALEY
HEMLETTA
OWENDALE
URBANCREST
NAUGHTON
WHEATON
PIEDMONT
ROBINWOOD
KELLEY
LARCHWOOD
ARTHUR
WOODSLEE
VERMONT
BIRCHWOOD
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ENTERPRISE
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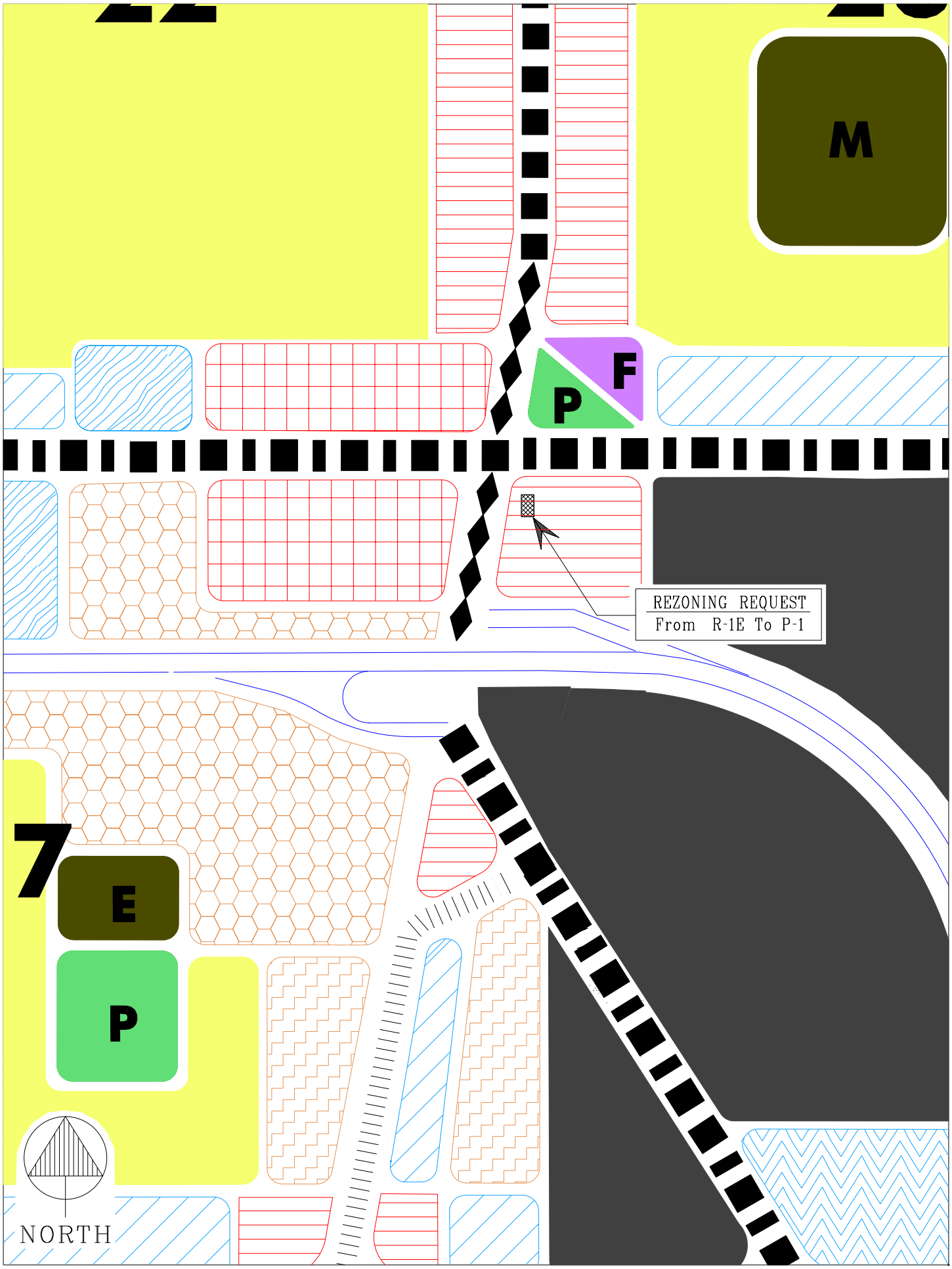
Z-695 / SEC. 27 / 04-15-04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REZONING REQUEST
From R-1E To P-1
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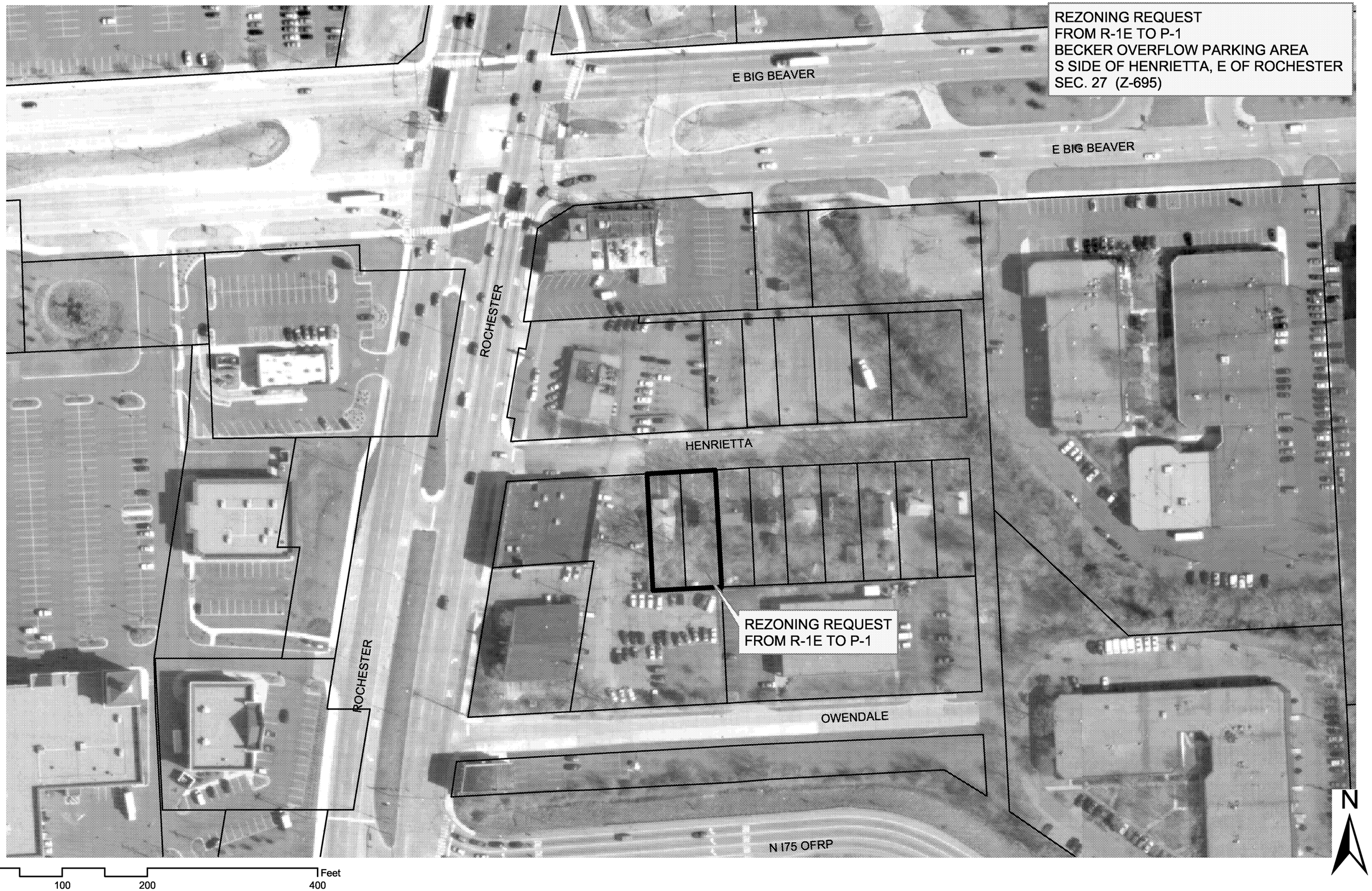
REZONING REQUEST
FROM R-1E TO P-1
BECKER OVERFLOW PARKING AREA
S SIDE OF HENRIETTA, E OF ROCHESTER
SEC. 27 (Z-695)
E BIG BEAVER
E BIG BEAVER
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HENRIETTA
REZONING REQUEST
FROM R-1E TO P-1
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City of Troy

TO: Members of Planning Commission
FROM: Allan T. Motzny, Assistant City Attorney
DATE: April 7, 2005
SUBJECT: Contract or Conditional Zoning

On December 30, 2004, Governor Granholm signed into law three Public Acts that allows authority for townships, counties, cities and villages to enter into a contract with a private developer as part of a rezoning. The new legislation added a new section to the various zoning statutes including a new section 4g to the City and Village Zoning Act, MCL 125.584g. Under this section, an owner of land may voluntarily offer in writing, and the city may approve, certain use and development of the land as a condition to rezoning. However, since its enactment, it has been the consensus of most municipal law attorneys who have reviewed the legislation that it was passed prematurely due to the total lack of standards for its application. Accordingly, amendments to the new legislation are being prepared and should be introduced within the next year, and hopefully within the next few months. In the meantime, it is our recommendation the City not consider any request for contract or conditional rezoning until the legislation has been amended to provide appropriate standards.

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

Mr. Miller presented a summary of the Planning Department report and a brief history of the proposed rezoning. Mr. Miller reported that it is the recommendation of the Planning Department to approve the rezoning application because it is consistent with the intent of the Future Land Use Plan and is compatible with surrounding land uses and zoning districts. He noted that the City Council asked the Planning Commission to consider zoning a strip of land along the eastern property line to E-P.

Chair Strat said the grade difference shown on the site plan effectuates a 6.5-foot masonry wall on the residential side of the development, but he clearly noted that the site plan should not be a consideration in the approval process of the rezoning request.

Mr. Schultz indicated that a potential water problem could result from the difference in grade.

Mr. Savidant noted that the Engineering Department, upon a cursory review of the site plan, indicated the water problem could be addressed.

Eileen Youngerman of 35 W. Huron, Pontiac, was present to represent the petitioner. Ms. Youngerman, a certified property manager for Arnold Becker for 17.5 years, said the primary purpose of the proposal is to create an overflow parking area and square off the property to make it more of a viable location for tenancy. She said the perceived lack of parking by potential tenants has resulted in a vacant building for a very long time. Ms. Youngerman said the project engineering team is also present this evening should the members wish to address any questions to them.

PUBLIC HEARING OPENED

Nancy Haynes of 1046 Henrietta, Troy, was present. Ms. Haynes, who lives east of the proposed parking lot, said she has talked extensively with Ms. Youngerman about the proposal. Ms. Haynes says she does not want to live next door to a parking lot or to two vacant lots, and said it is a “catch 22” situation. She voiced concerns with respect to potential flooding, potential users of the parking lot (i.e., restaurant customers), and noise. Ms. Haynes said the petitioner has tentatively agreed to put up signs that the parking lot is for office users only and to keep the dumpster in its current location closer to the office building.

Chair Strat informed Ms. Haynes that she would have an opportunity to voice her concerns again at the time of site plan approval.

Ms. Drake-Batts asked if Ms. Haynes would prefer the property remain as is or have it rezoned.

Ms. Haynes said she was not sure. She reflects on last summer when the weeds were growing and the mosquitoes were breeding. Ms. Haynes said she would prefer the masonry wall as opposed to the berm. Ms. Haynes confirmed she was opposed to the rezoning originally, but thinks she has just come to terms with the matter.

Mark Kozlow of 1058 Henrietta, Troy, was present. Mr. Kozlow said he would like to see a plan that takes care of the residences in the area as well as the office building property owner. He said the houses are surrounded by industry and are limited with respect to building out and market appeal for resale. Mr. Kozlow also noted industrial development is limited because of the size of the lots.

PUBLIC HEARING CLOSED

Mr. Vleck said he is not comfortable with rezoning the area from residential to a parking lot and that there is no control after the property is rezoned. Mr. Vleck said screen walls are not appropriate buffers because they are not decorative. He said the City is shortchanging residents by slowly letting commercial in the area and suggested that it might be appropriate to conduct a special study on the area.

Mr. Chamberlain said a study is not necessary on the area because there is a plan in place. The Future Land Use Plan designates the area as something other than residential. Mr. Chamberlain addressed the piecemeal development in the area.

Ms. Drake-Batts asked if there was a guarantee the screen wall would be erected should the property be rezoned.

Mr. Miller said there would be no guarantee because (1) the property might be rezoned but never built and (2) the petitioner might seek a variance or waiver from the Board of Zoning Appeals. Mr. Miller said the Planning Commission would review the proposed development at the time of site plan approval. He noted the minimum Zoning Ordinance requirements would have to be met, and the Planning Department would encourage the petitioner to provide additional landscaping for a better transition.

Ms. Drake-Batts said she does not think the property should be rezoned until there is a tenant in the building.

Mr. Schultz recapped that should the rezoning request be approved, there is no guarantee that the screen wall would be constructed, and the property owner has the right to leave the property as it currently is with no improvements; therefore

the adjacent resident would still have a weed pile next to her and no screen wall for years to come in the future.

Chair Strat commented on the office vacancy in the City and said it would be easier to lease the building with an approval already from the City to build the parking lot. He also noted that there would be a continuous straight line of zoning along the southern and northern property lines, so the rezoning would not be considered “spot” zoning. Chair Strat indicated he would be voting in favor of the rezoning for those reasons.

Mr. Khan indicated support of the rezoning because it would be difficult to lease the building if parking is insufficient. Mr. Khan said to give the petitioner the benefit of the doubt that the property would be improved.

A brief discussion was held with respect to the current parking requirements on the site.

Mr. Miller said the general parking requirements for retail is 1:200, and that the site currently meets the minimum parking requirements. Mr. Miller confirmed that should the parking lot be built, it would allow expansion opportunities for the existing building.

Mr. Vleck cited previous developments that were rezoned to parking because the petitioners claimed there was not enough parking for the buildings; and upon approval of the rezoning requests, the property owners used the option to add to their existing buildings and ended up with the same amount of parking. Mr. Vleck said that City Council requested the Planning Commission to look at the potential installation of an E-P zoning buffer. Mr. Vleck said he would be more comfortable utilizing the State law to allow the condition of rezoning approvals upon specific use and design conditions.

Ms. Drake-Batts said it appears the additional parking would be just a plus in leasing the property because the current parking is sufficient for the existing building. Ms. Drake-Batts said she would consider the rezoning request when there is a plan; and in her perspective, what was submitted is not a plan.

Mr. Miller said the petitioner has the right to request the rezoning and the request should be reviewed in relation to the City’s Future Land Use Plan. Mr. Miller reviewed the Future Land Use Plan with respect to the residential use and the planned commercial-type uses. It is Mr. Miller’s opinion that the rezoning request is appropriate as configured.

Chair Strat said he is hopeful that should the rezoning request be approved, it would act as a catalyst to expand the facility and improve the appearance of the existing building. He addressed the significance of the site because of its gateway location.

Resolution # PC-2005-04-047
Moved by: Khan
Seconded by: Chamberlain

RESOLVED, That the Planning Commission hereby recommends to the City Council that the R-1E to P-1 (Z-695) rezoning request located on the south side of Henrietta and east of Rochester, within Section 27, being 0.25 acres in size, be granted, for the following reason:

1. It is consistent with the intent of the Future Land Use Plan.

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

MOTION CARRIED

Mr. Vleck stated that the City Council sent the rezoning request back to the Planning Commission for consideration of an environmentally protected zone and that option was not discussed. Mr. Vleck said he believes expanding this particular area next to residential at this point in time is not the appropriate action.

Ms. Drake-Batts said her opinion has been made clear from her previous comments.

Mr. Wright agreed with the comments of Mr. Vleck. Mr. Wright said the request is premature at this time and he would like to see some consolidation of parcels in this area that would realize a better plan.

C-2 Rezoning Application (Z-#402-C) – North Side of Big Beaver, West of John R Road, Section 23 – E-P to O-1 and R-1E to E-P

Resolution #2004-08-392
Moved by Stine
Seconded by Lambert

RESOLVED, That the E-P to O-1 and R-1E to E-P rezoning request, located on the north side of Big Beaver Road, west of John R Road, Section 23, being 11.08 acres in size, is hereby **GRANTED,** as recommended by the Planning Commission and City Management.

Yes: All-7

C-3 Rezoning Application (Z-#695) – South Side of Henrietta Avenue, South of Big Beaver Road and East of Rochester Road – Section 27 – R-1E to P-1 (Z-#695)

Resolution
Moved by Lambert
Seconded by Stine

RESOLVED, That the R-1E to P-1 rezoning request, located on the south side of Henrietta Avenue, south of Big Beaver Road and east of Rochester Road, Section 27, being 10,880 square feet in size, is hereby **DENIED.**

Proposed Amended Resolution by Substitution

Resolution
Moved by Eisenbacher
Seconded by Beltramini

RESOLVED, That the Resolution be **AMENDED BY STRIKING** it in its entirety and **SUBSTITUTED** with, "RESOLVED, That the R-1E to P-1 rezoning request, located on the south side of Henrietta Avenue, south of Big Beaver Road and east of Rochester Road, Section 27, being 10,880 square feet in size, is hereby **RETURNED** to the Planning Commission**."**

Vote on Resolution to Amend Proposed Amended Resolution by Substitution

Resolution #2004-08-393
Moved by Beltramini
Seconded by Eisenbacher

RESOLVED, That the proposed Amendment to the Amended Resolution by Substitution be further **AMENDED** by **INSERTING**, "BE IT FURTHER RESOLVED, That the Troy City Council **INSTRUCTS** the Planning Commission to look at the potential installation of an E-P zoning buffer located between the proposed rezoning property and the adjacent residences with attention given to grade as it might affect development."

Yes: All-7

Vote on Amendment Resolution as Amended to Proposed Amended Resolution by Substitution

Resolution #2004-08-394
Moved by Eisenbacher
Seconded by Howrylak

RESOLVED, That the Resolution be **AMENDED BY STRIKING** it in its entirety and **SUBSTITUTED** with, "RESOLVED, That the R-1E to P-1 rezoning request, located on the south side of Henrietta Avenue, south of Big Beaver Road and east of Rochester Road, Section 27, being 10,880 square feet in size, is hereby **RETURNED** to the Planning Commission; and

BE IT FURTHER RESOLVED, That the Troy City Council **INSTRUCTS** the Planning Commission to look at the potential installation of an E-P zoning buffer located between the proposed rezoning property and the adjacent residences with attention given to grade as it might affect development."

Yes: All-7

Vote on Substituted Resolution as Amended

Resolution #2004-08-395
Moved by Lambert
Seconded by Stine

RESOLVED, That the R-1E to P-1 rezoning request, located on the south side of Henrietta Avenue, south of Big Beaver Road and east of Rochester Road, Section 27, being 10,880 square feet in size, is hereby **RETURNED** to the Planning Commission; and

BE IT FURTHER RESOLVED, That the Troy City Council **INSTRUCTS** the Planning Commission to look at the potential installation of an E-P zoning buffer located between the proposed rezoning property and the adjacent residences with attention given to grade as it might affect development.

Yes: All-7

POSTPONED ITEMS:

D-1 Authorization for the City Manager to Work with the Planning Commission Relative to Neighborhood Compatibility Issues

Resolution
Moved by Beltramini
Seconded by Lambert

RESOLVED, That the City Manager is **AUTHORIZED** to work with the Planning Commission to develop ordinance language that will address the relationship of accessory and/or add-on

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

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

Mr. Strat asked why consideration is not being given to rezoning the parcel to O-1. He said there is potential to having a parking area surrounded by light industrial or office buildings. Mr. Strat said it seems more appropriate to use the entire site.

Mr. Miller replied that the City is responding to the petitioner's request for a rezoning to the P-1 classification, and the Planning Department would review other alternative zoning classifications should they be submitted.

Mr. Vleck questioned the parking calculations in relation to the building size.

Discussion followed with respect to the parking calculations in relation to the existing building and the potential expansion of the existing building. Mr. Miller did not know if the existing building could be expanded, given the size of the lot.

Mr. Wright said the petitioner might be requesting a parking zoning classification instead of office because the property as a parking lot would most likely be assessed at a lower value.

Mr. Vleck said that residents are generally not in favor of office or parking developments adjacent to their residences. Mr. Vleck asked for details on the required screening to the residents.

Mr. Miller said the subject parcel is designated as non-center commercial on the Future Land Use Plan. He said the designation has a primary correlation with the B-3 zoning classification and a secondary correlation with the H-S zoning classification. Mr. Miller said there is no correlation to office zoning, but noted there is some office zoning in the area. Mr. Miller confirmed the west side of Rochester Road is zoned B-2.

Mr. Wright said if memory serves him correctly, the intent of the Master Plan for that area is to consolidate the individual pieces of property to one large piece that would accommodate a large commercial center, the same intent for the parcels on the west side of Rochester Road.

The petitioner, Eileen Youngerman of 35 W. Huron, Pontiac, was present. Ms. Youngerman, property manager for Arnold Becker, has worked for Mr. Becker for almost 17 years. She said that Mr. Becker is requesting the rezoning to provide off-street parking as an attraction to prospective tenants. Ms. Youngerman

stated the screening wall to the adjacent residential homes would be consistent with the previous wall and would provide the residents with more of a buffer from the office use.

PUBLIC HEARING OPENED

Nancy Haynes of 1046 Henrietta, Troy, was present. Ms. Haynes voiced objection to the rezoning because the parking lot would be right up against her living room and bedroom. She said the existing office building has been empty for almost two years, with the exception of the sale of Persian rugs for a short period of time. Ms. Haynes referenced the parking lot that connects with the American Transmission parking lot. She said today she counted 25 cars in various stages of decay that she is afraid will overflow into the proposed parking lot. Ms. Haynes objected to the lights, noise and overall nuisances from the existing restaurant and bar. She said the proposed parking lot is not necessary because the office building is not currently occupied.

Mr. Miller said the screening wall would be poured concrete at a height of 4.5 feet.

Chair Waller stated the zoning ordinance contains specific language relating to the shielding of lights from residential property, and informed Ms. Haynes to notify the Building Department with lighting concerns.

Mark Kozlow of 1058 Henrietta, Troy, was present. Mr. Kozlow voiced objection to the proposed rezoning because he would like to see a plan to cover the whole area, and he would like to maintain the fair market value of his home. Mr. Kozlow noted that the existing building has been vacant for approximately two years, and it appears that the petitioner has no plans for the use of the property. Mr. Kozlow said the previous business at this location did not require additional parking.

Jena Carrington of 1062 Henrietta, Troy, was present. Ms. Carrington, the only homeowner on Henrietta with children, moved specifically to the area so her children could attend Troy schools. Ms. Carrington emphasized that this is their home. Ms. Carrington voiced objection to the proposed rezoning. She said there is no reason to put in a parking lot for a building that has been sitting empty for two years. She said there is plenty of space for a business to come in and there is no need to add parking until there is a plan.

PUBLIC HEARING CLOSED

Discussion continued on the lot configuration, setback requirements for the building and screening wall, and parking requirements for the existing building and potential buildout of the existing building.

Mr. Vleck said he does not see P-1 zoning as a transition zone to residential. Mr. Vleck said that should the property be rezoned to P-1, there is a potential for building expansion and a more intense use.

Mr. Strat said he is not in favor of the proposed rezoning because the petitioner has not demonstrated a need or a plan for the rezoning.

Ms. Drake-Batts asked the petitioner why she is requesting the rezoning now. She asked if there is a prospective tenant or if there are plans for redevelopment.

Ms. Youngerman responded that one of the reasons the building is vacant is because they got caught up in the "S" curve of Rochester Road. She said Mr. Becker, who owned Corey Dinette, put the store in that location so the building would not remain vacant. Ms. Youngerman indicated the real estate agent is having difficulty getting a prospective commercial tenant (preferably office) because of the lack of parking adjoining the building. She pointed out that a prospective tenant goes elsewhere when he/she sees inadequate parking for a potential of 25 to 30 employees. Ms. Youngerman said it is proposed to provide a 20-foot greenbelt between the screening wall and the parking lot.

Mr. Khan said he does not think the proposed rezoning would be suitable with respect to the small lot size of the adjacent residential homes and the required screening wall. He said doing piecemeal rezoning of the parcels would not solve the matter.

Mr. Vleck said he is vehemently against rezoning both parcels because there would be no control of the parcels.

Mr. Wright agreed that the proposed rezoning is premature and he would like to see the parcels developed as one big area. Mr. Wright said that should the parcel be rezoned to P-1, the result would be a parking classification in the middle of other zoning classifications.

Mr. Miller reported the schematic site plan shows a 20-foot setback from the proposed parking area. Mr. Miller reminded the Commission that the Planning Department does not review schematic site plans at the time of rezoning submissions, and noted the City cannot require any conditions on schematic site plans. Mr. Miller stated that the schematic site plan was not included in the Commission's meeting packet.

Resolution # PC-2004-05---
Moved by: Wright
Seconded by: Drake-Batts

RESOLVED, that the Planning Commission hereby recommends to the City Council that the R-1E to P-1 (Z-695) rezoning request located on the south side of Henrietta and east of Rochester, within Section 27, being 0.25 acres in size, be denied, for the following reason:

1. Such rezoning is premature at this time.

Discussion on the motion.

Mr. Vleck asked that the motion be revised to read that the P-1 zoning's close proximity to the existing residential area is an inadequate buffer zone when compared to the residential.

Mr. Wright and Ms. Drake-Batts had no objection to the revision.

Resolution # PC-2004-05-059 (as amended)
Moved by: Wright
Seconded by: Drake-Batts

RESOLVED, that the Planning Commission hereby recommends to the City Council that the R-1E to P-1 (Z-695) rezoning request located on the south side of Henrietta and east of Rochester, within Section 27, being 0.25 acres in size, be denied, for the following reasons:

1. Such rezoning is premature at this time.

2. The P-1 zoning's close proximity to the existing residential area is an inadequate buffer zone when compared to the residential.

Vote on the motion as amended.

Yes: All present (7)
No: None
Absent: Chamberlain, Littman

MOTION CARRIED

May 11, 2005

TO: John Szerlag, City Manager

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

SUBJECT: AGENDA ITEM – PUBLIC HEARING FOR ZONING ORDINANCE TEXT AMENDMENT (ZOTA 215-A) – Article 04.20.00 and Articles 40.55.00-40.59.00, pertaining to Accessory Buildings Definitions and Provisions

RECOMMENDATION

City Management recommends, in order to expedite the approval process and to prevent any further excessive accessory buildings from being constructed, that City Council rescind their resolution of December 6, 2004. This resolution referred ZOTA 215 A to the Planning Commission. Further, it is recommended that City Council adopt ZOTA 215 A, dated 04/28/05 (see attached ZOTA). This version of ZOTA 215 A was developed from the convergence of opinion from the March 28, 2005 Joint City Council/Planning Commission Meeting, and also includes recommended technical corrections as requested by City Council on December 6, 2004. The adoption of this version will limit the size of attached accessory structures to 75% of the first floor living area of the home. In addition this ZOTA allows for legally approved attached accessory structures to continue with legal conforming status. This version does not include an accessory structure door height limit. This course of action will eliminate the loophole for monster garages within the City of Troy.

PLANNING COMMISSION BACKGROUND

The Planning Commission discussed ZOTA 215 A at the following Special/Study meetings: October 26, 2004, November 2, 2004, December 7, 2004, February 1, 2005, February 22, 2005, March 8, 2005, April 12, 2005, and May 3, 2005. Planning Commission public hearings were held on the following dates: November 11, 2004, January 1, 2005, February 8, 2005, March 8, 2005, April 12, 2005, and May 10, 2005. At the May 10, 2005 Regular Planning Commission meeting, ZOTA 215 A was postponed to a future meeting (see attached resolution and minutes, May 3rd and 10th). The Planning Commission intends to tie bar ZOTA 215 A, B and C to consider these items simultaneously. This strategy will attempt to comprehensively amend the Zoning Ordinance first to address the commercial vehicle regulations and definitions, revisions to the commercial vehicle appeals procedures and limit the size of accessory structures, including building and door heights.

PROJECT TIMELINE

The following is a general timeline for the development of a draft ZOTA 215A:

- October 4, 2004 – City Council referred the issue of neighborhood compatibility/accessory buildings to the Planning Commission for their consideration of size, use and compatibility (see attached resolution).

- October 26, 2004 – The Planning Commission considers this item for the first time at a Planning Commission public meeting.

- November 9, 2004 – The Planning Commission recommends approval of a draft ZOTA 215 A.

- December 6, 2004 – City Council considered the draft ZOTA 215 A, however during this meeting the item was referred to the Planning Commission for further discussion on the issues of garage door height, foot print ratios, further rationale of the number of detached buildings, and that staff make the changes in regard to greenhouses.

- February 22, 2005 – During a Special/Study Meeting, John Szerlag, City Manager, moderated an interest-based approach to identify the interests of both the Planning Commission and City Management in relation to accessory structures/garage door heights. A Planning Commission majority maintained the opinion that an 8-foot height limit should be included in a recommendation to City Council, while City Management maintained the opinion that there should not be a specific limit on accessory structures/garage door heights. The purpose of the study session was to identify interests and further determine if there could be a unified recommendation. A unified recommendation was not formulated.

- March 28, 2005 – City Council participated in a Special/Joint Meeting of the City Council and Planning Commission. During this meeting, City Manager John Szerlag moderated an interest-based discussion related to accessory building footprint ratios, garage door height and commercial vehicle regulations. City Management prepared a draft ZOTA in an attempt to represent convergence on the various opinions.

- April 19, 2005 – The BZA provides an interpretation related to accessory buildings.

- May 3, 2005 – The draft ZOTA developed based on the Joint Meeting was presented to the Planning Commission at a Special/Study meeting, however the Planning Commission requested more time to discuss the item. Note that the Planning Commission wanted to include a maximum height requirement for garage doors.

- May 10, 2005 – The Planning Commission holds a Public Hearing for this item and postpones the item to a future meeting.

- May 16, 2005 – City Council Public Hearing on ZOTA 215A.

Reviewed as to form and legality.

_____ _____

Lori Grigg-Bluhm Date
City Attorney

cc: File/ ZOTA 215-A

Attachments:

1. Draft ZOTA 215A, dated 04/28/05, representing the convergence of opinion for the March 22, 2005 Joint Meeting, and presented at the March 3, 2005 Planning Commission Special/Study meeting.
2. Minutes from October 4, 2004 City Council Minutes.
3. Minutes from December 6, 2004 City Council Minutes.
4. Draft ZOTA 215A, Version A City Management Version, as presented at the December 6, 2004 City Council meeting.
5. Draft ZOTA 215A, Version B Planning Commission Version, as presented at the December 6, 2004 City Council meeting.
6. Minutes from March 28, 2005 Special-Joint Meeting of City Council and Planning Commission.
7. Minutes from May 3, 2005 Planning Commission Special/Study Meeting.
8. Minutes from May 10, 2005 Planning Commission Regular Meeting (Public Hearing).

Prepared by RBS/MFM

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

The City of Troy ordains:

Section 1. Short Title

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

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

Article XL GENERAL PROVISIONS of Chapter 39 of the Code of the City of Troy is amended to modify the regulations relating to accessory buildings, accessory supplemental buildings and accessory structures. Furthermore, Article IV DEFINITIONS of Chapter 39 is amended to bring the definitions in compliance with the modified regulations.

(Underlining, except for major section titles, denotes changes)

[Revise Section 04.20.00 DEFINITIONS as follows]:

04.20.01 ACCESSORY BUILDING: A ~~subordinate~~ building, or portion thereof, ~~the use of~~ which is ~~clearly incidental to that of~~ supplemental or subordinate to the main building or to the use of the land and is devoted exclusively to an accessory use. The various types of accessory buildings shall be further defined as follows:

A. BARN: A building specifically or partially used for the storage of farm animals such as, but not limited to, horses, cattle, sheep, goats, and fowl, other than a dog house.

B. GARAGE: A building, or portion of the main building, of not less than one hundred eighty (180) square feet designed and intended to be used for the periodic parking or storage of one or more private motor vehicles, yard maintenance equipment or recreational vehicles such as, but not limited to, boats, trailers, all terrain vehicles and snowmobiles.

~~C.~~ STORAGE BUILDING/SHED: A building designed and intended to be used for the storage of tools, garden tractors, lawn mowers, motorcycles, small recreation vehicles such as, but not limited to, snowmobiles, ATV's, and motor scooters,

04.20.02 ACCESSORY SUPPLEMENTAL BUILDING. An accessory building used by the occupants of the principal building for recreation or pleasure, such as a gazebo, a

swimming pool cabana, a building housing a spa, or greenhouse. The various types of accessory supplemental buildings shall be further defined as follows:

A. CABANA: A building used in conjunction with a swimming pool and used for no other purpose than the housing of pool filter equipment, pool accessories such as, but not limited to, vacuum cleaning equipment, brooms and safety equipment, and/or changing of clothes.

B. DOG HOUSE: A building designed and used for housing not more than three dogs, cats or other similar animals owned by the occupant of the parcel on which it is located.

~~C.~~ GAZEBO: A detached, roofed or sheltered structure, which is generally of open, screened, or lattice-work construction, and may be used for outdoor seating.

D. GREENHOUSE: A detached, building that is used for non-commercial purposes, constructed of permanent or temporary framing that is set directly on the ground and is covered with glass panels or plastic or other transparent material, and is used to grow plants.

E. PLAY HOUSE: A detached building designed and used for children's play.

40.20.02 ACCESSORY STRUCTURE: A structure, or portion thereof, which is supplemental or subordinate to the main building or to the use of the land.

04.20.03 ACCESSORY USE: ~~is a~~ A use which is supplemental and subordinate to the main use ~~on a lot~~ and serves purposes clearly incidental to those of the main use.

04.20.10 ANTENNAS: Structures or facilities for the reception or transmission of radio, television, and microwave signals.

[Revise Section 40.55.00 – 40.59.00 as follows]:

40.55.00 ACCESSORY BUILDINGS, ACCESSORY SUPPLEMENTAL BUILDINGS AND ACCESSORY STRUCTURES

In addition to the applicable requirements of Sections 40.56.00 and 40.58.00, all accessory buildings, accessory supplemental buildings and accessory structures shall comply with the following provisions:

A. By their definition and nature they shall be supplemental or subordinate to the principal building on a parcel of land.

B. They shall ~~therefore not be permitted as the only building or structure~~ be on ~~a~~ the same parcel of land, as the principal building they serve.

C. Their construction, erection, installation or placement shall be in accordance with the requirements of the Building Code and the Electrical Code~~.~~ Permits shall be required for buildings greater than thirty-six (36)

square feet in area and/or greater than four (4) feet in height. Permits shall be required for all ground-mounted antennas, and for roof-mounted antennas greater than four (4) feet in height. Electrical service for ground-mounted antennas shall be provided only through underground lines.

D. Detached buildings and structures may be prefabricated or built on the site, and shall have ratwalls or other acceptable foundations not less than twenty four (24) inches in depth, or be built so that the floor and walls are located a minimum of six (6) inches above the underlying ground. Trailer-mounted buildings and structures are prohibited. ~~(Rev. 04-23-01)~~
E.They shall not be located within a dedicated easement or right-of-way.

~~40.56.00 The various types of accessory buildings and structures shall be defined as follows:~~

~~ANTENNAS: Structures or facilities for the reception or transmission of radio, television, and microwave signals.~~

~~BARNS: A building specifically or partially used for the storage of farm animals such as, but not limited to, horses, cattle, sheep, goats and fowl, other than a dog house, so called.~~

~~CABANAS: A building of not more than one-hundred (100) square feet used in conjunction with a swimming pool and used for no other purpose than the housing of pool filter equipment, pool accessories such as, but not limited to, vacuum cleaning equipment, brooms and safety equipment, and/or changing of clothes. (Rev. 04-23-01)~~

~~DOG HOUSES: A building of not more than thirty-six (36) square feet with a total height of not more than four feet, designed and used for housing not more than three dogs, cats or other similar animals owned by the occupant of the parcel on which located. (Rev. 04-2301)~~

~~GARAGES: A building of not less than one hundred eighty (180) square feet designed and intended to be used for the periodic parking or storage of one or more private motor vehicles, yard maintenance equipment or recreational vehicles such as, but not limited to, boats, trailers, all-terrain vehicles and snowmobiles. (Rev. 04-23-01)~~

~~GAZEBO: A roofed or sheltered structure, not more than one hundred seventy nine (179) square feet in area, which is generally of open, screened, or lattice-work construction, and may be used for outdoor seating. (Rev. 04-23-01)~~

~~GREEN HOUSES: A building constructed of permanent or temporary framing that is set directly on the ground and is covered with glass panels or plastic or other transparent material, and is used to grow plants from seed.~~

~~SHEDS: A building of not more than one hundred seventy nine (179) square feet designed and intended to be used for the storage of tools, garden tractors, lawn mowers, motorcycles, small recreation vehicles such as, but not limited to, snowmobiles, ATV's, motor scooters, or used as doll houses, play houses or children's club houses. (Rev. 04-2301)~~

40.56.00 ACCESSORY BUILDINGS IN R-1A THROUGH R-1E, R-2 and CR-1 ZONING DISTRICTS

~~40.57.01 Detached accessory buildings and structures may be prefabricated or built on the site, and shall have ratwalls or other acceptable foundations not less than twenty four (24) inches in depth, or be built so that the floor and walls are located a minimum of six (6) inches above the underlying ground. Trailer-mounted accessory buildings and structures are prohibited. (Rev. 04-23-01)~~

40.56.01 Attached Accessory Buildings

~~40.57.02~~ A. Where the accessory building or structure is structurally attached to a main building, it shall be subject to, and must conform to, all regulations of this chapter applicable to a main building in addition to the requirements of this Section.

B. The area of attached accessory buildings shall not exceed seventy-five percent (75%) of the ground floor footprint of the living area of the dwelling or six hundred (600) square feet whichever is greater. This requirement shall apply only to attached accessory buildings that have not been granted a valid building permit from the City of Troy Building Department prior to (insert effective date of revision here).

40.56.02 Detached Accessory Buildings

A. There shall be no more than two detached accessory buildings per lot or parcel, excluding accessory supplemental buildings as set forth in Section 40.56.03.

~~40.57.03~~ B. Detached accessory buildings shall not be erected in any yard, except a rear yard.

40.57.04 C. Detached accessory buildings and detached accessory supplemental buildings shall occupy not more than twenty-five (25) percent of a required rear yard. ~~In no instance shall~~

40.57.05

D. The combined ground floor area of all detached accessory buildings and detached accessory supplemental buildings ~~six hundred (600) square feet or one-half of the ground floor area of the main building, whichever is greater. (Rev. 04-23-01)~~ shall not exceed four hundred-fifty (450) square

feet plus two (2) percent of the total lot area. However, in no instance shall the combined floor area of all detached accessory buildings and detached accessory supplemental buildings exceed the ground floor footprint of the living area of the dwelling or six hundred (600) square feet whichever is greater.

~~40.57.05~~ E. No detached accessory building ~~or structure except antennas, dog houses or cabanas~~ shall be located closer than ten (10) feet to any main building, nor ~~shall any accessory building or structure be located~~ closer than six (6) feet to any side or rear lot line.

~~40.57.06~~ F. ~~No~~ A detached accessory building ~~or structure, in any Residential, C-F, B-1, and P-1~~ shall not exceed one (1) story or fourteen (14) feet in height. ~~Amateur radio antennas are permitted up to a height of 75 feet if used in accordance with the terms of a valid Amateur Radio Service License issued by the Federal Communications Commission or permitted under Federal Regulation by a reciprocal agreement with a foreign country. Other pole, mast type antennas may, however, be permitted to be constructed to a height equal to the permitted maximum height of structures in these Districts. Other pole, mast, whip, or panel type antennas which are roof-mounted or attached to a building shall not extend more than twelve (12) feet above the highest point of a roof. Satellite dish antennas in Residential Districts, which extend more than fourteen (14) feet in height or fourteen (14) feet above grade, shall not exceed twenty four (24) inches in diameter. Satellite dish and amateur radio antennas shall be placed so that rotation can occur without encroachment into the required setback. (Rev. 01-05-04)~~

H. An accessory building defined as a barn shall be subject to the approval of the Board of Zoning Appeals.

~~40.57.07 Accessory buildings and structures in all Districts not specified in Section 40.57.06 may be constructed to one (1) story or fourteen (14) feet in height or may, subject to Board of Appeals review and approval, be constructed equal to the permitted maximum height of the structures in said Districts. Exception: Roof-mounted antennas, not extending more than twelve (12) feet above the highest point of a roof, are not subject to Board of Appeals review. (Rev. 04-23-01)~~

40.56.03 Accessory Supplemental Buildings

A. No more than three (3) detached accessory supplemental buildings shall be permitted on a parcel.

B. The total floor area of all detached accessory supplemental buildings on a parcel of land shall not exceed two hundred (200) square feet.

C. An accessory supplemental building shall not be located in any ~~required yard other than a rear~~ front yard.

D. No detached accessory supplemental building shall be located closer than six (6) feet to any side or rear lot line.

E. A detached accessory supplemental building shall not exceed one (1) story or fourteen (14) feet in height.

40.57.00 ACCESSORY BUILDINGS IN OTHER ZONING DISTRICTS

A. All accessory buildings shall be subject to the same placement and height requirements applicable to principal structures in the district in which located.

40.58.00 ACCESSORY STRUCTURES

A. Amateur radio antennas are permitted up to a height of 75 feet if used in accordance with the terms of a valid Amateur Radio Service License issued by the Federal Communications Commission or permitted under Federal Regulation by a reciprocal agreement with a foreign country. Other pole, mast type antennas may, however, be permitted to be constructed to a height equal to the permitted maximum height of structures in these Districts. Other pole, mast, whip, or panel type antennas which are roof-mounted or attached to a building shall not extend more than twelve (12) feet above the highest point of a roof. Satellite dish antennas in Residential Districts, which extend more than fourteen (14) feet in height or fourteen (14) feet above grade, shall not exceed twenty four (24) inches in diameter. Satellite dish and amateur radio antennas shall be placed so that rotation can occur without encroachment into the required setback.

~~40.57.08~~ B. No more than two (2) antenna structures (no more than one of which may be ground-mounted, and thus detached from the main building) shall be permitted for each lot or parcel, with the following exception:

~~A.~~1. On non-residential parcels, two (2) antenna structures shall be permitted for the first twenty thousand (20,000) square feet of gross building area, with one antenna structure permitted for each additional twenty thousand (20,000) square feet of gross building area, or major portion thereof.

~~B.~~2. The numerical limits of this Section shall not apply in the following situations:

~~1.~~a. Panel-type antennas which are visually integrated with the building surface on which they are mounted (similar color, not extending above wall, equipment penthouse or enclosure surface).

~~2.~~b. Pole, mast, whip, or panel-type antennas mounted on or adjacent to the roof of residential or non-residential buildings sixty (60) feet or more in height.

~~40.57.09 When an accessory building or structure is located on a corner lot, the side lot line of which is substantially a continuation of the front lot line of the lot or parcel to its rear, said building or structure shall not project beyond the front setback line required on the lot or parcel to the rear of such corner lot. When an accessory building or structure is located on a corner lot, the side lot line of which is substantially a continuation of the side lot line of the lot to its rear, said building shall not project beyond the side yard line of the lot or parcel to the rear of such corner lot.~~

~~40.57.10 When an accessory building or structure in any Residence, Business or Office District is defined as other than an antenna, cabana, dog house, garage or shed, construction or placement of the accessory building or structure shall be subject to the approval of the Board of Zoning Appeals. Examples of those structures requiring Board of Zoning Appeals approval would thus include, but not be limited to, Barns, Greenhouses, and free-standing Gazebos. Gazebos constructed as a part of attached open patios or deck structures in a rear yard shall be regulated in accordance with Section 41.45.00 of this Chapter, and shall not require Board of Zoning Appeals approval.~~

~~40.57.11 NEIGHBORS NOTIFICATION:~~
~~Applications for permits for the placement or construction of sheds located in platted subdivisions or on acreage parcels of less than two (2) acres shall be submitted with evidence of notification of placement or construction, to the owners of record of fifty percent (50%) of the developed lots or parcels which are immediately abutting the parcel on which the subject building or structure is to be placed. On acreage parcels of two (2) acres or more, evidence of notification shall be provided in relation to all owners of record of developed land within one hundred (100) feet of the subject building or structure. Evidence of notification shall consist of either certified mail receipts, or a signed affidavit, from the required number of property owners.~~

~~40.57.12~~

~~The construction, erection, installation or placement of accessory buildings or structures shall be in accordance with the requirements of the Building Code and the Electrical Code. Building Permits shall be required for accessory buildings greater than thirty-six (36) square feet in area and/or greater than four (4) feet in height. Building permits shall be~~

~~required for all ground-mounted antennas, and for roof-mounted antennas greater than four (4) feet in height. Electrical service for ground-mounted antennas shall be provided only through underground lines.~~

~~A. Recreation uses.~~

~~B. Porch, patio, terrace, or entranceway areas.~~

~~In no instance shall the area encompassed, together with main and accessory buildings, exceed the lot area coverage provisions indicated in Section 30.10.00 "Schedule of Regulations-Residential". Such covering or enclosure must also comply with the main building setback requirements included in Section 30.10.00. Porch, patio, terrace or entranceway covers may be permitted to encroach into such yards in accordance with Section 41.50.00. Recreation facilities involving temporary covers, on sites in excess of one acre in area, shall conform to the requirements of Section 10.30.06, Sub-Sections (C) and (D).~~

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

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RESOLVED, That the City Council of the City of Troy, after conclusion of a Public Hearing on this date, October 4, 2004 has **DETERMINED** that Year 2002 unspent funds should be re-programmed from Remove Architectural Barriers to Special Assessment.

Yes: All-7

POSTPONED ITEMS:

D-1 Building Permit Moratorium - Resolution Proposed by Council Member Stine

Resolution
Moved by Stine
Seconded by Beltramini

RESOLVED, That a moratorium be placed upon the issuance of any building permit for detached or attached accessory buildings on residentially zoned property where the material is not similar to the main building. That this moratorium be for a period of 6 months or until the City Council approves revisions to our ordinances as they relate to neighborhood compatibility issues currently under consideration by the Planning Commission, whichever comes first.

Vote on Resolution to Amend by Substitution

Resolution #2004-10-523
Moved by Howrylak
Seconded by Eisenbacher

RESOLVED, That the Resolution be **AMENDED** by **STRIKING** the Resolution in its entirety and **SUBSTITUTING** with, "That the issue of neighborhood compatibility/accessory buildings be referred to the Planning Commission for the soonest possible recommendation with respect to the following three noted items: size, use and compatibility."

Yes: All-7

Vote on Resolution as Amended by Substitution

Resolution #2004-10-524
Moved by Stine
Seconded by Beltramini

RESOLVED, That the issue of neighborhood compatibility/accessory buildings be referred to the Planning Commission for the soonest possible recommendation with respect to the following three noted items: size, use and compatibility.

Yes: All-7

C-1 Zoning Ordinance Text Amendment (ZOTA 215A) – Article 04.20.00 and Articles 40.55.00-40.59.00, Pertaining to Accessory Buildings Definitions and Provisions

Resolution #2004-12-611
Moved by Beltramini
Seconded by Stine

RESOLVED, That Zoning Ordinance Text Amendment (ZOTA 215A) – Article 04.20.00 and Articles 40.55.00-40-59.00, pertaining to Accessory Buildings Definitions and Provisions, be **REFERRED** to the Planning Commission for further discussions, with specific consideration given to the garage door height, foot print ratios, further rational of the number of detached buildings, and that staff make the changes as requested in regard to greenhouses.

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

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CITY OF TROY
AN ORDINANCE TO AMEND
CHAPTER 39 OF THE CODE
OF THE CITY OF TROY
VERSION A
Recommended by City Management

The City of Troy ordains:

Section 1. Short Title

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

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

Article XL GENERAL PROVISIONS of Chapter 39 of the Code of the City of Troy is amended to modify the regulations relating to accessory buildings, accessory supplemental buildings and accessory structures. Furthermore, Article IV DEFINITIONS of Chapter 39 is amended to bring the definitions in compliance with the modified regulations.

(Underlining, except for major section titles, denotes changes)

[Revise Section 04.20.00 DEFINITIONS as follows]:

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B. GARAGE: A building, or portion of the main building, of not less than one hundred eighty (180) square feet designed and intended to be used for the periodic parking or storage of one or more private motor vehicles, yard maintenance equipment or recreational vehicles such as, but not limited to, boats, trailers, all terrain vehicles and snowmobiles.

~~C.~~ STORAGE BUILDING/SHED: A building designed and intended to be used for the storage of tools, garden tractors, lawn mowers, motorcycles, small recreation vehicles such as, but not limited to, snowmobiles, ATV's, and motor scooters,

04.20.02 ACCESSORY SUPPLEMENTAL BUILDING. An accessory building used by the occupants of the principal building for recreation or pleasure, such as a gazebo, a

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D. GREENHOUSE: A detached, building constructed of permanent or temporary framing that is set directly on the ground and is covered with glass panels or plastic or other transparent material, and is used to grow plants.

E. PLAY HOUSE: A detached building designed and used for children's play.

04.20.03 ACCESSORY STRUCTURE: A structure, or portion thereof, which is supplemental or subordinate to the main building or to the use of the land.

04.20.03 ACCESSORY USE: ~~is a~~ A use which is supplemental and subordinate to the main use ~~on a lot~~ and serves purposes clearly incidental to those of the main use.

04.20.10 ANTENNAS: Structures or facilities for the reception or transmission of radio, television, and microwave signals.

~~04.20.65 GARAGE, PRIVATE: an accessory building for parking or storage of not more than the number of vehicles as may be required in connection with the permitted use of the principal structure.~~

~~04.20.67 GARAGE, PUBLIC: any garage other than a private garage available to the public, operated for gain, and used for storage, repair, rental, greasing, washing, sales, servicing, adjusting or equipping of automobiles or other motor vehicles.~~

[Revise Section 40.55.00 – 40.59.00 as follows]:

40.55.00 ACCESSORY BUILDINGS, ACCESSORY SUPPLEMENTAL BUILDINGS AND ACCESSORY STRUCTURES

In addition to the applicable requirements of Sections 40.56.00 and 40.58.00, all accessory buildings, accessory supplemental buildings and accessory structures shall comply with the following provisions:

A. By their definition and nature they shall be supplemental or subordinate to the principal building on a parcel of land.

B. They shall ~~therefore not be permitted as the only building or structure~~ be on ~~a~~ the same parcel of land, as the principal building they serve.

C. Their construction, erection, installation or placement shall be in accordance with the requirements of the Building Code and the Electrical Code~~.~~ Permits shall be required for buildings greater than thirty-six (36) square feet in area and/or greater than four (4) feet in height. Permits shall be required for all ground-mounted antennas, and for roof-mounted antennas greater than four (4) feet in height. Electrical service for ground-mounted antennas shall be provided only through underground lines.

D. Detached buildings and structures may be prefabricated or built on the site, and shall have ratwalls or other acceptable foundations not less than twenty four (24) inches in depth, or be built so that the floor and walls are located a minimum of six (6) inches above the underlying ground. Trailer-mounted buildings and structures are prohibited. ~~(Rev. 04-23-01)~~
E.They shall not be located within a dedicated easement or right-of-way.

~~40.56.00 The various types of accessory buildings and structures shall be defined as follows:~~

~~ANTENNAS: Structures or facilities for the reception or transmission of radio, television, and microwave signals.~~

~~BARNS: A building specifically or partially used for the storage of farm animals such as, but not limited to, horses, cattle, sheep, goats and fowl, other than a dog house, so called.~~

~~CABANAS: A building of not more than one-hundred (100) square feet used in conjunction with a swimming pool and used for no other purpose than the housing of pool filter equipment, pool accessories such as, but not limited to, vacuum cleaning equipment, brooms and safety equipment, and/or changing of clothes. (Rev. 04-23-01)~~

~~DOG HOUSES: A building of not more than thirty-six (36) square feet with a total height of not more than four feet, designed and used for housing not more than three dogs, cats or other similar animals owned by the occupant of the parcel on which located. (Rev. 04-2301)~~

~~GARAGES: A building of not less than one hundred eighty (180) square feet designed and intended to be used for the periodic parking or storage of one or more private motor vehicles, yard maintenance equipment or recreational vehicles such as, but not limited to, boats, trailers, all-terrain vehicles and snowmobiles. (Rev. 04-23-01)~~

~~GAZEBO: A roofed or sheltered structure, not more than one hundred seventy nine (179) square feet in area, which is generally of open, screened, or lattice-work construction, and may be used for outdoor seating. (Rev. 04-23-01)~~

~~GREEN HOUSES: A building constructed of permanent or temporary framing that is set directly on the ground and is covered with glass panels or plastic or other transparent material, and is used to grow plants from seed.~~

~~SHEDS: A building of not more than one hundred seventy nine (179) square feet designed and intended to be used for the storage of tools, garden tractors, lawn mowers, motorcycles, small recreation vehicles such as, but not limited to, snowmobiles, ATV's, motor scooters, or used as doll houses, play houses or children's club houses. (Rev. 04-2301)~~

40.56.00 ACCESSORY BUILDINGS IN R-1A THROUGH R-1E, R-2 and CR-1 ZONING DISTRICTS

~~40.57.01 Detached accessory buildings and structures may be prefabricated or built on the site, and shall have ratwalls or other acceptable foundations not less than twenty four (24) inches in depth, or be built so that the floor and walls are located a minimum of six (6) inches above the underlying ground. Trailer-mounted accessory buildings and structures are prohibited. (Rev. 04-23-01)~~

40.56.01 Attached Accessory Buildings

~~40.57.02~~ A. Where the accessory building or structure is structurally attached to a main building, it shall be subject to, and must conform to, all regulations of this chapter applicable to a main building in addition to the requirements of this Section.

B. The area of attached accessory buildings shall not exceed one-half (1/2) of the ground floor footprint of the living area of the dwelling or six hundred (600) square feet whichever is greater.

40.56.02 Detached Accessory Buildings

A. There shall be no more than two detached accessory buildings per lot or parcel, excluding accessory supplemental buildings as set forth in Section 40.56.03.

~~40.57.03~~ B. Detached accessory buildings shall not be erected in any yard, except a rear yard.

~~40.57.04~~ C. Detached accessory buildings and detached accessory supplemental buildings shall occupy not more than twenty-five (25) percent of a required rear yard. ~~In no instance shall~~

D. The combined ground floor area of all detached accessory buildings and detached accessory supplemental buildings ~~six hundred (600) square feet or one-half of the ground floor area of the main building, whichever is greater. (Rev. 04-23-01)~~ shall not exceed four hundred-fifty (450) square feet plus two (2) percent of the total lot area. However, in no instance shall the combined floor area of all detached accessory buildings and detached accessory supplemental buildings exceed the ground floor footprint of the living area of the dwelling or six hundred (600) square feet whichever is greater.

~~40.57.05~~ E. No detached accessory building ~~or structure except antennas, dog houses or cabanas~~ shall be located closer than ten (10) feet to any main building, nor ~~shall any accessory building or structure be located~~ closer than six (6) feet to any side or rear lot line.

~~40.57.06~~ F. ~~No~~ A detached accessory building ~~or structure, in any Residential, C-F, B-1, and P-1~~ shall not exceed one (1) story or fourteen (14) feet in height. ~~Amateur radio antennas are permitted up to a height of 75 feet if used in accordance with the terms of a valid Amateur Radio Service License issued by the Federal Communications Commission or permitted under Federal Regulation by a reciprocal agreement with a foreign country. Other pole, mast type antennas may, however, be permitted to be constructed to a height equal to the permitted maximum height of structures in these Districts. Other pole, mast, whip, or panel type antennas which are roof-mounted or attached to a building shall not extend more than twelve (12) feet above the highest point of a roof. Satellite dish antennas in Residential Districts, which extend more than fourteen (14) feet in height or fourteen (14) feet above grade, shall not exceed twenty four (24) inches in diameter. Satellite dish and amateur radio antennas shall be placed so that rotation can occur without encroachment into the required setback. (Rev. 01-05-04)~~

G. An accessory building defined as a barn or a greenhouse shall be subject to the approval of the Board of Zoning Appeals.

~~40.57.07 Accessory buildings and structures in all Districts not specified in Section 40.57.06 may be constructed to one (1) story or fourteen (14) feet in height or may, subject to Board of Appeals review and approval, be constructed equal to the permitted maximum height of the structures in said Districts. Exception: Roof-mounted antennas, not extending more than twelve (12) feet above the highest point of a roof, are not subject to Board of Appeals review. (Rev. 04-23-01)~~

40.56.03 Accessory Supplemental Buildings

A. No more than three (3) detached accessory supplemental buildings shall be permitted on a parcel.

B. The total floor area of all detached accessory supplemental buildings on a parcel shall not exceed two hundred (200) square feet.

C. An accessory supplemental building shall not be located in any ~~required yard other than a rear~~ front yard.

D. No detached accessory supplemental building shall be located closer than six (6) feet to any side or rear lot line.

E. A detached accessory supplemental building shall not exceed one (1) story or fourteen (14) feet in height.

40.57.00 ACCESSORY BUILDINGS IN OTHER ZONING DISTRICTS

A. All accessory buildings shall be subject to the same placement and height requirements applicable to principal structures in the district in which located.

40.58.00 ACCESSORY STRUCTURES

A. Amateur radio antennas are permitted up to a height of 75 feet if used in accordance with the terms of a valid Amateur Radio Service License issued by the Federal Communications Commission or permitted under Federal Regulation by a reciprocal agreement with a foreign country. Other pole, mast type antennas may, however, be permitted to be constructed to a height equal to the permitted maximum height of structures in these Districts. Other pole, mast, whip, or panel type antennas which are roof-mounted or attached to a building shall not extend more than twelve (12) feet above the highest point of a roof. Satellite dish antennas in Residential Districts, which extend more than fourteen (14) feet in height or fourteen (14) feet above grade, shall not exceed twenty four (24) inches in diameter. Satellite dish and amateur radio antennas shall be placed so that rotation can occur without encroachment into the required setback.

~~40.57.08~~ B. No more than two (2) antenna structures (no more than one of which may be ground-mounted, and thus detached from the main building) shall be permitted for each lot or parcel, with the following exception:

~~A.~~1. On non-residential parcels, two (2) antenna structures shall be permitted for the first twenty thousand (20,000) square feet of

gross building area, with one antenna structure permitted for each additional twenty thousand (20,000) square feet of gross building area, or major portion thereof.

~~B.~~2. The numerical limits of this Section shall not apply in the following situations:

~~1.~~a. Panel-type antennas which are visually integrated with the building surface on which they are mounted (similar color, not extending above wall, equipment penthouse or enclosure surface).

~~2.~~b. Pole, mast, whip, or panel-type antennas mounted on or adjacent to the roof of residential or non-residential buildings sixty (60) feet or more in height.

~~40.57.09 When an accessory building or structure is located on a corner lot, the side lot line of which is substantially a continuation of the front lot line of the lot or parcel to its rear, said building or structure shall not project beyond the front setback line required on the lot or parcel to the rear of such corner lot. When an accessory building or structure is located on a corner lot, the side lot line of which is substantially a continuation of the side lot line of the lot to its rear, said building shall not project beyond the side yard line of the lot or parcel to the rear of such corner lot.~~

~~40.57.10 When an accessory building or structure in any Residence, Business or Office District is defined as other than an antenna, cabana, dog house, garage or shed, construction or placement of the accessory building or structure shall be subject to the approval of the Board of Zoning Appeals. Examples of those structures requiring Board of Zoning Appeals approval would thus include, but not be limited to, Barns, Greenhouses, and free-standing Gazebos. Gazebos constructed as a part of attached open patios or deck structures in a rear yard shall be regulated in accordance with Section 41.45.00 of this Chapter, and shall not require Board of Zoning Appeals approval.~~

~~40.57.11 NEIGHBORS NOTIFICATION:~~
~~Applications for permits for the placement or construction of sheds located in platted subdivisions or on acreage parcels of less than two (2) acres shall be submitted with evidence of notification of placement or construction, to the owners of record of fifty percent (50%) of the developed lots or parcels which are immediately abutting the parcel on which the subject building or structure is to be placed. On acreage parcels of two (2) acres or more, evidence of notification shall be provided in relation to all owners of record of developed land within one hundred (100) feet of the subject building or structure. Evidence of notification shall consist of either certified mail receipts, or a signed affidavit, from the required number of property owners.~~

~~40.57.12~~

~~The construction, erection, installation or placement of accessory buildings or structures shall be in accordance with the requirements of the Building Code and the Electrical Code. Building Permits shall be required for accessory buildings greater than thirty-six (36) square feet in area and/or greater than four (4) feet in height. Building permits shall be required for all ground-mounted antennas, and for roof-mounted antennas greater than four (4) feet in height. Electrical service for ground-mounted antennas shall be provided only through underground lines.~~

~~A. Recreation uses.~~

~~B. Porch, patio, terrace, or entranceway areas.~~

~~In no instance shall the area encompassed, together with main and accessory buildings, exceed the lot area coverage provisions indicated in Section 30.10.00 "Schedule of Regulations-Residential". Such covering or enclosure must also comply with the main building setback requirements included in Section 30.10.00. Porch, patio, terrace or entranceway covers may be permitted to encroach into such yards in accordance with Section 41.50.00. Recreation facilities involving temporary covers, on sites in excess of one acre in area, shall conform to the requirements of Section 10.30.06, Sub-Sections (C) and (D).~~

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

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CITY OF TROY
AN ORDINANCE TO AMEND
CHAPTER 39 OF THE CODE
OF THE CITY OF TROY
VERSION B
Recommended by Planning Commission

The City of Troy ordains:

Section 1. Short Title

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

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

Article XL GENERAL PROVISIONS of Chapter 39 of the Code of the City of Troy is amended to modify the regulations relating to accessory buildings, accessory supplemental buildings and accessory structures. Furthermore, Article IV DEFINITIONS of Chapter 39 is amended to bring the definitions in compliance with the modified regulations.

(Underlining, except for major section titles, denotes changes)

[Revise Section 04.20.00 DEFINITIONS as follows]:

04.20.01 ACCESSORY BUILDING: A ~~subordinate~~ building, or portion thereof, ~~the use of~~ which is ~~clearly incidental to that of~~ supplemental or subordinate to the main building or to the use of the land and is devoted exclusively to an accessory use. The various types of accessory buildings shall be further defined as follows:

A. BARN: A building specifically or partially used for the storage of farm animals such as, but not limited to, horses, cattle, sheep, goats, and fowl, other than a dog house.

B. GARAGE: A building, or portion of the main building, of not less than one hundred eighty (180) square feet designed and intended to be used for the periodic parking or storage of one or more private motor vehicles, yard maintenance equipment or recreational vehicles such as, but not limited to, boats, trailers, all terrain vehicles and snowmobiles.

~~C.~~ STORAGE BUILDING/SHED: A building designed and intended to be used for the storage of tools, garden tractors, lawn mowers, motorcycles, small recreation vehicles such as, but not limited to, snowmobiles, ATV's, and motor scooters,

04.20.02 ACCESSORY SUPPLEMENTAL BUILDING. An accessory building used by the occupants of the principal building for recreation or pleasure, such as a gazebo, a

swimming pool cabana, a building housing a spa, or greenhouse. The various types of accessory supplemental buildings shall be further defined as follows:

A. CABANA: A building used in conjunction with a swimming pool and used for no other purpose than the housing of pool filter equipment, pool accessories such as, but not limited to, vacuum cleaning equipment, brooms and safety equipment, and/or changing of clothes.

B. DOG HOUSE: A building designed and used for housing not more than three dogs, cats or other similar animals owned by the occupant of the parcel on which it is located.

~~C.~~ GAZEBO: A detached, roofed or sheltered structure, which is generally of open, screened, or lattice-work construction, and may be used for outdoor seating.

D. GREENHOUSE: A detached, building constructed of permanent or temporary framing that is set directly on the ground and is covered with glass panels or plastic or other transparent material, and is used to grow plants.

E. PLAY HOUSE: A detached building designed and used for children's play.

04.20.02 ACCESSORY STRUCTURE: A structure, or portion thereof, which is supplemental or subordinate to the main building or to the use of the land.

04.20.03 ACCESSORY USE: ~~is a~~ A use which is supplemental and subordinate to the main use ~~on a lot~~ and serves purposes clearly incidental to those of the main use.

04.20.10 ANTENNAS: Structures or facilities for the reception or transmission of radio, television, and microwave signals.

~~04.20.65 GARAGE, PRIVATE: an accessory building for parking or storage of not more than the number of vehicles as may be required in connection with the permitted use of the principal structure.~~

~~04.20.67 GARAGE, PUBLIC: any garage other than a private garage available to the public, operated for gain, and used for storage, repair, rental, greasing, washing, sales, servicing, adjusting or equipping of automobiles or other motor vehicles.~~

[Revise Section 40.55.00 – 40.59.00 as follows]:

40.55.00 ACCESSORY BUILDINGS, ACCESSORY SUPPLEMENTAL BUILDINGS AND ACCESSORY STRUCTURES

In addition to the applicable requirements of Sections 40.56.00 and 40.58.00, all accessory buildings, accessory supplemental buildings and accessory structures shall comply with the following provisions:

A. By their definition and nature they shall be supplemental or subordinate to the principal building on a parcel of land.

B. They shall ~~therefore not be permitted as the only building or structure~~ be on ~~a~~ the same parcel of land, as the principal building they serve.

C. Their construction, erection, installation or placement shall be in accordance with the requirements of the Building Code and the Electrical Code~~.~~ Permits shall be required for buildings greater than thirty-six (36) square feet in area and/or greater than four (4) feet in height. Permits shall be required for all ground-mounted antennas, and for roof-mounted antennas greater than four (4) feet in height. Electrical service for ground-mounted antennas shall be provided only through underground lines.

D. Detached buildings and structures may be prefabricated or built on the site, and shall have ratwalls or other acceptable foundations not less than twenty four (24) inches in depth, or be built so that the floor and walls are located a minimum of six (6) inches above the underlying ground. Trailer-mounted buildings and structures are prohibited. ~~(Rev. 04-23-01)~~
E.They shall not be located within a dedicated easement or right-of-way.

~~40.56.00 The various types of accessory buildings and structures shall be defined as follows:~~

~~ANTENNAS: Structures or facilities for the reception or transmission of radio, television, and microwave signals.~~

~~BARNS: A building specifically or partially used for the storage of farm animals such as, but not limited to, horses, cattle, sheep, goats and fowl, other than a dog house, so called.~~

~~CABANAS: A building of not more than one-hundred (100) square feet used in conjunction with a swimming pool and used for no other purpose than the housing of pool filter equipment, pool accessories such as, but not limited to, vacuum cleaning equipment, brooms and safety equipment, and/or changing of clothes. (Rev. 04-23-01)~~

~~DOG HOUSES: A building of not more than thirty-six (36) square feet with a total height of not more than four feet, designed and used for housing not more than three dogs, cats or other similar animals owned by the occupant of the parcel on which located. (Rev. 04-2301)~~

~~GARAGES: A building of not less than one hundred eighty (180) square feet designed and intended to be used for the periodic parking or storage of one or more private motor vehicles, yard maintenance equipment or recreational vehicles such as, but not limited to, boats, trailers, all-terrain vehicles and snowmobiles. (Rev. 04-23-01)~~

~~GAZEBO: A roofed or sheltered structure, not more than one hundred seventy nine (179) square feet in area, which is generally of open, screened, or lattice-work construction, and may be used for outdoor seating. (Rev. 04-23-01)~~

~~GREEN HOUSES: A building constructed of permanent or temporary framing that is set directly on the ground and is covered with glass panels or plastic or other transparent material, and is used to grow plants from seed.~~

~~SHEDS: A building of not more than one hundred seventy nine (179) square feet designed and intended to be used for the storage of tools, garden tractors, lawn mowers, motorcycles, small recreation vehicles such as, but not limited to, snowmobiles, ATV's, motor scooters, or used as doll houses, play houses or children's club houses. (Rev. 04-2301)~~

40.56.00 ACCESSORY BUILDINGS IN R-1A THROUGH R-1E, R-2 and CR-1 ZONING DISTRICTS

~~40.57.01 Detached accessory buildings and structures may be prefabricated or built on the site, and shall have ratwalls or other acceptable foundations not less than twenty four (24) inches in depth, or be built so that the floor and walls are located a minimum of six (6) inches above the underlying ground. Trailer-mounted accessory buildings and structures are prohibited. (Rev. 04-23-01)~~

40.56.01 Attached Accessory Buildings

~~40.57.02~~ A. Where the accessory building or structure is structurally attached to a main building, it shall be subject to, and must conform to, all regulations of this chapter applicable to a main building in addition to the requirements of this Section.

B. The area of attached accessory buildings shall not exceed one-half (1/2) of the ground floor footprint of the living area of the dwelling or six hundred (600) square feet whichever is greater.

C. The size of any door to an attached accessory building shall not exceed eight (8) feet in height.

40.56.02 Detached Accessory Buildings

A. There shall be no more than two detached accessory buildings per lot or parcel, excluding accessory supplemental buildings as set forth in Section 40.56.03.

~~40.57.03~~ B. Detached accessory buildings shall not be erected in any yard, except a rear yard.

~~40.57.04~~ C. Detached accessory buildings and detached accessory supplemental buildings shall occupy not more than twenty-five (25) percent of a required rear yard. ~~In no instance shall~~

D. The combined ground floor area of all detached accessory buildings and detached accessory supplemental buildings ~~six hundred (600) square feet or one-half of the ground floor area of the main building, whichever is greater. (Rev. 04-23-01)~~ shall not exceed four hundred-fifty (450) square feet plus two (2) percent of the total lot area. However, in no instance shall the combined floor area of all detached accessory buildings and detached accessory supplemental buildings exceed the ground floor footprint of the living area of the dwelling or six hundred (600) square feet whichever is greater.

~~40.57.05~~ E. No detached accessory building ~~or structure except antennas, dog houses or cabanas~~ shall be located closer than ten (10) feet to any main building, nor ~~shall any accessory building or structure be located~~ closer than six (6) feet to any side or rear lot line.

~~40.57.06~~ F. ~~No~~ A detached accessory building ~~or structure, in any Residential, C-F, B-1, and P-1~~ shall not exceed one (1) story or fourteen (14) feet in height. ~~Amateur radio antennas are permitted up to a height of 75 feet if used in accordance with the terms of a valid Amateur Radio Service License issued by the Federal Communications Commission or permitted under Federal Regulation by a reciprocal agreement with a foreign country. Other pole, mast type antennas may, however, be permitted to be constructed to a height equal to the permitted maximum height of structures in these Districts. Other pole, mast, whip, or panel type antennas which are roof-mounted or attached to a building shall not extend more than twelve (12) feet above the highest point of a roof. Satellite dish antennas in Residential Districts, which extend more than fourteen (14) feet in height or fourteen (14) feet above grade, shall not exceed twenty four (24) inches in diameter. Satellite dish and amateur radio antennas shall be placed so that rotation can occur without encroachment into the required setback. (Rev. 01-05-04)~~

G. The size of any door to a detached accessory building shall not exceed eight (8) feet in height.

H. An accessory building defined as a barn or a greenhouse shall be subject to the approval of the Board of Zoning Appeals.

~~40.57.07 Accessory buildings and structures in all Districts not specified in Section 40.57.06 may be constructed to one (1) story or fourteen (14) feet in height or may, subject to Board of Appeals review and approval, be constructed equal to the permitted maximum height of the structures in~~

~~said Districts. Exception: Roof-mounted antennas, not extending more than twelve (12) feet above the highest point of a roof, are not subject to Board of Appeals review. (Rev. 04-23-01)~~

40.56.03 Accessory Supplemental Buildings

A. No more than three (3) detached accessory supplemental buildings shall be permitted on a parcel.

B. The total floor area of all detached accessory supplemental buildings on a parcel shall not exceed two hundred (200) square feet.

C. An accessory supplemental building shall not be located in any ~~required yard other than a rear~~ front yard.

D. No detached accessory supplemental building shall be located closer than six (6) feet to any side or rear lot line.

E. A detached accessory supplemental building shall not exceed one (1) story or fourteen (14) feet in height.

F. The size of any door to an accessory supplemental building shall not exceed eight (8) feet in height.

40.57.00 ACCESSORY BUILDINGS IN OTHER ZONING DISTRICTS

A. All accessory buildings shall be subject to the same placement and height requirements applicable to principal structures in the district in which located.

40.58.00 ACCESSORY STRUCTURES

A. Amateur radio antennas are permitted up to a height of 75 feet if used in accordance with the terms of a valid Amateur Radio Service License issued by the Federal Communications Commission or permitted under Federal Regulation by a reciprocal agreement with a foreign country. Other pole, mast type antennas may, however, be permitted to be constructed to a height equal to the permitted maximum height of structures in these Districts. Other pole, mast, whip, or panel type antennas which are roof-mounted or attached to a building shall not extend more than twelve (12) feet above the highest point of a roof. Satellite dish antennas in Residential Districts, which extend more than fourteen (14) feet in height or fourteen (14) feet above grade, shall not exceed twenty four (24) inches in diameter. Satellite dish and amateur radio antennas shall be placed so that rotation can occur without encroachment into the required setback.

~~40.57.08~~ B. No more than two (2) antenna structures (no more than one of which may be ground-mounted, and thus detached from the main building) shall be permitted for each lot or parcel, with the following exception:

~~A.~~1. On non-residential parcels, two (2) antenna structures shall be permitted for the first twenty thousand (20,000) square feet of gross building area, with one antenna structure permitted for each additional twenty thousand (20,000) square feet of gross building area, or major portion thereof.

~~B~~ 2. The numerical limits of this Section shall not apply in the following situations:

~~1.~~a. Panel-type antennas which are visually integrated with the building surface on which they are mounted (similar color, not extending above wall, equipment penthouse or enclosure surface).

~~2.~~b. Pole, mast, whip, or panel-type antennas mounted on or adjacent to the roof of residential or non-residential buildings sixty (60) feet or more in height.

~~40.57.09 When an accessory building or structure is located on a corner lot, the side lot line of which is substantially a continuation of the front lot line of the lot or parcel to its rear, said building or structure shall not project beyond the front setback line required on the lot or parcel to the rear of such corner lot. When an accessory building or structure is located on a corner lot, the side lot line of which is substantially a continuation of the side lot line of the lot to its rear, said building shall not project beyond the side yard line of the lot or parcel to the rear of such corner lot.~~

~~40.57.10 When an accessory building or structure in any Residence, Business or Office District is defined as other than an antenna, cabana, dog house, garage or shed, construction or placement of the accessory building or structure shall be subject to the approval of the Board of Zoning Appeals. Examples of those structures requiring Board of Zoning Appeals approval would thus include, but not be limited to, Barns, Greenhouses, and free-standing Gazebos. Gazebos constructed as a part of attached open patios or deck structures in a rear yard shall be regulated in accordance with Section 41.45.00 of this Chapter, and shall not require Board of Zoning Appeals approval.~~

~~40.57.11 NEIGHBORS NOTIFICATION:~~
~~Applications for permits for the placement or construction of sheds located in platted subdivisions or on acreage parcels of less than two (2) acres shall be submitted with evidence of notification of placement or construction, to the owners of record of fifty percent (50%) of the developed lots or parcels which are immediately abutting the parcel on~~

~~which the subject building or structure is to be placed. On acreage parcels of two (2) acres or more, evidence of notification shall be provided in relation to all owners of record of developed land within one hundred (100) feet of the subject building or structure. Evidence of notification shall consist of either certified mail receipts, or a signed affidavit, from the required number of property owners.~~

~~40.57.12~~

~~The construction, erection, installation or placement of accessory buildings or structures shall be in accordance with the requirements of the Building Code and the Electrical Code. Building Permits shall be required for accessory buildings greater than thirty-six (36) square feet in area and/or greater than four (4) feet in height. Building permits shall be required for all ground-mounted antennas, and for roof-mounted antennas greater than four (4) feet in height. Electrical service for ground-mounted antennas shall be provided only through underground lines.~~

~~A. Recreation uses.~~

~~B. Porch, patio, terrace, or entranceway areas.~~

~~In no instance shall the area encompassed, together with main and accessory buildings, exceed the lot area coverage provisions indicated in Section 30.10.00 "Schedule of Regulations-Residential". Such covering or enclosure must also comply with the main building setback requirements included in Section 30.10.00. Porch, patio, terrace or entranceway covers may be permitted to encroach into such yards in accordance with Section 41.50.00. Recreation facilities involving temporary covers, on sites in excess of one acre in area, shall conform to the requirements of Section 10.30.06, Sub-Sections (C) and (D).~~

Section 3. Savings

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

Section 4. Severability Clause

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

Section 5. Effective Date

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

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

_____
Louise Schilling, Mayor

_____
Tonni Bartholomew, City Clerk

G:\ZOTAs\ZOTA 215 Accessory Structures in R-1\Draft ZOTA 215A Accessory Buildings 12-06-04 PC Version.doc

A Special-Joint Meeting of the Troy City Council was held Monday, March 28, 2005, at the Fire and Police Training Facility, 4850 John R – Troy, Michigan 48085. Mayor Pro Tem Beltramini called the Meeting to order at 7:48 PM.

ROLL CALL:

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

PLANNING COMMISSION:
Gary Chamberlain
Lynn Drake-Batts
Larry Littman
Robert Schultz
Fazlullah M. Khan
Thomas Strat
Mark Vleck
David Waller
Wayne C. Wright
Howard Wu

Mayor Schilling introduced John Szerlag as the moderator of the interest-based approach to bargaining. Mr. Szerlag described the interest-based approach and the meeting format.

Consensus was reached by a vote by voice to follow simple ground rules as described by John Szerlag.

John Szerlag moderated an interest-based discussion with the City Council and Planning Commission on accessory building footprint ratios, garage door height and commercial vehicle regulations.

1. Options for Regulating Attached Garages and Accessory Structures

Mark Miller, Planning Director, provided an update on ZOTA 215 and the process to date.

Mark Stimac, Director of Building and Zoning, presented a brief history of commercial vehicle restrictions in Troy.

Planning Consultant Richard Carlisle provided a regional perspective on commercial vehicles.

Peggy Clifton recorded interests and options on easels located at the front of the room. The following interests and options regarding *Options for Regulating Attached Garages and Accessory Structures* were recorded based on individual input:

PLANNING COMMISSION INTERESTS:

I. Footprint Ratios

1. Enforcement not to be retroactive for legally constructed structures. (Do not create non-conforming structures.)
2. Replacement structures must conform.
3. Maintain residential character.

II. Garage Door Heights

1. Maintain residential flavor/appearance.
2. Do not store recreational vehicles in residential areas.

CITY COUNCIL INTERESTS:

I. Footprint Ratios

1. Footprint ratio that does not create non-conformance.
2. Footprint of living area, not just first floor.
3. Solution should address Alpine Street.
4. Allow building size to be dictated by size of property.
5. Be careful not to permit too big of structure based on lot size.

II. Garage Door Heights

1. Maintain residential character.

CITY MANAGEMENT INTERESTS:

I. Footprint Ratios

1. Consistency
2. Practicality of application of ordinance

II. Garage Door Heights

1. No height limit.

OPTIONS:

I. Footprint Ratios

1. 100% of livable area calibrated with setbacks.
2. 75% of the first floor living area.
3. 125% of living area.
4. Establish a ceiling.
5. Calibration of larger attached buildings based on height.

II. Garage Door Height

1. 8' for front entrances; larger in rear.
2. No height restriction.

GENERAL DIRECTION FROM CITY COUNCIL:

- The option selected was 75% of first floor living area and larger with a greater setback than otherwise required, based on a formula created by the Planning Commission.

- Do not limit garage door height

---

2. Options for Regulating Commercial Vehicles

Peggy Clifton recorded interests and options on easels located at the front of the room. The following interests and options regarding *Options for Regulating Commercial Vehicles* were recorded based on individual input:

PLANNING COMMISSION INTERESTS:

I. Commercial Vehicles - (No comments)

CITY COUNCIL INTERESTS:

I. Commercial Vehicles

1. Fix definition of commercial vehicle (weight, size, type).
2. Make variance renewals automatic (if no changes).
3. Exceptions considered for (1) Mile Road frontage; (2) Hardships (short-term); (3) Duration.
4. Residentially zoned/utilized areas only.

CITY MANAGEMENT INTERESTS:

I. Commercial Vehicles

1. Appropriate criteria be developed for variance to be granted.

OPTIONS:

I. Commercial Vehicles

1. No change.
2. Transfer authority to grant variances to BZA.
3. Administrative approval of variance renewals.
4. Change definition of commercial vehicles.
5. Restrict indoor storage.
6. Modify criteria – all 4 conditions must be met.
7. Separate police power ordinance.
8. Eliminate ability to appeal commercial vehicle storage provisions.

GENERAL DIRECTION FROM CITY COUNCIL:

- Transfer authority to grant variances to BZA.
- Develop appropriate criteria for granting variances.

Following the interest-based discussion, moderator John Szerlag handed control of the meeting back to Mayor Schilling.

PUBLIC COMMENT

Vote on Resolution to Suspend Council Rules #16 – Members of the Public & Visitors

Resolution #2005-03-148a
Moved by Stine
Seconded by Broomfield

RESOLVED, That Council Rules #16, Members of the Public & Visitors, be **SUSPENDED** and that Public Comment be reduced from five minutes to two minutes at the request of the Chair and by majority vote of City Council members elect.

Yes: All-7

The meeting **ADJOURNED** at 10:36 PM.

Louise E. Schilling, Mayor

Laura A. Fitzpatrick
Assistant to the City Manager

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

Mr. Miller reported that the minutes of the March 28, 2005 Special Joint Meeting reflect the convergence of opinion arrived at that meeting and were sent to the City Council as an informational item with a memorandum explaining how the convergence of opinion was developed. Mr. Miller said the minutes would go to the City Council at their May 9, 2005 Meeting for review and approval.

Mr. Miller reviewed the draft text amendment relating to accessory structures, the grandfather clause, and the decision of the Board of Zoning Appeals at their April 19, 2005 meeting. Mr. Miller indicated that City Management is in agreement with the accessory structure formula of 75% of the first floor living area and the grandfather clause. City Management is not in favor of placing a restriction on garage door height. A lengthy discussion followed. The members agreed to go forward with its original proposal and to include the grandfather clause. The Planning Department will draft appropriate zoning ordinance text with respect to garage door height.

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

Mr. Miller reviewed the proposed Zoning Ordinance Text Amendment relating to accessory buildings definitions and provisions.

PUBLIC HEARING OPENED

No one was present to speak.

Resolution # PC-2005-05-069
Moved by: Schultz
Seconded by: Khan

RESOLVED, That Article 04.20.00 and Articles 40.55.00-40.59.00, pertaining to Accessory Buildings Definitions and Provisions, be postponed to a future meeting.

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

MOTION CARRIED

Ms. Drake-Batts said the members made their decisions in previous meetings.

Paula P Bratto

From: ted.huang@gm.com
Sent: Friday, April 29, 2005 8:22 AM
To: Paula P Bratto
Subject: Re: FW: May 16, 2005 City Council Public Hearing Notices

pic19659.jpg Z-695 Becker Notice.pdf ZOTA 215 A Notice.pdf Hidden Forest SC Notice.pdf

As an resident of Troy, we strongly against the impose height limits for houses build so long ago. Remember depreciating value on Troy houses does no body good, particular to the city who accounts the tax revenue to operate.

"Dick Minnick" <dick@minnick2.com>
04/28/2005 03:58 PM
Please respond to dick

To: "Dick Minnick" <dick@minnick2.com>
cc:
Subject: FW: May 16, 2005 City Council Public Hearing Notices

Dear Neighbors,

FYI, the Planning Commission is holding another Public Hearing on the redefinition of "accessory buildings" to include attached garages and to impose footprint and height limits thereon (ZOTA-215A). If they proceed with the proposal to limit roof heights, nearly every home in Westwood Park would become a non-conforming structure. If you cannot attend the meeting on May 10, please send an email to the Planning Commission [planning@ci.troy.mi.us] stating your opposition to having height limits on attached garages.

The attached notice is for a Public Hearing at City Council on May 16th. This is surprising because the Planning Commission has yet to complete the revised draft of the zoning ordinance. Please also send a note to Council [council@ci.troy.mi.us] stating your objection to height limits.

(Embedded image moved to file: pic19659.jpg)
| Dick Minnick
| Troy, Michigan USA

From: Paula P Bratto [mailto:BrattoPP@ci.troy.mi.us]
Sent: Thursday, April 28, 2005 2:29 p.m.
To: Charnwood Hills Assoc.; COTHA; Crescent Ridge/Parc HOA; East Long Lake Estates; East Long Lake Estates #2; Emerald Lakes Village; Fox Hall (Crescent Ridge #1); Lake Charnwood Property Owners Asso; Meadowland Estates ; North Bridge Park & Keaton Manor Sub. HOA; Northfield Hills - Pres.; Northfield Hills - VP; Oak River East Phase 2 & 3 HOA; Raintree HOA;

Scotlands Subdivision; Sylvan Glen HOA ; Tonni L Bartholomew; Troy Estates; Washington Square Estates; Westwood Park; Bob Gosselin; 'Eileen S. Wloszek' (E-mail); Mark S Stimac
Subject: May 16, 2005 City Council Public Hearing Notices

The following Public Hearing / Meetings will be on the May 16, 2005 City Council Meeting:

(1) Public Hearing Notice for Rezoning Request
Z-695 - Proposed Becker Parking Lot
Section 27
From R-1E (One Family Residential) to P-1 (Vehicular Parking) district
The subject property is located on the south side of Henrietta Ave., east of Rochester Rd.

(2) Public Hearing Notice for Zoning Ordinance Text Amendment
ZOTA 215 A Accessory Structures
The proposed amendments would revise the text with regard to the definition of Accessory Buildings, Accessory Supplemental Buildings and Accessory Structures and revise the text with regard to the regulation of Accessory Buildings, Accessory Supplemental Buildings and Accessory Structures including placement, height and area.

(3) Public Meeting Notice for Proposed Residential Development
Proposed Hidden Forest Site Condominium (Revised)
Zoned R-1C, 37 units/lots proposed
Section 22
The subject property is located on the south side of Wattles, west of Jennings

Please see the attached notices regarding the above proposals.

Notices and information for public hearings are posted at http://www.ci.troy.mi.us/PublicHearings/ .

The agendas for City Council meetings are posted on the City website at http://www.ci.troymi.us/council/Meetings.asp , agendas for Planning Commission = meetings are posted at http://www.ci.troy.mi.us/committees/committeelist.asp#PC (usually the Friday before the meeting).

If you have any questions or concerns regarding the above items please contact our office. All correspondence received will be forwarded onto the Planning Commission and/or City Council.

<<Z-695 Becker Notice.pdf>> <<ZOTA 215 A Notice.pdf>> <<Hidden Forest SC Notice.pdf>>

Paula Preston Bratto
City of Troy
Planner
248.524.3365
www.ci.troy.mi.us

(See attached file: Z-695 Becker Notice.pdf)(See attached file: ZOTA 215 A Notice.pdf)(See attached file: Hidden Forest SC Notice.pdf)

Paula P Bratto

From: virupatel@aol.com
Sent: Tuesday, May 03, 2005 1:38 PM
To: Paula P Bratto
Subject: Garage Roofs

Please note that I oppose to having height limits to attached garages.

Paula P Bratto

From: Linda.Schulz@jdpa.com
Sent: Thursday, April 28, 2005 4:34 PM
To: Paula P Bratto; talk2cristina@aol.com; dave@lambert.net; david@eisenbacher.org; stinejm@wwnet.net; 000schilling@ameritech.net; Mfhowryl@umich.edu; rbeltram@wideopenwest.com; Cynthia A Stewart
Subject: ZOTA 215-A

Members of Council and the Planning Commission:

I would like to share my opposition to changing the roof height limits on attached garages. Our home is relatively new and conformed to building guidelines at that time. I am concerned that a change in the guidelines will make my home and every home in our subdivision (Westwood Park) non-conforming for no reasonable purpose.

I understand the issues the city is facing, but would like some consideration to those homeowners who are not the driving force of this change.

Cordially,
Linda C. Schulz
248.528.3547

****

This e-mail and any files transmitted with it are confidential and intended solely for the use of the individual or entity to which they are addressed. If you have received this in error, you must not use or disseminate any information contained in it. Please send it back to the person who sent it to you and delete it from your system. This footnote also confirms that this e-mail message has been swept by Sybari's Antigen for the presence of computer viruses. However, we cannot guarantee that this transmission is virus free, nor can we guarantee that this e-mail is secure or error-free as information could be intercepted, corrupted, lost, destroyed, or arrive late or incomplete. J.D. Power and Associates therefore does not accept liability for loss or damage suffered as a result of this transmission or for any

errors or omissions in the contents of this e-mail.

****

Paula P Bratto

From: Dick Minnick [dick@minnick2.com]

Sent: Thursday, April 28, 2005 4:12 PM

To: Paula P Bratto; Cristina Broomfield; David A. Lambert; David Eisenbacher; Jeanne M. Stine; Louise Schilling; Martin Howrylak; Robin E. Beltramini; Cynthia A Stewart

Subject: ZOTA 215-A

Members of Council and the Planning Commission:

I am opposed to having roof height limits imposed on attached garages. Depending upon what arbitrary limit is chosen, nearly every home in Westwood Park (as well as many other newer homes with steep roofs) would become non-conforming.

It is particularly worrisome that the city has no records on existing roof heights, so it is not able to determine how many homes would become non-compliant, nor would they be able to inform the residents whether or not they were compliant--something that the owner MUST know and disclose when selling their property. Determination of the actual roof height is a complicated formula and it is very difficult to measure on an existing building without a copy of the original blueprints indicating the "finished grade" elevation.

With the recent BZA decision, I seriously question whether or not ZOTA-215A should go forward. If the structure on Alpine does not comply with the existing codes, then there would appear to be no need to change the ordinances to prevent another similar structure from being built. How many other complaints has the city received relative to the size of attached garages? Why add another layer of regulation and impose a non-conforming hardship on many residents who are not part of the problem?

Dick

| **Dick Minnick**
| Troy, Michigan USA

A Regular Meeting of the Troy City Council was held Monday, May 9, 2005, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the Meeting to order at 7:30 PM.

Mayor Pro Tem Beltramini gave the Invocation and the Pledge of Allegiance to the Flag was given.

ROLL CALL

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

CERTIFICATES OF RECOGNITION:

A-1 Presentations:
a) Jamie Martone – 2005 State Swimming Champion – 50 Yard Freestyle
b) National Association of Letter Carriers – Food Drive Day – May 14, 2005

CARRYOVER ITEMS:

B-1 No Carryover Items

PUBLIC HEARINGS:

C-1 No Public Hearings Scheduled

POSTPONED ITEMS:

D-1 No Postponed Items

CONSENT AGENDA:

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

Resolution #2005-05-219
Moved by Lambert
Seconded by Beltramini

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

Yes: All-7

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

E-2 Approval of City Council Minutes

Resolution #2005-05-219-E-2

RESOLVED, That the Minutes of the Regular City Council Meeting of April 18, 2005 at 7:30 PM be **APPROVED** as corrected; the Minutes of the Special/Study Meeting of April 25, 2005 at 6:30 PM be **APPROVED** as corrected; the Minutes of the Regular Meeting of April 25, 2005 at 7:30 PM; and the Minutes of the Special/Study Meeting of May 2, 2005 at 6:30 PM be **APPROVED** as submitted.

E-3 City of Troy Proclamations

Resolution #2005-05-219-E-3

a) Jamie Martone – 2005 State Swimming Champion – 50 Yard Freestyle
b) National Association of Letter Carriers – Food Drive Day – May 14, 2005
c) Arson Awareness Week – May 1–7, 2005

E-4 Standard Purchasing Resolutions

a) Standard Purchasing Resolution 1: Award to Low Bidder – Contract 05-2 – Section 23 Pavement Replacement

Resolution #2005-05-219-E-4a

RESOLVED, That Contract No. 05-2, Section 23 Pavement Replacement, be **AWARDED** to Florence Pavement Providers, 12798 23 Mile Road, Shelby Township, MI 48315 at an estimated total cost of $839,557.35; 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.

b) Standard Purchasing Resolution 1: Award to Low Bidder – Two (2) Air Compressors

Resolution #2005-05-219-E-4b

RESOLVED, That a contract to furnish and install two (2) Air Compressors for the Fire Department is hereby **AWARDED** to the low bidder, Douglass Safety Systems of Rhodes, MI, for an estimated total cost of $33,800.00, at unit prices contained in the bid tabulation opened March 23, 2005, 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 documents, including insurance certificates and all other specified requirements.

c) Standard Purchasing Resolution 1: Award to Low Bidder – Contract 05-3 – Coolidge, North of Wattles Reconstruction

Resolution #2005-05-219-E-4c

RESOLVED, That Alternate "B", Option #1 of contract No. 05-3, Coolidge, north of Wattles reconstruction, be **AWARDED** to Six-S, Inc., 2210 Scott Lake Road, Waterford, MI 48328 at an estimated total cost of $1,242,223.51; 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.

d) Standard Purchasing Resolution 2: Bid Award – Lowest Bidders Meeting Specifications – Turfgrass Chemical Products

Resolution #2005-05-219-E-4d

RESOLVED, That contracts to purchase 2005 seasonal requirements of Turfgrass protection products are hereby **AWARDED** to the low bidders meeting specifications as follows:

BIDDERS	ITEMS
Tri-Turf of Farmington Hills, MI.	1,2,5,6,16,20,22,29,30,33
Verdicon/UHS of Linden, MI.	3, 4, 7,19, 21,37
Great Lakes Turf LLC., of Grand Rapids MI.	8, 9, 10, 11, 12, 13, 15,18, 24, 34, 35, 36
Turfgrass Incorporated, of South Lyon MI.	14,17, 23, 25, 26, 27, 28, 31, 32

for an estimated total cost of $156,785.00, at unit prices contained in the bid tabulation opened March 23, 2005, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

E-5 Acceptance of a Permanent Easement for Storm Sewer and Watermain – Michael Agnetti – Northeast Corner of Wattles Road and Northfield Parkway – Sidwell #88-20-17-454-016 and -017

Resolution #2005-05-219-E-5

RESOLVED, That the Storm Sewer and Watermain Easement from Michael Agnetti, owner of property at the northeast corner of Wattles Road and Northfield Parkway, having Sidwell #88-20-17-454-016 and -017 is hereby **ACCEPTED** for the operation, maintenance and repair or replacement of storm sewer and watermain; and

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

E-6 Acceptance of Three Permanent Easements for Public Utilities and a Warranty Deed for Street Right-of-Way – Birchwood Estates Site Condo – Sidwell #88-20-24-226-026, 027, 047, 046, and 045

Resolution #2005-05-219-E-6

RESOLVED, That the three (3) permanent easements for public utilities and the warranty deed for street right-of-way from Elro Corporation, owner of property in the northeast ¼ of Section 24, having Sidwell # 88-20-24-226-026, 027, 047, 046, and 045, 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 Office, a copy of which shall be attached to the original Minutes of this meeting.

E-7 Acceptance of Permanent Easement for Sanitary Sewer – Dequindre Sewer Project No. 02.406.5 – Jaroslaw N. and Irene W. Mikulak, Sidwell #88-20-13-429-021

Resolution #2005-05-219-E-7

RESOLVED, That the Permanent Easement for Sanitary Sewer from Jaroslaw N. and Irene W. Mikulak, owners of 39917 Dequindre, having Sidwell #88-20-13-429-021 is 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-8 Acceptance of a Regrading and Temporary Construction Permit for the Troy Court Water Main Project #01.502.5 – Section 34

Resolution #2005-05-219-E-8

RESOLVED, That the Regrading and Temporary Construction Permit from property owners Elerious and Priscilla King, having Sidwell #88-20-34-152-017, with a consideration of $500.00, is hereby **ACCEPTED**, and payment of the stated consideration is **APPROVED**, for the construction, operation, maintenance and repair of the Troy Court Water Main Improvement Project; and

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

E-9 Acceptance of Conditioned Purchase Offer for Maple Road/Coolidge to Crooks Watermain and Sidewalk Project #01.501.5 – General Development Company No. 5, L.L.C., 1765 West Maple, Sidwell #88-20-32-226-028

Resolution #2005-05-219-E-9

RESOLVED, That the Agreement to Purchase between the City of Troy and General Development Company No. 5, L.L.C., having Sidwell #88-20-32-226-028 for acquisition of right-of-way in the amount of $56,000.00, plus closing costs, is hereby **APPROVED**.

E-10 Approval of Conditioned Purchase Agreements for Right-of-Way: Sidewalk Gap Project, Sidwell #88-20-01-476-088 and 087

Resolution #2005-05-219-E-10

RESOLVED, That the two (2) Agreements to Purchase between Sharon Manning, owner of the properties having Sidwell #88-20-01-476-088 and 087, and the City of Troy, for the acquisition of right-of-way for a Sidewalk Gap Completion Project, is hereby **APPROVED** in the amounts of $21,760.00 and $12,840.00, respectively, plus closing costs.

E-11 Partial Release of Retained Public Utility Easement at 94 Hickory – Sidwell #88-200-27-156-029 – Daniel Bousho, Owner

Resolution #2005-05-219-E-11

RESOLVED, That the west 10 feet of the 50 foot wide public utility, storm drain/sewer easement retained over vacated Mastin Street, recorded in Liber 16413, page 860 of Oakland County Records, and abutting Lot 66 of Greenough Heights Subdivision, being part of Sidwell # 88-20-27-156-029, commonly known as 94 Hickory Street, is hereby **RELEASED AND ABANDONED**; and

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

E-12 Proposed Rezoning (Z-680) – Proposed Choice Cluster Development, East Side of Finch, South of Wattles, Section 21 – R-1B to CR-1

Resolution #2005-05-219-E-12

RESOLVED, That the proposed rezoning (Z-680) - Proposed Choice Cluster Development, east side of Finch, south of Wattles, Section 21, from R-1B to CR-1, is hereby **REMOVED** from City Council consideration at the request of the petitioner.

E-13 Transfer of Ownership of a Class C Liquor License – Delaware California Pizza Kitchen, Inc. (Somerset North)

Resolution #2005-05-219-E-13

RESOLVED, That the request from DELAWARE CALIFORNIA PIZZA KITCHEN, INC. (A DELAWARE CORPORATION), to transfer ownership through merger of a 2004 12 months Resort Class C licensed business [MCL 436.1531(4)]; non-transferable with official permit (food), located at Somerset Collection North, 2800 W. Big Beaver, Space N 126, Troy, MI 48084, Oakland County, from California Pizza Kitchen, Inc. (A California Corporation), be **CONSIDERED** for approval; it is the consensus of this legislative body that the application be recommended for issuance.

E-14 Private Agreement for Troy Medical Offices – Project No. 04.915.3

Resolution #2005-05-219-E-14

RESOLVED, That the *Contract for the Installation of Municipal Improvements* (Private Agreement) between the City of Troy and Charter Building & Development is hereby **APPROVED** for the installation of 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.

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 Senior Citizens; Cable Advisory Committee; Charter Revision Committee; Historic District Commission; Personnel Board

(a) Mayoral Appointments – No appointments scheduled

(b) City Council Appointments

Resolution
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 Senior Citizens
Appointed by Council (9) – 3 years

David. S. Ogg Term Expires 04/30/08

Josephine Rhoads Term Expires 04/30/08

Cable Advisory Committee
Appointed by Council (7) – 3 years
Brian H. Wehrung Term expires 02-28-2008

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

Cynthia A. Wilsher Term Expires April 30, 2008

William Weisgerber Term Expires April 30, 2008

Personnel Board
Appointed by Council (5) - 3 years

Ronald I. Tschirhart Term Expires April 30, 2008

Library Board
Appointed by Council (5) – 3 years

Lauren Andreoff (Student) Term Expires July 01, 2006

Cheng Chen (Mr) (Student) Term Expires July 01, 2006

Vote on Resolution to Separate Vote

Resolution #2005-05-220
Moved by Howrylak
Seconded by Lambert

RESOLVED, That the vote for the Charter Revision Committee appointments be **SEPARATED** until Mark R. Solomon can be contacted to determine whether he is interested in continuing to serve as a member on this committee.

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

MOTION CARRIED

(b) City Council Appointments

Resolution #2005-05-221
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 Senior Citizens
Appointed by Council (9) – 3 years

David. S. Ogg Term Expires 04/30/08

Josephine Rhoads Term Expires 04/30/08

Cable Advisory Committee
Appointed by Council (7) – 3 years

Brian H. Wehrung Term expires 02-28-2008

Personnel Board
Appointed by Council (5) - 3 years

Ronald I. Tschirhart Term Expires April 30, 2008

Library Board
Appointed by Council (5) – 3 years

Lauren Andreoff (Student) Term Expires July 01, 2006

Cheng Chen (Mr) (Student) Term Expires July 01, 2006

Yes: All-7

It was the consensus of City Council to **POSTPONE** the vote on the City Charter Revision appointments until the Regular City Council Meeting scheduled on Monday, May 23, 2005 at 7:30 PM.

F-2 Membership Contract Between the City of Troy and Southeastern Oakland County Resource Recovery Authority (SOCRRA)

Resolution #2005-05-222
Moved by Stine
Seconded by Howrylak

RESOLVED, That a contract between the Southeastern Oakland County Resource Recovery Authority (SOCRRA) and the City of Troy, whereby SOCRRA shall collect, process and dispose of the municipal solid waste, yard waste and recyclables accumulating within this municipality, and the City of Troy shall pay SOCRRA for this service at rates established annually by the SOCRRA Board of Trustees throughout the contract period and as long as the City is bound by that contract, and the same is hereby **RATIFIED** and **APPROVED**; and

BE IT FURTHER RESOLVED, That the Mayor and City Clerk are **AUTHORIZED** and **DIRECTED TO EXECUTE** said contract with the Southeastern Oakland County Resource

Recovery Authority (SOCRRA), a copy of which shall be **ATTACHED** to the original Minutes of this meeting.
Yes: All-7

F-3 Facilitation of a Futuring and Strategic Planning Process for the City of Troy by Mr. Ed Barlow

Resolution
Moved by Beltramini
Seconded by Lambert

RESOLVED, That the Troy City Council hereby **APPROVES** the proposal from Ed Barlow to facilitate a futuring and strategic planning process for an amount not to exceed $50,000.00.

Resolution to Postpone

Resolution
Moved by Beltramini
Seconded by Broomfield

RESOLVED, That "*Facilitation of a Futuring and Strategic Planning Process for the City of Troy by Mr. Ed Barlow"* be **POSTPONED** until the Regular City Council Meeting scheduled for Monday, July 11, 2005 at 7:30 PM.

Resolution to Amend

Resolution
Moved by Eisenbacher
Seconded by Howrylak

RESOLVED, That the Resolution to Postpone be **AMENDED** by **INSERTING,** "and that City Staff submit a proposed resolution implementing a Best Value RFP with options given the interests that have been expressed." **AFTER** 7:30 PM.

Vote on Amendment to *Resolution to Amend* by Substitution

Resolution #2005-05-223
Moved by Lambert
Seconded by Broomfield

RESOLVED, That the Resolution to Amend be **AMENDED** by **STRIKING** in its entirety and **SUBSTITUTED** with, "RESOLVED, That the Resolution to Postpone be **AMENDED** by **INSERTING**, "any action proposed for" **BEFORE** "*Facilitation of a Futuring and Strategic Planning Process for the City of Troy by Mr. Ed Barlow"* and by **STRIKING "**July 11, 2005" and **INSERTING "**May 23, 2005"."

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

MOTION CARRIED

Vote on Resolution to Amend as Substituted

Resolution #2005-05-224
Moved by Eisenbacher
Seconded by Howrylak

RESOLVED, That the Resolution to Postpone be **AMENDED** by **INSERTING**, "any action proposed for" **BEFORE** "*Facilitation of a Futuring and Strategic Planning Process for the City of Troy by Mr. Ed Barlow"* and by **STRIKING "**July 11, 2005" and **INSERTING "**May 23, 2005".

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

MOTION CARRIED

Vote on Resolution to Postpone as Amended

Resolution #2005-05-225
Moved by Beltramini
Seconded by Broomfield

RESOLVED, That any action proposed for "*Facilitation of a Futuring and Strategic Planning Process for the City of Troy by Mr. Ed Barlow"* be **POSTPONED** until Special/Study City Council Meeting scheduled for Monday, May 23, 2005 at 7:30 PM.

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

MOTION CARRIED

F-4 Big Beaver Corridor Study

Resolution #2005-05-226
Moved by Eisenbacher
Seconded by Stine

WHEREAS, The Troy Downtown Development Authority in conjunction with the Troy City Council recognized a need to re-ignite the development and redevelopment efforts of properties contained within the Troy Downtown Development district which have an estimated value of $1.3 billion;

WHEREAS, The Troy City Council through Resolution 2004-10-565 directed City administration to proceed with the Big Beaver Corridor Study and to send out requests for proposals (RFP);

WHEREAS, In addition to his staff, the City Manager invited a representative from Troy City Council, Downtown Development Authority, Planning Commission and the City's planning consultant to comprise a RFP committee;

WHEREAS, This RPF committee unanimously recommended that Birchler Arroyo Associates, Inc. be selected to perform the Big Beaver Corridor Study, based upon the best proposal submission in terms of stakeholder input, land use policies to determine long term economic viability, transportation management and design/esthetics;

WHEREAS, The Downtown Development Authority adopted a resolution that authorizes the DDA Chairman and Executive Director to execute a contract with Birchler Arroyo Associates, Inc. to Conduct the Big Beaver Corridor Study, contingent upon endorsement by Troy City Council;

WHEREAS, The Birchler Arroyo Associates, Inc. proposal includes a professional fee of $125,000 with 10% expenses, not to exceed a total of $137,000.00.

NOW, THEREFORE, BE IT RESOLVED, That the Troy City Council **ENDORSES** the Downtown Development Authority contract with Birchler Arroyo Associates, Inc. and **SHALL BUDGET** sufficient funds for the Big Beaver Corridor Study.

Yes: All-7

The meeting **RECESSED** at 9:07 PM.

The meeting **RECONVENED** at 9:18 PM.

Vote on Resolution to Suspend Council Rules #16 – Members of the Public & Visitors

Resolution
Moved by Schilling
Seconded by Beltramini

RESOLVED, That Council Rules #16, Members of the Public & Visitors, be **SUSPENDED** and that Public Comment be reduced from five (5) minutes to three (3) minutes at the request of the Chair and by majority vote of City Council members elect.

Vote on Resolution to Amend

Resolution #2005-05-227
Moved by Howrylak
Seconded by Stine

RESOLVED, That the Resolution to Suspend Council Rules #16 – Members of the Public & Visitors be **AMENDED** by **STRIKING "**three (3)" and **INSERTING** "four (4)".

Yes: All-7

Vote on Resolution as Amended

Resolution #2005-05-228

Moved by Schilling
Seconded by Beltramini
RESOLVED, That Council Rules #16, Members of the Public & Visitors, be **SUSPENDED** and that Public Comment be reduced from five (5) minutes to four (4) minutes at the request of the Chair and by majority vote of City Council members elect.

Yes: All-7

F-5 Options/Ramifications for Proposed I-75 Crooks / Long Lake Interchange Improvement Project

c) Vote on Resolution 3

Resolution #2005-05-229
Moved by Howrylak
Seconded by Lambert

WHEREAS, Due to various concerns from area residents and the White Chapel Cemetery, the Federal Highway Administration requested that an Environmental Assessment (EA) be performed for this project;

WHEREAS, The ICMA citizen survey which indicated that 51 percent of the resident respondents are not in favor of the above-referenced project.

THEREFORE, BE IT RESOLVED, That the Troy City Council **DIRECTS** City Staff to **ABANDON** the I-75 Crooks/Long Lake Interchange Improvement project before any further monies are expended on property acquisition or the Environmental Assessment (EA).

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

MOTION FAILED

b) Vote on Resolution 2

Resolution #2005-05-230
Moved by Stine
Seconded by Beltramini

WHEREAS, The Environmental Assessment (EA) required by the Federal Highway Administration will give those wanting to participate in the development process an opportunity to help identify the best solution for the area;

WHEREAS, The Environmental Assessment (EA) may identify an alternative that may not require the property acquisitions that have been initiated.

THEREFORE, BE IT RESOLVED, That the Troy City Council **DIRECTS** City staff to proceed with the Environmental Assessment, and after the Environmental Assessment is complete, begin to acquire property for the project where applicable.

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

MOTION CARRIED

F-6 Temporary Aid Agreement

Resolution #2005-05-231
Moved by Stine
Seconded by Howrylak

WHEREAS, The closure of Coolidge Road at I-75 for construction will temporarily restrict the ability of Fire Station 6 to respond to incidents in Sections 5 and 6;

WHEREAS, Bloomfield Township has agreed to provide temporary aid to Troy by responding to structure fires in Sections 5 and 6 during the construction period.

NOW, THEREFORE, BE IT RESOLVED, That the attached agreement with Bloomfield Township which has been executed by the City Manager is hereby **RATIFIED**.

Yes: All-7

F-7 Final Site Plan Approval – Proposed Maplewood Site Condominium – South Side of South Boulevard, West of Rochester Road – Section 3, R-1C

Resolution #2005-05-232
Moved by Lambert
Seconded by Eisenbacher

RESOLVED, That the Final Plan be **APPROVED**, as submitted under Section 34.30.00 of the Zoning Ordinance (Unplatted One-Family Residential Development) for the development of the One-Family Residential Site Condominium known as Maplewood Site Condominium, with fourteen (14) units, located south of South Boulevard and west of Rochester Road – Section 3, within the R-1C Zoning District and being 5.171 Acres in size.

Yes: All-7

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

Resolution #2005-05-233
Moved by Broomfield
Seconded by Stine

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

Yes: All-7

F-8 Flags

Resolution #2005-05-234
Moved by Stine
Seconded by Schilling

RESOLVED, That the City Council hereby **APPROVES** flying the 50th Anniversary flag beneath the City flag on all flagpoles which currently fly a City flag.

Yes: All-7

F-9 Standard Purchasing Resolution 8: Best Value Process Award – Troy Daze Fireworks

Resolution #2005-05-235
Moved by Eisenbacher
Seconded by Lambert

RESOLVED, That a contract to provide three (3) year requirements of Fireworks Displays for the Magic of Fall/Troy Daze Festival for years 2005, 2006, and 2007 is hereby **AWARDED** to Mad Bomber Fireworks Productions of Kingsbury, IN, the highest scoring respondent as a result of a Best Value process, which the Troy City Council determines to be in the public interest for an estimated total cost of $15,000.00, or $5,000.00 per year; and

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

Yes: All-7

F-10 Sole Source – US Filter HRR Enhancer and Pulsar Plus Briquettes

Resolution #2005-05-236
Moved by Beltramini
Seconded by Lambert

WHEREAS, B&B Pools and Spas of Livonia, MI, is the authorized dealer/distributor in Michigan for Arch Chemical and US Filter pool products;

WHEREAS, Pulsar Plus manufactured by Arch and HRR Enhancer by US Filter are compatible with the ECS System installed at the Community Center Indoor Pool, which maintains proper chemical balance and ensures public health and safety;

WHEREAS, B&B Pools and Spas market their Pulsar products at dealer prices plus 25% and HRR Enhancer at trade prices.

NOW, THEREFORE, BE IT RESOLVED, That a contract to purchase both Pulsar Products and HRR Enhancer is hereby **APPROVED** with B&B Pools and Spas at dealer prices plus 25% and trade prices respectively for the Community Center Indoor Pool.
Yes: All-7

F-11 Bid Waiver – Workers' Compensation Insurance Renewal for Fiscal Year 2005/2006

Resolution #2005-05-237
Moved by Stine
Seconded by Beltramini

WHEREAS, The Michigan Municipal League has provided Workers' Compensation Insurance for the City of Troy and the premium charged has been equitable based on the City's experience;

WHEREAS, It is desirable to continue the program through the Michigan Municipal League due to the positive experience of participating in the MML program.

NOW, THEREFORE, BE IT RESOLVED, That formal bidding procedures are hereby **WAIVED** and the net estimated premium cost of $552,460.00 is hereby **APPROVED** for Workers' Compensation Insurance through the MML for the 2005-2006 fiscal year with a resulting final estimated cost to the City of $444,846.00 after applying a dividend distribution check in the amount of $107,614.00.

Yes: All-7

F-12 Bid Waiver – Skate Park Equipment

Resolution #2005-05-238
Moved by Beltramini
Seconded by Broomfield

WHEREAS, On March 17, 2003, the Troy City Council awarded a contract to furnish and install skate park components to the lowest bidder meeting specifications, Rolar Property SVC, a general contractor, (Resolution #2003-03-142);

WHEREAS, Michigan Skate Parks, LLC, a sub-contractor on the project, provided and installed the equipment as the regional representative for Woodward Ramps and Rails/HUNA Designs;

WHEREAS, The existing equipment has performed well and it is beneficial from a maintenance standpoint to standardize the equipment within the site.

NOW, THEREFORE, BE IT RESOLVED, That formal bidding procedures are hereby **WAIVED** and the City of Troy is **AUTHORIZED** to purchase additional skate park components to complete the skate park at an estimated total cost of $42,532.00, with $16,820.00 funded through user and private contributions, $20,000.00 funded through a Kmart Community Makeover Grant, and the remaining funds of an estimated $5,712.00 provided by the City of Troy.

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

F-13 Petition Analysis, Paving of Tacoma SAD #05.202.01

a) Standard Resolution #1

Resolution #2005-05-239a
Moved by Beltramini
Seconded by Stine

RESOLVED, That Standard Resolution #1 is hereby **ADOPTED** to direct the preparation of plans and costs estimates for the Special Assessment to pay all or part of the cost of Asphalt Paving of Tacoma in Section 28, Project No. 05.202.1, all pursuant to Sections 1.1 and 1.2 of Chapter 5 of the Code of the City of Troy.

Yes: All-7

b) Standard Resolution #2

Resolution #2005-05-239b
Moved by Beltramini
Seconded by Stine

RESOLVED, That Standard Resolution #2 is hereby **ADOPTED** to approve plans and cost estimates for a Special Assessment to pay all or part of the cost of Asphalt Paving of Tacoma, in Section 28, Project No. 05.202.1, all pursuant to Sections 1.1 and 1.2 of Chapter 5 of the Code of the City of Troy:

Total Estimated Cost	$328,000.00
Assessment (2,349.56 lf @ $19.5781/lf.)	46,000.00
City's Share	282,000.00

BE IT FURTHER RESOLVED, That the City Assessor is hereby **ORDERED** and **DIRECTED** to prepare a Special Assessment Roll in accordance with Chapter 5 of the Code of the City of Troy.

Yes: All-7

c) Standard Resolution #3

Resolution #2005-05-239c
Moved by Beltramini
Seconded by Stine
RESOLVED, That Standard Resolution #3 is hereby **ADOPTED** to set a Public Hearing date on the Special Assessment roll for Asphalt Paving of Tacoma, in Section 28, Project No. 05.202.1, all pursuant to Chapter 5 of the Code of the City of Troy, with said Public Hearing to be established for June 6, 2005.

Yes: All-7

F-14 Petition Analysis, Paving of Olympia SAD #05.201.1

a) Standard Resolution #1

Resolution #2005-05-240a
Moved by Lambert
Seconded by Eisenbacher

RESOLVED, That Standard Resolution #1 is hereby **ADOPTED** to **DIRECT** the preparation of plans and costs estimates for the Special Assessment to pay all or part of the cost of Asphalt Paving of Olympia in Section 28, Project No. 05.201.1, all pursuant to Sections 1.1 and 1.2 of Chapter 5 of the Code of the City of Troy.

Yes: All-7

b) Standard Resolution #2

Resolution #2005-05-240b
Moved by Lambert
Seconded by Eisenbacher

RESOLVED, That Standard Resolution #2 is hereby **ADOPTED** to **APPROVE** plans and cost estimates for a Special Assessment to pay all or part of the cost of Asphalt Paving of Olympia, in Section 28, Project No. 05.201.1, all pursuant to Sections 1.1 and 1.2 of Chapter 5 of the Code of the City of Troy:

Total Estimated Cost	$334,000.00
Assessment (2,094.92 lf @ $21.9578/lf.)	46,000.00
City's Share	288,000.00

BE IT FURTHER RESOLVED, That the City Assessor is hereby **ORDERED** and **DIRECTED** to prepare a Special Assessment Roll in accordance with Chapter 5 of the Code of the City of Troy.

Yes: All-7

c) Standard Resolution #3

Resolution #2005-05-240c
Moved by Lambert
Seconded by Eisenbacher

RESOLVED, That Standard Resolution #3 be hereby **ADOPTED** to set a Public Hearing date on the Special Assessment roll for Asphalt Paving of Olympia, in Section 28, Project No. 05.201.1, all pursuant to Chapter 5 of the Code of the City of Troy, with said Public Hearing to be **ESTABLISHED** for June 6, 2005.

Yes: All-7

F-15 Charter Revisions – 2005 Proposed Charter Committee Referrals

Resolution #2005-05-241
Moved by Stine
Seconded by Lambert

RESOLVED, That the City Council hereby **DIRECTS** City Management to refer consideration of Charter amendment language, as proposed, to the Charter Revision Committee for placement on the ballot for the General Election scheduled for November 8, 2005.

Yes: All-7

MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

G-1 Announcement of Public Hearings:

a) Commercial Vehicle Appeal, Renewal – 6881 Westaway - May 16, 2005
b) Parking Variance – 3290 W. Big Beaver – May 16, 2005
c) Rezoning Application – South Side of Henrietta Avenue, South of Big Beaver Road and East of Rochester Road, Section 27 – R-1E to P-1 (Z-695) – May 16, 2005
d) Zoning Ordinance Text Amendment (ZOTA 2150-A) – Article 04.20.00 and Articles 40.55.00-40.59.00, Pertaining to Accessory Buildings Definitions and Provisions – May 16, 2005

Noted and Filed

G-2 Green Memorandums:
a) Purchase of Jensen Property Sidwell #88-20-16-478-027
b) Revisions to Chapter 97 and Chapter 60 of the Troy City Code

Noted and Filed

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

H-1 No Council Referrals advanced by City Council to the City Manager

COUNCIL COMMENTS:

REPORTS:

J-1 Minutes – Boards and Committees:

a) Troy Local Development Finance Authority/Draft – June 29, 2004
b) Brownfield Redevelopment Authority/Final – December 16, 2004
c) Employees' Retirement System Board of Trustees-Amended/Final – February 9, 2005
d) Troy Historic District Commission/Final – February 15, 2005
e) Advisory Committee for Senior Citizen/Final – March 3, 2005
f) Employees' Retirement System Board of Trustees/Final – March 9, 2005
g) Liquor Advisory Committee/Final – March 14, 2005
h) Board of Zoning Appeals/Final – March 15, 2005
i) Troy Historic District Commission/Final – March 15, 2005
j) Planning Commission Special-Joint Meeting/Draft – March 28, 2005
k) Ethnic Issues Advisory Board/Draft – April 5, 2005
l) Planning Commission Special Meeting/Draft – April 5, 2005
m) Planning Commission Special-Study Meeting/Draft – April 5, 2005

n) Building Code Board of Appeals/Draft – April 6, 2005
o) Advisory Committee for Senior Citizens/Draft – April 7, 2005
p) Liquor Advisory Committee/Draft – April 11, 2005
q) Planning Commission Regular Meeting/Draft – April 12, 2005
r) Employees' Retirement System Board of Trustees/Draft – April 13, 2005
s) Troy Cable Advisory Committee/Draft – April 21, 2005
t) Troy Daze Advisory Committee/Draft – April 26, 2005

Noted and Filed

J-2 Department Reports:

a) Councilmember Beltramini's Travel Expense Report for the National League of Cities' "The Power of Democratic Governance" Conference
b) Councilmember Beltramini's Report from "The Power of Democratic Governance" Conference
c) Memorandum from City Management Answering Questions Raised by Council Members During the Budget Session
d) Bidcorp On-Line Auction – Workstations – Parts/Fixtures – Unassembled and BidNet On-Line Auction – Monroe 3250 Detacher – Twenty-five (25) Computers – Two (2) Boxes of Cables and Modems – Final Reporting

Noted and Filed

J-3 Letters of Appreciation:

a) Letter of Thanks to Officers Mark Cole and Rick Sewell from Leona L. Slone and Family
b) Letter of Thanks to Officer Kaptur from the Troy Middle School Health Teachers
c) Letter of Thanks to Detective James Mork from David J. Easterbrook
d) Letter of Appreciation to Officers Scott LaMilza and Steve Zagacki from Lyn S. Visner
e) Letter of Thanks to Detective James Mork from Rabbi Aaron Starr of Congregation Shir Tikvah
f) Letter of Appreciation to the Troy Community Center From State Representative Robert Gosselin for the "Operation Kicks for Kids" Donation Drive
g) Letter of Appreciation to Carol Anderson from Ryan Mandziara Regarding the Removal of Ash Trees
h) Letter of Thanks to Detective James Mork from Schroeder Elementary School PTO President, Julie Papandrea

Noted and Filed

J-4 Proposed Proclamations/Resolutions from Other Organizations:

a) Resolution from City of Royal Oak Calling on Governor Jennifer Granholm to Establish a Commission to Study the Financing of Health Care
b) Resolution from City of Rochester Hills Supporting of Municipalities Maintaining Local Control of Liquor Licenses

Noted and Filed

J-5 Calendar

Noted and Filed

J-6 Troy Chamber Economic Development Master Plan

Noted and Filed

J-7 SAD Interest Rate

Noted and Filed

J-8 William Beaumont Research Study

Noted and Filed

J-9 Parks and Recreation Advisory Board Action on Budget

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 12:28 AM on Tuesday, May 10, 2005.

Louise E. Schilling, Mayor

Tonni L. Bartholomew, MMC
City Clerk

A Special Meeting of the Troy City Council was held Tuesday, May 10, 2005, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the Meeting to order at 7:33 PM.

ROLL CALL

PRESENT:
Mayor Louise E. Schilling
Robin E. Beltramini
Cristina Broomfield
David Eisenbacher
Martin F. Howrylak (Arrived 7:37 PM)
David A. Lambert
Jeanne M. Stine

Discussion on an Ethics Policy

Lori Grigg Bluhm, City Attorney led the discussion on ethic policy provisions currently contained in the City Charter, as well as excerpts from other cities ethic policies.

City Council agreed that the ethic policy should apply to City Council and Boards and Commissions, and that further discussion will take place at a future study session.

The meeting **RECESSED** at 8:50 PM.

The meeting **RECONVENED** at 9:05 PM.

Discussion on an Ethics Policy (Con't)

PUBLIC COMMENT

The meeting **ADJOURNED** at 10:25 PM.

Louise E. Schilling, Mayor

John M. Lamerato
Assistant City Manager/Finance and Administration

PROCLAMATION
HAMILTON ELEMENTARY SCHOOL
NAMED MICHIGAN BLUE RIBBON EXEMPLARY SCHOOL

WHEREAS, In recognition of its outstanding commitment to education, **Hamilton Elementary School** was named a **2004-2005 Michigan Blue Ribbon Exemplary School** by the Michigan Department of Education; and

WHEREAS, **Hamilton Elementary School** was cited for its strong commitment to excellence in education and learning through its exceptional teaching and energetic staff; and

WHEREAS, **Hamilton Elementary School** was recognized for their outstanding programs like "Bully Proof" Hamilton, the Building Blocks Preschool Program, the SAFE Program; also for hosting school wide parenting seminars and for receiving the Oakland Mediation Center Community Hero Award; and

WHEREAS, The **Hamilton Elementary School** motto, "Hamilton Elementary School, Soaring to Success with the three Rs… Be Respectful, Be Responsible, Build Relationships," has proven successful in their school community which is further justified by winning the Blue Ribbon Award; and

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Troy congratulates the quality of teamwork demonstrated by the staff, students and parent volunteers of **Hamilton Elementary School**, which has allowed them to celebrate this Blue Ribbon award, the most prestigious education award in the state of Michigan;

BE IT FURTHER RESOLVED, That the City Council of the City of Troy, does hereby join with the citizens of Troy to commend **Hamilton Elementary School's** rigorous efforts to provide quality education, strong leadership, parental participation, and significant progress in achieving high academic standards.

Signed this 16th day of May 2005.

PROCLAMATION
WASS ELEMENTARY SCHOOL
NAMED MICHIGAN BLUE RIBBON EXEMPLARY SCHOOL

WHEREAS, In recognition of its outstanding commitment to education, **Wass Elementary School** was named a **2004-2005 Michigan Blue Ribbon Exemplary School** by the Michigan Department of Education; and

WHEREAS, **Wass Elementary School** was cited for its strong commitment to excellence in education and learning through its exceptional teaching and energetic staff; and

WHEREAS, **Wass Elementary School** was recognized for their outstanding programs like Wake Up Wass, Buddy Up mentor program between older and younger students, Post Office Week, the Literacy Library, and award winning Future Problem Solver and Destination ImagiNation teams; and

WHEREAS, The B.U.D.D.I.E. (Building Understanding Develops the Desire to Include Everyone) Club at **Wass Elementary School** is a noteworthy program in which most fourth and fifth graders participate that has proven to be successful, for there is very little conflict among the students and instead, there is a wonderful feeling of community throughout the school; and

WHEREAS, The **Wass Elementary School** community attributes much of its success to excellent parent volunteers who participate in the school doing things like running the very active PTO to tutoring students in the Star Center;

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Troy congratulates the quality of teamwork demonstrated by the staff, students and parent volunteers of **Wass Elementary School**, which has allowed them to celebrate this Blue Ribbon award, the most prestigious education award in the state of Michigan;

BE IT FURTHER RESOLVED, That the City Council of the City of Troy, does hereby join with the citizens of Troy to commend **Wass Elementary School's** rigorous efforts to provide quality education, strong leadership, parental participation, and significant progress in achieving high academic standards.

Signed this 16th day of May 2005.

PROCLAMATION
WATTLES ELEMENTARY SCHOOL
NAMED MICHIGAN BLUE RIBBON EXEMPLARY SCHOOL

WHEREAS, In recognition of its outstanding commitment to education, **Wattles Elementary School** was named a **2004-2005 Michigan Blue Ribbon Exemplary School** by the Michigan Department of Education; and

WHEREAS, **Wattles Elementary School** was cited for its strong commitment to excellence in education and learning by an exemplary teaching staff, PTO and parent volunteers along with an outstanding curriculum, high test scores, and of course wonderful students; and

WHEREAS, **Wattles Elementary School** was recognized for their outstanding programs like the Kids Care Club, Buddies Program, Royal Reading, PACE, Authors in Autumn and many more; and

WHEREAS, **Wattles Elementary School** goes above and beyond the classroom by providing students with free after school enrichment classes and free after school tutoring, as well as educational summer programs to keep students' minds active over break; and

WHEREAS, The **Wattles Elementary School** community can be proud of their many accomplishments like winning the first Healthy School Award, the Mobil Exxon Award, and for conducting award winning media and technology activities;

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Troy congratulates the quality of teamwork demonstrated by the staff, students and parent volunteers of **Wattles Elementary School**, which has allowed them to celebrate this Blue Ribbon award, the most prestigious education award in the state of Michigan;

BE IT FURTHER RESOLVED, That the City Council of the City of Troy, does hereby join with the citizens of Troy to commend **Wattles Elementary School's** rigorous efforts to provide quality education, strong leadership, parental participation, and significant progress in achieving high academic standards.

Signed this 16th day of May 2005.

May 4, 2005

TO: John Szerlag, City Manager

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

SUBJECT: **Agenda Item**: Standard Purchasing Resolution 1: Award To Low Bidder – Camera Equipment

RECOMMENDATION

On April 11, 2005, bid proposals were opened to furnish camera equipment in accordance with the specifications. This equipment replaces 10-13 year old equipment with two (2) JVC professional cameras to be used for a variety of City of Troy cable productions. After reviewing these proposals, City management recommends awarding a contract to the low total bidder, Troxell Communications of Shelby Township, Michigan at unit prices as contained in the attached bid tabulation, for an estimated total cost of $25,628.00.

In addition, staff recommends rejecting the optional pricing for extended warranties on Item #1. All items are covered by a one-year manufacturer's warranty. If the equipment were defective, it would be found within the first year.

SUMMARY

City management recommends awarding on a low total basis because the administrative cost would surpass the savings of $140.00 to make individual awards.

BUDGET

Funds for these cameras are available through the Community Affairs- CATV Municipal Cable budget, Account #401267.7978.010.

96 Vendors Notified via MITN System
9 Bid Responses Received
2 Late Bids
2 No Bids: (1) Company is not an authorized JVC dealer.
(1) Company does not offer this product or an equivalent.

Opening Date -- 4/11/05
Date Prepared -- 5/4/05

CITY OF TROY
BID TABULATION
CAMERAS

VENDOR NAME: *	TROXELL COMMUNICATIONS BID #1		TROXELL COMMUNICATIONS BID #2	
PROPOSAL-- FURNISH CAMERA EQUIPMENT FOR THE CITY OF TROY				
PROPOSAL ITEM / QTY / DESCRIPTION	**UNIT PRICE**	**EXT COST**	**UNIT PRICE**	**EXT COST**
1. 2 ea JVC-GY550U Professional 1/2" DV Camcorders w/26-pin interface	**$ 12,167**	**$24,334.00**	$ 8,975.00	$ 17,950.00
Manufacturer's Warranty:	1 Year Parts/Labor		1 Year Parts/Labor	
OPTIONAL: - RECOMMEND REJECTION -				
1.a. 2 ea Extended Warranties for Equipment Described in Item 1				
Manufacturer's Warranty	Commencing N/A		Commencing N/A	
Year 1	No Bid		No Bid	
Year 2				
Year 3				
			$ 520.00	$ 1,040.00
2. 2 ea HZ-FM15U Rear Manual Focus	**Included**		$ 570.00	$ 1,140.00
Controls & HZ-ZS13U Rear Servo			$ 634.00	$ 1,268.00
3. 2 ea VF-P400U 4" Monochrome Studio	**Included**		$ 33.30	$ 66.60
View Finders etc.				
4. 2 ea RM-210U Multicore Camera Control	**Included**		$ 1,647.00	$ 3,294.00
5. 2 ea Kata RC-10 Pro Rain Covers	**$ 79.00**	**$ 158.00**	$ 79.00	$ 158.00
6. 2 ea Anton Bauer Q-420 Gold Mt Battery	**$ 135.00**	**$ 270.00**	$ 135.00	$ 270.00
7. 2 ea JVC CB-750U Hard Shipping Case	**$ 433.00**	**$ 866.00**	$ 433.00	$ 866.00
GRAND TOTAL:	*	**$25,628.00**		$ 26,052.60
CONTACT INFORMATION: Hrs of Operation	8-5pm		8-5pm	
Phone	(800)578-8858		(800)578-8858	
TERMS:	NET 30		NET 30	
WARRANTY:	1 Year Parts/Labor		1 Year Parts/Labor	
DELIVERY:	20 Days ARO		20 Days ARO	
EXCEPTIONS:	Attached to Bid		Attached to Bid	
ACKNOWLEDGEMENT:	YES		YES	

NO BIDS:
City Animation
Long's Electronics

*** DENOTES LOW TOTAL BIDDER**

ATTEST:
Cheryl Morrell
Cynthia Stewart
Linda Bockstanz

Jeanette Bennett
Purchasing Director

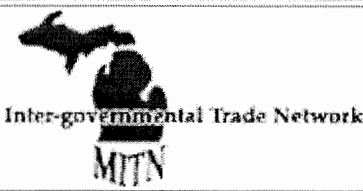
G:ITB-COT 05-14 Cameras

VENDOR NAME:			THALNER ELECTRONICS		B&H PHOTO/VIDEO	
PROPOSAL-- FURNISH CAMERA EQUIPMENT FOR THE CITY OF TROY						
PROPOSAL ITEM	**QTY**	**DESCRIPTION**	**UNIT PRICE**	**EXT COST**	**UNIT PRICE**	**EXT COST**
1.	2 ea	JVC-GY550U Professional 1/2" DV Camcorders w/26-pin interface	$ 12,960	$25,920.00	$12,750.00	$ 25,500.00
		Manufacturer's Warranty:			1 Year Package	
OPTIONAL:		**- RECOMMEND REJECTION -**				
1.a.	2 ea	Extended Warranties for Equipment Described in Item 1				
		Manufacturer's Warranty	Commencing N/A		Commencing N/A	
		Year 1	No Bid		N/A	
		Year 2			$ 180.00	$ 360.00
		Year 3			N/A	
2.	2 ea	HZ-FM15U Rear Manual Focus Controls & HZ-ZS13U Rear Servo	Included		Included	
3.	2 ea	VF-P400U 4" Monochrome Studio View Finders etc.	Included		Included	
4.	2 ea	RM-210U Multicore Camera Control	Included		Included	
5.	2 ea	Kata RC-10 Pro Rain Covers	$ 75.00	$ 150.00	$ 75.00	$ 150.00
6.	2 ea	Anton Bauer Q-420 Gold Mt Battery	$ 125.00	$ 250.00	$ 112.50	$ 225.00
7.	2 ea	JVC CB-750U Hard Shipping Case	$ 400.00	$ 800.00	$ 475.00	$ 950.00
		GRAND TOTAL:		$27,120.00		$ 27,185.00
CONTACT INFORMATION:		Hrs of Operation	8:30 - 4:30pm		Blank	
		Phone	Blank		(800)947-8003	
TERMS:			NET 30 DAYS		NET 30	
WARRANTY:			Manufacturers		1 Year	
DELIVERY:			2-4 Weeks		7-14 Days	
EXCEPTIONS:			None		Blank	
ACKNOWLEDGEMENT:			YES		YES	

VENDOR NAME:			ASG		TAPE CENTRAL	
			Advanced Systems Group			
PROPOSAL-- FURNISH CAMERA EQUIPMENT FOR THE CITY OF TROY						
PROPOSAL ITEM	**QTY**	**DESCRIPTION**	**UNIT PRICE**	**EXT COST**	**UNIT PRICE**	**EXT COST**
1.	2 ea	JVC-GY550U Professional 1/2" DV Camcorders w/26-pin interface	$ 13,298	$26,596.00	$12,451.00	$ 24,902.00
		Manufacturer's Warranty:	1 Year Parts/Labor		1 Year Parts/Labor	
			90 Days - Heads		90 Days - Heads	
OPTIONAL:		**- RECOMMEND REJECTION -**				
1.a.	2 ea	Extended Warranties for Equipment Described in Item 1				
		Manufacturer's Warranty	Commencing N/A		Commencing N/A	
		Year 1	No Bid		N/A	
		Year 2				
		Year 3				
2.	2 ea	HZ-FM15U Rear Manual Focus Controls & HZ-ZS13U Rear Servo	Included		$ 581.00	$ 1,162.00
3.	2 ea	VF-P400U 4" Monochrome Studio View Finders etc.	Included		$ 701.00	$ 1,402.00
4.	2 ea	RM-210U Multicore Camera Control	Included		NA	
5.	2 ea	Kata RC-10 Pro Rain Covers	$ 99.00	$ 198.00	$ 78.50	$ 157.00
6.	2 ea	Anton Bauer Q-420 Gold Mt Battery	$ 133.00	$ 266.00	$ 111.00	$ 222.00
7.	2 ea	JVC CB-750U Hard Shipping Case	$ 517.00	$ 1,034.00	$ 424.00	$ 848.00
		GRAND TOTAL:		$28,094.00		$ 28,693.00
CONTACT INFORMATION:		Hrs of Operation	24Hours except Holidays		M-F 8:30-5pm	
		Phone	(408)629-6299		(248)217-8866	
TERMS:			NET 30		NET 30	
WARRANTY:			90 Days - Heads 1 Year Parts/Labor		As Stated	
DELIVERY:			10-20 Days ARO		5-7 ARO	
EXCEPTIONS:			Attached to Bid		None	
ACKNOWLEDGEMENT:			YES		YES	

VENDOR NAME:			BLUEWATER TECHNOLOGIES		ROSCOR CORP	
PROPOSAL-- FURNISH CAMERA EQUIPMENT FOR THE CITY OF TROY						
PROPOSAL ITEM	**QTY**	**DESCRIPTION**	**UNIT PRICE**	**EXT COST**	**UNIT PRICE**	**EXT COST**
1.	2 ea	JVC-GY550U Professional 1/2" DV Camcorders w/26-pin interface	$ 13,894.51	$27,789.02	$ 9,110.00	$ 18,220.00
		Manufacturer's Warranty:	1 Year Parts/Labor		Blank	
OPTIONAL:		**- RECOMMEND REJECTION -**				
1.a.	2 ea	Extended Warranties for Equipment Described in Item 1				
		Manufacturer's Warranty	Commencing N/A		Commencing	
		Year 1	No Bid			$ 457.00
		Year 2				$ 686.00
		Year 3				$ 1,029.00
2.	2 ea	HZ-FM15U Rear Manual Focus Controls & HZ-ZS13U Rear Servo	Included		$ 1,138.00	$ 2,276.00
3.	2 ea	VF-P400U 4" Monochrome Studio View Finders etc.	Included		$ 696.00	$ 1,392.00
4.	2 ea	RM-210U Multicore Camera Control	Included		$ 1,725.00	$ 3,450.00
5.	2 ea	Kata RC-10 Pro Rain Covers	$ 87.91	$ 175.82	$ 72.00	$ 144.00
6.	2 ea	Anton Bauer Q-420 Gold Mt Battery	$ 118.68	$ 237.36	$ 105.00	$ 210.00
7.	2 ea	JVC CB-750U Hard Shipping Case	$ 448.35	$ 896.70	$ 420.00	$ 840.00
		GRAND TOTAL:		$29,098.90		$ 28,704.00
CONTACT INFORMATION:		Hrs of Operation	8-5pm M-F		8:30-5:30pm	
		Phone	(800)344-6575		Blank	
TERMS:			NET 30		NET 30 DAYS	
WARRANTY:			Blank		Manufacturers	
DELIVERY:			20 Days ARO		14-28 Days ARO	
EXCEPTIONS:			1 Lot Pricing		Attached to Bid	
ACKNOWLEDGEMENT:			YES		YES	

		VENDOR NAME:	Pro Video Systems			
PROPOSAL-- FURNISH CAMERA EQUIPMENT FOR THE CITY OF TROY						
PROPOSAL ITEM	**QTY**	**DESCRIPTION**	**UNIT PRICE**	**EXT COST**	**UNIT PRICE**	**EXT COST**
1.	2 ea	JVC-GY550U Professional 1/2" DV Camcorders w/26-pin interface	$ 12,445	$24,890.00		
		Manufacturer's Warranty:	1 Year Parts/Labor			
			Depot Only			
OPTIONAL:		**- RECOMMEND REJECTION -**				
1.a.	2 ea	Extended Warranties for Equipment Described in Item 1				
		Manufacturer's Warranty	Commencing			
		Year 1	$ 1,500	$ 3,000.00		
		Year 2	$ 2,000	$ 4,000.00		
		Year 3	$ 2,500	$ 5,000.00		
2.	2 ea	HZ-FM15U Rear Manual Focus Controls & HZ-ZS13U Rear Servo	Included			
3.	2 ea	VF-P400U 4" Monochrome Studio View Finders etc.	Included			
4.	2 ea	RM-210U Multicore Camera Control	Included			
5.	2 ea	Kata RC-10 Pro Rain Covers	$ 72.00	$ 144.00		
6.	2 ea	Anton Bauer Q-420 Gold Mt Battery	$ 106.00	$ 212.00		
7.	2 ea	JVC CB-750U Hard Shipping Case	$ 420.00	$ 840.00		
		GRAND TOTAL:		$38,086.00		
CONTACT INFORMATION:		Hrs of Operation	8-5pm M-F			
		Phone	(800)832-2367			
TERMS:			30% Down Net 30			
WARRANTY:			Per Manufacturer			
DELIVERY:			Stock - 60 Days ARO			
EXCEPTIONS:			Blank			
ACKNOWLEDGEMENT:			YES			



Downloading History for ITB-COT 05-14 Cameras

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 **5/4/2005.**

Document Title:	Camera Equipment
Date Issued:	3/23/2005
Close Date:	4/11/2005

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

Acct #	Company Name	Service	Date Obtained Document	Date Obtained Amendments
15995	17th st. photo supply,inc.	Free	4/5/2005	
11928	24-7 Battery Systems, dba Electronic Access., Inc.	Free	4/4/2005	
11278	Abel Electronics Inc.	Free	3/24/2005	
12232	Adorama Incorporated	E-mail	4/4/2005	
11682	Adray Appliance Photo & Sound Ctr	E-mail	3/23/2005	
19825	All-Tronics, Inc.	Free	4/7/2005	
20118	Alpha Distributing Inc.	Free	4/1/2005	
14575	Biz-Tech, Inc.	E-mail		
19019	Blessed Inc.	Fax		
11130	BlueWater Technologies	E-mail	3/24/2005	
11653	Boise	E-mail		
20468	Brown & Sons Automotive Company Inc	Free	3/28/2005	
11315	CDW Government, Inc.	E-mail	3/23/2005	
13872	CIM Audio VIsual	Fax		
12078	City Animation Co.	E-mail	3/24/2005	
16800	City ANIMATION Co.	E-mail		
13598	CompUSA	E-mail		
11673	Computer Builders Warehouse	Free	4/5/2005	
18608	Comsource	E-mail	3/24/2005	
11902	copstuffbydk	Free	4/5/2005	
10888				

	Custom Fit, Inc.	E-mail		
18806	Cynergy Wireless Products, Inc.	E-mail	3/30/2005	
13044	Datanet Systems, Inc.	E-mail	4/4/2005	
13468	DESIGN GROUP	Free	3/27/2005	
20369	Designs by Shapiro Bros	Free	4/2/2005	
10669	Douglass Safety Systems	E-mail	3/29/2005	
17383	DSA technologies	E-mail		
10165	Duncan Video	E-mail	3/23/2005	
13200	Dynamic Computer Corporation	E-mail		
11827	Electrosonics, Inc.	Free	4/1/2005	
18997	fbh architectural building products, inc	E-mail		
20720	Fire Equipment Associates	E-mail	4/8/2005	
14668	Focus Electronics	E-mail		
11644	Ford Audio Video Systems	E-mail		
12767	Fulton Radio Supply Co.	E-mail	3/23/2005	
12744	GHA TECHNOLOGIES	E-mail	3/23/2005	
17575	Gov Connection	E-mail		
11689	Guardian Security Services	E-mail		
12107	HPI International, Inc.	Free	3/29/2005	
20197	HYDRO METER SYSTEMS, INC	E-mail	3/25/2005	
11760	ICOP Digital, Inc.	E-mail		
16567	Ignited Light and Sound	E-mail		
11320	IKON Office Solutions	E-mail	3/28/2005	
13088	Ironman Inc	E-mail		
11931	Kamar Office Products, Inc.	Free	3/25/2005	
16824	Lansing Safe & Lock Inc.	E-mail	3/28/2005	
20653	Leo's Professional Audio, Inc.	E-mail	3/23/2005	
19731	LIberty Plumbing Supply	Fax	3/29/2005	
12227	Longs Electronics, Incorporated	E-mail	3/23/2005	
12709	LVC Technologies, Inc.	E-mail	3/29/2005	
10611	Master Guard of America, Inc	Free	3/30/2005	
11256	Micro Source	Free	3/25/2005	
17870	Micro World	Free	3/25/2005	
10072	Motor City Electric Technologies Inc.	E-mail	3/23/2005	
12951	Multi-Communications Systems, Inc.	E-mail	3/28/2005	
13429	Multi-Source	E-mail	3/23/2005	
12149	National Alliance of Cabling & Technology	Free	3/31/2005	
19998	Nationwide Fence and Supply Company	Free	4/4/2005	
13433	New Tech Solutions, Inc.	Free	3/30/2005	
15586	Norman Camera Company, LLC	Free	4/8/2005	
12187	North American Video	E-mail	3/23/2005	
12191	Northern Video Systems, Inc.	E-mail	3/23/2005	
12161	Oakland Microfilm Corporation	E-mail	3/24/2005	

18215	OEM Micro Solutions, Inc.	E-mail		
17668	Penn Camera Exchange Inc	Free	3/24/2005	
15859	Perlmutter Purchasing Power	Free	3/23/2005	
12169	ProVideo Systems, Inc.	E-mail	3/24/2005	
16660	PVS Technologies, Inc.	E-mail	4/13/2005	
17459	Quick-Brain Inc.	E-mail		
20943	RapidView IBAK USA	Free	4/8/2005	
15732	reliable custodial maintenance and supplies	Free	4/4/2005	
13797	Roscor Corporation	E-mail	3/25/2005	
12294	Siemens Building Technologies, Inc.	E-mail	3/24/2005	
12886	Sky Promotions/Benquin Business	E-mail		
12552	SmithGroup jJR	Free	3/31/2005	
13914	Steele's Service's LLC	E-mail	3/23/2005	
10775	Stereo Advantage	E-mail	3/23/2005	
17438	Tape Central Inc.	E-mail	4/8/2005	
19996	TB&A Hospital Television, Inc.	E-mail		
14584	Tech Depot	Free	4/6/2005	
10464	Technology Integration Group Services, Inc.	E-mail	4/4/2005	
14636	Technology Resource Center (TRC)	E-mail		
12019	Technology Services Corporation	E-mail		
12792	TeL Systems (Thalner Electronic Labs Inc.)	E-mail	4/5/2005	
19834	TeleStar Corp.	Free	3/25/2005	
19811	TIKI CHENIER	Free	3/26/2005	
10705	Troxell Communications Inc.	E-mail	4/10/2005	
12242	Vi-Spec, Inc.	E-mail	3/24/2005	
18757	Video Service of America	Free	3/23/2005	
11566	Visions of Video, Incorporated	E-mail	3/23/2005	
10846	Visual Interactive Dynamics	E-mail	3/23/2005	
10749	Washington Music Center	E-mail		
12714	WEST SHORE FIRE INC.	E-mail	3/29/2005	
18287	Westland Lock and Key, Inc.	E-mail		
14804	WorldWide Computing, Inc.	Free	3/24/2005	
12821	Zones Inc	Free	4/8/2005	

Return to Main Menu Return to Report Menu

Memorandum

To: John Szerlag, City Manager
From: John M. Lamerato, Assistant City Manager/Finance and Administration
Tonni L. Bartholomew, City Clerk
Date: May 16, 2005
Subject: Request for Recognition as a Nonprofit Organization Status for the Purpose of Hosting a Raffle on Behalf of the Ted Lindsay Foundation to End Autism

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Attached is a request from Ted Lindsay of the Ted Lindsay Foundation seeking recognition as a non-profit organization for the purpose of obtaining a charitable gaming license in order to sponsor a raffle on behalf of the Ted Lindsay Foundation to End Autism in conjunction with their 5th Annual Celebrity Golf Outing. It has been City Management's practice to support the approval of such requests.

TED LINDSAY FOUNDATION

Autism *find a cure*

April 26, 2005
RE: Ted Lindsay Foundation Car Raffle

Mayor Louise Schilling
500 W. Big Beaver Road
Troy, MI 48084

Dear Mayor Schilling,

Five years ago I established the Ted Lindsay Foundation, a charitable organization under Section 501 (c) (3) of the Internal Revenue Code, with John Czarnecki, the father of a 7-year-old child with Autism, a lifelong neurological disorder that currently affects over 500,000 families in the United States. In the 1970's, 1 in 10,000 children suffered from Autism, however, up-to-date research has revealed those numbers have drastically changed to a staggering 1 in 150.With these figures reaching epidemic proportions, it has inspired us to battle Autism toe-to-toe. This is a challenging battle, a battle we refuse to lose.

I have personally fought many battles during my NHL career, but none is as meaningful and noteworthy as the current battle to defeat Autism. Your support is vital to our success in accomplishing our mission and protecting children from contracting this disorder. While half of the children with Autism never learn to speak, your actions and support will speak loudly, conveying a clear message to these children and their families who need your help, and they thank you.

A local car dealership has agreed to donate a vehicle to my foundation for us to raffle this fall. We are planning to complete this raffle on September 12th, 2005 at our 5th annual celebrity golf outing. Funds raised through this raffle will assist research programs focusing on the cause and treatment of Autism.

I realize you and the city council are busy with your daily duties running the city, however, I hope you will join us in our fight against Autism. If you need additional information, please contact Cheryl Ash at (248) 619-1733 at your convenience.

Sincerely,

Ted Lindsay

Ted Lindsay

1819 East Big Beaver Rd., Suite 200 • Troy, MI 48083
Ph. 248 619-1733 | Fax 248 619-1744

Charitable Gaming Division
Box 30023, Lansing, MI 48909
OVERNIGHT DELIVERY:
101 E. Hillsdale, Lansing MI 48933
(517) 335-5780
www.michigan.gov/cg

LOCAL GOVERNING BODY RESOLUTION FOR CHARITABLE GAMING LICENSES

(Required by MCL.432.103(9))

At a _____ meeting of the _____
REGULAR OR SPECIAL — TOWNSHIP, CITY, OR VILLAGE COUNCIL/BOARD

called to order by _____ on _____
DATE

at_____ a.m./p.m. the following resolution was offered:
TIME

Moved by _____ and supported by _____

that the request from _____ of _____,
NAME OF ORGANIZATION — CITY

county of _____, asking that they be recognized as a
COUNTY NAME

nonprofit organization operating in the community for the purpose of obtaining a charitable

gaming license, be considered for _____.
APPROVAL/DISAPPROVAL

APPROVAL		DISAPPROVAL	
Yeas:	_____	Yeas:	_____
Nays:	_____	Nays:	_____
Absent:	_____	Absent:	_____

I hereby certify that the foregoing is a true and complete copy of a resolution offered and adopted by the _____ at a _____
TOWNSHIP, CITY, OR VILLAGE COUNCIL/BOARD — REGULAR OR SPECIAL

meeting held on_____.
DATE

SIGNED: _____
TOWNSHIP, CITY, OR VILLAGE CLERK

_____
PRINTED NAME AND TITLE

_____
ADDRESS

COMPLETION: Required.
PENALTY: Possible denial of application.

BSL-CG-1153(R7/02)

Form **1023**
(Rev. September 1998)
Department of the Treasury
Internal Revenue Service

Application for Recognition of Exemption
Under Section 501(c)(3) of the Internal Revenue Code

OMB No. 1545-0056

Note: *If exempt status is approved, this application will be open for public inspection.*

Read the instructions for each Part carefully.
A User Fee must be attached to this application.
If the required information and appropriate documents are not submitted along with Form 8718 (with payment of the appropriate user fee), the application may be returned to you.
Complete the Procedural Checklist on page 8 of the instructions.

Part I **Identification of Applicant**

1a Full name of organization (as shown in organizing document)
Ted Lindsay Foundation

2 Employer identification number (EIN) (If none, see page 3 of the **Specific Instructions**.)
Applied for

1b c/o Name (if applicable)
John Czarnecki

3 Name and telephone number of person to be contacted if additional information is needed
Nathan Upfal
(248) 433-2576

1c Address (number and street) | Room/Suite
1819 E. Big Beaver Road

1d City, town, or post office, state, and ZIP + 4. If you have a foreign address, see **Specific Instructions** for Part I, page 3.
Troy, MI 48083-2015

4 Month the annual accounting period ends
December

5 Date incorporated or formed

1e Web site address

6 Check here if applying under section:
a ☐ 501(e) b ☐ 501(f) c ☐ 501(k) d ☐ 501(n)

7 Did the organization previously apply for recognition of exemption under this Code section or under any other section of the Code? . . . . . ☐ Yes ☒ No
If "Yes," attach an explanation.

8 Is the organization required to file Form 990 (or Form 990-EZ)? . . . . . ☐ N/A ☒ Yes ☐ No
If "No," attach an explanation (see page 3 of the **Specific Instructions**).

9 Has the organization filed Federal income tax returns or exempt organization information returns? . . ☐ Yes ☒ No
If "Yes," state the form numbers, years filed, and Internal Revenue office where filed.

10 Check the box for the type of organization. ATTACH A CONFORMED COPY OF THE CORRESPONDING ORGANIZING DOCUMENTS TO THE APPLICATION BEFORE MAILING. (See **Specific Instructions** for Part I, Line 10, on page 3.) See also Pub. 557 for examples of organizational documents.)

a ☒ Corporation—Attach a copy of the Articles of Incorporation (including amendments and restatements) showing approval by the appropriate state official; also include a copy of the bylaws.

b ☐ Trust— Attach a copy of the Trust Indenture or Agreement, including all appropriate signatures and dates.

c ☐ Association— Attach a copy of the Articles of Association, Constitution, or other creating document, with a declaration (see instructions) or other evidence the organization was formed by adoption of the document by more than one person; also include a copy of the bylaws.

If the organization is a corporation or an unincorporated association that has not yet adopted bylaws, check here ▶ ☐

I declare under the penalties of perjury that I am authorized to sign this application on behalf of the above organization and that I have examined this application, including the accompanying schedules and attachments, and to the best of my knowledge it is true, correct, and complete.

Please Sign Here ▶ Ted Lindsay (Signature) | Ted Lindsay, President (Type or print name and title or authority of signer) | 4/20/01 (Date)

For Paperwork Reduction Act Notice, see page 7 of the instructions.

Cat. No. 17133K

Part II **Activities and Operational Information** *(Continued)*

4 Give the following information about the organization's governing body:

a Names, addresses, and titles of officers, directors, trustees, etc.	**b** Annual compensation
See attached schedule	

c Do any of the above persons serve as members of the governing body by reason of being public officials or being appointed by public officials? . . . . . ☐ Yes ☒ No
If "Yes," name those persons and explain the basis of their selection or appointment.

d Are any members of the organization's governing body "disqualified persons" with respect to the organization (other than by reason of being a member of the governing body) or do any of the members have either a business or family relationship with "disqualified persons"? (See **Specific Instructions** for Part II, Line 4d, on page 3.) . . . . . ☐ Yes ☒ No
If "Yes," explain.

5 Does the organization control or is it controlled by any other organization? . . . . . ☐ Yes ☒ No
Is the organization the outgrowth of (or successor to) another organization, or does it have a special relationship with another organization by reason of interlocking directorates or other factors? . . . . ☐ Yes ☒ No
If either of these questions is answered "Yes," explain.

6 Does or will the organization directly or indirectly engage in any of the following transactions with any political organization or other exempt organization (other than a 501(c)(3) organization): **(a)** grants; **(b)** purchases or sales of assets; **(c)** rental of facilities or equipment; **(d)** loans or loan guarantees; **(e)** reimbursement arrangements; **(f)** performance of services, membership, or fundraising solicitations; or **(g)** sharing of facilities, equipment, mailing lists or other assets, or paid employees? . . . . . ☐ Yes ☒ No
If "Yes," explain fully and identify the other organizations involved.

7 Is the organization financially accountable to any other organization? . . . . . ☐ Yes ☒ No
If "Yes," explain and identify the other organization. Include details concerning accountability or attach copies of reports if any have been submitted.

Part III Technical Requirements

1 Are you filing Form 1023 within 15 months from the end of the month in which your organization was created or formed? . . . . . ☒ Yes ☐ No

If you answer "Yes," do not answer questions on lines 2 through 6 below.

2 If one of the exceptions to the 15-month filing requirement shown below applies, check the appropriate box and proceed to question 7.

Exceptions—You are not required to file an exemption application within 15 months if the organization:

☐ **a** Is a church, interchurch organization of local units of a church, a convention or association of churches, or an integrated auxiliary of a church. See **Specific Instructions,** Line 2a, on page 4;

☐ **b** Is not a private foundation and normally has gross receipts of not more than $5,000 in each tax year; or

☐ **c** Is a subordinate organization covered by a group exemption letter, but only if the parent or supervisory organization timely submitted a notice covering the subordinate.

3 If the organization does not meet any of the exceptions on line 2 above, are you filing Form 1023 within 27 months from the end of the month in which the organization was created or formed?. . . . . ☐ Yes ☐ No

If "Yes," your organization qualifies under Regulation section 301.9100-2, for an automatic 12-month extension of the 15-month filing requirement. Do not answer questions 4 through 6.

If "No," answer question 4.

4 If you answer "No" to question 3, does the organization wish to request an extension of time to apply under the "reasonable action and good faith" and the "no prejudice to the interest of the government" requirements of Regulations section 301.9100-3? . . . . . ☐ Yes ☐ No

If "Yes," give the reasons for not filing this application within the 27-month period described in question 3. See **Specific Instructions,** Part III, Line 4, before completing this item. Do not answer questions 5 and 6.

If "No," answer questions 5 and 6.

5 If you answer "No" to question 4, your organization's qualification as a section 501(c)(3) organization can be recognized only from the date this application is filed. Therefore, do you want us to consider the application as a request for recognition of exemption as a section 501(c)(3) organization from the date the application is received and not retroactively to the date the organization was created or formed? . ☐ Yes ☐ No

6 If you answer "Yes" to question 5 above and wish to request recognition of section 501(c)(4) status for the period beginning with the date the organization was formed and ending with the date the Form 1023 application was received (the effective date of the organization's section 501(c)(3) status), check here ▶ ☐ and attach a completed page 1 of Form 1024 to this application.

Part III **Technical Requirements** *(Continued)*

10 If you checked box **h, i,** or **j** in question 9, has the organization completed a tax year of at least 8 months?

☐ **Yes**—Indicate whether you are requesting:

☐ A definitive ruling. (Answer questions 11 through 14.)

☐ An advance ruling. (Answer questions 11 and 14 and attach two Forms 872-C completed and signed.)

☒ **No—You must request an advance ruling by completing and signing two Forms 872-C and attaching them to the Form 1023.**

11 If the organization received any unusual grants during any of the tax years shown in Part IV-A, **Statement of Revenue and Expenses,** attach a list for each year showing the name of the contributor; the date and the amount of the grant; and a brief description of the nature of the grant.

N/A

12 If you are requesting a definitive ruling under section 170(b)(1)(A)(iv) or (vi), check here ▶ ☐ and:

a Enter 2% of line 8, column (e), Total, of Part IV-A . . . . . _____

b Attach a list showing the name and amount contributed by each person (other than a governmental unit or "publicly supported" organization) whose total gifts, grants, contributions, etc., were more than the amount entered on line **12a** above.

13 If you are requesting a definitive ruling under section 509(a)(2), check here ▶ ☐ and:

a For each of the years included on lines 1, 2, and 9 of Part IV-A, attach a list showing the name of and amount received from each "disqualified person." (For a definition of "disqualified person," see **Specific Instructions,** Part II, Line 4d, on page 3.)

b For each of the years included on line 9 of Part IV-A, attach a list showing the name of and amount received from each payer (other than a "disqualified person") whose payments to the organization were more than $5,000. For this purpose, "payer" includes, but is not limited to, any organization described in sections 170(b)(1)(A)(i) through (vi) and any governmental agency or bureau.

14 Indicate if your organization is one of the following. If so, complete the required schedule. (Submit only those schedules that apply to your organization. **Do not submit blank schedules.**)	Yes	No	If "Yes," complete Schedule:
Is the organization a church?		x	A
Is the organization, or any part of it, a school?		x	B
Is the organization, or any part of it, a hospital or medical research organization?		x	C
Is the organization a section 509(a)(3) supporting organization?		x	D
Is the organization a private operating foundation?.		x	E
Is the organization, or any part of it, a home for the aged or handicapped?		x	F
Is the organization, or any part of it, a child care organization?.		x	G
Does the organization provide or administer any scholarship benefits, student aid, etc.?		x	H
Has the organization taken over, or will it take over, the facilities of a "for profit" institution? . . .		x	I

Part IV **Financial Data** *(Continued)*

B. Balance Sheet (at the end of the period shown)		Current tax year Date .....
Assets		
1 Cash	1	1,000
2 Accounts receivable, net	2	
3 Inventories	3	
4 Bonds and notes receivable (attach schedule)	4	
5 Corporate stocks (attach schedule)	5	
6 Mortgage loans (attach schedule)	6	
7 Other investments (attach schedule)	7	
8 Depreciable and depletable assets (attach schedule)	8	
9 Land	9	
10 Other assets (attach schedule)	10	
11 **Total assets** (add lines 1 through 10)	11	1,000
Liabilities		
12 Accounts payable	12	
13 Contributions, gifts, grants, etc., payable	13	
14 Mortgages and notes payable (attach schedule)	14	
15 Other liabilities (attach schedule)	15	
16 **Total liabilities** (add lines 12 through 15)	16	0
Fund Balances or Net Assets		
17 Total fund balances or net assets	17	
18 **Total liabilities and fund balances or net assets** (add line 16 and line 17)	18	1,000

If there has been any substantial change in any aspect of the organization's financial activities since the end of the period shown above, check the box and attach a detailed explanation ▶ ☐

ATTACHMENT TO APPLICATION FOR RECOGNITION OF EXEMPTION UNDER SECTION 501(c)(3) OF THE INTERNAL REVENUE CODE (FORM 1023)
FOR
TED LINDSAY FOUNDATION

PART I, LINE 2

Form SS-4 was submitted by facsimile (859-292-5760) to the Internal Revenue Service on April 20, 2001.

PART II, LINE 1

The Ted Lindsay Foundation (the "Organization") was formed for the purpose of raising funds to make grants and contributions and provide financial assistance to other organizations which are tax exempt under Section 501(c)(3) of the United States Internal Revenue Code of 1986, as currently in effect or as the same may be amended or replaced from time to time (the "Code"), and which promote and foster health, education or welfare, ease the suffering of the sick, distressed or poor, and/or prevent cruelty to children.

The founders of the Organization are especially concerned with providing assistance on behalf of children with autism and developmental disabilities. As a result, they have dedicated themselves to raising funds for the purpose of promoting and fostering health, education or welfare, easing the suffering of the sick, distressed or poor, and preventing cruelty to children.

By bringing together concerned parents, physicians and others, the Organization hopes to leverage a diverse and influential group of contacts in order to raise funds and distribute these funds to other charitable, tax exempt organizations with similar goals. The Organization will only accept funds on the condition that they be applied for exempt purposes. (See National Foundation Inc. v. U.S., (1987, Cl Ct), 60 AFTR 2d 87-5926, 13 Cl Ct 486, 87-2 USTC ¶9602. A foundation which raised funds and made contributions to other tax exempt organizations was held to be exempt.) (Also see Rev Rul 67-149, 1967-1 CB 133; Rev Rul 68-489, 1968-2 CB 210; Danz Charitable Trust, John, (1959) 32 TC 469, *affd* (1960, CA9) 6 AFTR 2d 6024, 284 F2d 726, 61-1 USTC ¶9114; Ohio Furnice Co Inc, (1955) 25 TC 179, *petition dismd* (1956, CA) *unpublished opinion*. A corporation formed to provide financial assistance to religious, charitable, educational, etc., organizations was exempt under Code Section 501(c)(3) even though it carried on no operations other than to receive contributions and incidental investment income and distribute its income to exempt organizations periodically.)

The Organization plans to conduct the following activities:

(1) supporting charitable tax exempt organizations through gifts, grants and contributions; and

(2) supporting scientific research through grants, gifts and contributions to public universities, hospitals and other exempt charitable organizations which are advancing the treatment of disease and clinical research of new and advanced diagnostic and treatment modalities.

PART II, LINE 2

The Organization will derive its support solely through charitable gifts, donations and grants from the general public, government and other tax exempt organizations.

PART II, LINE 3

The Organization plans to conduct a fund raising golf outing, dinner, or other event, and to invite the public to attend. In addition, the Organization will solicit contributions through direct mail and e-mail solicitations. These direct appeals have not yet been developed. The Organization will also consider other fundraising events such as carnivals or opening nights at plays or concerts.

Under the Organization's By-Laws, the Board of Directors will appoint a fundraising committee to supervise the Organization's fundraising efforts.

PART II, LINE 4(a)

Name and Address	Title	Compensation
Ted Lindsay 398 Longford Rochester Hills, MI 48309	President and Director	None
John Czarnecki 1819 E. Big Beaver Road Troy, Michigan 48083	Secretary, Treasurer and Director	None
Nathan Upfal Second Floor 121 W. Long Lake Road Bloomfield Hills, MI 48304	Director	None

PART II, LINE 8

At this time, the Organization has received one contribution of $1,000 cash. The Organization has no other assets, but is permitted use of office space, a telephone, facsimile machine, computer and copy machine by the Organization's Secretary/Treasurer, with no charge to the Organization.

TED LINDSAY FOUNDATION

(a Michigan not-for-profit corporation)

Financial Statements

For the Year Ended
December 31, 2003

STEWART FRANK, C.P.A., P.C.
30800 TELEGRAPH ROAD, SUITE 3833
BINGHAM FARMS, MICHIGAN 48025-4545
Phone: (248) 644-7400
Fax: (248) 258-5567
E-mail: Stewart@frankcpa.com

TED LINDSAY FOUNDATION
Year Ended, December 31, 2003

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STEWART FRANK, C.P.A., P.C.
Certified Public Accountant

30800 TELEGRAPH ROAD, SUITE 3833
BINGHAM FARMS, MICHIGAN 48025-4545

TELEPHONE: (248) 644-7400
FACSIMILE: (248) 258-5567
E-MAIL: Stewart@frankcpa.com

ACCOUNTANT'S REVIEW REPORT

The Board of Directors
Ted Lindsay Foundation

I have reviewed the accompanying statement of financial position of Ted Lindsay Foundation (a Michigan not-for-profit corporation) as of December 31, 2003 and the related statements of activities and cash flows, for the year then ended in accordance with Statements on Standards for Accounting and Review Services issued by the American Institute of Certified Public Accountants. All information included in these financial statements is the representation of the management of the Ted Lindsay Foundation.

A review consists principally of inquiries of the Organization's personnel and analytical procedures applied to financial data. It is substantially less in scope than an audit in accordance with generally accepted auditing standards, the objective of which is the expression of an opinion regarding the financial statements taken as a whole. Accordingly, I do not express such an opinion.

Based on my review, I am not aware of any material modifications that should be made to the accompanying financial statements in order for them to be in conformity with generally accepted accounting principles.

August 19, 2004

TED LINDSAY FOUNDATION

Statement of Financial Position
December 31, 2003

Assets

Current Assets		
Cash and cash equivalents		$ 78,149
	Total assets	$ 78,149

Liabilities and Net Assets

Current Liabilities		
Accounts Payable		$ 46,800
Net Assets		
Unrestricted		31,349
	Total liabilities and net assets	$ 78,149

The accompanying notes are an integral part of these financial statements.

TED LINDSAY FOUNDATION

Statement of Activities
Year Ended December 31, 2003

Changes in Unrestricted Net Assets		
Unrestricted Support		
Contributions	$	292,756
Donated Services		6,000
Annual Golf Outing and Photo Sales Revenues		104,476
Cost of Photo Printing		(14,911)
Direct Benefits to Outing Attendees		(176,020)
Total unrestricted support, net		212,301
Expenses		
Program Expenses		170,900
Management and General		19,436
Fund-raising Expenses		-
Total expenses		190,336
Interest on Temporary Cash Investments		78
Increase in Unrestricted Net Assets		22,043
Net Assets at Beginning of Year		9,306
Net Assets at End of Year	$	31,349

The accompanying notes are an integral part of these financial statements.

Note 1: Nature of Organization and Significant Accounting Policies

Ted Lindsay Foundation (the Organization) is a nonprofit organization dedicated to making contributions to 501(c)(3) organizations that promote and foster health, education or welfare, ease the suffering of the sick, distressed or poor, and /or prevent cruelty to children. Contributions are intended for and have thus far been made to organizations specifically related to autism research. Revenues are derived principally from the Organization's annual golf outing and related sales of sports memorabilia and from contributions.

Support and Expenses. Contributions received are measured at their fair values and are reported as an increase in net assets.

The Organization reports gifts of cash and other assets as restricted support if they are received with donor stipulations that limit the use of the donated assets, or if they are designated as support for future periods. Thus far no such contributions have been received.

The Organization reports gifts of goods and equipment as unrestricted support unless explicit donor stipulations specify how the donated assets must be used. Thus far no gifts with such restrictions have been received.

Expenses are recorded when incurred in accordance with the accrual basis of accounting.

Donated Services, Goods and Facilities. A substantial number of volunteers have donated an unknown number of hours to the Organization's program services and fund-raising campaigns during the year; however, these donated services are not reflected in the financial statements since the services do not require specialized skills. Donated professional services (which include accounting and legal services) are reflected in the statement of activities at their fair value.

Materials and other assets received as donations are recorded and reflected in the accompanying financial statements at their fair values at the date of receipt.

Conditional Promises to Give. As of December 31, 2003 the Organization had received no conditional promises to give.

Use of Estimates. The preparation of financial statements in conformity with generally accepted accounting principles requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities and disclosure of contingent assets and liabilities at the date of the financial statements and the reported amounts of revenues and expenses during the reporting period. Actual results could differ from those estimates.

Cash and Cash Equivalents. Cash and cash equivalents consist of cash held in the Organization's checking account and in a money market account. At year-end and throughout the year, the Organization's cash balances were deposited in one bank and with Smith Barney. Management believes the Organization is not exposed to any significant credit risk on its cash balances.

Income Taxes. The Organization is a nonprofit corporation whose revenue is derived from contributions and other fund-raising activities and is not subject to federal and state income taxes.

Note 2: Functional Allocation of Expenses

No portion of program expense resulted from allocation of fundraising or management costs. Therefore the usual allocation of functional expenses is not applicable . All of the Foundation's program expenses are in the form of direct cash grants to qualifying autism research entities.

During 2003, the Organization conducted program activities that also included requests for contributions. The cost to participate in the main fundraiser, the annual celebrity golf outing, includes the cost of a round of golf, dinner and a donation to the Organization the amount of which is dependent on the participant's desired level of contribution. Autographed photos are also sold as a method to raise funds. The direct costs related to the golf outing and the printing of the photos are included in the Statement of Activities as Direct Benefits to Outing Attendees.

Note 3: Litigation

As of December 31, 2003 and at the time of the issuance of this report, no legal actions were pending against the Organization.

Michigan Department of Consumer and Industry Services

Filing Endorsement

This is to Certify that the ARTICLES OF INCORPORATION - NONPROFIT

for

TED LINDSAY FOUNDATION

ID NUMBER: 772470

received by facsimile transmission on April 13, 2001 is hereby endorsed

Filed on April 13, 2001 by the Administrator.

The document is effective on the date filed, unless a subsequent effective date within 90 days after received date is stated in the document.

In testimony whereof, I have hereunto set my hand and affixed the Seal of the Department, in the City of Lansing, this 13th day of April, 2001.

, *Director*

Bureau of Commercial Services

Sent by Facsimile Transmission 01103

MICHIGAN DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES BUREAU OF COMMERCIAL SERVICES		
Date Received		(FOR BUREAU USE ONLY)
		This document is effective on the date filed, unless a subsequent effective date within 90 days after received date is stated in the document.
Nathan Upfal Jackier, Gould, Bean, Upfal & Eizelman Second Floor, 121 West Long Lake Road Bloomfield Hills, Michigan 48304-2719		EFFECTIVE DATE:

⇑ **Document will be returned to the name and address you enter above ⇑**
If left blank document will be mailed to the registered office.

ARTICLES OF INCORPORATION
For use by Domestic Nonprofit Corporations

Pursuant to the provisions of Act 162, Public Acts of 1982, the undersigned corporation executes the following Articles:

ARTICLE I

The name of the corporation is: TED LINDSAY FOUNDATION.

ARTICLE II

The corporation is organized under Act 162, Michigan Public Acts of 1982, (the "Nonprofit Corporation Act"), and will receive and administer funds for the following charitable, educational, scientific, and public health purposes:

The corporation shall make grants and gifts and otherwise provide financial assistance to other organizations which are qualified as tax exempt under Section 501(c)(3) of the United States Internal Revenue Code of 1986, as currently in effect or as the same may be amended or replaced from time to time (the "Code"), and which promote and foster health, education or welfare, ease the suffering of the sick, distressed or poor, and/or prevent cruelty to children.

In furtherance of such specific purpose, the corporation is authorized to do any and all things permitted of a nonprofit corporation under the Nonprofit Corporation Act; provided, notwithstanding anything contained in these Articles of Incorporation to the contrary, the corporation's activities are subject to the limitations and restrictions set forth in Article IX.

ARTICLE III

1. The corporation is organized on a nonstock basis.

2. The description and value of the corporation's real property assets are: None
   The description and value of the corporation's personal property assets are: None
   The valuation of the above assets was as of April 13, 2001.

3. The corporation is to be financed under the following general plan:

gifts, grants, and contributions from the general public, government and tax exempt organizations.

4. The corporation is organized on a directorship basis.

ARTICLE IV

1. The address of the registered office is Second Floor, 121 West Long Lake Road, Bloomfield Hills, MI 48304.

2. The name of the resident agent at the registered office is Nathan Upfal.

ARTICLE V

The period for which the corporation shall be created shall be perpetual.

ARTICLE VI

The name and address of the incorporator is Nathan Upfal, Second Floor, 121 West Long Lake Road, Bloomfield Hills, MI 48304.

ARTICLE VII

1. No volunteer director or volunteer officer of the corporation will be personally liable to the corporation for monetary damages for breach of the volunteer director's or volunteer officer's fiduciary duty; provided, however, that nothing in this Article VII shall be construed to eliminate or limit the personal liability of a volunteer director or volunteer officer of the corporation for any of the following:

   (A) a breach of the director's or officer's duty of loyalty to the corporation;
   (B) acts or omissions not in good faith or that involve intentional misconduct or a knowing violation of law;
   (C) a violation of Section 551(1) of the Michigan Nonprofit Corporation Act;
   (D) a transaction from which the director or officer derived an improper personal benefit;
   (E) an act or omission occurring before the effective date of this provision granting limited liability; and/or
   (F) an act or omission that is grossly negligent.

2. So long as this corporation is exempt from taxation under Code Section 501(c)(3), the corporation assumes all liability to any person other than the corporation for all acts or omissions of a volunteer director occurring on or after January 1, 1988, incurred in the good faith performance of the volunteer director's duties.

3. Without limitation on the foregoing, the corporation assumes the liability for all acts or omissions of a volunteer director, volunteer officer, or other volunteer occurring on or after the effective date of this provision granting limited liability, if all of the following conditions are met:

   (A) the volunteer was acting or reasonably believed he or she was acting within the scope of his or her authority;
   (B) the volunteer was acting in good faith;
   (C) the volunteer's conduct did not amount to gross negligence or willful and wanton misconduct;
   (D) the volunteer's conduct was not an intentional tort; and
   (E) the volunteer's conduct was not a tort arising out of the ownership, maintenance, or use of a motor vehicle for which tort liability may be imposed as provided in Section 3135 of the Insurance Code of 1956, Act No. 218 of the Michigan Public Acts of 1956, being Michigan Compiled Laws Section 500.3135.

4. The repeal or modification of all or any part of this Article VII shall not adversely affect any right or protection of any volunteer director, volunteer officer, or other volunteer of the corporation pursuant to this Article VII existing at the time of, or for or with respect to, any acts or omissions occurring before the effective date of such repeal or modification.

ARTICLE VIII

Upon dissolution of the corporation, all of the remaining assets and properties of the corporation after payment or reservation of sufficient funds to pay the corporation's debts and obligations shall be distributed to one or more organizations which are then qualified as organizations described in Code Section 501(c)(3), as selected by the Board of Directors of the corporation. No director, trustee, officer, or other private individual shall receive or be entitled to receive any liquidating distribution of the remaining property and assets of the corporation.

ARTICLE IX

Notwithstanding any provision of these Articles of Incorporation to the contrary:

1. The corporation shall not engage in any activity which is prohibited under the Michigan Nonprofit Corporation Act.

2. The purposes of the corporation shall be exclusively charitable, scientific and educational within the meaning of Code Section 501(c)(3).

3. The corporation is intended to be and shall be operated and conducted as an organization which is exempt from federal income taxation under Code Section 501(c)(3).

4. The corporation shall not participate or intervene, in any manner, in any political campaign on behalf of or in opposition to any candidate for public office. No substantial or significant part of the activities of the corporation shall be devoted to the carrying on of propaganda, or otherwise attempting to influence legislation.

5. All of the earnings of the corporation shall be used exclusively for corporation purposes, and no part of the net earnings of the corporation shall inure to the benefit of any private individual having a personal and private interest in the activities of the corporation.

I, the incorporator, sign my name on April 13, 2001.

Nathan Upfal

Form **872-C**

(Rev. September 1998)

Department of the Treasury
Internal Revenue Service

Consent Fixing Period of Limitation Upon Assessment of Tax Under Section 4940 of the Internal Revenue Code

(See instructions on reverse side.)

OMB No. 1545-0056

To be used with Form 1023. Submit in duplicate.

Under section 6501(c)(4) of the Internal Revenue Code, and as part of a request filed with Form 1023 that the organization named below be treated as a publicly supported organization under section 170(b)(1)(A)(vi) or section 509(a)(2) during an advance ruling period,

TED LINDSAY FOUNDATION
(Exact legal name of organization as shown in organizing document)

1819 E. Big Beaver Road
Troy, MI 48083
(Number, street, city or town, state, and ZIP code)

and the District Director of Internal Revenue, or Assistant Commissioner (Employee Plans and Exempt Organizations)

consent and agree that the period for assessing tax (imposed under section 4940 of the Code) for any of the 5 tax years in the advance ruling period will extend 8 years, 4 months, and 15 days beyond the end of the first tax year.

However, if a notice of deficiency in tax for any of these years is sent to the organization before the period expires, the time for making an assessment will be further extended by the number of days the assessment is prohibited, plus 60 days.

Ending date of first tax year December 31, 2001
(Month, day, and year)

Name of organization (as shown in organizing document)	Date
Ted Lindsay Foundation	April 20, 2001
Officer or trustee having authority to sign Signature ▶ Ted Lindsay	Type or print name and title Ted Lindsay, President

For IRS use only

District Director or Assistant Commissioner (Employee Plans and Exempt Organizations)	Date

By ▶

For Paperwork Reduction Act Notice, see page 7 of the Form 1023 Instructions.

Cat. No. 16905Q

BYLAWS OF
TED LINDSAY FOUNDATION

ARTICLE 1 CORPORATE ORGANIZATION

1.1 Name. The name of the corporation is: Ted Lindsay Foundation.

1.2 Incorporation. The corporation is a nonprofit corporation organized and existing under the laws of the State of Michigan.

1.3 Purposes. The corporation is organized under Act 162, Michigan Public Acts of 1982, as amended, (the "Nonprofit Corporation Act"), and will receive and administer funds for the following charitable, educational, scientific, and public health purposes:

The corporation shall make grants and gifts and otherwise provide financial assistance to other organizations which are qualified as tax exempt under Section 501(c)(3) of the United States Internal Revenue Code of 1986, as currently in effect or as the same may be amended or replaced from time to time (the "Code"), and which promote and foster health, education or welfare, ease the suffering of the sick, distressed or poor, and/or prevent cruelty to children.

In addition, the corporation shall have all powers and is authorized to do any and all things permitted of a nonprofit corporation under the Nonprofit Corporation Act; provided, notwithstanding anything contained in these By-Laws to the contrary, the corporation's activities are subject to the following limitations and restrictions:

(a) The corporation shall not engage in any activity which is prohibited under the Michigan Nonprofit Corporation Act.

(b) The purposes of the corporation shall be exclusively charitable, scientific and educational within the meaning of Code Section 501(c)(3).

(c) The corporation is intended to be and shall be operated and conducted as an organization which is exempt from federal income taxation under Code Section 501(c)(3).

(d) The corporation shall not participate or intervene, in any manner, in any political campaign on behalf of or in opposition to any candidate for public office. No substantial or significant part of the activities of the corporation shall be devoted to the carrying on of propaganda, or otherwise attempting to influence legislation.

(e) All of the earnings of the corporation shall be used exclusively for corporation purposes, and no part of the net earnings of the corporation shall inure to the benefit of any private individual having a personal and private interest in the activities of the corporation.

1.4 Offices. The registered office of the corporation is presently located at 1819 E. Big Beaver Road, Troy, Michigan 48083. The corporation may have such offices, either within or outside the State of Michigan, as the board of directors may designate or as the business of the corporation may require from time to time.

ARTICLE 2 BOARD OF DIRECTORS

2.1 Directorship Basis of Organization. The corporation is organized on a directorship basis; accordingly, the affairs of the corporation shall be managed and directed by the board of directors of the corporation. The board of directors shall be the governing body of the corporation. The corporation shall not have "members" within the meaning of the Act. The corporation is not authorized to issue capital stock.

2.2 Number of Directors. The number of members of the board of directors of the corporation shall be not less than 1 and not more than 7, not including ex-officio members and honorary appointed members.

2.3 Qualification. Each member of the board of directors shall promote and serve the interests of the corporation and the community served by the corporation. Members of the board of directors need not be residents of the State of Michigan.

2.4 Classes of Directors. The board of directors shall be divided into the following three classes:

2.4.1 Elected Directors. The term "elected directors" shall refer to those members of the board of directors who shall be elected by those members of the board of directors whose terms are not then expiring; except, however, the first board of directors will be appointed by the sole incorporator of the corporation.

2.4.2 Ex-Officio Directors. Each former President of the corporation shall be an ex-officio director, with full voting power, for his lifetime.

2.4.3 Honorary Appointed Directors. From time to time, the President of the corporation may appoint one or more individuals to serve as honorary appointed directors of the corporation; provided, however, that not more than three (3) honorary appointed directors shall serve on the board of directors at any one time. Each honorary appointed director shall serve for a term of one year, and shall be a voting member of the board of directors, and shall possess all other privileges of a member of the board of directors.

2.5 Tenure

2.5.1 Term. Each member, other than an ex-officio member and an honorary appointed member, of the board of directors shall serve for a term of three (3) years and until his successor is elected and qualified or until his earlier resignation or removal; except, however, that each member of the board of directors appointed by the incorporator in accordance with Section 2.4.1 shall serve for the term so designated by the incorporator in writing at the time of such appointment.

2.5.2 Consecutive Terms. Each member of the board of directors shall be eligible to serve on the board of directors for an unlimited number of consecutive terms.

2.5.3 Resignation. Each member, including an ex-officio member and an honorary appointed member, of the board of directors may resign by written notice to the corporation, effective upon the date of receipt thereof or at a subsequent date specified in such notice.

2.5.4 Removal by Board of Directors. The board of directors may remove any director (including an honorary appointed member), with or without cause, by the affirmative vote of not less than two-thirds of the remaining members of the board of directors.

2.5.5 Vacancy. If a vacancy occurs on the board of directors, for any reason including a vacancy resulting from an increase in the number of directors, the vacancy may be filled by the affirmative vote of the remaining directors in office (even if less than a quorum). A vacancy that will occur at a specific date, by reason of a resignation effective at a later date, may be filled before the vacancy occurs but the newly elected or appointed director may not take office until the vacancy occurs.

2.6 Election of Directors

2.6.1 Nominating Committee. Not later than sixty (60) days prior to each annual meeting, the President of the corporation shall appoint a Nominating Committee composed of not less than one director (whose term is not then ending). Unless otherwise determined by the board of directors, the immediate past president shall serve as Chairperson of the Nominating Committee.

2.6.2 Nomination of Elected Directors. Not later than thirty (30) days prior to the annual meeting, the Nominating Committee shall present to the board of directors a list of qualified nominees to fill the terms then expiring or vacant.

2.6.3 Election of Directors. At each annual meeting, the directors whose terms are not then expiring shall elect directors, by the affirmative vote of not less than a majority of the directors whose terms are not then expiring, to fill the terms then expiring or vacant from the list of nominees presented by the Nominating Committee. In addition, additional nominees may be nominated from the floor by the affirmative vote of not less than one-fourth of the directors whose terms are not then expiring.

2.7 Annual Meeting. The annual meeting of the board of directors shall be held at such time and on such date within the month of March of each calendar year (commencing in 2002) as the board of directors shall determine, for the purposes of:

(a) electing the officers and directors (to fill vacancies then occurring), and

(b) the transaction of such business as may properly come before the meeting.

2.8 Regular Meetings. Regular meetings of the board of directors may be held at such time and place as shall be determined from time to time either (a) by a majority of the directors, or (b) the President.

2.9 Special Meetings. Special meetings of the board of directors may be called by the President, and shall be called by the President at the written request of not fewer than one-third (1/3) of the members of the board of directors.

2.10 Notice. Notice stating the place, day and hour of each regular and special meeting of the board of directors shall be delivered not less than two (2) days before the date thereof, either personally or by mail, overnight delivery, telephone or facsimile, to each member of the board of directors of record. If mailed, such notice shall be deemed to be delivered when deposited in the

United States mail, addressed to the director at his address as it appears on the records of the corporation, with postage prepaid.

2.11 Waiver of Notice. Any director may waive notice of any meeting by written statement signed before or after the holding of the meeting. Attendance of a director at (or participation in) a meeting shall constitute a waiver of notice of such meeting, unless at the beginning of the meeting or upon the director's arrival at the meeting, he objects to the transaction of business at the meeting for the express reason that the meeting is not lawfully called or convened and he does not thereafter vote for or assent to any action taken at the meeting.

2.12 Quorum. One third (1/3) of the number of directors then in office (but not less than two directors) shall constitute a quorum at any meeting of board of directors; however, if less than one-third (1/3) of the number of directors then in office is present at a meeting (or, if greater, two directors), a majority of the directors present may adjourn the meeting from time to time without further notice.

2.13 Participation by Means of Electronic Communication. A member of the board of directors may participate in any meeting by means of a conference telephone or similar electronic communication equipment, so long as (a) all persons participating in the meeting can hear each other, (b) all participants are advised of the communications equipment, and (c) the names of the participants in the conference are divulged to all participants. Participation in a meeting pursuant to this section constitutes presence in person at the meeting.

2.14 Action by Board of Directors

2.14.1 At a Meeting. Unless otherwise required by the Act, the Articles of Incorporation, or these Bylaws, the vote of the majority of the directors present at a meeting at which a quorum is present constitutes the action of the board of directors.

2.14.2 Without a Meeting. Any action required or permitted to be taken at any meeting of the board of directors may be taken without a meeting if, before or after the action, all members of the board of directors then in office consent to the action in writing. Such written consent shall be filed with the minutes of the proceedings of the board of directors. The written consent has the same effect as a vote of the board of directors for all purposes.

2.15 Presumption of Assent. Each director who is present at a meeting of the board of directors at which action on any corporate matter is taken shall be presumed to have concurred in that action unless his dissent shall be entered in the minutes of the meeting or unless he shall file his written dissent to the action with the secretary of the meeting before or promptly after the adjournment thereof. Such right to dissent shall not apply to a director who voted in favor of such action. A director who is absent from a meeting of the board or directors at which any such action is taken is presumed to have concurred in the action unless he files his dissent with the secretary of the corporation within a reasonable time after he has knowledge of the action.

2.16 Committees

2.16.1 Delegation of Powers. The board of directors may designate one or more committees, in accordance with these Bylaws. No committee shall take or permit any act or action which may not be taken or permitted by the board of directors by these Bylaws, the Articles of Incorporation or applicable law. Subject to such restriction, any committee shall have and may

exercise all powers and authority of the board of directors in the management of the business and affairs of the corporation, as authorized and directed by the board of directors; except, further, that no such committee shall have the power or authority to:

(a) amend or restate the Articles of Incorporation and/or Bylaws;

(b) adopt a plan of merger or consolidation;

(c) approve the sale, lease, exchange, mortgage, pledge or other disposition of all or substantially all the property and assets of the corporation;

(d) approve the liquidation or dissolution of the corporation or a revocation of a dissolution;

(e) elect directors or fill vacancies on the board of directors.

The designation of any such committee and the delegation thereto of authority shall not operate to relieve the board of directors, or any member thereof, of any responsibility imposed by law.

2.16.2 Executive Committee. The committees shall include an Executive Committee, whose members shall include the immediate past president of the corporation (who shall act as chairman of the Executive Committee), each officer of the corporation, and two at-large members appointed by the President of the corporation. The at-large committee members shall be directors of the corporation. The Executive Committee shall have and possess all powers of the board of directors, and shall act for and on behalf of the board of directors during the intervals between meetings of the board of directors, except to the extent limited under the Act and except as otherwise expressly restricted by the board of directors from time to time.

2.16.3 Fundraising Committee. The committess shall include a Fundraising Committee, whose members shall be appointed by the Board of Directors. This committee shall be responsible for supervising the corporation's public fundraising campaigns and efforts.

2.17 Advisory Panel. The board of directors may establish one or more advisory panels, to be comprised of one or more political, business, education, professional, and other community leaders. Such advisory panels shall be charged with advising and assisting the board of directors with the formulation and implementation of the corporation's long range planning, policies, and objectives, and shall otherwise act as a liaison between the corporation and the general political, business, education, and professional communities. The advisory panel members shall not be members of the board of directors, and shall not have voting rights on the board of directors.

ARTICLE 3 OFFICERS

3.1 Officers. The officers of the corporation shall be a President, a Secretary and a Treasurer. The board of directors may also elect such other officers and assistant officers, including a President-Elect, and one or more Vice-Presidents, Assistant Treasurers or Assistant Secretaries, as it deems necessary for the transaction of the business of the corporation.

3.2 Filling More Than One Office. Any two offices of the corporation may be held by the same person; provided, however, that no officer shall execute, acknowledge or verify any instrument in more than one capacity if the instrument is required by applicable law to be executed, acknowledged or verified by two or more officers.

3.3 Election of Officers. The first officers of the corporation will be appointed by the sole incorporator, to hold office until the next following annual meeting of the board of directors. Thereafter, the officers of the corporation will be elected at each annual meeting of the board of directors, after the election of directors, to fill the term of those whose terms are expiring, the directors (including those then just elected and excluding those who are outgoing) shall elect officers, to fill the offices of the corporation; except, however, at each annual meeting the officers to be elected shall not include the President if a President-Elect was elected at the preceding annual meeting and remains in office at the time. If a President-Elect is elected, and if he remains in office at the time of the next annual meeting, he shall automatically succeed to the office of President.

3.4 Tenure

3.4.1 Term. The corporation's President shall hold office for a term of two (2) years and until his successor is elected and qualified (or until his successor automatically takes office, in the case of the succession of the President-Elect to President), or until his earlier resignation or removal. Each other officer shall hold office for a term of one (1) year and until his successor is elected and qualified, or until his earlier resignation or removal.

3.4.2 Consecutive Terms. Each officer shall be eligible to serve on the board of directors for an unlimited number of consecutive terms; except, however, in the case of the succession of the President-Elect to the office of President.

3.4.3 Resignation. Each officer may resign by written notice to the board of directors, effective upon the date of receipt thereof or at a subsequent date specified in such notice.

3.4.4 Removal. The board of directors may remove any officer, with or without cause, by the affirmative vote of not less than a majority of the members of the board of directors. Such removal shall be without prejudice to the right, if any, of the person so removed to recover damages for breach of contract (if applicable). Election or appointment of an officer or agent shall not of itself create any contract rights.

3.4.5 Vacancy. The board of directors may fill any vacancy in any office, occurring for any reason, for the unexpired portion of the term.

3.5 Description of Offices

3.5.1 President. The President shall be the principal executive officer of the corporation and, subject to the control of the board of directors (and Chairman, if applicable), shall in general manage and direct the day-to-day business and affairs of the corporation. In the absence of the Chairman, the President shall preside at all meetings of the board of directors. The President shall possess and exercise such other powers as are incident to such office and as may be assigned to him from time to time by the board of directors and as are expressly set forth in these Bylaws or in the Articles of Incorporation.

3.5.2 President-Elect. If elected by the board of directors, and in the absence of the President or in the event of the death, inability or refusal to act of the President, the President-Elect shall perform the duties of the President, and when so acting, shall have all the powers of and be subject to all the restrictions upon the President. The President-Elect shall possess and exercise

such other powers as may be assigned to him from time to time by the board of directors or as are expressly set forth in these Bylaws or in the Articles of Incorporation.

3.5.3 Vice-President. The board of directors may elect one or more Vice-Presidents. In the absence of the President and President-Elect (if applicable) or in the event of the death, inability or refusal to act of the President and President-Elect (if applicable), the Vice-President shall perform the duties of the President, and when so acting, shall have all the powers of and be subject to all the restrictions upon the President. The Vice-President shall possess and exercise such other powers as may be assigned to him from time to time by the board of directors or as are expressly set forth in these Bylaws or in the Articles of Incorporation.

3.5.4 Treasurer. Subject to the supervision of the President of the corporation, the Treasurer shall:

(a) have charge and custody of and be responsible for all funds and securities of the corporation;
(b) receive and give receipts for moneys due and payable to the corporation from any source whatsoever;
(c) deposit all such moneys in the name of the corporation in such banks, trust companies or other depositaries as shall be selected in accordance with the provisions of these Bylaws; and
(d) in general perform all of the duties incident to the office of Treasurer.

In addition, the Treasurer shall possess and exercise such other powers as may be assigned to him from time to time by the President or board of directors or as are expressly set forth in these Bylaws or in the Articles of Incorporation. If required by the board of directors, the Treasurer shall give a bond, for the faithful discharge of his duties, in such sum and with such surety or sureties as the board of directors shall determine.

3.5.5 Secretary. Subject to the supervision of the President of the corporation, the Secretary shall:

(a) keep the minutes of the proceedings of the meetings of the board of directors in one or more books provided for that purpose;
(b) assure that all notices are duly given in accordance with the provisions of these Bylaws or as required by law;
(c) be custodian of the corporate records; and
(d) in general perform all duties incident to the office of Secretary.

In addition, the Secretary shall possess and exercise such other powers as may be assigned to him from time to time by the President or board of directors or as are expressly set forth in these Bylaws or in the Articles of Incorporation.

3.6 Fidelity Bond. The board of directors may require the fidelity of any or all of the officers of the corporation by bond or otherwise, in such terms and with such surety or sureties, conditions, penalties or securities as shall be required by the board of directors.

ARTICLE 4 PROTECTION OF EXEMPT STATUS

4.1 Prohibited Activities. Notwithstanding any other provision of these Bylaws, neither this corporation, nor any director, officer, or committee member will conduct or carry on or permit any activities which are not permitted to be conducted or carried on by an organization exempt under Code Section 501(c)(3) and the regulations established pursuant thereto.

4.2 Prohibition Against Private Inurement. No director, officer, committee member, employee, or agent of the corporation, nor any other private individual, will receive any of the net earnings derived from the operation of the corporation's business and affairs, or any other assets or property of the corporation, at any time (whether in the course of the conduct of the corporation or upon dissolution); provided, however, that this will not prevent the payment of reasonable compensation or consideration to any person for authorized services rendered or goods sold to or for the corporation.

4.3 Dissolution and Winding Up. Upon dissolution of the corporation, no director, officer, or other private individual will receive, or be entitled to receive, any distribution of the remaining property and assets of the corporation (other than creditors, in respect of valid debts of the corporation). Upon dissolution of the corporation, all remaining property and assets of the corporation, after payment of or adequate provision for the corporation's debts and obligations, will be distributed in furtherance of the charitable purposes of the corporation as set forth herein to one or more organizations which are then qualified as organizations described in Code Section 501(c)(3), as selected by the board of directors.

ARTICLE 5 CORPORATE FINANCE

5.1 Fiscal Year. The fiscal year of the corporation shall begin on January 1 and end on December 31 of each calendar year.

5.2 Orders for Payment. All checks, drafts or other orders for payment of money, and all notes or other evidences of indebtedness issued in the name of the corporation, as authorized by the board of directors, shall be signed by such officer or officers, agent or agents of the corporation, and in such manner, as the board of directors shall determine from time to time.

5.3 Deposits. All funds of the corporation shall be deposited from time to time to the credit of the corporation in one or more banks, trust companies or such other depositories as the board of directors may from time to time designate, upon such terms and conditions as shall be determined by the board of directors. The board of directors may from time to time authorize the opening and maintaining with any such designated depository general and special bank accounts, and may make such special rules and regulations with respect thereto as it shall determine, not inconsistent with the provisions of these Bylaws.

5.4 Books and Records. The corporation shall keep correct and complete financial books and records of account, which records shall be open to inspection by the board of directors at any reasonable time.

5.5 Loans. The corporation shall not incur any indebtedness, and shall not issue any instruments evidencing such indebtedness, without the (general or case-by-case) authorization of the board of directors. No loans shall be made by the corporation to directors, officers or committee members.

5.6 Gifts. The board of directors may accept on behalf of the corporation any contribution, gift, bequest or devise for and consistent with the purposes of the corporation.

ARTICLE 6 GENERAL PROVISIONS

6.1 Indemnification. Unless otherwise provided in the Articles of Incorporation, the corporation shall indemnify any person who is or was a director, officer, employee, or agent of the corporation, or serving at the request of the corporation as a director, officer, partner, trustee, employee, or agent of another foreign or domestic corporation, partnership, joint venture, trust, or other enterprise, whether for profit or not, to the extent and under the circumstances permitted under applicable law.

6.2 Descriptive Headings. Titles to paragraphs and subparagraphs are intended only for convenience of reference and shall be given no effect in the construction or interpretation of these Bylaws.

6.3 Governing Law. These Bylaws shall be construed and interpreted in accordance with the laws of the State of Michigan.

6.4 Amendments. These Bylaws may be altered, amended or repealed, and new Bylaws may be adopted, by the board of directors.

6.5 Seal. The board of directors may authorize this corporation to have a Corporate Seal, which shall be affixed as required under applicable law.

6.6 Revocation of Authorization. The board of directors shall retain the right, within its sole discretion, to rescind its prior authorization, assignment, or delegation of authority.

6.7 Gender; Plurals. As used in these Bylaws, all pronouns shall be deemed to refer to the masculine, feminine, or neuter gender, or to the singular or plural, wherever the context and surrounding circumstances so require.

These By-Laws are acknowledged by the Secretary of the Corporation:

John Czarnecki, Secretary

Memorandum

To: John Szerlag, City Manager
From: John M. Lamerato, Assistant City Manager/Finance and Administration
Tonni L. Bartholomew, City Clerk
Date: May 16, 2005
Subject: Agenda Item: Request for Recognition as a Nonprofit Organization Status from the Troy Historical Society for the Purpose of Hosting a Raffle

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The Troy Historical Society's current charitable solicitation license expires with the State of Michigan on October 31, 2005. Therefore, a request from the Troy Historical Society is attached requesting recognition as a nonprofit organization status for the purpose of hosting a raffle from June 2005 to December 2005 for the purpose of raising funds to support the moving of the Niles-Barnard house to the Village Green. It has been City Management's practice to support the approval of such requests.

Troy Historical Society
60 West Wattles Rd.
Troy MI 48099

Troy Museum & Historic Village 248-524-3570

May 11, 2005

Dear Mayor Schilling:

The Troy Historical Society Board is requesting a permit to hold a raffle from June 2005 to December 2005 for the purpose of funds supporting the moving of the Niles-Barnard house to the Village Green.

Thank you,

Geraldine Young

Geraldine Young

Director THS

JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
BUREAU OF STATE LOTTERY
LANSING

GARY C. PETERS
COMMISSIONER

LOCAL CIVIC ORGANIZATION QUALIFICATION INFORMATION

Please allow at least 4 weeks for the qualification process.

If the organization has never submitted qualifying information as a local civic organization, the following information shall be submitted prior to being approved to conduct a bingo, millionaire party, raffle, charity game, or numeral game.

1. A signed and dated copy of the organization's current bylaws or constitution.
2. A complete copy of the organization's Articles of Incorporation that have been filed with the Corporations and Securities Bureau, if the organization is incorporated.
3. A copy of the letter from the IRS stating the organization is exempt from federal tax under IRS code 501(c)3

   OR

   copies of one bank statement per year for the previous five years, excluding the current year.
4. A provision in the bylaws, constitution, or Articles of Incorporation that states should the organization dissolve, all assets, and real and personal property will revert:

   A. If exempt under 501(c)3, to another 501(c)3 organization.

   B. If not exempt under 501(c)3, to the local government.
5. A receipt and expenditure statement for the last two years. If expenditures were made to individuals, explain the nature of these expenditures.
6. A copy of a resolution passed by the local body of government stating the organization is a recognized nonprofit organization in the community (sample format attached).
7. A provision in the bylaws, constitution, or Articles of Incorporation indicating the organization will remain nonprofit forever.

Additional information may be requested after the initial documents submitted have been reviewed. If you have any questions or need further assistance, please call our office at (517) 335-5780.

Act 382 of the Public Acts of 1972, as amended, defines a local civic organization as an organization "not for pecuniary profit and not affiliated with a state or national organization, which is recognized by resolution adopted by the city in which the organization conducts its principal activities, whose constitution, charter, articles of incorporation, or bylaws contain a provision for the perpetuation of the organization as a nonprofit organization whose entire assets are pledged to charitable purposes, and whose constitution, charter, articles of incorporation, or bylaws contain a provision that all assets, real property, and personal property shall revert to the benefit of the city government upon dissolution of the organization."

101 E. HILLSDALE • P.O. BOX 30023 • LANSING, MICHIGAN 48909
www.michigan.gov/cg • (517) 335-5780

Charitable Gaming Division
Box 30023, Lansing, MI 48909
OVERNIGHT DELIVERY:
101 E. Hillsdale, Lansing MI 48933
(517) 335-5780
www.michigan.gov/cg

LOCAL GOVERNING BODY RESOLUTION FOR CHARITABLE GAMING LICENSES

(Required by MCL.432.103(9))

At a _____ meeting of the _____
REGULAR OR SPECIAL — TOWNSHIP, CITY, OR VILLAGE COUNCIL/BOARD

called to order by _____ on _____
DATE

at_____ a.m./p.m. the following resolution was offered:
TIME

Moved by _____ and supported by _____

that the request from _____ of _____,
NAME OF ORGANIZATION — CITY

county of _____, asking that they be recognized as a
COUNTY NAME

nonprofit organization operating in the community for the purpose of obtaining a charitable

gaming license, be considered for _____.
APPROVAL/DISAPPROVAL

APPROVAL		DISAPPROVAL	
Yeas:	_____	Yeas:	_____
Nays:	_____	Nays:	_____
Absent:	_____	Absent:	_____

I hereby certify that the foregoing is a true and complete copy of a resolution offered and adopted by the _____ at a _____
TOWNSHIP, CITY, OR VILLAGE COUNCIL/BOARD — REGULAR OR SPECIAL

meeting held on_____.
DATE

SIGNED: _____
TOWNSHIP, CITY, OR VILLAGE CLERK

_____
PRINTED NAME AND TITLE

_____
ADDRESS

COMPLETION: Required.
PENALTY: Possible denial of application.

STATE OF MICHIGAN
DEPARTMENT OF ATTORNEY GENERAL

EFFECTIVE DATE
December 27, 2004

LICENSE #
MICS 2868

TROY HISTORICAL SOCIETY
60 W WATTLES RD
TROY MI 48098-4640

CHARITABLE SOLICITATION LICENSE

of

Troy Historical Society

EXPIRATION DATE: October 31, 2005

1. **Your next application to renew this license is due no later than October 1, 2005.** This is 30 days prior to the expiration date shown above. Please calendar the date now. Forms are available on the Attorney General's web site at: www.michigan.gov/ag or may be requested by contacting the Charitable Trust Section at (517) 373-1152.

2. **Extensions** of the license may be requested if required information will not be available prior to the renewal application due date. A written request for an extension must be received on or before the above expiration date of the license.

3. **Throughout the year**, notify us within 30 days of changes in the following:
   - -- Name or address
   - -- Board of directors
   - -- Resident agent
   - -- Methods of soliciting donations
   - -- Fiscal year end
   - -- Purposes
   - -- Amendments to the bylaws or constitution of the organization
   - -- Amendments to your articles of incorporation, submitting copies of amendments assumed names or name changes that show evidence of proper filing with the appropriate state agency
   - -- If any other state has prohibited solicitation activity by your organization

4. Any contracts you enter into with professional fund raisers must be submitted to our office within 10 days of execution.

Date Received

CITY OF TROY

SOLICITATION - FUND RAISING

File the following information with the City Clerk's Office at least 21 days prior to the time when the permit is desired. TIME SPAN FOR PERMIT NOT TO EXCEED NINETY (90) DAYS.

Name of organization: TROY HISTORICAL SOCIETY BOARD Phone 586-803-1225

Local Address: 60 W. Wattles Road City & Zip Troy, Mich. 48098

Home office, if different: TROY HISTORICAL SOCIETY, P.O. Box 6, City & Zip Troy, Mi 48099

Name of parent organization:

Where located:

Local representatives/officers of organization:

Name: Vera Milz Title: President Phone: 248-689-8952

Name: Fred Rounds Title: Treasurer Phone: 248-879-6567

Name: Geraldine Young Title: Director Phone: 586-803-1225

Person in direct charge of solicitations:

Name: Vera Milz Phone: 248-689-8952

How are funds solicited? Ticket sales

$1.00 each or 6 for $5.00

Locations: Club meetings of members of board-

Museum- quilt clubs meetings

Dates: June 2005 Times of Day:

To what purpose will you put these funds? Benefit- moving of Niles-Barnard home to Museum Grounds. Heritage fund process-

What is the requested amount for contribution? $1.00 ea. or 6 for $5.00

CITY OF TROY

Date filed _____

SOLICITOR'S APPLICATION

Please complete all information and return with all required solicitation documents to the City Clerk, 500 W. Big Beaver, Troy, Michigan 48084

Name	Local Address	Home Address
Vera E. Milz	1750 Woodgate Dr. Troy, 48083	Same
Judith E. Siess	762 Marengo Dr. Troy Mi 48085	Same
FRED G. ROUNDS	6291 LEDWIN TROY, MI 48098	SAME
MURIEL ROUNDS	6291 LEDWIN TROY, MI. 48098	SAME
Geraldine Young	2126 Forest Mead Sterling Heights, Mi 48314	
Carmeth Webber	3696 Maple Rd Troy 48083	
Judy Baker	432 Kirk Ln. Troy 48084	

CITY OF TROY

Date filed_____

SOLICITOR'S APPLICATION

Please complete all information and return with all required solicitation documents to the City Clerk, 500 W. Big Beaver, Troy, Michigan 48084

Name	Local Address	Home Address
Gloria Jean Anderlie	1625 Boulan	Troy Mich 48084
Name	Local Address	Home Address
Linda D. Heyman	1825 Latimer Dr.	Troy 48083
Name	Local Address	Home Address
Thelma M Holdberg	6315 Vernmoor Troy Mi 48098	6315 Vernmoor Troy, Mich 48098
Name	Local Address	Home Address
Alfred Holdberg	6315 Vernmoor Troy Mich 48098	6315 Vernmoor Troy, Mich 48098
Name	Local Address	Home Address
Mark Randol J.	2533 Lake Charwood Dr Troy, MI 48098	
Name	Local Address	Home Address
Bill [illegible]	1502 [illegible] Troy 48025	
Name	Local Address	Home Address
Fred L. Rounds	6291 LEDWIN TROY, 48098	Same
Name	Local Address	Home Address
Cheryl L. Bauman	475 E. Square Lk Rd TROY MI 48051	SAME
Name	Local Address	Home Address
Barbara Gerard	1012 Woodsboro R.O. 48067	
Name	Local Address	Home Address
Carol Schoo	43-956 Mapel Dr. Sterling Heights 48314	
Name	Local Address	Home Address
Chantal Andersand	4021 Hillview Lane Rochester Hills 48306	
ame	Local Address	Home Address
Name	Local Address	Home Address

Form **990**

Department of the Treasury
Internal Revenue Service

Return of Organization Exempt From Income Tax

Under section 501(c), 527, or 4947(a)(1) of the Internal Revenue Code (except black lung benefit trust or private foundation)

▶ The organization may have to use a copy of this return to satisfy state reporting requirements.

OMB No. 1545-0047

2003

Open to Public Inspection

A For the 2003 calendar year, or tax year beginning APR 1, 2003 and ending MAR 31, 2004

B Check if applicable: ☐ Address change ☐ Name change ☐ Initial return ☐ Final return ☐ Amended return ☐ Application pending

Please use IRS label or print or type. See Specific Instructions.

C Name of organization: TROY HISTORICAL SOCIETY

Number and street (or P.O. box if mail is not delivered to street address): 60 W. WATTLES ROAD — Room/suite

City or town, state or country, and ZIP + 4: TROY, MI 48098-4640

D Employer identification number: 38-6116182

E Telephone number: 1-248-524-3570

F Accounting method: [X] Cash ☐ Accrual ☐ Other (specify) ▶

* Section 501(c)(3) organizations and 4947(a)(1) nonexempt charitable trusts must attach a completed Schedule A (Form 990 or 990-EZ).

H and I are not applicable to section 527 organizations.

H(a) Is this a group return for affiliates? ☐ Yes [X] No

H(b) If "Yes," enter number of affiliates ▶

H(c) Are all affiliates included? N/A ☐ Yes ☐ No (If "No," attach a list.)

H(d) Is this a separate return filed by an organization covered by a group ruling? ☐ Yes [X] No

I Group Exemption Number ▶

G Website: ▶N/A

J Organization type (check only one) ▶ [X] 501(c) (3) ◀ (insert no.) ☐ 4947(a)(1) or ☐ 527

K Check here ▶ ☐ if the organization's gross receipts are normally not more than $25,000. The organization need not file a return with the IRS; but if the organization received a Form 990 Package in the mail, it should file a return without financial data. **Some states require a complete return.**

M Check ▶ ☐ if the organization is **not** required to attach Sch. B (Form 990, 990-EZ, or 990-PF).

L Gross receipts: Add lines 6b, 8b, 9b, and 10b to line 12 ▶ 83,741.

Part I Revenue, Expenses, and Changes in Net Assets or Fund Balances

Revenue	1	Contributions, gifts, grants, and similar amounts received:			
	a	Direct public support	1a 29,426.		
	b	Indirect public support	1b		
	c	Government contributions (grants)	1c		
	d	Total (add lines 1a through 1c) (cash $ 29,426. noncash $)		1d	29,426.
	2	Program service revenue including government fees and contracts (from Part VII, line 93)		2	47,207.
	3	Membership dues and assessments		3	2,306.
	4	Interest on savings and temporary cash investments		4	3,281.
	5	Dividends and interest from securities		5	
	6 a	Gross rents	6a		
	b	Less: rental expenses	6b		
	c	Net rental income or (loss) (subtract line 6b from line 6a)		6c	
	7	Other investment income (describe ▶)		7	
	8 a	Gross amount from sales of assets other than inventory — (A) Securities: ; (B) Other:	8a		
	b	Less: cost or other basis and sales expenses	8b		
	c	Gain or (loss) (attach schedule)	8c		
	d	Net gain or (loss) (combine line 8c, columns (A) and (B))		8d	
	9	Special events and activities (attach schedule). If any amount is from gaming, check here ▶ ☐			
	a	Gross revenue (not including $ of contributions reported on line 1a)	9a		
	b	Less: direct expenses other than fundraising expenses	9b		
	c	Net income or (loss) from special events (subtract line 9b from line 9a)		9c	
	10 a	Gross sales of inventory, less returns and allowances	10a		
	b	Less: cost of goods sold	10b		
	c	Gross profit or (loss) from sales of inventory (attach schedule) (subtract line 10b from line 10a)		10c	
	11	Other revenue (from Part VII, line 103)		11	1,521.
	12	**Total revenue** (add lines 1d, 2, 3, 4, 5, 6c, 7, 8d, 9c, 10c, and 11)		12	83,741.
Expenses	13	Program services (from line 44, column (B))		13	16,750.
	14	Management and general (from line 44, column (C))		14	86,537.
	15	Fundraising (from line 44, column (D))		15	
	16	Payments to affiliates (attach schedule)		16	
	17	**Total expenses** (add lines 16 and 44, column (A))		17	103,287.
Net Assets	18	Excess or (deficit) for the year (subtract line 17 from line 12)		18	<19,546.>
	19	Net assets or fund balances at beginning of year (from line 73, column (A))		19	227,426.
	20	Other changes in net assets or fund balances (attach explanation) SEE STATEMENT 1		20	200.
	21	Net assets or fund balances at end of year (combine lines 18, 19, and 20)		21	208,080.

323001 12-17-03 LHA **For Paperwork Reduction Act Notice, see the separate instructions.** Form 990 (2003)

● If you are filing for an **Additional (not automatic) 3-Month Extension, complete only Part II** and check this box ..... ▶ ☐

Note: *Only complete Part II if you have already been granted an automatic 3-month extension on a previously filed Form 8868.*

● If you are filing for an **Automatic 3-Month Extension, complete only Part I** (on page 1).

Part II **Additional (not automatic) 3-Month Extension of Time — Must File Original and One Copy.**

Type or print File by the extended due date for filing the return. See instructions.	Name of Exempt Organization TROY HISTORICAL SOCIETY	Employer identification number 38-6116182
	Number, street, and room or suite no. If a P.O. box, see instructions. 60 W. WATTLES ROAD	For IRS use only
	City, town or post office, state, and ZIP code. For a foreign address, see instructions. TROY, MI 48098	

Check type of return to be filed (File a separate application for each return):

☒ Form 990 ☐ Form 990-EZ ☐ Form 990-T (sec. 401(a) or 408(a) trust) ☐ Form 1041-A ☐ Form 5227 ☐ Form 8870
☐ Form 990-BL ☐ Form 990-PF ☐ Form 990-T (trust other than above) ☐ Form 4720 ☐ Form 6069

STOP: Do not complete Part II if you were not already granted an automatic 3-month extension on a previously filed Form 8868.

● If the organization does **not** have an office or place of business in the United States, check this box ..... ▶ ☐

● If this is for a **Group Return**, enter the organization's four digit Group Exemption Number (GEN) _____ . If this is for the **whole group**, check this box ▶ ☐. If it is for **part** of the group, check this box ▶ ☐ and attach a list with the names and EINs of all members the extension is for.

4 I request an additional 3-month extension of time until NOVEMBER 15, 20 04.

5 For calendar year 2003, or other tax year beginning _____, 20 ___ and ending _____, 20 ___.

6 If this tax year is for less than 12 months, check reason: ☐ Initial return ☐ Final return ☐ Change in accounting period

7 State in detail why you need the extension TAXPAYER UNABLE TO OBTAIN INFORMATION FROM THIRD PARTIES REQUESTS EXTENSION OF TIME TO GATHER DATA.

8a If this application is for Form 990-BL, 990-PF, 990-T, 4720, or 6069, enter the tentative tax, less any nonrefundable credits. See instructions ..... $ 0.00

b If this application is for Form 990-PF, 990-T, 4720, or 6069, enter any refundable credits and estimated tax payments made. Include any prior year overpayment allowed as a credit and any amount paid previously with Form 8868 ..... $ 0.00

c **Balance Due.** Subtract line 8b from line 8a. Include your payment with this form, or, if required, deposit with FTD coupon or, if required, by using EFTPS (Electronic Federal Tax Payment System). See instructions ..... $ 0.00

Signature and Verification

Under penalties of perjury, I declare that I have examined this form, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete, and that I am authorized to prepare this form.

Signature ▶ [signature] Title ▶ CPA Date ▶ 8/10/2004

Notice to Applicant — To Be Completed by the IRS

☒ We have approved this application. Please attach this form to the organization's return.

☐ We have not approved this application. However, we have granted a 10-day grace period from the later of the date shown below or the due date of the organization's return (including any prior extensions). This grace period is considered to be a valid extension of time for elections otherwise required to be made on a timely return. Please attach this form to the organization's return.

☐ We have not approved this application. After considering the reasons stated in item 7, we cannot grant your request for an extension of time to file. We are not granting a 10-day grace period.

☐ We cannot consider this application because it was filed after the due date of the return for which an extension was requested.

☐ Other _____

EXTENSION APPROVED
AUG 3 0 2004
SUBMISSION PROCESSING, OGDEN, FIELD DIRECTOR,

Director _____ By: _____ Date _____

Alternate Mailing Address — Enter the address if you want the copy of this application for an additional 3-month extension returned to an address different than the one entered above.

Type or print	Name TROY HISTORICAL SOCIETY
	Number and street (include suite, room, or apt. no.) Or a P.O. box number c/o 5455 CORPORATE DRIVE, SUITE 300
	City or town, province or state, and country (including postal or ZIP code) TROY, MI 48098

STF FED9056F.2

Form **8868**
(December 2000)
Department of the Treasury
Internal Revenue Service

Application for Extension of Time To File an Exempt Organization Return

▶ File a separate application for each return.

OMB No. 1545-1709

- If you are filing for an **Automatic 3-Month Extension, complete only Part I** and check this box ▶ [X]
- If you are filing for an **Additional (not automatic) 3-Month Extension, complete only Part II** (on page 2 of this form).

Note: *Do not complete Part II unless you have already been granted an automatic 3-month extension on a previously filed Form 8868.*

Part I **Automatic 3-Month Extension of Time** — Only submit original (no copies needed)

Note: *Form 990-T corporations requesting an automatic 6-month extension — check this box and complete Part I only* ▶ [ ]

All other corporations (including Form 990-C filers) must use Form 7004 to request an extension of time to file income tax returns. Partnerships, REMICs and trusts must use Form 8736 to request an extension of time to file Form 1065, 1066, or 1041.

Type or print	Name of Exempt Organization	Employer identification number
	TROY HISTORICAL SOCIETY	38-6116182
File by the due date for filing your return. See instructions.	Number, street, and room or suite no. If a P.O. box, see instructions. 60 W. WATTLES ROAD	
	City, town or post office, state, and ZIP code. For a foreign address, see instructions. TROY, MI 48098	

Check type of return to be filed (file a separate application for each return):

[X] Form 990	[ ] Form 990-T (corporation)	[ ] Form 4720
[ ] Form 990-BL	[ ] Form 990-T (sec. 401(a) or 408(a) trust)	[ ] Form 5227
[ ] Form 990-EZ	[ ] Form 990-T (trust other than above)	[ ] Form 6069
[ ] Form 990-PF	[ ] Form 1041-A	[ ] Form 8870

- If the organization does **not** have an office or place of business in the United States, check this box ▶ [ ]
- If this is for a **Group Return**, enter the organization's four digit Group Exemption Number (GEN) _____ . If this is for the **whole** group, check this box ▶ [ ]. If it is for part of the group, check this box ▶ [ ] and attach a list with the names and EINs of all members the extension will cover.

1 I request an automatic 3-month (6-month, for **990-T corporation**) extension of time until _____, 20 ___, to file the exempt organization return for the organization named above. The extension is for the organization's return for:

▶ [X] calendar year 20 03 or

▶ [ ] tax year beginning _____, 20 ___, and ending _____, 20 ___.

2 If this tax year is for less than 12 months, check reason: [ ] Initial return [ ] Final return [ ] Change in accounting period

3a If this application is for Form 990-BL, 990-PF, 990-T, 4720, or 6069, enter the tentative tax, less any nonrefundable credits. See instructions ..... $ _____

b If this application is for Form 990-PF or 990-T, enter any refundable credits and estimated tax payments made. Include any prior year overpayment allowed as a credit ..... $ _____

c **Balance Due.** Subtract line 3b from line 3a. Include your payment with this form, or, if required, deposit with FTD coupon or, if required, by using EFTPS (Electronic Federal Tax Payment System). See instructions ..... $ N/A

Signature and Verification

Under penalties of perjury, I declare that I have examined this form, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete, and that I am authorized to prepare this form.

Signature ▶ Title ▶ CPA Date ▶ 5/13/2004

For Paperwork Reduction Act Notice, see instruction

Form **8868** (12-2000)

ISA
STF FED9056F.1

Part II Statement of Functional Expenses All organizations must complete column (A). Columns (B), (C), and (D) are required for section 501(c)(3) and (4) organizations and section 4947(a)(1) nonexempt charitable trusts but optional for others.

Do not include amounts reported on line 6b, 8b, 9b, 10b, or 16 of Part I.		(A) Total	(B) Program services	(C) Management and general	(D) Fundraising
22 Grants and allocations (attach schedule) cash $ _____ noncash $ _____	22				
23 Specific assistance to individuals (attach schedule)	23				
24 Benefits paid to or for members (attach schedule)	24				
25 Compensation of officers, directors, etc.	25	0.	0.	0.	0.
26 Other salaries and wages	26				
27 Pension plan contributions	27				
28 Other employee benefits	28				
29 Payroll taxes	29				
30 Professional fundraising fees	30				
31 Accounting fees	31				
32 Legal fees	32				
33 Supplies	33	1,759.	1,615.	144.	
34 Telephone	34				
35 Postage and shipping	35	1,674.	362.	1,312.	
36 Occupancy	36	6,098.	6,098.		
37 Equipment rental and maintenance	37				
38 Printing and publications	38	1,737.	1,737.		
39 Travel	39				
40 Conferences, conventions, and meetings	40	55.		55.	
41 Interest	41				
42 Depreciation, depletion, etc. (attach schedule)	42				
43 Other expenses not covered above (itemize):					
a	43a				
b	43b				
c	43c				
d	43d				
e SEE STATEMENT 2	43e	91,964.	6,938.	85,026.	
44 Total functional expenses (add lines 22 through 43) Organizations completing columns (B)-(D), carry these totals to lines 13-15	44	103,287.	16,750.	86,537.	0.

Joint Costs. Check ▶ ☐ if you are following SOP 98-2.

Are any joint costs from a combined educational campaign and fundraising solicitation reported in (B) Program services? ▶ ☐ Yes ☒ No

If "Yes," enter (i) the aggregate amount of these joint costs $ _____; (ii) the amount allocated to Program services $ _____; (iii) the amount allocated to Management and general $ _____; and (iv) the amount allocated to Fundraising $ _____.

Part III Statement of Program Service Accomplishments

What is the organization's primary exempt purpose? ▶ SEE STATEMENT 3

All organizations must describe their exempt purpose achievements in a clear and concise manner. State the number of clients served, publications issued, etc. Discuss achievements that are not measurable. (Section 501(c)(3) and (4) organizations and 4947(a)(1) nonexempt charitable trusts must also enter the amount of grants and allocations to others.)

	Program Service Expenses (Required for 501(c)(3) and (4) orgs., and 4947(a)(1) trusts; but optional for others.)
a ANNUAL HAND AND EYE SHOW (CRAFT SHOW SPONSORED AND OPERATED BY SOCIET MEMBERS HELD ONE DAY AT WHICH INVITED EXHIBITORS DISPLAY AND SELL THEIR HOMEMADE PRODUCTS) (Grants and allocations $)	16,750.
b (Grants and allocations $)	
c (Grants and allocations $)	
d (Grants and allocations $)	
e Other program services (attach schedule) (Grants and allocations $)	
f **Total of Program Service Expenses** (should equal line 44, column (B), Program services) ▶	16,750.

Part IV Balance Sheets

Note: *Where required, attached schedules and amounts within the description column should be for end-of-year amounts only.*			(A) Beginning of year		(B) End of year
Assets					
45 Cash - non-interest-bearing			663.	45	11,925.
46 Savings and temporary cash investments			226,763.	46	196,155.
47 a Accounts receivable	47a				
b Less: allowance for doubtful accounts	47b			47c	
48 a Pledges receivable	48a				
b Less: allowance for doubtful accounts	48b			48c	
49 Grants receivable				49	
50 Receivables from officers, directors, trustees, and key employees				50	
51 a Other notes and loans receivable	51a				
b Less: allowance for doubtful accounts	51b			51c	
52 Inventories for sale or use				52	
53 Prepaid expenses and deferred charges				53	
54 Investments - securities ▶ ☐ Cost ☐ FMV				54	
55 a Investments - land, buildings, and equipment: basis	55a				
b Less: accumulated depreciation	55b			55c	
56 Investments - other				56	
57 a Land, buildings, and equipment: basis	57a				
b Less: accumulated depreciation	57b			57c	
58 Other assets (describe ▶)				58	
59 Total assets (add lines 45 through 58) (must equal line 74)			227,426.	59	208,080.
Liabilities					
60 Accounts payable and accrued expenses				60	
61 Grants payable				61	
62 Deferred revenue				62	
63 Loans from officers, directors, trustees, and key employees				63	
64 a Tax-exempt bond liabilities				64a	
b Mortgages and other notes payable				64b	
65 Other liabilities (describe ▶)				65	
66 Total liabilities (add lines 60 through 65)			0.	66	0.
Net Assets or Fund Balances					
Organizations that follow SFAS 117, check here ▶ [X] and complete lines 67 through 69 and lines 73 and 74.					
67 Unrestricted			227,426.	67	207,880.
68 Temporarily restricted				68	200.
69 Permanently restricted				69	
Organizations that do not follow SFAS 117, check here ▶ ☐ and complete lines 70 through 74.					
70 Capital stock, trust principal, or current funds				70	
71 Paid-in or capital surplus, or land, building, and equipment fund				71	
72 Retained earnings, endowment, accumulated income, or other funds				72	
73 Total net assets or fund balances (add lines 67 through 69 or lines 70 through 72; column (A) must equal line 19; column (B) must equal line 21)			227,426.	73	208,080.
74 Total liabilities and net assets / fund balances (add lines 66 and 73)			227,426.	74	208,080.

Form 990 is available for public inspection and, for some people, serves as the primary or sole source of information about a particular organization. How the public perceives an organization in such cases may be determined by the information presented on its return. Therefore, please make sure the return is complete and accurate and fully describes, in Part III, the organization's programs and accomplishments.

Part IV-A Reconciliation of Revenue per Audited Financial Statements with Revenue per Return

a Total revenue, gains, and other support per audited financial statements	a	83,741.
b Amounts included on line a but not on line 12, Form 990:		
(1) Net unrealized gains on investments $		
(2) Donated services and use of facilities $		
(3) Recoveries of prior year grants $		
(4) Other (specify): $		
Add amounts on lines (1) through (4)	b	0.
c Line a minus line b	c	83,741.
d Amounts included on line 12, Form 990 but not on line a:		
(1) Investment expenses not included on line 6b, Form 990 $		
(2) Other (specify): $		
Add amounts on lines (1) and (2)	d	0.
e Total revenue per line 12, Form 990 (line c plus line d)	e	83,741.

Part IV-B Reconciliation of Expenses per Audited Financial Statements with Expenses per Return

a Total expenses and losses per audited financial statements	a	103,287.
b Amounts included on line a but not on line 17, Form 990:		
(1) Donated services and use of facilities $		
(2) Prior year adjustments reported on line 20, Form 990 $		
(3) Losses reported on line 20, Form 990 $		
(4) Other (specify): $		
Add amounts on lines (1) through (4)	b	0.
c Line a minus line b	c	103,287.
d Amounts included on line 17, Form 990 but not on line a:		
(1) Investment expenses not included on line 6b, Form 990 $		
(2) Other (specify): $		
Add amounts on lines (1) and (2)	d	0.
e Total expenses per line 17, Form 990 (line c plus line d)	e	103,287.

Part V List of Officers, Directors, Trustees, and Key Employees (List each one even if not compensated.)

(A) Name and address	(B) Title and average hours per week devoted to position	(C) Compensation (If not paid, enter -0-.)	(D) Contributions to employee benefit plans & deferred compensation	(E) Expense account and other allowances
SEE STATEMENT 4		0.	0.	0.

75 Did any officer, director, trustee, or key employee receive aggregate compensation of more than $100,000 from your organization and all related organizations, of which more than $10,000 was provided by the related organizations? If "Yes," attach schedule. ☐ Yes ☒ No

Part VI Other Information

			Yes	No
76	Did the organization engage in any activity not previously reported to the IRS? If "Yes," attach a detailed description of each activity	76		X
77	Were any changes made in the organizing or governing documents but not reported to the IRS? If "Yes," attach a conformed copy of the changes.	77		X
78 a	Did the organization have unrelated business gross income of $1,000 or more during the year covered by this return?	78a		X
b	If "Yes," has it filed a tax return on Form 990-T for this year? N/A	78b		
79	Was there a liquidation, dissolution, termination, or substantial contraction during the year? If "Yes," attach a statement	79		X
80 a	Is the organization related (other than by association with a statewide or nationwide organization) through common membership, governing bodies, trustees, officers, etc., to any other exempt or nonexempt organization?	80a		X
b	If "Yes," enter the name of the organization ▶ _____ and check whether it is ☐ exempt or ☐ nonexempt.			
81 a	Enter direct or indirect political expenditures. See line 81 instructions 81a 0.			
b	Did the organization file Form 1120-POL for this year?	81b		X
82 a	Did the organization receive donated services or the use of materials, equipment, or facilities at no charge or at substantially less than fair rental value?	82a		X
b	If "Yes," you may indicate the value of these items here. Do not include this amount as revenue in Part I or as an expense in Part II. (See instructions in Part III.) 82b N/A			
83 a	Did the organization comply with the public inspection requirements for returns and exemption applications? N/A	83a		
b	Did the organization comply with the disclosure requirements relating to quid pro quo contributions? N/A	83b		
84 a	Did the organization solicit any contributions or gifts that were not tax deductible?	84a		X
b	If "Yes," did the organization include with every solicitation an express statement that such contributions or gifts were not tax deductible? N/A	84b		
85	*501(c)(4), (5), or (6) organizations.* a Were substantially all dues nondeductible by members? N/A	85a		
b	Did the organization make only in-house lobbying expenditures of $2,000 or less? N/A	85b		
	If "Yes" was answered to either 85a or 85b, do not complete 85c through 85h below unless the organization received a waiver for proxy tax owed for the prior year.			
c	Dues, assessments, and similar amounts from members 85c N/A			
d	Section 162(e) lobbying and political expenditures 85d N/A			
e	Aggregate nondeductible amount of section 6033(e)(1)(A) dues notices 85e N/A			
f	Taxable amount of lobbying and political expenditures (line 85d less 85e) 85f N/A			
g	Does the organization elect to pay the section 6033(e) tax on the amount on line 85f? N/A	85g		
h	If section 6033(e)(1)(A) dues notices were sent, does the organization agree to add the amount on line 85f to its reasonable estimate of dues allocable to nondeductible lobbying and political expenditures for the following tax year? N/A	85h		
86	*501(c)(7) organizations.* Enter: a Initiation fees and capital contributions included on line 12 86a N/A			
b	Gross receipts, included on line 12, for public use of club facilities 86b N/A			
87	*501(c)(12) organizations.* Enter: a Gross income from members or shareholders 87a N/A			
b	Gross income from other sources. (Do not net amounts due or paid to other sources against amounts due or received from them.) 87b N/A			
88	At any time during the year, did the organization own a 50% or greater interest in a taxable corporation or partnership, or an entity disregarded as separate from the organization under Regulations sections 301.7701-2 and 301.7701-3? If "Yes," complete Part IX	88		X
89 a	*501(c)(3) organizations.* Enter: Amount of tax imposed on the organization during the year under: section 4911 ▶ 0.; section 4912 ▶ 0.; section 4955 ▶ 0.			
b	*501(c)(3) and 501(c)(4) organizations.* Did the organization engage in any section 4958 excess benefit transaction during the year or did it become aware of an excess benefit transaction from a prior year? If "Yes," attach a statement explaining each transaction	89b		X
c	Enter: Amount of tax imposed on the organization managers or disqualified persons during the year under sections 4912, 4955, and 4958 ▶ 0.			
d	Enter: Amount of tax on line 89c, above, reimbursed by the organization ▶ 0.			
90 a	List the states with which a copy of this return is filed ▶ MICHIGAN			
b	Number of employees employed in the pay period that includes March 12, 2003 90b 0			
91	The books are in care of ▶ FRED ROUNDS Telephone no. ▶ 1-248-524-3570			
	Located at ▶ 6291 LEDWIN TROY MI ZIP + 4 ▶ 48098			
92	*Section 4947(a)(1) nonexempt charitable trusts filing Form 990 in lieu of* Form 1041- Check here ▶ ☐ and enter the amount of tax-exempt interest received or accrued during the tax year ▶ 92 N/A			

Part VII Analysis of Income-Producing Activities (See page 33 of the instructions.)

Note: *Enter gross amounts unless otherwise indicated.*	Unrelated business income (A) Business code	(B) Amount	Excluded by section 512, 513, or 514 (C) Exclusion code	(D) Amount	(E) Related or exempt function income
93 Program service revenue:					
a HAND AND EYE SHOW					47,207.
b					
c					
d					
e					
f Medicare/Medicaid payments					
g Fees and contracts from government agencies					
94 Membership dues and assessments					2,306.
95 Interest on savings and temporary cash investments					3,281.
96 Dividends and interest from securities					
97 Net rental income or (loss) from real estate:					
a debt-financed property					
b not debt-financed property					
98 Net rental income or (loss) from personal property					
99 Other investment income					
100 Gain or (loss) from sales of assets other than inventory					
101 Net income or (loss) from special events					
102 Gross profit or (loss) from sales of inventory					
103 Other revenue:					
a LECTURES AND TRIPS					1,521.
b					
c					
d					
e					
104 Subtotal (add columns (B), (D), and (E))		0.		0.	54,315.
105 Total (add line 104, columns (B), (D), and (E)) ▶					54,315.

Note: *Line 105 plus line 1d, Part I, should equal the amount on line 12, Part I.*

Part VIII Relationship of Activities to the Accomplishment of Exempt Purposes (See page 34 of the instructions.)

Line No. ▼	Explain how each activity for which income is reported in column (E) of Part VII contributed importantly to the accomplishment of the organization's exempt purposes (other than by providing funds for such purposes).
93	TO ENCOURAGE THE HISTORICAL PRESERVATION AND UPKEEP OF BUILDINGS
93	IN TROY, MICHIGAN.

Part IX Information Regarding Taxable Subsidiaries and Disregarded Entities (See page 34 of the instructions.)

(A) Name, address, and EIN of corporation, partnership, or disregarded entity	(B) Percentage of ownership interest	(C) Nature of activities	(D) Total income	(E) End-of-year assets
	%			
N/A	%			
	%			
	%			

Part X Information Regarding Transfers Associated with Personal Benefit Contracts (See page 34 of the instructions.)

(a) Did the organization, during the year, receive any funds, directly or indirectly, to pay premiums on a personal benefit contract? ☐ Yes ☒ No

(b) Did the organization, during the year, pay premiums, directly or indirectly, on a personal benefit contract? ☐ Yes ☒ No

Note: *If "Yes" to (b), file Form 8870 and Form 4720 (see instructions).*

Please Sign Here: Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete. Declaration of preparer (other than officer) is based on all information of which preparer has any knowledge.

▶ Signature of officer — Date — ▶ Type or print name and title. FRED G BOUNDS, TREAS

Paid Preparer's Use Only: Preparer's signature ▶ Date 11/8/04 Check if self-employed ▶ ☐ Preparer's SSN or PTIN P00089888

Firm's name (or yours if self-employed), address, and ZIP + 4 ▶ TOBIAS, VANDEPUTTE & SKULSKY, P.C. 5455 CORPORATE DR #300 TROY, MI 48098-2620 EIN ▶ Phone no. ▶ (248)641-8400

323161 12-17-03

SCHEDULE A
(Form 990 or 990-EZ)

Department of the Treasury
Internal Revenue Service

Organization Exempt Under Section 501(c)(3)

(Except Private Foundation) and Section 501(e), 501(f), 501(k), 501(n), or Section 4947(a)(1) Nonexempt Charitable Trust

Supplementary Information-(See separate instructions.)

▶ MUST be completed by the above organizations and attached to their Form 990 or 990-EZ

OMB No. 1545-0047

2003

Name of the organization: TROY HISTORICAL SOCIETY

Employer identification number: 38 6116182

Part I Compensation of the Five Highest Paid Employees Other Than Officers, Directors, and Trustees

(See page 1 of the instructions. List each one. If there are none, enter "None.")

(a) Name and address of each employee paid more than $50,000	(b) Title and average hours per week devoted to position	(c) Compensation	(d) Contributions to employee benefit plans & deferred compensation	(e) Expense account and other allowances
NONE				
Total number of other employees paid over $50,000 ▶	0			

Part II Compensation of the Five Highest Paid Independent Contractors for Professional Services

(See page 2 of the instructions. List each one (whether individuals or firms). If there are none, enter "None.")

(a) Name and address of each independent contractor paid more than $50,000	(b) Type of service	(c) Compensation
NONE		
Total number of others receiving over $50,000 for professional services ▶ 0		

323101/12-05-03 LHA For Paperwork Reduction Act Notice, see the Instructions for Form 990 and Form 990-EZ. Schedule A (Form 990 or 990-EZ) 2003

Part III **Statements About Activities** (See page 2 of the instructions.)

		Yes	No
1 During the year, has the organization attempted to influence national, state, or local legislation, including any attempt to influence public opinion on a legislative matter or referendum? If "Yes," enter the total expenses paid or incurred in connection with the lobbying activities ▶ $ _____ $ _____ (Must equal amounts on line 38, Part VI-A, or line i of Part VI-B.)	1		X
Organizations that made an election under section 501(h) by filing Form 5768 must complete Part VI-A. Other organizations checking "Yes," must complete Part VI-B AND attach a statement giving a detailed description of the lobbying activities.			
2 During the year, has the organization, either directly or indirectly, engaged in any of the following acts with any substantial contributors, trustees, directors, officers, creators, key employees, or members of their families, or with any taxable organization with which any such person is affiliated as an officer, director, trustee, majority owner, or principal beneficiary? *(If the answer to any question is "Yes," attach a detailed statement explaining the transactions.)*			
a Sale, exchange, or leasing of property?	2a		X
b Lending of money or other extension of credit?	2b		X
c Furnishing of goods, services, or facilities?	2c		X
d Payment of compensation (or payment or reimbursement of expenses if more than $1,000)?	2d		X
e Transfer of any part of its income or assets?	2e		X
3 a Do you make grants for scholarships, fellowships, student loans, etc.? (If "Yes," attach an explanation of how you determine that recipients qualify to receive payments.)	3a		X
b Do you have a section 403(b) annuity plan for your employees?	3b		X
4 Did you maintain any separate account for participating donors where donors have the right to provide advice on the use or distribution of funds?	4		X

Part IV **Reason for Non-Private Foundation Status** (See pages 3 through 6 of the instructions.)

The organization is not a private foundation because it is: (Please check only **ONE** applicable box.)

5 ☐ A church, convention of churches, or association of churches. Section 170(b)(1)(A)(i).

6 ☐ A school. Section 170(b)(1)(A)(ii). (Also complete Part V.)

7 ☐ A hospital or a cooperative hospital service organization. Section 170(b)(1)(A)(iii).

8 ☐ A Federal, state, or local government or governmental unit. Section 170(b)(1)(A)(v).

9 ☐ A medical research organization operated in conjunction with a hospital. Section 170(b)(1)(A)(iii). **Enter the hospital's name, city, and state** ▶ _____

10 ☐ An organization operated for the benefit of a college or university owned or operated by a governmental unit. Section 170(b)(1)(A)(iv). (Also complete the **Support Schedule** in Part IV-A.)

11a ☒ An organization that normally receives a substantial part of its support from a governmental unit or from the general public. Section 170(b)(1)(A)(vi). (Also complete the **Support Schedule** in Part IV-A.)

11b ☐ A community trust. Section 170(b)(1)(A)(vi). (Also complete the **Support Schedule** in Part IV-A.)

12 ☐ An organization that normally receives: (1) **more than 33 1/3%** of its support from contributions, membership fees, and gross receipts from activities related to its charitable, etc., functions - subject to certain exceptions, and (2) **no more than 33 1/3%** of its support from gross investment income and unrelated business taxable income (less section 511 tax) from businesses acquired by the organization after June 30, 1975. See section 509(a)(2). (Also complete the **Support Schedule** in Part IV-A.)

13 ☐ An organization that is not controlled by any disqualified persons (other than foundation managers) and supports organizations described in: (1) lines 5 through 12 above; or (2) section 501(c)(4), (5), or (6), if they meet the test of section 509(a)(2). (See section 509(a)(3).)

Provide the following information about the supported organizations. (See page 5 of the instructions.)

(a) Name(s) of supported organization(s)	(b) Line number from above

14 ☐ An organization organized and operated to test for public safety. Section 509(a)(4). (See page 6 of the instructions.)

Part IV-A **Support Schedule** (Complete only if you checked a box on line 10, 11, or 12.) **Use cash method of accounting.**
Note: *You may use the worksheet in the instructions for converting from the accrual to the cash method of accounting.*

Calendar year (or fiscal year beginning in) ▶	(a) 2002	(b) 2001	(c) 2000	(d) 1999	(e) Total
15 Gifts, grants, and contributions received. (Do not include unusual grants. See line 28.)	18,224.	465.	92.	239.	19,020.
16 Membership fees received	1,238.	689.	977.	1,025.	3,929.
17 Gross receipts from admissions, merchandise sold or services performed, or furnishing of facilities in any activity that is related to the organization's charitable, etc., purpose	40,178.	39,734.	39,601.	41,347.	160,860.
18 Gross income from interest, dividends, amounts received from payments on securities loans (section 512(a)(5)), rents, royalties, and unrelated business taxable income (less section 511 taxes) from businesses acquired by the organization after June 30, 1975	4,282.	5,839.	8,762.	5,994.	24,877.
19 Net income from unrelated business activities not included in line 18					
20 Tax revenues levied for the organization's benefit and either paid to it or expended on its behalf					
21 The value of services or facilities furnished to the organization by a governmental unit without charge. Do not include the value of services or facilities generally furnished to the public without charge					
22 Other income. Attach a schedule. Do not include gain or (loss) from sale of capital assets					
23 Total of lines 15 through 22	63,922.	46,727.	49,432.	48,605.	208,686.
24 Line 23 minus line 17	23,744.	6,993.	9,831.	7,258.	47,826.
25 Enter 1% of line 23	639.	467.	494.	486.	

26 **Organizations described on lines 10 or 11:** a Enter 2% of amount in column (e), line 24 ▶ 26a 957.

b Prepare a list for your records to show the name of and amount contributed by each person (other than a governmental unit or publicly supported organization) whose total gifts for 1999 through 2002 exceeded the amount shown in line 26a. **Do not file this list with your return.** Enter the total of all these excess amounts ▶ 26b 0.

c Total support for section 509(a)(1) test: Enter line 24, column (e) ▶ 26c 47,826.

d Add: Amounts from column (e) for lines: 18 24,877. 19 _____ 22 _____ 26b _____ ▶ 26d 24,877.

e Public support (line 26c minus line 26d total) ▶ 26e 22,949.

f **Public support percentage (line 26e (numerator) divided by line 26c (denominator))** ▶ 26f 47.9844%

27 **Organizations described on line 12:** a For amounts included in lines 15, 16, and 17 that were received from a "disqualified person," prepare a list for your records to show the name of, and total amounts received in each year from, each "disqualified person." **Do not file this list with your return.** Enter the sum of such amounts for each year: N/A

(2002) ..... (2001) ..... (2000) ..... (1999) .....

b For any amount included in line 17 that was received from each person (other than "disqualified persons"), prepare a list for your records to show the name of, and amount received for each year, that was more than the **larger** of **(1)** the amount on line 25 for the year or **(2)** $5,000. (Include in the list organizations described in lines 5 through 11, as well as individuals.) **Do not file this list with your return.** After computing the difference between the amount received and the larger amount described in **(1)** or **(2)**, enter the sum of these differences (the excess amounts) for each year: N/A

(2002) ..... (2001) ..... (2000) ..... (1999) .....

c Add: Amounts from column (e) for lines: 15 _____ 16 _____ 17 _____ 20 _____ 21 _____ ▶ 27c N/A

d Add: Line 27a total _____ and line 27b total _____ ▶ 27d N/A

e Public support (line 27c total minus line 27d total) ▶ 27e N/A

f Total support for section 509(a)(2) test: Enter amount on line 23, column (e) ▶ 27f N/A

g **Public support percentage (line 27e (numerator) divided by line 27f (denominator))** ▶ 27g N/A %

h **Investment income percentage (line 18, column (e) (numerator) divided by line 27f (denominator))** ▶ 27h N/A %

28 **Unusual Grants:** For an organization described in line 10, 11, or 12 that received any unusual grants during 1999 through 2002, prepare a list for your records to show, for each year, the name of the contributor, the date and amount of the grant, and a brief description of the nature of the grant. **Do not file this list with your return.** Do not include these grants in line 15.

NONE

Part V **Private School Questionnaire** (See page 7 of the instructions.) N/A

(To be completed ONLY by schools that checked the box on line 6 in Part IV)

			Yes	No
29	Does the organization have a racially nondiscriminatory policy toward students by statement in its charter, bylaws, other governing instrument, or in a resolution of its governing body?	29		
30	Does the organization include a statement of its racially nondiscriminatory policy toward students in all its brochures, catalogues, and other written communications with the public dealing with student admissions, programs, and scholarships?	30		
31	Has the organization publicized its racially nondiscriminatory policy through newspaper or broadcast media during the period of solicitation for students, or during the registration period if it has no solicitation program, in a way that makes the policy known to all parts of the general community it serves?	31		
	If "Yes," please describe; if "No," please explain. (If you need more space, attach a separate statement.)			
32	Does the organization maintain the following:			
a	Records indicating the racial composition of the student body, faculty, and administrative staff?	32a		
b	Records documenting that scholarships and other financial assistance are awarded on a racially nondiscriminatory basis?	32b		
c	Copies of all catalogues, brochures, announcements, and other written communications to the public dealing with student admissions, programs, and scholarships?	32c		
d	Copies of all material used by the organization or on its behalf to solicit contributions?	32d		
	If you answered "No" to any of the above, please explain. (If you need more space, attach a separate statement.)			
33	Does the organization discriminate by race in any way with respect to:			
a	Students' rights or privileges?	33a		
b	Admissions policies?	33b		
c	Employment of faculty or administrative staff?	33c		
d	Scholarships or other financial assistance?	33d		
e	Educational policies?	33e		
f	Use of facilities?	33f		
g	Athletic programs?	33g		
h	Other extracurricular activities?	33h		
	If you answered "Yes" to any of the above, please explain. (If you need more space, attach a separate statement.)			
34 a	Does the organization receive any financial aid or assistance from a governmental agency?	34a		
b	Has the organization's right to such aid ever been revoked or suspended?	34b		
	If you answered "Yes" to either 34a or b, please explain using an attached statement.			
35	Does the organization certify that it has complied with the applicable requirements of sections 4.01 through 4.05 of Rev. Proc. 75-50, 1975-2 C.B. 587, covering racial nondiscrimination? If "No," attach an explanation	35		

323131
12-05-03

Part VI-A **Lobbying Expenditures by Electing Public Charities** (See page 9 of the instructions.) N/A

(To be completed **ONLY** by an eligible organization that filed Form 5768)

Check ▶ a ☐ if the organization belongs to an affiliated group. Check ▶ b ☐ if you checked "a" and "limited control" provisions apply.

Limits on Lobbying Expenditures (The term "expenditures" means amounts paid or incurred.)		(a) Affiliated group totals	(b) To be completed for ALL electing organizations
		N/A	
36 Total lobbying expenditures to influence public opinion (grassroots lobbying)	36		
37 Total lobbying expenditures to influence a legislative body (direct lobbying)	37		
38 Total lobbying expenditures (add lines 36 and 37)	38		
39 Other exempt purpose expenditures	39		
40 Total exempt purpose expenditures (add lines 38 and 39)	40		
41 Lobbying nontaxable amount. Enter the amount from the following table -			
If the amount on line 40 is - / **The lobbying nontaxable amount is -**			
Not over $500,000 — 20% of the amount on line 40			
Over $500,000 but not over $1,000,000 — $100,000 plus 15% of the excess over $500,000			
Over $1,000,000 but not over $1,500,000 — $175,000 plus 10% of the excess over $1,000,000	41		
Over $1,500,000 but not over $17,000,000 — $225,000 plus 5% of the excess over $1,500,000			
Over $17,000,000 — $1,000,000			
42 Grassroots nontaxable amount (enter 25% of line 41)	42		
43 Subtract line 42 from line 36. Enter -0- if line 42 is more than line 36	43		
44 Subtract line 41 from line 38. Enter -0- if line 41 is more than line 38	44		

Caution: *If there is an amount on either line 43 or line 44, you must file Form 4720.*

4-Year Averaging Period Under Section 501(h)

(Some organizations that made a section 501(h) election do not have to complete all of the five columns below. See the instructions for lines 45 through 50 on page 11 of the instructions.)

	Lobbying Expenditures During 4-Year Averaging Period				N/A
Calendar year (or fiscal year beginning in) ▶	(a) 2003	(b) 2002	(c) 2001	(d) 2000	(e) Total
45 Lobbying nontaxable amount					0.
46 Lobbying ceiling amount (150% of line 45(e))					0.
47 Total lobbying expenditures					0.
48 Grassroots nontaxable amount					0.
49 Grassroots ceiling amount (150% of line 48(e))					0.
50 Grassroots lobbying expenditures					0.

Part VI-B **Lobbying Activity by Nonelecting Public Charities**

(For reporting only by organizations that did not complete Part VI-A) (See page 12 of the instructions.) N/A

During the year, did the organization attempt to influence national, state or local legislation, including any attempt to influence public opinion on a legislative matter or referendum, through the use of:	Yes	No	Amount
a Volunteers			
b Paid staff or management (Include compensation in expenses reported on lines c through h.)			
c Media advertisements			
d Mailings to members, legislators, or the public			
e Publications, or published or broadcast statements			
f Grants to other organizations for lobbying purposes			
g Direct contact with legislators, their staffs, government officials, or a legislative body			
h Rallies, demonstrations, seminars, conventions, speeches, lectures, or any other means			
i Total lobbying expenditures (Add lines c through h.)			0.

If "Yes" to any of the above, also attach a statement giving a detailed description of the lobbying activities.

Part VII Information Regarding Transfers To and Transactions and Relationships With Noncharitable Exempt Organizations (See page 12 of the instructions.)

51 Did the reporting organization directly or indirectly engage in any of the following with any other organization described in section 501(c) of the Code (other than section 501(c)(3) organizations) or in section 527, relating to political organizations?

		Yes	No
a Transfers from the reporting organization to a noncharitable exempt organization of:			
(i) Cash	51a(i)		X
(ii) Other assets	a(ii)		X
b Other transactions:			
(i) Sales or exchanges of assets with a noncharitable exempt organization	b(i)		X
(ii) Purchases of assets from a noncharitable exempt organization	b(ii)		X
(iii) Rental of facilities, equipment, or other assets	b(iii)		X
(iv) Reimbursement arrangements	b(iv)		X
(v) Loans or loan guarantees	b(v)		X
(vi) Performance of services or membership or fundraising solicitations	b(vi)		X
c Sharing of facilities, equipment, mailing lists, other assets, or paid employees	c		X

d If the answer to any of the above is "Yes," complete the following schedule. Column (b) should always show the fair market value of the goods, other assets, or services given by the reporting organization. If the organization received less than fair market value in any transaction or sharing arrangement, show in column (d) the value of the goods, other assets, or services received: N/A

(a) Line no.	(b) Amount involved	(c) Name of noncharitable exempt organization	(d) Description of transfers, transactions, and sharing arrangements

52 a Is the organization directly or indirectly affiliated with, or related to, one or more tax-exempt organizations described in section 501(c) of the Code (other than section 501(c)(3)) or in section 527? ▶ ☐ Yes ☒ No

b If "Yes," complete the following schedule: N/A

(a) Name of organization	(b) Type of organization	(c) Description of relationship

Schedule B
(Form 990, 990-EZ, or 990-PF)
Department of the Treasury
Internal Revenue Service

Schedule of Contributors

Supplementary Information for
line 1 of Form 990, 990-EZ, and 990-PF (see instructions)

OMB No. 1545-0047

2003

Name of organization	Employer identification number
TROY HISTORICAL SOCIETY	38-6116182

Organization type (check one):

Filers of:	Section:
Form 990 or 990-EZ	[X] 501(c)(3) (enter number) organization
	[ ] 4947(a)(1) nonexempt charitable trust **not** treated as a private foundation
	[ ] 527 political organization
Form 990-PF	[ ] 501(c)(3) exempt private foundation
	[ ] 4947(a)(1) nonexempt charitable trust treated as a private foundation
	[ ] 501(c)(3) taxable private foundation

Check if your organization is covered by the **General Rule** or a **Special Rule.** (**Note:** *Only a section 501(c)(7), (8), or (10) organization can check box(es) for both the General Rule and a Special Rule-see instructions.)*

General Rule-

[ ] For organizations filing Form 990, 990-EZ, or 990-PF that received, during the year, $5,000 or more (in money or property) from any one contributor. (Complete Parts I and II.)

Special Rules-

[X] For a section 501(c)(3) organization filing Form 990, or Form 990-EZ, that met the 33 1/3% support test of the regulations under sections 509(a)(1)/170(b)(1)(A)(vi) and received from any one contributor, during the year, a contribution of the greater of $5,000 or 2% of the amount on line 1 of these forms. (Complete Parts I and II.)

[ ] For a section 501(c)(7), (8), or (10) organization filing Form 990, or Form 990-EZ, that received from any one contributor, during the year, aggregate contributions or bequests of more than $1,000 for use *exclusively* for religious, charitable, scientific, literary, or educational purposes, or the prevention of cruelty to children or animals. (Complete Parts I, II, and III.)

[ ] For a section 501(c)(7), (8), or (10) organization filing Form 990, or Form 990-EZ, that received from any one contributor, during the year, some contributions for use *exclusively* for religious, charitable, etc., purposes, but these contributions did not aggregate to more than $1,000. (If this box is checked, enter here the total contributions that were received during the year for an *exclusively* religious, charitable, etc., purpose. Do not complete any of the Parts unless the **General Rule** applies to this organization because it received nonexclusively religious, charitable, etc., contributions of $5,000 or more during the year.) ..... ▶ $ _____

Caution: *Organizations that are not covered by the General Rule and/or the Special Rules do not file Schedule B (Form 990, 990-EZ, or 990-PF), but they must check the box in the heading of their Form 990, Form 990-EZ, or on line 1 of their Form 990-PF, to certify that they do not meet the filing requirements of Schedule B (Form 990, 990-EZ, or 990-PF).*

LHA **For Paperwork Reduction Act Notice, see the Instructions for Form 990 and Form 990-EZ**

Schedule B (Form 990, 990-EZ, or 990-PF) (2003)

323451 12-05-03

Name of organization: TROY HISTORICAL SOCIETY

Employer identification number: 38-6116182

Part I Contributors (See Specific Instructions.)

(a) No.	(b) Name, address, and ZIP + 4	(c) Aggregate contributions	(d) Type of contribution
1	VERA MILZ 1750 WOODGATE DR TROY, MI 48083	$ 12,116.	Person [X] Payroll [ ] Noncash [ ] (Complete Part II if there is a noncash contribution.)
2	WARD RANDOL 1115 BROOKWOOD LANE BIRMINGHAM, MI 48009	$ 6,000.	Person [X] Payroll [ ] Noncash [ ] (Complete Part II if there is a noncash contribution.)
		$	Person [ ] Payroll [ ] Noncash [ ] (Complete Part II if there is a noncash contribution.)
		$	Person [ ] Payroll [ ] Noncash [ ] (Complete Part II if there is a noncash contribution.)
		$	Person [ ] Payroll [ ] Noncash [ ] (Complete Part II if there is a noncash contribution.)
		$	Person [ ] Payroll [ ] Noncash [ ] (Complete Part II if there is a noncash contribution.)

FORM 990 OTHER CHANGES IN NET ASSETS OR FUND BALANCES STATEMENT 1

DESCRIPTION	AMOUNT
INCREASE IN TEMPORARILY RESTRICTED NET ASSETS	200.
TOTAL TO FORM 990, PART I, LINE 20	200.

FORM 990 OTHER EXPENSES STATEMENT 2

DESCRIPTION	(A) TOTAL	(B) PROGRAM SERVICES	(C) MANAGEMENT AND GENERAL	(D) FUNDRAISING
ADVERTISING	1,118.	1,118.		
BUS RENTAL	1,482.	1,482.		
INSRUANCE	2,838.	2,038.	800.	
TELEPHONE	584.	584.		
PARKING AND SECURITY	1,716.	1,716.		
BANK CHARGES	266.		266.	
INTERNS	2,000.		2,000.	
DONATIONS	81,208.		81,208.	
LECTURE AND TRIPS	752.		752.	
TOTAL TO FM 990, LN 43	91,964.	6,938.	85,026.	

FORM 990 STATEMENT OF ORGANIZATION'S PRIMARY EXEMPT PURPOSE STATEMENT 3
PART III

EXPLANATION

TO ASSIST THE CITY OF TROY IN FURTHERING HISTORICAL PROJECTS INCLUDING PURCHASE, UPKEEP AND RENOVATION OF HISTORICAL BULIDINGS ON MUSEUM GREEN AND SPONSORSHIP OF HISTORICAL AND PATRIOTIC COMMUNITY MEETINGS.

FORM 990 PART V - LIST OF OFFICERS, DIRECTORS, TRUSTEES AND KEY EMPLOYEES STATEMENT 4

NAME AND ADDRESS	TITLE AND AVRG HRS/WK	COMPEN-SATION	EMPLOYEE BEN PLAN CONTRIB	EXPENSE ACCOUNT
ANDERLIE, GLORIA 1625 BOULAN TROY, MI 48084	DIRECTOR 1	0.	0.	0.
BERNARD, CHERYL 475 E. SQUARE LAKE TROY, MI 48085	VICE PRESIDENT 2	0.	0.	0.
BERNARD, HARRIET 5945 LIVERNOIS TROY, MI 48098	DIRECTOR 1	0.	0.	0.
CORNELIUS, MARY 4144 ROUGE CIRCLE TROY, MI 48098	DIRECTOR 1	0.	0.	0.
CORNELIUS, WALTER 4144 ROUGE CIRCLE TROY, MI 48098	DEPUTY TREASURER 1	0.	0.	0.
HOLDBURG, AL 6315 VERNMOOR TROY, MI 48098	DIRECTOR 1	0.	0.	0.
HOLDBURG, THELMA 6315 VERNMOOR TROY, MI 48098	DIRECTOR 1	0.	0.	0.
HUPMAN, KINDA 1825 LATIMER DR TROY, MI 48083	DIRECTOR 1	0.	0.	0.
MCKEE, BILL 1508 OAKCREST DR TROY, MI 48083	DIRECTOR 1	0.	0.	0.
MILZ, VERA 1750 WOODGATE DR TROY, MI 48083	PRESIDENT 2	0.	0.	0.
RANDOL, WARD 1115 BROOKWOOD BIRMINGHAM, MI 48009	DIRECTOR 1	0.	0.	0.

ROUNDS, FRED 6291 LEDWIN TROY, MI 48098	TREASURER 2	0.	0.	0.
SIESS, JUDY 762 MARENGO TROY, MI 48085	SECRETARY 1.5	0.	0.	0.
TURNER, JACK 2965 ROUND TREE TROY, MI 48083	DIRECTOR 1	0.	0.	0.
YOUNG, GERRY 2126 FOREST MEAD STERLING HEIGHTS, MI 48314	DIRECTOR 1	0.	0.	0.
TOTALS INCLUDED ON FORM 990, PART V		0.	0.	0.

May 10, 2005

TO: John Szerlag, City Manager

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

SUBJECT: Agenda Item - Request to set a Public Hearing Regarding Acceptance of an Edward J. Byrne Memorial Justice Assistance Grant Program Grant

---

The City of Troy has preliminary approval to receive a grant from the above titled Justice Assistance Grant Program. Known as JAG grants, this replaces the Byrne Formula and Local Law Enforcement Block Grant (LLEBG) program with a single funding mechanism. The federal award is $11,875. There is no required city match. Upon City Council resolution accepting the award, the Police Department has four years to expend the funds.

The Department has submitted a plan to utilize the money to purchase digital cameras and accessories for the Evidence Technician and Traffic Safety Units. This will allow the department to move away from the conventional 35mm silver based film and associated processing costs.

The grant requires a public hearing. It is requested that City Council set a public hearing for June 6, 2005.

Prepared by Wendell Moore, Research & Technology Administrator

TO: John Szerlag, City Manager

FROM: John M. Lamerato, Assistant City Manager/Finance and Administration
James A. Nash, Financial Services Director
Sandra L. Kasperek, City Treasurer

RE: **Agenda Item** - Assessment of Delinquent Accounts

DATE: May 9, 2005

The delinquent accounts from the various funds to be assessed to the 2005 tax roll are as follows:

General Fund Invoices	$ 20,469.56	
Penalties	2,046.97	
	$ 22,516.53	
Special Assessments	$ 3,754.54	
Penalties & Interest	1,744.34	
	$ 5,498.88	
Water & Sewer Accounts		
District 1	$103,445.39	
District 2	144,105.16	
District 3	173,233.64	
Penalties	42,078.42	
		$ 462,862.61
Total to be assessed		$ 490,878.02

E-09

May 10, 2005

TO: John Szerlag, City Manager

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

SUBJECT: Agenda Item - Private Agreement for St. George Church Addition
Project No. 03.919.3

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

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

Approval is recommended.

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

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

Enclosed Private Agreement, Detailed Summary, Sketch

G:\Projects\Projects - 2003\03.919.3 - St. George Antiochain Church Addition\Private Agreement Cover Letter.doc

CONTRACT FOR INSTALLATION OF MUNICIPAL IMPROVEMENTS
(PRIVATE AGREEMENT)

PROJECT NO. **03.919.3**	PROJECT LOCATION: **NW ¼ Sec. 36**
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 **Kirco** whose address is **101 W. Big Beaver Rd., Suite 200, Troy, MI 48084** and whose telephone number is **248-680-7180** hereinafter referred to as "Owners".

WITNESSETH, FIRST: That the City agrees to allow the installation of **Water main** in accordance with plans prepared by **Mickalich and Associates, Inc.** whose address is **2359 Avon Industrial Dr., Rochester Hills, MI 48309** and whose telephone number is **248-852-1900**, and approved prior to construction by the City specifications of the City shall be complied with for this construction.

SECOND: That the Owners agree to contribute the approximate contract price of **$7,112.00**. This amount will be transmitted to the City Clerk for installation of said improvements in the form of (check one):

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

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

* Plan Review and Construction Inspection Fee (Public Improvements)	$	576.07
Engineering Review Fee (Private Improvements)	$	575.26
Water Main Testing Fee	$	650.00
Soil Erosion	$	62.50
Street Cleaning/Road Maintenance (Refundable)	$	1,000.00
TOTAL:	$	**$2,863.83**

* 8.1% (.081) of approximate contract price

CONTRACT FOR INSTALLATION OF MUNICIPAL IMPROVEMENTS

(PRIVATE AGREEMENT)

PROJECT NO. 03.919.3	PROJECT LOCATION: NW ¼ Sec. 36
RESOLUTION NO.	DATE OF COUNCIL APPROVAL:

THIRD: The owners may contract for construction of said improvement or may have the City advertise for bids. In the even the Owners select their own contractor, such contractor shall be subject to prior written approval by the City and completed contract documents shall be submitted to the City.

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

FOURTH: Owners hereby acknowledge the benefit to their property conferred by the construction of the aforementioned and agree and consent to pay the total sum of **$ 7,112.00** for the construction of said public utilities in lieu of the establishments of any special district by the City. Further, owners acknowledge that the benefit to their property conferred by the improvement is equal to, or in excess of, the aforementioned amount.

FIFTH: Owners agree that if, for any reason, the total cost of completion of such improvement shall exceed the sum deposited with the City in accordance with Paragraph SECOND hereof, that Owners will immediately remit such additional amount to the City upon request and City will disburse such additional amount in accordance with Paragraph SECOND hereof. In the event the total cost of completion shall be less than the sum deposited with City in accordance with Paragraph SECOND hereof, City will reimburse to the Owners the excess funds remaining after disbursement of funds.

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

CONTRACT FOR INSTALLATION OF MUNICIPAL IMPROVEMENTS
(PRIVATE AGREEMENT)

PROJECT NO. 03.919.3 | PROJECT LOCATION: NW ¼ Sec. 36

RESOLUTION NO. | DATE OF COUNCIL APPROVAL:

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed in duplicate on this 6 day of May, 2005.

OWNERS

By: Michael Ault

MICHAEL AULT

Please Print or Type

Please Print or Type

CITY OF TROY

By:

Louise E. Schilling, Mayor

Tonni Bartholomew, City Clerk

STATE OF MICHIGAN, COUNTY OF OAKLAND

On this 6th day of May, A.D.2005, before me personally appeared Michael E Ault 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.

Barbara A. Holmes

NOTARY PUBLIC, Oakland County, Michigan

BARBARA A. HOLMES
Notary Public, State of Michigan, County of Oakland
My Commission Expires December 16, 2010
Acting in the County of Oakland

My commission expires: Dec 16, 2010

DETAILED SUMMARY OF REQUIRED ESCROW DEPOSITS AND CASH FEES
PRIVATE AGREEMENT FOR ST. GEORGE CHURCH ADDITION
PROJECT NO. 03.919.3

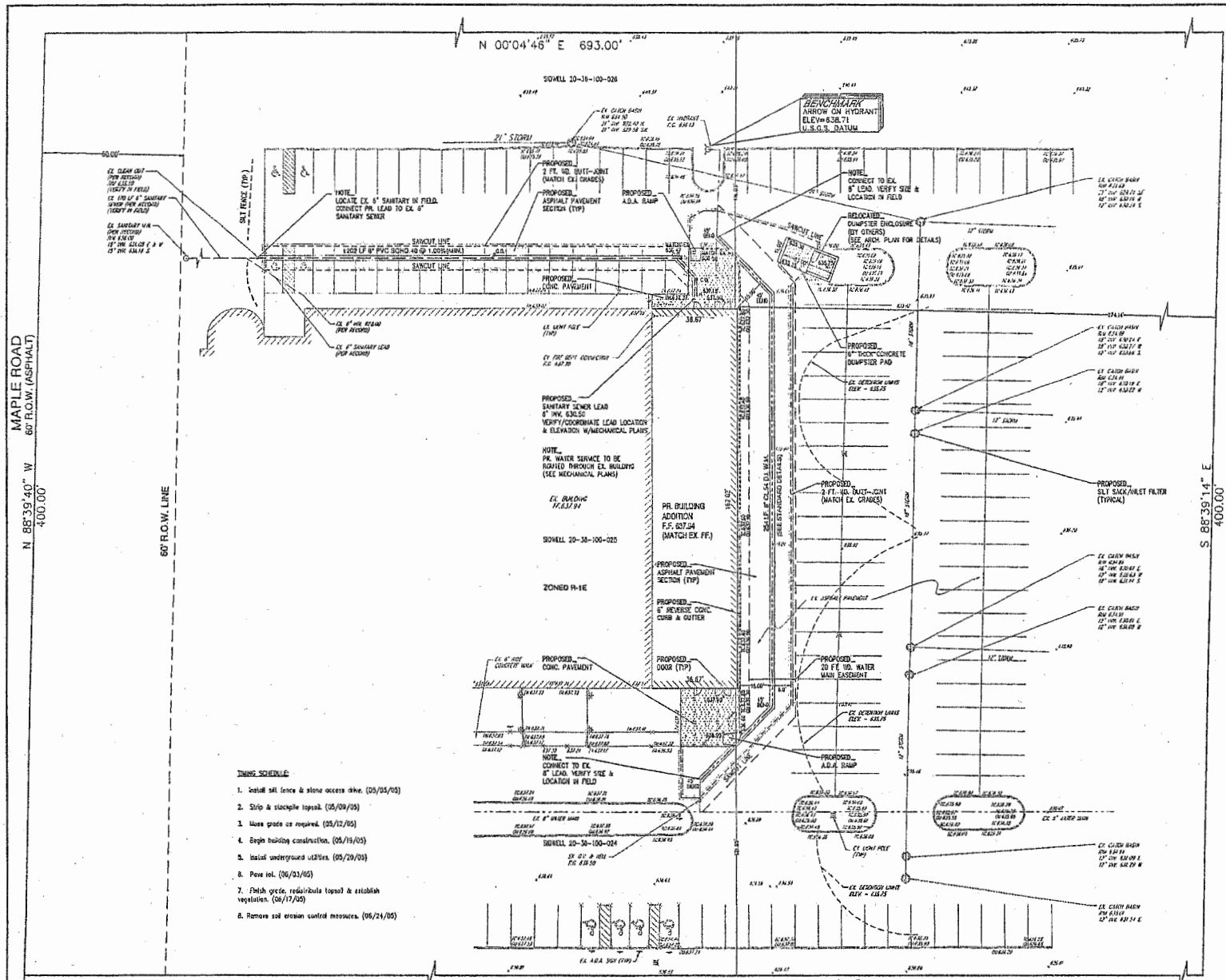
The estimated costs of public improvements for the above-mentioned project are as follows:

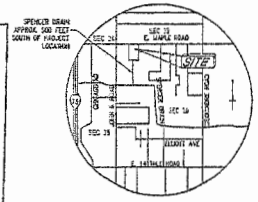
Escrow Deposits:

Watermain	**7,112.00**	
Total Escrow Deposits: (Check)		**$ 7,112.00**

Cash Fees:

Review & Inspection	$ 576.07	
Engineering Review	575.26	
Water Main Testing Fee	650.00	
Street Cleaning/Road Maintenance	1,000.00	
Soil Erosion Controls	62.50	
Total Cash Fees: (check)		**$ 2,863.83**





LOCATION MAP
NO SCALE

0' 20' 40' 80'

SCALE: 1" = 20'

LEGEND

EX. GRADE	638.00
EX. CONTOUR	
EX. WATER MAIN	W
EX. STORM SEWER	
EX. SANITARY SEWER	
EX. OVERHEAD	
EX. FENCE	
EX. GAS	
EX. UNDERGROUND UTILITY	
EX. HYDRANT	
EX. CATCH BASIN	
EX. MANHOLE	
EX. SIGN	
EX. GATE VALVE	
EX. LIGHT POLE	
EX. UTILITY POLE	
PR. GRADE	638.00
PR. CONTOUR	
PR. WATER MAIN	
PR. STORM SWR.	
PR. SANITARY SWR.	
PR. COMPACTED SAND BACKFILL	
PR. HYDRANT	
PR. GATE VALVE	
PR. CATCH BASIN	
PR. MANHOLE	
PR. R.Y.C.B.	
PR. REVERSE CURB	
PR. ASPHALT	
PR. DEEP STRENGTH ASPHALT	
PR. CONCRETE	
DRAINAGE ARROW	
VERIFY IN FIELD	V.I.F.
TOP OF CURB ELEV.	TC.000.00
GUTTER PAN ELEV.	GU.000.00
TOP OF WALK ELEV.	TW.000.00
GROUND ELEVATION AT WALL	GW.000.00
EDGE OF SHOULDER ELEV.	ES.000.00
EDGE OF ROAD ELEV.	EA.000.00
SILT SACK/INLET FILTER	

TIMING SCHEDULE:

1. Install silt fence & stone access drive. (05/05/05)
2. Strip & stockpile topsoil. (05/09/05)
3. Mass grade as required. (05/12/05)
4. Begin building construction. (05/19/05)
5. Install underground utilities. (05/20/05)
6. Pave lot. (06/03/05)
7. Finish grade, redistribute topsoil & establish vegetation. (06/17/05)
8. Remove soil erosion control measures. (06/24/05)

ESTIMATED QUANTITIES:

WATER MAIN	
8" CLASS 54 DUCTILE IRON PIPE	254 LF.
SANITARY LEAD	
6" PVC SCH40 PIPE	202 LF.
PAVEMENT	
6" CONC. REV. CURB & GUTTER	218 LF.
ASPHALT PAVEMENT	5,458 SF.
CONCRETE PAVEMENT	1,237 SF.
CONCRETE DUMPSTER PAD	253 SF.
2 FT. WD. BUTT-JOINT	345 LF.
SOIL EROSION	
SILT SACK/INLET FILTER	8 EA.
SILT FENCE	54 LF.

NOTE:
Soil Erosion controls will be maintained weekly and after every storm event.

NOTE:
Existing storm water detention deviation in parking area – 635.75 per plans by Kieft Engineering, Inc.

NOTE:
Existing Sanitary Sewer information (per plans dated September 4, 1992) by Kieft Engineering, Inc.

NOTE:
Proposed pavement to match existing pavement cross section. At a minimum, proposed pavement is to be 3" pavement on 8" 21 4A base unless otherwise specified by a Geotechnical engineer or City of Trey.

LEGAL DESCRIPTION:
Part of the Northeast 1/4 of Section 36, T2N., R11E., City of Troy, Oakland County, Michigan, described as beginning at a point located distant S 88°39'40" E, 860.00 feet from the Northwest Corner of said Section 36; thence S 88°39'40" E, 400.00 feet; thence S 00°04'46" W, 692.95 feet; thence N 88°39'14" W, 400.00 feet; thence N 00°04'46" E, 693.00 feet to the point of beginning. EXCEPT the North 60 feet taken for Maple Road.

CLIENT:
Kirco Development
101 West Big Beaver
Suite 200
Troy, MI 48084
Contact: Mike Ault

BEFORE YOU DIG CALL MISS DIG 1-800-482-7171 (TOLL FREE)

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MICKALICH and ASSOCIATES, INC.
CIVIL ENGINEERING, SURVEYING, PLANNING
2569 Avon Industrial Drive
Rochester Hills, Michigan 48309
PHONE: (248) 852-1900
FAX: (248) 852-1070
HTTP://WWW.MICKALICH.COM

Engineer's Seal
STATE OF MICHIGAN
TEDDY C. SLUTSKY
ENGINEER
No. 61058
PROFESSIONAL ENGINEER

Project Title
ST. GEORGE ANTIOCHIAN CHURCH ADDITION

Sheet Title
PAVING, GRADING, UTILITY & SOIL EROSION PLAN

Client
KIRCO MANAGEMENT

Date	Issued for	By
4/14/05	PER CITY REVIEW	HART

Scale
Vertical:
Horizontal: 1"=20'

Drawn: HART
Checked: TCS
Approved: ARM
Date: 3/15/05

Job no.
05050

Sheet no.
C-2

Southeastern Oakland County Resource Recovery Authority

3910 W. Webster Road, Royal Oak, Michigan 48073-6764 Main Office Phone: (248) 288-5150 FAX: (248) 435-0310

May 2, 2005

RECEIVED

MAY 04 2005

CITY OF TROY
CITY MANAGER'S OFFICE

Tonni Bartholomew
City Clerk
City of Troy
500 West Big Beaver Road
Troy, MI 48084

Subject: Appointment of Representative & Alternate

Dear Ms. Bartholomew:

Article VII of the Articles of Incorporation of the Southeastern Oakland County Resource Recovery Authority provides that each municipality shall annually appoint a representative and an alternate to the Board of Trustees. This representative shall serve during the next fiscal year following his appointment and/or until his successor is appointed.

The present representative and alternate representative for the City of Troy are as follows:

Representative	Alternate
B. Murphy	T. Richnak

It is requested that the City Council, by resolution, appoint a representative and alternate representative to represent the City of Troy on the Board of Trustees of the Southeastern Oakland County Resource Recovery Authority for the fiscal year beginning July 1, 2005.

Please forward a certified copy of this resolution to the Southeastern Oakland County Resource Recovery Authority, 3910 W. Webster Road, Royal Oak, MI 48073-6764.

Very truly yours,

Jeffrey A. McKeen, P.E.
General Manager

JAM/ksh

RECYCLED PAPER

DATE: May 11, 2004

TO: John Szerlag, City Manager

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

SUBJECT: AGENDA ITEM – PRELIMINARY SITE CONDOMINIUM REVIEW (REVISED) – Hidden Forest Site Condominium, south side of Wattles, east of Livernois, section 22 – R-1C.

RECOMMENDATION

At the April 12, 2005 Regular Meeting, the Planning Commission recommended approval of the Revised Preliminary Site Condominium as submitted, with the following conditions:

1. That the petitioner prior to City Council approval meet with the neighbors on Wattles directly east and west, the City Engineer and the City Planner to resolve storm water problems and issues and the debris brought by the storm water issues.

2. That the petitioner prior to City Council approval meet with the Engineering and Planning Departments, the Fire Department and emergency vehicle people to determine rather than using asphalt pavement for the emergency access and pedestrian access to Troywood and the school, to be some kind of pervious pavers that would hold the largest emergency vehicles the City has.

All of these conditions have been met.

City Management concurs with the Planning Commission and recommends approval of the Preliminary Site Condominium as submitted.

BACKGROUND

The petitioner met with the neighbor to the east on Wattles, together with representatives of the Planning Department and Engineering Department, to discuss and resolve storm water problems and issues and the debris brought by the storm water issues. Representatives of the Planning Department met with the neighbors to the west of the development. The neighbors request that the developers mark the trees near their property line that are to be removed, to ensure no trees on their property will be removed.

The Engineering Department and Fire Department have no objections to utilizing pervious pavers for the emergency vehicle access (EVA) in the southeast corner of the parcel. However, it must be noted that the path is to be located at the top of the eastern slope of the storm water detention basin. Storm water can simply sheet flow off of the path into the basin. The benefits of pervious pavers versus impervious pavement as related to storm water will be insignificant. Given the high cost of pervious pavers compared to simple asphalt, the need for a pervious path in this area is not as justified as it would be in other areas. Pervious pavers would assist in differentiating the EVA from Troywood, however less expensive pervious pavement such as stamped concrete or dyed asphalt could also accomplish this.

PARCEL HISTORY

The applicant received Preliminary Site Condominium Approval from City Council for a 34-unit site condominium on April 19, 2004, and has completed the engineering design and is ready for Final Approval.

However, the applicant purchased the 0.82-acre parcel on the east side of the Wattles Road entry drive and proposes to incorporate the property into the site condominium and develop three additional units on the property. The applicant has revised the Site Condominium application for a 37-unit site development and seeks Preliminary Site Condominium Approval from City Council for the revised design.

GENERAL INFORMATION

Name of Owner / Applicant:
Gary Abitheira.

Location of subject property:
The property is located on the south side of Wattles, east of Livernois in section 22.

Size of subject parcel:
The parcel is approximately 17.79 acres in area.

Current use of subject property:
The property is presently vacant.

Proposed Use of subject property:
The applicant proposes a 37-unit site condominium.

Current use of adjacent parcels:
North: Single family residential and vacant.
South: McColloch Drain (City of Troy) and Wattles Elementary School.
East: Single family residential.
West: Single family residential and McColloch Drain (City of Troy).

Current zoning classification:
The property is currently zoned R-1C One Family Residential.

Zoning classification of adjacent parcels:
North: R-1C One Family Residential.
South: R-1C One Family Residential.
East: R-1C One Family Residential.
West: R-1C One Family Residential.

Future Land Use Designation:
The property is designated on the Future Land Use Plan as Low Density Residential.

ANALYSIS

Compliance with area and bulk requirements:
Lot Area: 10,500 square feet (reduced to 9,450 using Lot Averaging).

Lot Width: 85 feet (reduced to 76.5 feet using Lot Averaging).

Height: 2 stories or 25 feet.

Setbacks: Front: 30 feet.
Side (least one): 10 feet.
Side (total two): 20 feet.
Rear: 40 feet.

Minimum Floor Area: 1,200 square feet.

Maximum Lot Coverage: 30 %.

The applicant meets the area and bulk requirements.

Off-street parking and loading requirements:
The applicant will be required to provide 2 off-street parking spaces per unit.

Environmental provisions, including Tree Preservation Plan:
A Tree Preservation Plan was submitted as part of the application.

Stormwater detention
The applicant is proposing to provide on-site detention in the southeast corner of the development. The detention pond will have a 1 on 6 slope and will be unfenced, and dedicated to the City.

Natural features and floodplains:
The Natural Features Map indicates that there are wetlands, woodlands and a drain located on the property. A Wetland Evaluation was conducted on the parcel by Brooks Williamson and Associates, Inc. on November 24, 2003. The report indicates there are 3 State-regulated wetlands on the parcel. One of these wetlands is located in the northwest corner of the parcel, the other two are located in the southern portion of the parcel. In addition there is floodway and 100 year floodplain located on the subject property.

Subdivision Control Ordinance, Article IV Design Standards

Blocks: Access to the site condominium will be provided by a two-way entry drive on Wattles Road.

Lots: All units meet the minimum area and bulk requirements of the Zoning Ordinance.

Topographic Conditions: The property is relatively flat, with elevations ranging from 666 feet above sea level to 671 feet above sea level. The Topographic Survey indicates the existing flood plain elevation is 668.3 feet above sea level.

Streets: The streets are proposed to be 28-feet wide and are to be located within a 60-foot right-of-way.

Sidewalks: The applicant is proposing to install 5-foot wide sidewalks along both sides of the drive, including the cul-de-sacs. In addition the applicant is proposing an emergency access connection to Troywood, and an 8-foot wide concrete pedestrian access path connection to the existing path, in the southeast corner of the property. This will provide a non-motorized connection between the neighborhood and both Troywood and Wattles Elementary School.

Utilities: The parcel is served by public water and sewer.

Attachments:

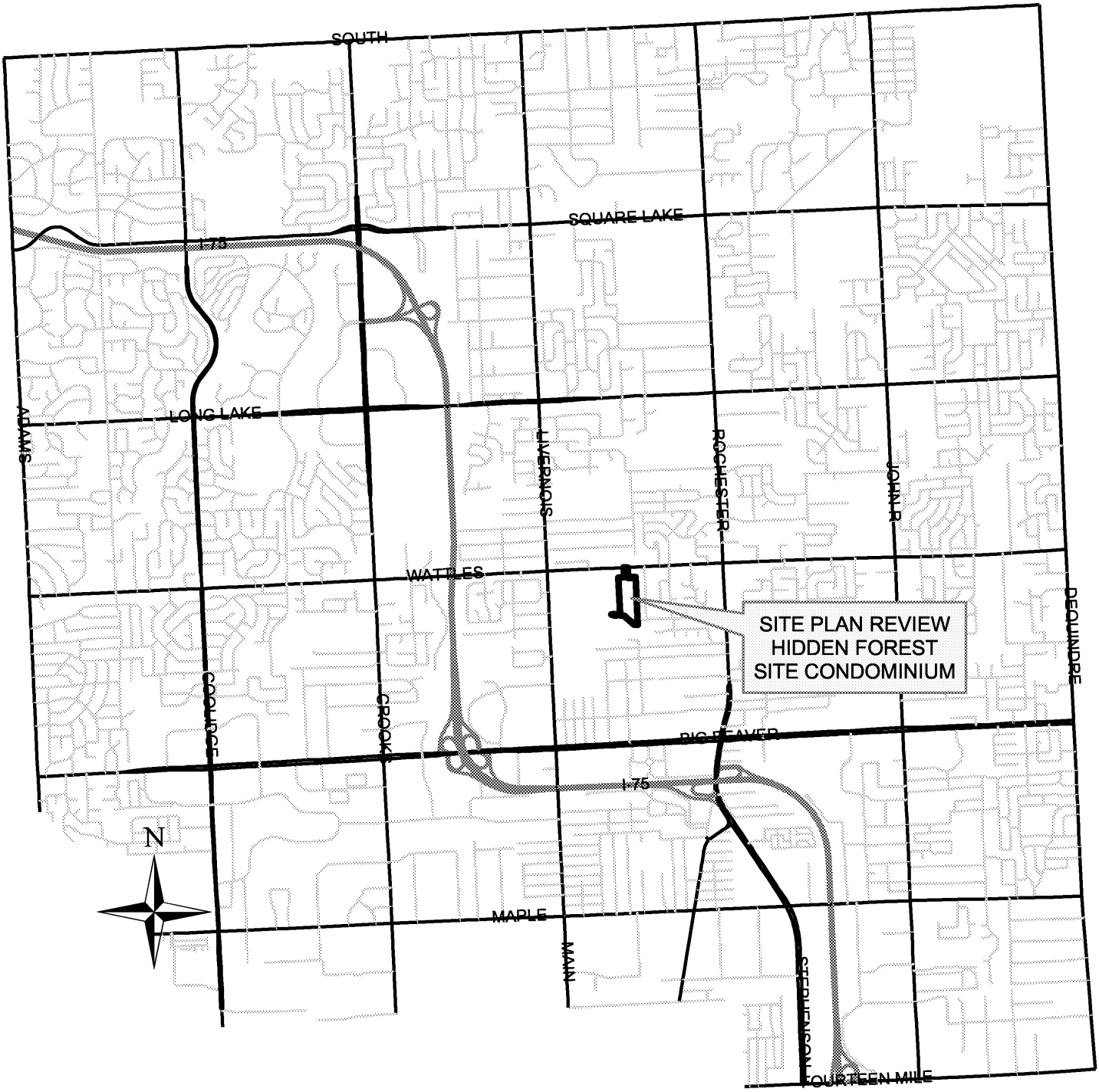
1. Maps.
2. Minutes from April 12, 2005 Planning Commission Regular Meeting.
3. Unplatted Residential Development Levels Of Approval.
4. Comparison Between Site Condominiums And Plats.

cc: Applicant
File/Hidden Forest Site Condominium

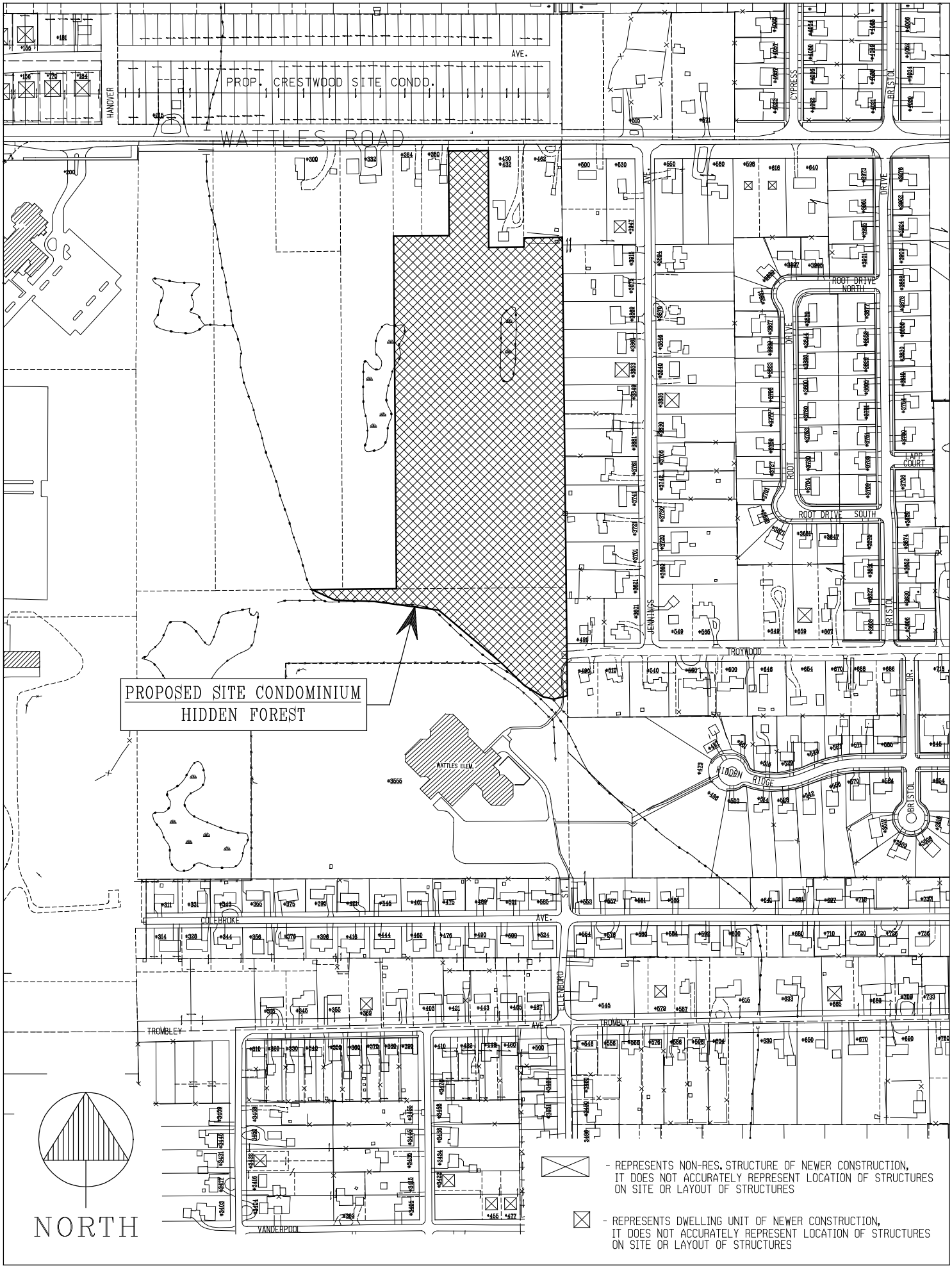
Prepared by RBS/MFM

G:\SUBDIVISIONS & SITE CONDOS\HIDDEN FOREST SITE CONDO SEC 22\Revised - Hidden Forest Site Condo CC Prelim Approval 05 16 05.doc

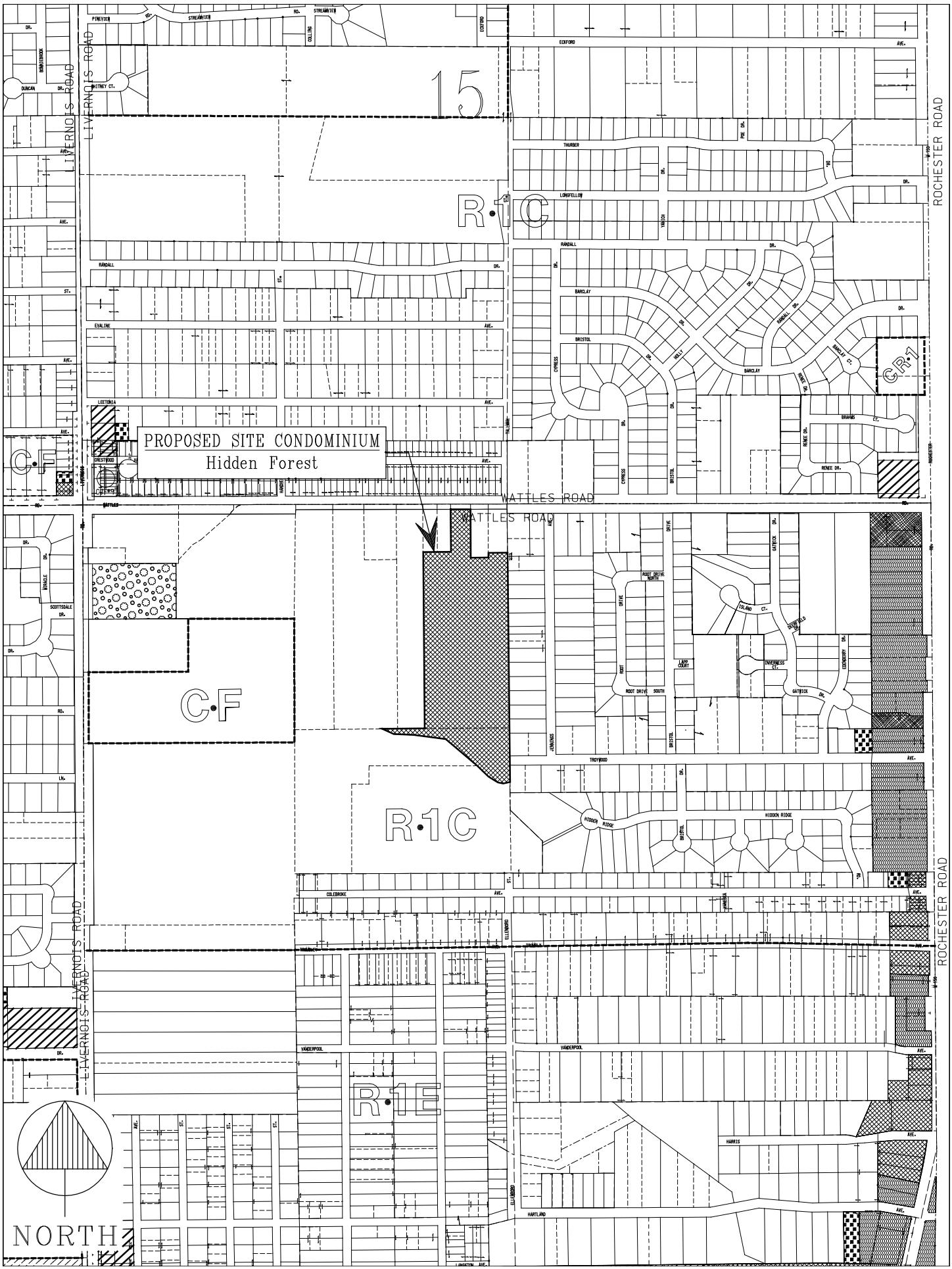
CITY OF TROY



PREPARED BY CITY OF TROY PLANNING DEPT.



HIDDEN FOREST S.C. / SEC. 22 / 02-13-04


PROPOSED SITE CONDOMINIUM
Hidden Forest
LIVERNOIS ROAD
ROCHESTER ROAD
WATTLES ROAD
15
R·1C
C·F
R·1E
NORTH

SITE PLAN REVIEW
HIDDEN FOREST SITE CONDOMINIUM
S SIDE OF WATTLES, E OF LIVERNOIS
SEC. 22 (34 LOTS)

9. SITE PLAN REVIEW – Revision to Proposed Hidden Forest Site Condominium, 37 units/lots proposed, South side of Wattles, West of Jennings, Section 22, Zoned R-1C (One Family Residential) District

Mr. Miller presented a summary of the Planning Department report for the proposed Hidden Forest Site Condominium. The petitioner is incorporating an additional 0.82-acre parcel on the east side of Wattles Road that allows him to add three units to the development. Mr. Miller reported that it is the recommendation of the Planning Department to approve the Hidden Forest Site Condominium plan as revised.

The petitioner, Gary Abitheira of 178 Larchwood, Troy, was present.

Chair Strat opened the floor for public comment.

M. J. Molnar of 462 E. Wattles, Troy, was present. Mr. Molnar lives next door to the parcel recently acquired by the petitioner. Mr. Molnar said the City told him at the time he purchased his home that there would be no building on the subject 18-acre parcel because it is in a floodplain. He said after the property was purchased, all the trees were cut, the stumps were ground, all vegetation was stripped and the land was disked so that there was nothing but dirt. He said the property was then graded and canals were put in, all of them leading to his back yard. Mr. Molnar said his backyard floods whenever it rains. He said the massive amount of trees and vegetation that were destroyed and left in the working ditch along the property line eventually decayed and turned into compost. Mr. Molnar said he has two sump pumps running 24 hours a day; one sump pump burned out; and his utility bills have increased significantly. Mr. Molnar said the property owner has promised to redirect water and correct the flooding situation, but nothing has happened to date. Mr. Molnar referenced the discussion at a previous Planning Commission meeting on the site condominium project going in on the north side of Wattles, as relates to the concern of potential flooding from the difference of grading. He expressed similar concerns with this proposed development.

Mr. Khan strongly encouraged Mr. Molnar to discuss the flooding problem with the Engineering Department. He also informed Mr. Molnar that floodplain maps have been recently revised and suggested that he check the current status of his property.

Mr. Molnar said he has been working with the City Engineering Department for the last two years. He had asked the field engineer if it was legal for the property owner to cause a creek to run through his backyard every time it rains. The field engineer indicated it was not legal, and Mr. Molnar asked why the matter continues to exist for two years. Mr. Molnar said the response from the field engineer was "It's in who you know."

Mr. Miller asked Mr. Molnar to contact him directly and he would arrange a meeting in which he would act as mediator with the City Engineer to resolve the issue. Mr. Miller said if Mr. Molnar's comments are true, the existing situation should not be occurring and the City should require the developer to fix it.

Mr. Chamberlain said it is obvious that Mr. Molnar's property is the lowest property within the whole area, and the City owes it to him to resolve the matter.

Mr. Abitheira was agreeable in meeting with the City and Mr. Molnar to work on a solution to the problem.

Bruce Baker of 380 E. Wattles, Troy, was present. Mr. Baker lives adjacent to the subject property on the west side. Mr. Baker expressed similar concerns with the flooding problem. He asked how he could get a copy of the revised site plan.

Mr. Miller informed Mr. Baker that he could receive a copy of the revised site plan from the Planning Department during regular business hours. [A copy of the revised site plan was provided to Mr. Baker from a Planning Commission member.]

Dan McCatty of 3721 Jennings, Troy, was present. Mr. McCatty addressed the water problem. He asked if the storm drainage easement would be used for utilities or if the trees would remain. Mr. McCatty also asked if the petitioner could replace the trees should they be removed.

Mr. Miller indicated it might not be possible to save any trees or vegetation along the storm drainage easement.

Discussion followed on:

- Authority of the Planning Commission to request the petitioner to replace cut trees.
- The existence of trees near the drainage easement.
- Acceptable trees according to the City's tree ordinance.

Mark Harrison of 3621 Jennings, Troy, was present. Mr. Harrison referenced his previous comments with respect to access from Troywood. Mr. Harrison said, in retrospect, that access might not be a good idea.

Enrique Aguilar of 3741 Jennings, Troy, was present. Mr. Aguilar voiced concerns with potential water problems, the increase of traffic and the safety of neighborhood children.

The floor was closed.

Comments followed with respect to (1) tabling the matter until the existing water problem is resolved and (2) forwarding a design recommendation to the Engineering Department as relates to the asphalt pathway.

Resolution # PC-2005-04-051

Moved by: Chamberlain
Seconded by: Schultz

RESOLVED, That the Planning Commission recommends to City Council that the Preliminary Site Plan (Section 34.30.00 Unplatted One-Family Residential Development), as requested for Hidden Forest Site Condominium, including 37 units, located south of Wattles Road and east of Livernois Road, Section 22, within the R-1C zoning district be granted, subject to the following conditions:

1. That the petitioner prior to City Council approval meet with the neighbors on Wattles directly east and west, the City Engineer and the City Planner to resolve storm water problems and issues and the debris brought by the storm water issues.

2. That the petitioner prior to City Council approval meet with the Engineering and Planning Departments, the Fire Department and emergency vehicle people to determine rather than using asphalt pavement for the emergency access and pedestrian access to Troywood and the school, to be some kind of pervious pavers that would hold the largest emergency vehicles the City has.

Yes: All present (8)
No: None
Absent: Waller

MOTION CARRIED

COMPARISON BETWEEN SITE CONDOMINIUMS AND PLATS

The site condominium is a form of development that closely resembles the more traditional form of land subdivision known as a "subdivision" or a "plat". Although both types of development have the same basic characteristics, site condominiums are a newer form of development and are not, therefore, as familiar to homebuyers and neighbors as the more customary plats. An important concept related to any type of condominium development is that condominiums are a form of OWNERSHIP, not a type of physical development.

The following summary is intended to compare and contrast the two types of development.

1. **Comparisons between site condominiums and plats.**

   a. **Statutory Basis** – Site condominium subdivisions first became possible under the Michigan Condominium Act, which was adopted by the Michigan Legislature in 1978. Plats are created under the Michigan Land Division Act, formerly the Michigan Subdivision Control Act of 1967.

   b. **Nature and Extent of Property Ownership** – An individual homesite building in a platted subdivision is called a "lot". In a site condominium, each separate building site or homesite is referred to by the Condominium Act as a "unit". Each unit is surrounded by "limited common area", which is defined as common elements reserved in the master deed for the exclusive use of less than all of the co-owners". The remaining area in the site condominium is "general common area", defined as the common elements reserved in the master deed for the use of all of the co-owners. The nature and extent of ownership of a platted lot and a condominium unit, with the associated limited common area, are essentially equivalent from both a practical and legal standpoint.

   c. **Compliance with Zoning Ordinance** – Both site condominiums and subdivisions are required to comply with the minimum requirements of the City of Troy Zoning Ordinance for area and bulk, including minimum lot size, lot width, setbacks and building height. Essentially, site condominiums and subdivisions in Troy must "look" similar.

   d. **Creation/Legal Document** – A site condominium is established by recording in the records of the county in which the land is located a master deed, bylaws and condominium subdivision plan ("plan"). A platted subdivision is created by the recording of a subdivision plat ("plat"), usually coupled with a declaration of easements, covenants, conditions and restrictions The plan depicts the condominium units and limited and general common areas, while the plat defines the lots. Both have

substantially the same geometrical appearance and characteristics. The master deed and bylaws on the one hand and the declaration on the other have essentially the same functions with respect to the site condominium or platted subdivision, namely, establishment of: (i) building and use restrictions; (ii) rights of homeowners to use common areas; (iii) financial obligations of owners; and, (iv) procedures for operation of the subdivision.

e. **Home Maintenance and Real Estate Taxes** – Each unit and lot, as respectively depicted on a condominium plan or subdivision plat, together with any home located thereon, are required to be individually maintained by the owner. Likewise, separate real estate taxes are assessed on each condominium unit or platted lot and paid individually by each homeowner.

f. **Roads and Utilities** – In most plats, roads are dedicated to the public and maintained by the county road commission or the municipality in which the subdivision is located. Site condominium roads can be either public or private. Sanitary sewer and water supply are public in both. Storm water detention can vary between public and private dedication in both platted and condominium subdivisions.

g. **Common Areas** – In a site condominium, general common areas, such as open space, entrance areas and storm drainage system, are owned by condominium unit owners in common as an incident of ownership of each unit. In a platted subdivision, legal title to common areas is owned by a homeowners association. In both forms of development, a homeowners association administers the common areas for the benefit of all homeowners equally.

h. **Homeowners Association** – It is important in both types of development to incorporate a homeowners association compromised of all lot owners or unit owners, as the case may be, to maintain common areas, enforce restrictions and regulations, collect assessments and otherwise administer the common affairs of the development. Because the Condominium Act confers special enforcement powers upon homeowner associations, which are not characteristic of platted subdivision associations, it is generally thought that the condominium form is superior from the standpoint of enforcing rules and regulations of the private community.

i. **Financial Obligations of Homeowners** – In both types of development, the homeowners association is given the power to assess property owners to pay for maintenance of all common areas and other expenses of administration. Failure to pay give rise to a lien on the defaulting owner's homesite thus providing financial security that the common areas will be properly maintained for the benefit of all homeowners.

j. **Public Relations** – The same types of public health, safety and welfare regulations apply to both forms of development. Procedurally, the methods of applying for and obtaining plat or condominium plan approval are similar at the municipal level.

k. **Unique Characteristics of Condominium Unit Purchase** – The Condominium Act provides special benefits for site condominium unit purchasers: (i) a 9-day period after signing a purchase agreement within which a purchaser may withdraw without penalty; and (ii) a requirement that all condominium documents, supplemented by an explanatory disclosure statement, be furnished to all purchasers at the time of entry into a purchase agreement. There are no similar benefits to purchasers provided under the Land Division Act.

l. **Local and State Review** – Both development types require City Council approval, following a recommendation by the Planning Commission. Unlike subdivisions, site condominiums do not require the review and approval of the Michigan Department of Consumer and Industry Services. For this reason it can sometimes take a substantially shorter period of time to obtain necessary public approvals of site condominiums than platted subdivisions.

2. Reason for choosing one form versus another.

Developers and municipalities often prefer the site condominium approach because of better control of market timing. It should be emphasized that the site condominium choice never sacrifices any public protections that would otherwise be present in the case of a platted subdivision under similar circumstances.

3. Conclusion.

The platted subdivision approach and the newer site condominium technique are two different statutory methods of reaching essentially the same practical and legal result of subdividing real estate into separate residential building sites. Both methods are required to meet substantially the same public health, safety and welfare requirements. The site condominium is sometimes chosen over the platted subdivisions because of perceived benefits to purchasers, homeowners, and developers.

UNPLATTED RESIDENTIAL DEVELOPMENT LEVELS OF APPROVAL

Preliminary Plan Approval

A sign is placed on the property informing the public of the proposed development.
Adjacent property owners are notified by mail
Public meeting held by **Planning Commission** for review and recommendation to City Council
City Council reviews and approvals plan

The following items are addressed at Preliminary Plan Approval:

- Street Pattern, including potential stub streets for future development
- Potential development pattern for adjacent properties
- Fully dimensioned residential parcel layout, including proposed building configurations
    - Number of lots
    - Building setbacks
    - Lot dimensions
    - Locations of easements
- Preliminary sanitary sewer, storm sewer, and water main layout
- Environmental Impact Statement (if required)
- Location(s) of wetlands on the property

Final Plan Approval

Notice sign is posted on site
City Council review and approval of:

- Final Plan
- Contract for Installation of Municipal Improvements (Private Agreement)

The following items are addressed at Final Plan Approval:

- Fully dimensioned plans of the total property proposed for development, prepared by registered Civil Engineer or Land Surveyor
- Corners of all proposed residential parcels and other points as necessary to determine that the potential parcels and building configurations will conform with ordinance requirements
- Warranty Deeds and Easement documents, in recordable form for all ROW. and easements which are to be conveyed to the public
- Construction plans for all utilities and street improvements, prepared in accordance with City Engineering Design Standards:
    - Sanitary and Storm sewer
    - Water mains
    - Detention / Retention basins
    - Grading and rear yard drainage
    - Paving and widening lanes
    - Sidewalk and driveway approaches
- Approval from other government agencies involved with the development
- Verification of wetlands and M.D.E.Q. permit if necessary
- Financial guarantees to insure the construction of required improvements and the placement of proper property and parcel monuments and markers shall be furnished by the petitioner prior to submittal of the Final Plan to the City Council for review and approval
- Floor Plans and Elevations of the proposed residential units

TO: John Szerlag, City Manager

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

DATE: May 9, 2005

RE: Amendment to Chapter 20 of the City Code (Water and Sewer Rates)

Please find attached an amendment to Chapter 20 of the City Code reflecting the Water and Sewer Rate adjustment discussed during the 2005-06 budget study sessions.

Due to the increased charges by the City of Detroit and the necessity to have sufficient funds to operate and maintain our system the following Water and Sewer Rates are recommended for City of Troy water bills rendered after July 1, 2005.

	Current 2004-05 Rates	Proposed 2005-06 Rates	Adjustment
Water	$19.40	$22.84	$3.44
Sewer	15.00	15.00	-0-
	$34.40	$37.84	$3.44

The average water bill for a family of four will increase by approximately $9.98 per quarter.

CHAPTER 20 WATER AND SEWER RATES

1. Definitions. Unless the context specifically indicates otherwise, the following definitions shall apply in the interpretation of this Chapter.

   (1) "Premises" shall mean each lot, parcel of land, or building having a connection to the Water Supply System or the Sewer System of the City, or is eligible for such a connection.

   (2) "Department" shall mean the City Division of Water and Sewer.

   (3) "Director" shall mean the Director of Public Works.

   (Rev. 02-26-73)

2. Water Benefit Fee. Whenever any person shall seek a connection to a water main, as defined in Chapter 18 of this Code, he shall pay a benefit fee representing the cost of constructing such water main, except in those cases where the cost of construction has been financed by special assessment assessed to said premises or where construction has been financed by agreement with the City and paid for by the owner of the subject property. The City Council shall from time to time by resolution determine the cost to be borne by any premises which will benefit by a connection thereto.

   No permit for any connection to any water main shall be granted until the owner of the premises shall pay or agree to pay the benefit fee attributed to such property.

   (Rev. 09-25-78)

3. Water Improvement Fund Fee. Anyone seeking to make a connection to any public water main within the City shall first obtain a permit to make such connection from the Department. Prior to issuance of said permit the applicant must pay a Water Improvement Fund Fee representing the cost of construction of that portion of the City-wide water system attributable to the proportionate benefit to be received by the applicant's property.

   (Rev. 02-04-80)

3.01 Computation of Water Improvement Fund Fee. The Water Improvement Fund Fee shall be based on a unit factor system wherein each single-family residence shall be classified as one unit.

   Other occupational uses shall be charged on multiples of units as may be determined by resolution of the City Council from time to time. Said units and multiples thereof will be established and computed on the same basis as for the Sanitary Trunk and Interceptor Connection Fee contained further in this Chapter and the number of units charged to a premise shall be the same for both water and sanitary sewer.

   The Water Improvement Fund Fee shall be in the amount of $700.00 per unit, less any credit determined under Section 3.02 hereof.

   (Rev. 01-01-82)

3.02 Credit on Water Improvement Fund Fee. In the case of any premises which have been subject to special assessment for construction of a water main, a credit shall be allowed on the water improvement fund fee for the amount of such special assessment levied for indirect availability of

water service. The amount of a special assessment for indirect availability of water service shall be that amount in excess of the amount of that assessment attributable to direct benefit received by the parcel originally assessed for immediate availability of water service. The assessor shall prepare and submit to the Council for approval, by resolution, a schedule showing the amount of all such assessments for indirect availability of water service presently existing and the parcels affected thereby. Each premise shall receive a credit for its pro-rata share of the assessment as shown by said schedule. No such credit shall exceed one hundred (100%) percent of the water improvement fund fee for any premises. No such credit shall be given for any premises connection to the water supply system after July 1, 1993.

(Rev. 09-25-78)

4. Water Connection Fee. A Water Connection Fee will be charged to each premise where the City provides labor, equipment or materials to make a connection to the water main and/or to furnish or install a water meter. Such fees shall not be less than the cost of the materials, installation and overhead attributable to the particular service.

The City Council will establish, by resolution, such fees in accordance with the size of service and/or meter to be furnished. The Water Connection Fee shall be paid or the applicant shall make an agreement to pay the Fee prior to issuance of a connection permit by the City.

(Rev. 09-25-78)

5. Basis of Charges. All water service shall be charged for on the basis of water consumed, as determined by the meter installed by the Department in the premises of water or sewage disposal service customers. No free water service or sewage disposal service shall be furnished to any person.

(Rev. 02-26-73)

5.01 Water Rates. Charges for water service to each premises within the City connected with the water supply system, for each quarterly (3 month) period, shall be $22.84 per 1,000 cubic feet. Minimum quarterly bills shall be $18.50.

(Rev. 05-10-04)

Private fire service lines shall be billed at a rate equal to four (4) times the minimum water bill.

Charges for water service to premises outside the City shall be 150% of those for water service within the City.

(Rev. 05-13-02)

5.02 Sewer Rates

A. Charges for sewage disposal, operation and maintenance service shall be levied upon all premises having any sewer connection with the public sewers.

Those premises using metered water shall pay $15.00 dollars per 1,000 cubic foot of water consumption for sewage disposal and maintenance charges.

(Rev. 05-10-04)

Where there is no water meter the sewage disposal and maintenance charges shall be $75.00.

(Rev. 05-10-04)

Water lines used solely for fire protection shall be exempt from sewage disposal and maintenance charges.

(Rev. 05-13-02)

B. 1. Rates and charges established are based upon methodology which complies with applicable EPA regulations.

2. Users of the system must be individually notified annually of costs for operation, maintenance, replacement and debt service.

C. A ready to serve charge shall be levied on each quarterly bill in the amount of $12.15 dollars less any amount for current consumption up to the maximum of the ready to serve charge.

(Rev. 05-10-04)

5.03 Service to City. The City shall pay the same water and sewer rates for service to it as would be payable by a private customer for the same service, except that for water furnished through fire hydrants and for the availability of such water, the City will pay the total sum of $130,000.00 per year, which charge is hereby determined to be the reasonable cost and value of such service. All such charges for service shall be payable quarterly from the current funds of the City, or from the proceeds of taxes.

(Rev. 05-10-04)

5.04 Billing. Charges for all water service and sewage disposal service shall be billed and collected quarterly by the City Treasurer. Water bills rendered shall be immediately due and payable and may be paid without penalty up to and including the fifteenth day of the month when rendered, and shall thereafter be subject to a ten (10%) per cent penalty. Bills shall be sent to "Occupant" at the metered address, unless other arrangements are made by the owner.

(Rev. 02-04-80)

6. Collection. The Director is hereby authorized to enforce the payment of charges for water service to any premises by discontinuing the water service to such premises and the payment of charges for sewage disposal service to any premises may be enforced by discontinuing either the water service or the sewage disposal service to such premises, or both, and an action of assumpsit may be instituted by the City against the customer. The charges for water service and sewage disposal service which, under the provisions of Act 94, Public Acts of 1933 of the State of Michigan, as amended, are made a lien on the premises to which furnished, are hereby recognized to constitute such lien; and the City Treasurer shall, annually, on April 1, certify all unpaid charges for such services furnished to any premises which, on the 31st day of March preceding, have remained unpaid for a period of six (6) months, to the City Assessor who shall place the same on the next tax roll of the City. Such charges so assessed shall be collected in the same manner as general City Taxes. In cases where the City is properly notified in accordance with said Act 94 of 1933, that a tenant is responsible for water or sewage disposal service charges, no such service shall be commenced or continued to such premises until there has been deposited with the City Treasurer, a sum sufficient to cover three (3) times the average quarterly bill for such premises as estimated by the Director. Where the water service to any premises is turned off to enforce the payment of water service charges or sewage disposal service charges, the water service shall not be resumed until all delinquent charges have been paid and a deposit as in the case of tenants is made, and there shall be a water turn-on charge of Twenty-Five ($25.00) Dollars. In any other case where, in the discretion of the City Treasurer, the collection of charges for water or sewage disposal service may be difficult or uncertain, he may require a similar deposit. Such deposits may be applied against any delinquent water or sewage disposal service charges and the application thereof shall not affect the right of the Treasurer or Director to turn off the water service and/or sewer service, to any premises for any delinquency thereby satisfied. No such deposit shall bear interest and such deposit, or any remaining balance thereof, shall be returned to the customer making the same when he shall discontinue receiving water and sewage disposal service or, except as to tenants at to whom notice of responsibility for such charges has been filed with the City, when any eight (8) successive quarterly bills shall have been paid by said customer with no delinquency.

(Rev. 02-04-80)

7. Sanitary Trunk and Interceptor Connection Fee. Anyone seeking to make a connection to any sanitary sewer system within the City of Troy shall first obtain a permit to make such connection from the Building Department. Prior to issuance of said permit the applicant must pay to the City a Sanitary Trunk and Interceptor Connection Fee representing the cost of construction of that portion of the City-wide sewer system attributable to the proportionate benefit to be received by the applicant's property.

(Rev. 02-26-73)

7.01 Computation. The Sanitary Trunk and Interceptor Connection Fee shall be based on a unit factor system of computation wherein each single-family residence shall be classified as one unit. Other occupational uses shall be charged on multiples of units as may be determined by resolution of the City Council from time to time. The Sanitary Trunk and Interceptor Connection Fee shall be in the amount of $200.00 per unit.

(Rev. 01-01-82)

8. Sewer Benefit Fee. Whenever any person shall seek a connection to a public sewer, as defined in Chapter 19 of this Code, he shall pay a sewer benefit fee in lieu of paying the cost of constructing such public sewer, except in those cases where the cost of construction has been financed by special assessments assessed to said premises, or by agreement and paid by the owner thereof. The City Engineer shall determine which properties shall be allowed or required to tap the public sewer based on sewer depth, distance from the public sewer, and other engineering and cost factors. The sewer benefit fee, representing the cost of construction of that portion of the City-wide sewer system attributable to the proportionate benefit to be received by the applicant's property, shall be determined by resolution of the City Council from time to time. No permit for any connection to any public sewer shall be granted until the owner of the premises shall pay or agree to pay the sewer benefit fee attributable to such property.

(Rev. 09-25-78)

9. Inspection Fee. An inspection charge of $15.00 shall be included in the cost of a water connection permit for all single family residences: Other inspection fees shall be based on estimates of actual cost to the City for labor, materials and contingencies and shall be computed by the Chief Building Inspector for Sewer and the Superintendent of Public Services for Water.

(Rev. 02-04-80)

10. Payment of Fees. The Sanitary Trunk and Interceptor Connection Fee, the Sewer Benefit Fee and Sewer Permit Fee (collectively in this Section called "Sewer Fees") and/or the Water Improvement Fund Fee, Water Benefit Fee, and the Water Connection Fee (collectively in this Section called "Water Fees") shall be paid as follows:

(Rev. 02-26-73)

10.01 Cash payments shall be made for all Sewer Fees payable for new buildings constructed in areas where public sewers, as defined in Chapter 19 of this Code, are available, or construction of same has been approved by the City Council. No building permit shall be issued for construction of a new building until all Sewer Fees have been paid and the sewer permit has been obtained.

The above regulation is also applicable to building permits for additions to existing structures other than single-family residences. Cash payment for Sewer Fees shall be made for that portion of the structure to be added, while extended payment arrangements as hereinafter provided may be made for that portion of the structure existing prior to the availability of sewer. Regardless of the method of payment chosen by the owner, sewer permits for the entire structure must be obtained prior to issuance of building permits for such additions.

(Rev. 09-25-78)

10.02 Cash payments shall be made for all Water Fees payable for new buildings constructed in areas where public Water Mains, as defined in Chapter 18 of this Code, are available, or construction of same has been approved by the City Council, and where the Water Main is to be used for such new building. When the Water Main is to be used to serve such new building, no building permit shall be issued for construction until all Water Fees have been paid and a water permit has been issued.

The above regulation is also applicable to building permits for additions to existing structures other than single family residences and where the Water Main is in use or shown to be used by the addition. Cash payment for Water Fees shall be made for that portion of the structure to be added, while extended payment as hereinafter provided may be made for that portion of the structure existing prior to the availability of water. Regardless of the method of payment chosen by the owner, when the Water Main is to be used, water permits for the entire structure must be obtained prior to issuance of building permits for such additions.

(Rev. 09-25-78)

10.03 Sewer fees and/or water fees for buildings existing in areas where sewers or water taps were not available may be paid for at the time of permit issuance, or, at the option of the owner, may be paid in equal installments, including interest at 6% per annum on the unpaid balance for a period not to exceed 40 years; one installment shall be billed with each bill for water or sewer service.

Additional principal payments may be made with any installment.

(Rev. 01-20-75)

11. Service Leads. When a sewer lead has not been provided to make an authorized connection to an available sewer, it shall be the responsibility of the benefiting property to provide same.

(Rev. 06-09-86)

12. Unauthorized Connections. In the event any connection is made to the City Sewer system without a permit having been obtained from the City Building Department for such connection, a charge of double the current Interceptor Connection Fee will be charged to the owners of the property so connected and will be collected in the same manner prescribed by the Charter for the collection of unpaid City taxes.

(Rev. 12-03-79)

13. Additional Charges. Those premises assigned sewage disposal charges for industrial cost recovery and/or high strength surcharges as required by Federal Law, shall make payment for said charges as herein provided for water and sewage disposal services.

(Rev. 02-04-80)

14. Definitions:

    (a) Industrial User: shall mean a source of discharge under regulations issued pursuant to the Federal Water Pollution Control Act, 33 U.S.C. 1342, which source originates from, but is not limited to, facilities engaged in industry, manufacturing, business, trade or research, including the development, recovery or processing of natural resources.

    (b) Commercial User: shall mean all non-domestic sources of indirect discharge, other than industrial users, as defined herein including but not limited to the following: A publicly or privately owned facility where persons are engaged in the exchange or sale of goods or services, hospitals, retail establishments and facilities operated by state governments.

    (c) Residential User: shall include schools, churches, municipal buildings and structures designed for habitation. Structures designed for habitation shall include but not be limited to single-family homes, apartment buildings, condominiums, town houses and mobile homes.

    (d) Non-residential User: shall mean any user other than an industrial user, a commercial user or a residential user.

15. High Strength Surcharge: A high strength surcharge shall be levied against all industrial and commercial users, with the exception of restaurants, which users contribute sewage to the system with pollutant concentration levels exceeding the following:

    (A) 275 milligrams per liter (mg/1) of Biochemical Oxygen Demand (BOD)

    (B) 350 milligrams per liter (mg/1) of Total Suspended Solids (TSS)

    (C) 12 milligrams per liter (mg/1) of Phosphorus (P)

    (D) 100 milligrams per liter (mg/1) of Fats, Oils and Grease (FOG)

    (Rev. 04-22-85)

16. Non-residential Flow Surcharge: The City of Troy shall pay a quarterly non-residential surcharge as established from time to time by the County of Oakland, State of Michigan, or its authorized representative, the Detroit Water and Sewer Department, and adopted by Resolution of the Troy City Council. The non-residential surcharge shall be based on the total number and size of water meters used by non-residential users of the system. Where metered water is not available, the Assigned Water Meter size shall be reported by the City in accordance with the following schedule:

Units Assigned in Accordance With the Current Oakland County Department of Public Works Schedule of Unit Assignment Factors	Assigned Water Meter Size
1 - 4	5/8" and 3/4"
5 - 10	1"
11 – 20	1-1/2"
21 - 32	2"
33 - 64	3"
65 - 100	4"
101 - 200	6"

The City shall report quarterly the total number and size of water meters used by non-residential users or alternatively, the Assigned Water Meter size pursuant to the above schedule.

17. Sanitary Wastewater Disposal Charge: The City of Troy shall pay a sanitary wastewater disposal charge. This charge shall be based on readings of the master water meters serving the Southeastern Oakland County Communities.

From these meter readings the water consumption of each municipality shall be determined. Water consumption shall be the basis for sanitary wastewater disposal charges using the formula of rate per 1,000 cubic feet, said rate as established from time to time by the Oakland County Drain Commissioner, and adopted by Resolution of the Troy City Council. If the City has individual sewer customers with metered sewage, the City shall report within 15 days following the end of each calendar quarter the total metered sewage in the City, in lieu of water consumption. Based on the quarterly report, each community shall pay a charge per 1,000 cubic feet of metered sewage, as established from time to time by Oakland County or the Detroit Water and Sewer Department, and adopted by Resolution of the Troy City Council. The rate for sewage disposal based on the metered sewage method shall be 110% of the rate established for the master meter water method.

18. Storm Water Disposal Charge:

(1) Evergreen-Farmington Sewage Disposal System: The City shall pay a charge for disposal of storm water in proportion to the area in the City served by combined sewers in the Evergreen-Farmington Sewage Disposal System and by the recorded duration of the spill at the Acacia and Bloomfield Regulators. Said charge will be as established from time to time by Oakland County or the Detroit Water and Sewer Department, and acknowledged by Resolution of the Troy City Council.

(2) Southeastern Oakland County Sewage Disposal System S.O.C.S.D.S.): The entire flow from the S.O.C.S.D.S. enters the Detroit treatment plant through the Dequindre Interceptor, which contains a master meter. The metered flow is reduced by the amount of water consumption for the system. This reduced flow shall be multiplied by a land use factor to determine the City's share of the flow. Storm water disposal charges shall be determined by using a formula of rate per 1,000 cubic feet, as established from time to time by the Oakland County Drain Commissioner, and acknowledged by Resolution of the Troy City Council.

(Rev. 04-22-85)

CITY OF TROY

AN ORDINANCE TO AMEND CHAPTER 20
OF THE CODE OF THE CITY OF TROY

THE CITY OF TROY ORDAINS:

Section 1. Short Title

This Ordinance shall be known and may be cited as the 43rd amendment to Chapter 20 of the Code of the City of Troy.

Section 2.

Section 5.01, is hereby amended to read as follows:

5.01 Water Rates. Charges for water service to each premises within the City connected with the water supply system, for each quarterly (3 month) period, shall be $22.84 per 1,000 cubic feet. Minimum quarterly bills shall be $18.50.

Private fire service lines shall be billed at a rate equal to four (4) times the minimum water bill.

Charges for water service to premises outside the City shall be 150% of those for water service within the City.

Section 3.

Section 5.03, is hereby amended to read as follows:

5.03 Service to City. The City shall pay the same water and sewer rates for service to it as would be payable by a private customer for the same service, except that for water furnished through fire hydrants and for the availability of such water, the City will pay the total sum of $130,000.00 per year, which charge is hereby determined to be the reasonable cost and value of such service. All such charges for service shall be payable quarterly from the current funds of the City, or from the proceeds of taxes.

Section 4. Repeal

All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

Section 5. Savings

All proceedings pending, and all rights and liabilities existing, acquired or incurred, at the time this Ordinance takes effect, are hereby save. 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 6. Severability Clause

Should any work, 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 7.

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, Michigan, on Monday, the 16th day of May, 2005.

_____

Louise E. Schilling, Mayor

_____

Tonni L. Bartholomew, City Clerk

TO: Mayor and Members of Troy City Council
FROM: Lori Grigg Bluhm, City Attorney
Allan T. Motzny, Assistant City Attorney
DATE: May 11, 2005
SUBJECT: Papadelis v City of Troy

In 2003, the Papadelis family filed a federal court lawsuit against the City of Troy and employees Mark Stimac and Marlene Struckman. The lawsuit was initiated after Building Inspector Marlene Struckman issued two citations to Gust Papadelis for constructing two new greenhouses on the northern parcel (3301) without obtaining the required permits. In the complaint, the Papadelis family alleges that they are entitled to money damages under 42 USC Section 1983 (federal civil rights act), due to Troy's alleged continued ticketing and issuance of stop work orders on the property. In addition to requesting money, the Papadelis family also requested a court order enjoining the City from requiring building permits and zoning approvals for their properties at 3301 and 3305 John R Road. They claim that they are exempt from Troy's zoning provisions that prohibit expansion of a non-conforming use, since the property is currently being used as an "agricultural" use.

As you may recall, the Troy City Council had previously authorized our office to file a lawsuit in the Oakland County Circuit Court, seeking to compel compliance with our ordinances and with the Court order. This authorization was provided after the criminal tickets were issued. A few days after this authorization, the Papadelis family filed their federal case. For purposes of judicial economy, we filed a counter-complaint in the federal court, rather than initiating an action in the Oakland County Circuit Court. After extensive discovery had been completed in the federal case, the attorney for the Papadelis family filed a motion to dismiss our counter-complaint, based on the federal court's alleged lack of jurisdiction. The Court eventually granted this motion, and articulated reasons for the dismissal that were equally applicable to the federal complaint initiated by the Papadelis family. Most notably, Judge Tarnow wanted to defer the case to the Oakland County Circuit Court judge, since it is her opinion that would ultimately need to be interpreted prior to a final resolution of the matter. Therefore, we filed a similar jurisdictional basis motion to dismiss the Papadelis lawsuit, which was granted by the Court. We had also filed a second motion to dismiss, asserting that the Plaintiffs (Papadelis family) had not set forth a claim that entitled them to any relief. The Court did not need to entertain this motion, since he dismissed the case on jurisdictional grounds. A copy of the order that dismisses the case without prejudice and directs plaintiff to re-file in Oakland County Circuit Court is attached. The order also provides for a stay of proceedings for the misdemeanor tickets now pending in the 52/4 District Court to allow the Oakland County Circuit Court to issue a final ruling as to whether the Papadelises are exempt from Troy's ordinances, based on the current use of their property.

We assume that the Papadelis family will re-initiate their lawsuit in the Oakland County Circuit Court. If they file their lawsuit, then the City has the right to file a counter claim. In order to expedite final resolution of this matter, it is our recommendation that we initiate an injunctive relief lawsuit, as previously authorized by City Council, or at a minimum file an immediate counter claim that re-asserts the allegations raised in the federal lawsuit. This would allow us to request the removal of the greenhouses and all structures and facilities on the property that are used for commercial purposes on this residentially zoned northern parcel. We would also request clarification of any appropriate restrictions that would prevent the continued unlawful expansion of the non-conforming use of the property.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

FILED
MAY
CLERK'S OFFICE
U. S. DISTRICT COURT
EASTERN MICHIGAN

GUST PAPADELIS, NIKI PAPADELIS, TELLY'S GREENHOUSE AND GARDEN CENTER, INC., A MICHIGAN CORPORATION, AND TELLY'S NURSERY, L.L.C., A MICHIGAN LIMITED LIABILITY COMPANY,

Plaintiffs/Counter-Defendants

Case No. 03-71490
Hon. Arthur J. Tarnow
Magistrate R. Steven Whalen

v

CITY OF TROY, A MICHIGAN MUNICIPAL CORPORATION, MARK STIMAC, AND MARLENE STRUCKMAN,

Defendants

and

ROSALIE ALLIE, YOUSEF ALLIE, PETER DODORO, DONNA DODORO, and UTA JOHIMSTAL,

Intervening Counter-Plaintiffs

FILED
CLERK'S OFFICE
U.S. DISTRICT COURT
EASTERN MICHIGAN

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ORDER ABSTAINING FROM EXERCISE OF JURISDICTION AND DIRECTING THE PLAINTIFF TO RE-FILE IN STATE COURT

This matter having come before the Court on April 7, 2005 on the Defendants' Motions seeking to dismiss this case on jurisdictional grounds or, in the alternative, for summary judgment, and the Court, for the reasons stated on the record, having declined to exercise jurisdiction over this case and instead having determined that the entire case, in its current procedural status, shall be remanded to the Oakland County Circuit Court for further proceedings, NOW THEREFORE,

IT IS HEREBY ORDERED that this case is dismissed, without prejudice and without costs to any party and the Plaintiffs are directed to re-file this case in the Oakland County Circuit Court at which time the Intervening Counter-Plaintiffs shall be allowed to intervene, it being the Court's intention to remand this case to the Oakland County Circuit Court in its present procedural posture.

IT IS FURTHER ORDERED that, upon the filing of this case with the Oakland County Circuit Court, the Defendants shall not attempt to remove the case to the United States District Court for the Eastern District of Michigan.

IT IS FURTHER ORDERED that nothing contained in this order shall be deemed a determination on the merits of the Plaintiffs' claims; this dismissal is on procedural grounds only, and is not an adjudication of the facts of this case.

IT IS FURTHER ORDERED that the parties shall have the opportunity to conduct discovery in the Oakland County Circuit Court case as allowed by the Oakland County Circuit Court.

IT IS FURTHER ORDERED that until there has been a final decision from the Oakland County Circuit Court or any appellate court that subsequently obtains jurisdiction over this case, as to whether the Plaintiffs are required to obtain approval from the City of Troy Building Department

03-71490

and/or the Board of Zoning Appeals prior to constructing greenhouses on the subject property, the parties shall not proceed with the litigation of the 52-4 Judicial District Court misdemeanor cases entitled *City of Troy v Gust Papadelis*, ticket numbers 54613-M and 54614-M; the City of Troy shall withdraw its Motion to Set Aside Stay, which was taken under advisement by the 52-4 Judicial District Court on January 13, 2005, and a copy of this Order shall be submitted to the 52-4 Judicial District Court forthwith.

IT IS SO ORDERED.

United States District Court Judge

Approved as to form, only:

Karen H. Safran w/ consent

CARSON FISCHER, P.L.C.
ROBERT M. CARSON (P11682)
KAREN H. SAFRAN (P51317)
Attorneys for Plaintiffs/Counter-Defendants

CITY OF TROY, CITY ATTORNEY
LORI GRIGG BLUHM (P46908)
ALLAN T. MOTZNY (P37580)
Attorney for Defendants/Counter-Plaintiffs

David E. Nykanen w/ consent

STEINHARDT, PESICK & COHEN
DAVID E. NYKANEN (P47763)
JASON C. LONG (P59244)
Attorneys for Intervening Counter-Plaintiffs

DATE: May 3, 2005

TO: John Szerlag, City Manager

FROM: John Lamerato, Assistant City Manager/ Finance & Administration
Brian P. Murphy, Assistant City Manager/Services
Tonni L. Bartholomew, City Clerk
Mark Stimac, Director of Building and Zoning

SUBJECT: Agenda Item - Revisions to Chapter 97 and Chapter 60
Of the Troy City Code
Coin Operated Amusement Devices and Arcades

Staff has been working with representatives of CEC Entertainment, the parent company of Chuck E. Cheese, who are interested in opening up one of their facilities in the City of Troy. They are looking at occupying a portion of the existing commercial building located at 740 John R, that was most recently occupied by a Gateway Computer store. Since a significant portion of their business is generated from coin operated amusement devices, the provisions of Chapter 97 of the Troy City Code are applicable. In reviewing those provisions, they have identified some regulations that would require substantial deviations from their operation of other facilities in the region. They have asked that City Council consider possible revisions to Chapter 97, in order to address their concerns.

A revision to Chapter 97 that was approved in 2004 basically divided facilities that have coin operated amusement devices into three categories. They are:

1. Facilities that generate less that 5% of their income from coin operated amusement devices. (A retail facility, restaurant, or bar that has a few machines but is not an arcade)
2. Facilities that generate between 5% and 33% of their income from coin operated amusement devices. (commonly referred to as a family entertainment center such as Chuck E. Cheese, Major Magic, Ceasarland, etc.)
3. Facilities that generate more than 33% of their income from coin operated amusement devices. (typical arcades, as well as Jillian's, Dave and Buster's, etc.)

In reviewing their data from other similar facilities in the State, they have found that their current percentage of income from the coin operated amusement devices is 32.7%. While at this percentage they would qualify for the second category of arcades, they have some concern since they are just tenths of a percentage point from the third category. They have asked your consideration of modifying the ordinance to use 35% as the upper limit for the second category.

Another provision of the 2004 amendment was to eliminate the 300-foot separation requirement between facilities and residentially zoned properties for the second category of arcades. However, when this revision was made, no modification was made to the companion restriction that prohibited other arcades from being located

within 1,500 feet of another arcade. CEC's proposed location on John R is within 1,500' of the existing arcade located within the Oakland Mall. They have asked that this 1,500' separation restriction be required only of those arcades that fall within the third category of arcades. Staff agrees that the prohibition of arcades within 1,500 feet of each other should not be applied to those family entertainment centers that fall within the second category of facilities.

CEC's last concern is the ordinance's restrictions on the hours of operation. The current provisions found in Section 9 of the ordinance limit the hours of operation on Sunday, so that the facility cannot open before noon. The petitioners have other facilities that commonly open at 9:00 am on Sundays to allow for birthday parties and other gatherings. They are asking that the ordinance be modified to allow a facility to open at 9:00 am on Sundays.

In reviewing the Ordinance with the petitioners we have also identified another provision of the Ordinance that require revision. From its inception, Section 7(D) of the Ordinance has set forth a series of ranges that establishes the allowable devices per 100 square feet. In this provision, two of the ranges overlap. The middle range is for facilities between 800 and 1,400 square feet. The upper range is for facilities that are more than 1,200 square feet. For those facilities at 1,300 feet, there is some confusion as to the appropriate standard. Logically, the upper range should apply to facilities that are at or exceed 1,400 square feet. Although this revision will have no impact on the petitioner's request, we believe that it should be corrected at the same time. There are also grammatical changes and correction of typographical errors that are recommended.

The City has also received a request from the operator of Alpha Amusements, which is an arcade located in the Oakland Mall. Alpha Amusements is requesting a reconsideration of the licensing fees for coin operated amusement devices and arcades. Currently, the City charges a per device fee, in addition to charging an additional fee of $500 for an arcade license. Alpha Amusements requests an elimination of the $500 fee for an arcade license.

Proposed revisions to some sections of Chapter 97 and Chapter 60 are attached for your consideration. We will be happy to provide any additional information that you require on this matter.

Reviewed as to form and legality: _____
Lori Grigg Bluhm, City Attorney

Prepared by: Mark Stimac, Director of Building and Zoning

PROPOSED REVISIONS TO CHAPTER 97 OF THE TROY CITY CODE

4. Location.

A. No arcade is permitted on any property unless the property is zoned B-3 (Commercial) as defined in the Zoning Ordinance for the City of Troy.

B. No arcade, where the income from coin-operated amusement devices exceeds thirty-~~three~~ five (~~33%~~35%) percent of the income of the principal business, is permitted in any part of a building when the building is within three hundred (300) feet of a residential zoning district.

C. No arcade, where the income from coin-operated amusement devices exceeds thirty-five (35%) percent of the income of the principal business, is permitted on any part of a lot which is within fifteen hundred (1500) feet of a building containing another arcade where the income from coin-operated amusement devices exceeds thirty-five (35%) percent of the income of the principal business.

D. No license for an arcade or coin-operated amusement device shall be issued for any place, premises, establishment or room unless located within a building in which persons assemble for amusement, entertainment, or recreation, classified as an Assembly Use Group in the current edition of the Michigan Building Code, as adopted in Chapter 79, Section 8.1~~-1~~ of the City of Troy Ordinance.

7 D. Only one license for each coin operated amusement device per one hundred (100) square feet of floor area ~~of the area~~ where the coin-operated amusement devices are located may be issued for a facility, ~~when they are to be located in an arcade~~ unless the facility ~~it~~ is located in a wholly enclosed shopping mall that contains ~~ing~~ more than four hundred thousand (400,000) square feet of gross floor area, as long as ~~provided~~ the arcade does not have a public entrance directly to the outside of the shopping mall, and that the shopping mall has a uniformed security guard on duty at all times ~~in the shopping mall~~, and ~~further~~ that the hours of operation of the arcade do not exceed the hours of operation of the shopping mall. Licenses may be issued to an arcade located in a wholly enclosed shopping mall as follows:

Floor Area (Sq. Ft.)	Licenses per 100 Sq. Ft. of Floor Area
0 - 800	1.0
800 -1400	1.5
~~1200~~ 1400 - Up	2.25. (maximum 120 devices)

8. C. (8) Permit the possession or use of any alcoholic beverage on the premises, nor shall the licensed premises be accessible with any place where alcoholic beverages are kept, sold, distributed, or given away unless the licensed premises possesses a Michigan Liquor Control Commission license.

8. C. (9) Permit the possession or use of a controlled substance, including marijuana, on the premises.

8. C. (10) Permit noise or music to emerge from the licensed premises which is disturbing to the persons in the surrounding area.

8. C. (11) Permit the premises to become a nuisance.

9. Hours of Operation. No person shall operate or cause to be operated in the City any mechanical amusement device between the hours of 2:00 a.m. and 7:00 a.m. of the official time of the City, except on Sundays when the prohibited hours shall be between 2:00 a.m. and ~~12:00 noon~~9:00 a.m.. In establishments other than arcades, the hours of operation shall coincide with the hours of the principal use.

14. Counting Devices. Coin-operated amusement must be equipped with a counting device so that the amount of revenue from the coin-operated amusement can be ascertained, so that- a determination can be made that the enterprise falls within the five (5%) percent or thirty-~~three~~ five (~~33%~~35%) percent limitation by correlation of gross receipts there-from with the financial statement of the business. The licensee shall be required to record, certify and maintain such records for a period of two (2) years.

CITY OF TROY
AN ORDINANCE TO AMEND
CHAPTER 97 OF THE CODE
OF THE CITY OF TROY

The City of Troy ordains:

Section 1. Short Title

This Ordinance shall be known and may be cited as an amendment to Chapter 97, Coin-Operated Amusement Devices and Arcades of the Code of the City of Troy.

Section 2. Amendment

Section 4 of the Ordinance shall be amended to read as follows:

4. Location.

A. No arcade is permitted on any property unless the property is zoned B-3 (Commercial) as defined in the Zoning Ordinance for the City of Troy.

B. No arcade, where the income from coin-operated amusement devices exceeds thirty-~~three~~ five (~~33%~~35%) percent of the income of the principal business, is permitted in any part of a building when the building is within three hundred (300) feet of a residential zoning district.

C. No arcade, where the income from coin-operated amusement devices exceeds thirty-five (35%) percent of the income of the principal business, is permitted on any part of a lot which is within fifteen hundred (1500) feet of a building containing another arcade where the income from coin-operated amusement devices exceeds thirty-five (35%) percent of the income of the principal business.

D. No license for an arcade or coin-operated amusement device shall be issued for any place, premises, establishment or room unless located within a building in which persons assemble for amusement, entertainment, or recreation, classified as an Assembly Use Group in the current edition of the Michigan Building Code, as adopted in Chapter 79, Section 8.1~~-1~~ of the City of Troy Ordinance.

Section 7 of the Ordinance shall be amended to read as follows:

7 D. Only one license for each coin operated amusement device per one hundred (100) square feet of floor area ~~of the area~~ where the coin-operated amusement devices are located may be issued for a facility, ~~when they are to be located in an arcade~~ unless the facility ~~it~~ is located in a wholly enclosed shopping mall that contains ~~ing~~ more than four hundred thousand (400,000) square feet of gross floor area, as long as ~~provided~~ the arcade does not have a public entrance directly to the outside of the shopping mall, and that the shopping mall has a uniformed security guard on duty at all times ~~in the shopping mall~~, and ~~further~~

that the hours of operation of the arcade do not exceed the hours of operation of the shopping mall. Licenses may be issued to an arcade located in a wholly enclosed shopping mall as follows:

Floor Area (Sq. Ft.)	Licenses per 100 Sq. Ft. of Floor Area
0 - 800	1.0
800 -1400	1.5
~~1200~~ 1400 - Up	2.25. (maximum 120 devices)

Section 8 of the Ordinance shall be amended to read as follows:

8. C. (8) Permit the possession or use of any alcoholic beverage on the premises, nor shall the licensed premises be accessible with any place where alcoholic beverages are kept, sold, distributed, or given away unless the licensed premises possesses a Michigan Liquor Control Commission license.

8. C. (9) Permit the possession or use of a controlled substance, including marijuana, on the premises.

8. C. (10) Permit noise or music to emerge from the licensed premises which is disturbing to the persons in the surrounding area.

8. C. (11) Permit the premises to become a nuisance.

Section 9 of the Ordinance shall be amended to read as follows:

9. Hours of Operation. No person shall operate or cause to be operated in the City any mechanical amusement device between the hours of 2:00 a.m. and 7:00 a.m. of the official time of the City, except on Sundays when the prohibited hours shall be between 2:00 a.m. and ~~12:00 noon~~9:00 a.m.. In establishments other than arcades, the hours of operation shall coincide with the hours of the principal use.

Section 14 of the Ordinance shall be amended to read as follows:

14. Counting Devices. Coin-operated amusement must be equipped with a counting device so that the amount of revenue from the coin-operated amusement can be ascertained, so that- a determination can be made that the enterprise falls within the five (5%) percent or thirty-~~three~~ five (~~33%~~35%) percent limitation by correlation of gross receipts there-from with the financial statement of the business. The licensee shall be required to record, certify and maintain such records for a period of two (2) years.

Section 3. Repeal

All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

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 ____, 2005.

_____
Louise E. Schilling, Mayor

_____
Tonni L. Bartholomew, MMC
City Clerk

CITY OF TROY
AN ORDINANCE TO AMEND
CHAPTER 60 OF THE CODE
OF THE CITY OF TROY

The City of Troy ordains:

Section 1. Short Title

This Ordinance shall be known and may be cited as an amendment to Chapter 60, Fees and Bonds Required, of the Code of the City of Troy.

Section 2. Amendment

Section 60.03, Fee Schedule shall be amended to incorporate the following:

ITEM/SERVICE:	**FEE:**
Amusement Devices (Chapter 97)	
Application	$100.00
Coin-Operated Amusement Device – 2 to 5 units	$100.00 each
Coin-Operated Amusement Device – More than 5 units	$50.00 each
~~Arcade~~	~~$500.00 each~~
Rides Mechanical	
Per day	$20.00
Annual Fee	$100.00
Annual Fee: Amusement Place - Not otherwise specified	$50.00

Section 3. Repeal

All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

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 ____, 2005.

_____
Louise E. Schilling, Mayor

_____
Tonni L. Bartholomew, MMC
City Clerk

CEC
entertainment

4441 W. AIRPORT FRWY.
IRVING, TEXAS 75062
(T) 972.258.8507
(F) 972.258.8545

Alice Winters
Director of Licensing
Phone: 972-258-5523
Fax: 972-258-5534

April 15, 2005

RECEIVED
APR 18 2005
BUILDING DEPARTMENT

Mark Stimac
Director of Building & Zoning
City of Troy
500 W. Big Beaver
Troy, Michigan 48084

Re: Proposed Chuck E. Cheese's
Oakland Square Shopping Center
Troy, Michigan

Dear Mr. Stimac:

CEC Entertainment, Inc. dba Chuck E. Cheese's is proposing to renovate approximately 12,000 sf of an existing 18,000 sf building.

We have looked at Chapter 97, the Ordinance known as the *Coin-Operated Amusement Devices and Arcades Ordinance* and find the following items would restrict a Chuck E. Cheese's.

> 4. Location B "No arcade where the income from coin-operated amusement devices exceeds thirty-three (33%) percent of the income of the principal business is permitted..."
>
> 4. Location C. "No arcade is permitted on any part of a lot which is within fifteen hundred (1500) feet of a building containing another arcade."
>
> 9. Hours of Operation. "No person shall operate or cause to be operated in the City any mechanical amusement device ... except on Sundays when the prohibited hours shall be between 2:00 am and 12:00 noon..."

Concerning #4 B: 2004 game revenues from 14 core Chuck E. Cheese's in Michigan averaged 32.7% per location. To avoid a potential technical violation in the future, could this be changed to 35%.

#4C: American Fun Center in the Oakland Mall is within 1500 feet of the proposed Chuck E. Cheese's.

#9 The operating hours of a Chuck E. Cheese's are:
Sunday through Thursday – 9:00 am to 10:00 pm
Friday and Saturday – 9:00 am to 11:00 pm

CEC Entertainment, Inc. respectfully asks the City of Troy to consider modifications of Ordinance 97 to allow for a Chuck E. Cheese's to be opened in Oakland Square Shopping Center.

A Chuck E. Cheese's is a pizza restaurant serving family favorites such as pizza, sandwiches, appetizers, dessert, beer and wine and has a fresh salad bar. In addition to the family dining experience, it is designed to amuse the entire family with activities for all, in the form of a large number of indoor games and kiddie rides, all of which are coin-operated and most are ticket-dispensing.

Food sales in the Michigan Chuck E. Cheese's referenced above, averaged 64.7% per location and merchandise sales 2.6%.

If you have questions or need additional information, please let me know.

Sincerely,

Alice Winters

Alice Winters

Oakland Mall LLC

Executive Offices
39577 Woodward Ave.
Suite 110
Bloomfield Hills
MI 48304
248.647.3838 phone
248.647.6231 fax

Jay M. Kogan
Douglas S. Mossman

Mall Offices
412 W. 14 Mile Road
Troy, MI 48083
248.585.4114 phone
248.585.2440 fax
www.oaklandmall.com

Joy S. Powell, CMD, CSM
Mall Manager

Charles Miller
Director of Construction

Laurie Fielder
Controller

April 25, 2005

Mr. Mark Stimac
Building & Zoning Director
City of Troy
500 W. Big Beaver Rd.
Troy, MI 48084

Re: Proposed Chuck E. Cheese
Oakland Square Parcel #20-36-301-003

Dear Mark:

As a follow up to our recent meeting with Mark Miller, yourself, Chas Miller and the undersigned, we are proceeding to finalize a lease with Chuck E. Cheese to occupy 12,920 square feet of the 18,515 square foot building at the above site. We understand that in order for Chuck E. Cheese to occupy the premises, certain modifications will be necessary to the zoning ordinance, some of which you have advised, you are already working on.

In this regard, kindly be advised that Oakland Mall, LLC, the owners of Oakland Mall Shopping Center, have met with American Fun Center, which operates in Oakland Mall, and has advised them of our intentions with Chuck E. Cheese and the size of the proposed location. They told us that their operation in the Mall is substantially different from what Chuck E. Cheese does and they would not have a problem with a Chuck E. Cheese operation at Oakland Square. In our discussions with American Fun Center, they indicated that their customer is more of a teenage and adult type rather than the younger generation which is the thrust of Chuck E. Cheese's operation. That is also the way we analyzed this matter.

We further advise you that they have no rights under their lease in the mall location to prohibit any additional uses of this type outside the mall. They do, in fact, have some rights to prevent us from adding a game room within the mall.

Hopefully this letter will be sufficient for you to proceed before the Common Council to make the modifications to the ordinances to allow the opening of a Chuck E. Cheese store, at least as it relates to the problem of distance, number of machines, etc. We will be working on the parking issue once a lease is signed. If we can be of further assistance to you, please let me know. Again, thank you for your help.

Very truly yours,

OAKLAND MALL, LLC

Douglas Mossman

DSM:sb

May 5, 2005

TO: John Szerlag, City Manager

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

SUBJECT: **Agenda Item** – Sole Source – ISCO 2150 Sewer Flow Meters

RECOMMENDATION

City management requests approval to purchase nine (9) ISCO 2150 Flow Meters, one (1) ISCO Flowlink 4.1 Windows Software, and one (1) RSR232 communication cable, as listed on Appendix I, from Hamlet Engineering Sales Company, (HESCO) of Warren, MI, the sole distributor for Teledyne ISCO products in Michigan, at an estimated total cost of $31,275.

BACKGROUND

The City of Troy applied for and received grant money from the Rouge River National Wet Weather Demonstration Project for reducing Sanitary Sewer Overflows (SSO) into the Rouge River by eliminating sources of inflow and infiltration (I/I) in the Evergreen Farmington Sewer District System (EFSDS). As part of this grant, the City is required to purchase sewer meters. The Troy City Council approved the Interagency Agreement with Wayne County on February 21, 2005, (CC Res# 2005-02-083-E12). The total project cost is estimated at $525,000 with the City' share being approximately $315,000 and the grant reimbursing approximately $210,000.

As part of this grant, Hubbell, Roth and Clark, Inc., (HRC) the engineering consultant for the City of Troy, will be completing a sewer system evaluation study, which requires sewer metering to help locate the sources of I/I. To achieve these results, HRC recommends purchasing the ISCO metering product.

The ISCO product design is easier and quicker to use in the field, and improves data reliability by reducing the chances for failures and the need for rereads. Data transfer is more efficient by reducing potential errors and accelerating the data review process. ISCO uses a digital signal versus analog; a cleaner more efficient signal that requires less power and produces better data. Furthermore, the flow meters have the capability to achieve a finer data resolution, providing higher data accuracy.

BUDGET

Funds covering $10,485.00 of the estimated cost will be available through Sewer Fund Capital account #535.7973.054015 with 40% of that to be reimbursed by the federal grant. The remaining balance of $20,790.00 will be funded through the Sewer Fund Capital account #535.7973.994045.

Prepared by: Dana Calhoun, Storm Water Engineer
Emily Frontera, Administrative Aide

Appendix I

Detailed Cost Estimate

Qty	Item	Price	Total
9	2150 Flow Module w/2191 Battery	$3,311.51	$29,803.59
1	RS232 Communication Cable 10ft	$ 189.50	$ 189.50
1	Flowlink 4.1 Windows Software	$1,132.26	$ 1,132.26
1	Freight Standard Ground	$ 150.00	$ 150.00
		Total Estimated Cost	**$31,275.35**

28838 Van Dyke • Warren, MI 48093
Phone: 586-978-7200 • Fax: 586-978-2200
www.hesco-mi.com

FAX

To:	Emily	**From:**	Kevin
Fax:	248-524-3520	**Pages:**	1
Phone:		**Date:**	5/9/2005
Re:		**CC:**	

☐ **Urgent** ☐ **For Review** ☐ **Please Comment** ☐ **Please Reply** ☐ **Please Recycle**

• **Comments:**

Emily,

Here is the updated quote.

Warranty is 1 year from date of shipment.

Product Assistance is available locally from HESCO by calling us and asking us to help. You can also call Isco directly and they have an excellent technical support staff that will assist you at no charge for the lifetime of your equipment.

HESCO

Quote Number: 1234

28838 Van Dyke Avenue

Warren, MI 48093
Phone: 586-978-7200 Fax: 586-978-2200

Send Order To:
Teledyne Isco
4700 Superior Street

Lincoln, NE 68504

Quotation

Quote For: Emily Frontera

City of Troy
4693 Rochester Road

Troy, MI 48085

Phone:
Fax:

Ship To:

Hubbel, Roth & Clark, inc.
2001 Centerpoint Pkwy
Suite 109
Pontiac, MI 48341

Quote Date	5/3/2005
Ship Date	
FOB	Factory

Salesrep	Glenn Hummel
Terms	Net 30
Shipvia	Best Way

Line	Qty	Item Code	Item Name	Price	Sales Tax	Total
1	9	68-2050-002	2150 Flow Module w/ 2191 Battery Includes area velocity sensor with 10 ft. level measurement range and 25 ft. of cable, 2 battery holders, and carrying handle with suspension strap. Also includes instruction manual and coupon for free Isco Open Channel Flow Measurement Handbook.	$3,495.00	$0.00	$29,803.59
2	1	60-2004-046	RS232 Communications Cable for Connects 2100 Series Module with PC via 9-pin connector. Length: 10 ft.	$200.00	$0.00	$189.50
3	1	60-2544-052	Flowlink 4.1 for Windows Software Version 4.1, For retrieving flow, rainfall, parameter and sample data from Isco 2150 Flow Modules, 4100 series flow loggers. 4200 series flow meters, 6700 series samplers, 675 Logging rain gauges, and 581 rapid transfer device. Operates on IBM PC or compatible computers with Microsoft Windows 95, 98, NT, and XP.	$1,195.00	$0.00	$1,132.26

Not Included: Taxes,installation, supervision or labor, external piping or wiring, or anything not specifically mentioned as included
Terms: Net 30 days
Warranty: 1 year from date of shipment
Start up is not included unless specifically detailed on quotation. HESCO will provide product and software support at no additional charge.

SubTotal:	$31,275.35
Tax:	$0.00
Shipping:	$0.00
Total:	**$31,275.35**

Line	Qty	Item Code	Item Name	Price	Sales Tax	Total
4	1	FREIGHT8	Standard Ground Freight Rate For Total Order Value $25,000.00 - $49,999.99	$150.00	$0.00	$150.00

Not Included: Taxes,installation, supervision or labor, external piping or wiring, or anything not specifically mentioned as included
Terms: Net 30 days
Warranty: 1 year from date of shipment
Start up is not included unless specifically detailed on quotation. HESCO will provide product and software support at no additional charge.

SubTotal:	$31,275.35
Tax:	$0.00
Shipping:	$0.00
Total:	**$31,275.35**

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

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

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

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

NOTE

Resolution #2005-02-083-E-12

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

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

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

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

E-13 Education and Training Budget for City Council

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

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

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

April 14, 2005

TO: John Szerlag, City Manager

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

SUBJECT: **Agenda Item –** Ratification of Purchase – Card Readers

RECOMMENDATION

The Police Department requests City Council approval of hardware purchases and services used to install four card readers to control door access to the Investigations Division and replace boxes for intercom systems in the employee parking lot from SimplexGrinnel, an authorized and licensed installer in Michigan of the Andover Controls security system. The purchase ratification is requested since the company who initially programmed the security system software during the construction of the Police Department completed the work. Also, the work was expedited due the formation of the multi jurisdictional Task Force impacting security in the Police Department. The cost to complete the work was $11,327.00.

BACKGROUND

The Troy Police Department has joined with federal, county and other local law enforcement to create an interim multi jurisdictional Task Force to investigate an organized crime group. This Task Force is working out of the Troy Police Department Investigations Division. The other officers of the Task Force required access cards to enter the controlled areas of the Police Department. The additional card readers control access to the Investigations Division and the Task Force Project Room. By installing these card readers the Task Force was provided a secure monitored facility that can be accessed 24-hours per day.

SimplexGrinnel Fire Protection and Security Services provided the security system during the Police and Fire Building Renovation and Addition project. SimplexGrinnel was responsible for installation and programming of this complex and comprehensive system. The controlling software application is “Continuum” by Andover Controls. This application is programmed to control every piece of hardware in the security system. Therefore, the company who programmed the system was used to extend the application to additional card readers and replace the intercom system boxes, in order to avoid corruption of the programming.

BUDGET

The Police Department Police Administration Capital Account# 401305.7975.010 has been designated for the funding of this project.

Prepared by: Wendell Moore, Research & Technology Administrator

May 6, 2005

TO: John Szerlag, City Manager

FROM: William S. Nelson, Fire Chief

SUBJECT: AGENDA ITEM- Adoption of the Michigan Emergency Management Compact (MEMAC)

Recommendation

I recommend that the City enter into the Michigan Emergency Management Compact for the for the purpose of mitigating catastrophic incidents which are of a nature that require extensive assistance from other municipalities, the State of Michigan, and the Federal Emergency Management Agency.

Background

Recognizing the potential for large-scale incidents, either natural or manmade, that may require extensive assistance from regional, state, or national resources, the state and federal governments created a national emergency management compact (EMAC) and an intrastate emergency management compact (MEMAC).

The Michigan Emergency Management Compact (MEMAC) provides the framework for a comprehensive statewide plan to provide assistance and resources to any local government faced with managing a large-scale event. The provisions of the compact were written to provide a direct interface with the interstate compact (EMAC) and the Federal Emergency Management Agency.

Continued Troy participation in the Regional Response Team Network (RRTN) also requires adoption of the compact. The Special Response Unit receives funding, equipment, and training from the state as one of the regional response teams in the state.

The compact has been reviewed and approved by the Michigan Municipal Risk Management Authority and our Law Department. If you have any questions, please contact me.

Prepared by: William S. Nelson

MICHIGAN EMERGENCY MANAGEMENT ASSISTANCE COMPACT

The Michigan State Police Emergency Management Division
Revised - October 8, 2004

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MICHIGAN EMERGENCY MANAGEMENT ASSISTANCE COMPACT

PREAMBLE

This agreement is entered into between the Michigan State Police Emergency Management Division on behalf of the State of Michigan, and by and among each county, municipality, township, federally recognized tribal nation and interlocal public agency that executes this agreement and adopts its terms and conditions, in view of the following facts:

WHEREAS, under MCL 30.403, the governor is responsible for coping with dangers to this state or the people of this state presented by a disaster or emergency and may issue executive orders, proclamations and directives having the force and effect of law to implement the provisions of the Michigan Emergency Management Act (P.A. 390 of 1976 as amended; MCL 30.401 *et seq.*); and

WHEREAS, under MCL 30.407, the director of the Department of State Police is ex officio the state director of emergency management, and the director or his or her designee is empowered to coordinate all federal, state, county, and municipal disaster prevention, mitigation, relief, and recovery operations within the state in compliance with the applicable provisions of the Michigan Emergency Management Plan; and

WHEREAS, under MCL 30.407a, the Emergency Management Division is charged with coordinating within this state the emergency management activities of county, municipal, state, and federal governments; and

WHEREAS, under MCL 30.407a(4)(h), the Emergency Management Division may provide for the coordination and cooperation of state agencies and departments with federal and local government agencies and departments in emergency management activities; and

WHEREAS, under MCL 30.410(2), municipalities and counties may enter into mutual aid or reciprocal aid agreements or compacts with other counties, municipalities, public agencies, private sector agencies, federally recognized tribal nations or all of these entities; and

WHEREAS, under MCL 30. 407a (4) (j), the Emergency Management Division may propose and administer statewide mutual aid compacts and agreements; and

WHEREAS, under MCL 3.991 *et seq.*, the State of Michigan has entered into and agreed to participate in the interstate Emergency Management Assistance Compact (EMAC), with authority and responsibility for the coordination of the state's participation in EMAC delegated to the Emergency Management Division; and

WHEREAS, under Executive Order 2003-6, the director of the Department of State Police also has been appointed by the governor as the state director of homeland security, with the Emergency Management Division designated as the focal point and coordinating agency for all issues and actions related to homeland security within this state; and

WHEREAS, the State of Michigan and each of its political subdivisions must confront the threats to public health and safety posed by possible terrorist attacks involving chemical, biological, nuclear, radiological, incendiary or explosive (CBRNE) weapons of mass destruction; and

WHEREAS, the State of Michigan and each of its political subdivisions continue to face threats to public health and safety from both man-made and natural emergencies and disasters, including, but not limited to: fires; floods; snow storms; ice storms; tornadoes; wind storms; wave action; oil spills; water contamination; utility failures; hazardous peacetime radiological incidents; major transportation accidents; hazardous materials incidents; epidemics; air contamination; blight; drought; infestation; explosions; hostile military or paramilitary actions; riots; or civil disorders capable of causing severe damage to property and danger to life; and

WHEREAS, neither the State of Michigan nor any of its individual political subdivisions possesses all the necessary resources to cope with every possible emergency or disaster by itself, and an effective, efficient response can best be achieved by the application and leveraging of the collective resources of the state and its political subdivisions; and

WHEREAS, the parties to this agreement have determined that it is in their collective best interests to develop and implement comprehensive preparedness plans and conduct joint exercises prior to a sudden and immediate need in order to enhance the efficiency and effectiveness of their response to any emergency or disaster; and

WHEREAS, the Constitution and people of the State of Michigan have long recognized the value of cooperation by and among the state and its political subdivisions;

NOW, THEREFORE, the parties agree as follows:

ARTICLE I: DEFINITIONS

1. **Agreement**: Michigan Emergency Management Assistance Compact (MEMAC).
2. **Assisting Party**: Any participating governmental entity furnishing equipment, services and/or personnel to a requesting party under this agreement.
3. **Authorized Representative**: The chief executive of a participating governmental entity, or his or her designee, who has written authorization to request, offer, or provide assistance under the terms of this agreement.
4. **Disaster**: An occurrence or threat of widespread or severe damage, injury, or loss of life or property resulting from a natural or human-made cause, including, but not limited to, fire, flood, snowstorm, ice storm, tornado, windstorm, wave action, oil spill, water contamination, utility failure, hazardous peacetime radiological incident, major transportation accident, hazardous materials incident, epidemic, air contamination, blight, drought, infestation, explosion, or hostile military action or paramilitary action, or similar occurrences resulting from terrorist activities, riots, or civil disorders. (MCL 30.402(e))
5. **Emergency**: Any occasion or instance in which the governor determines state assistance is needed to supplement local efforts and capabilities to save lives, protect property and the public health and safety, or to lessen or avert the threat of a catastrophe in any part of the state. (MCL 30.402(h))
6. **Emergency Management Division**: The Michigan State Police Emergency Management Division (MSPEMD). (MCL 30.407a)
7. **Federal Emergency Management Agency (FEMA)**: a former independent agency that became part of the new Department of Homeland Security in March 2003 - is tasked with responding to, planning for, recovering from and mitigating against disasters.
8. **Federally Recognized Tribal Nation**: A Native American Indian tribe located within the State of Michigan and recognized by the U.S. Department of Interior, Bureau of Indian Affairs.
9. **Interlocal Public Agency**: A governmental entity created by an agreement between other governmental entities pursuant to MCL 124.501 *et seq.*
10. **Local State of Emergency**: A proclamation or declaration by the chief executive official of a county or municipality that activates the response and recovery aspects

of all applicable local or interjurisdictional emergency operations plans and authorizes the furnishing of assistance under those plans. (MCL 30.402(j))

11. **Michigan Emergency Management Act**: P. A. 390 of 1976 as amended in 1990 and 2002. (MCL 30. 401 *et seq.*)

12. **Michigan Emergency Management Plan**: A comprehensive emergency management plan that the Emergency Management Division is required to prepare and maintain that includes mitigation, preparedness, response and recovery for the state. (MCL 30. 407a (2))

13. **Other Serious Threats to Public Health and Safety**: Other threats or incidents such as those described above as "disasters," of sufficient magnitude that the necessary public safety response threatens to overwhelm local resources and requires mutual aid or other assistance, but for which no local, state or federal declaration of emergency or disaster is forthcoming or likely to result.

14. **Participating Government**: The State of Michigan, as well as any political subdivision that executes this agreement and supplies a complete, executed copy to the Emergency Management Division.

15. **Period of Assistance**: The period of time beginning with the departure of any personnel and/or equipment of the assisting party from any point for the purpose of traveling to provide assistance to the requesting party, and ending upon the return of all the assisting party's personnel and equipment, after providing the assistance requested, to their residence or regular place of work, whichever occurs first. The period of assistance shall not include any portion of the trip during which the personnel of the assisting party are engaged in activities not reasonably necessary for their safe travel to or from the jurisdiction of the requesting party.

16. **Political Subdivision**: A county, municipality, school district or other governmental unit, agency, body, board or commission which is not a state department, board, commission or agency of state government. (MCL 30.402(n))

17. **Requesting Party**: Any participating governmental entity requesting and receiving emergency assistance under this agreement.

18. **Work or Work-Related Period**: Any period of time in which either the personnel or equipment of the assisting party are being used by or on behalf of the requesting party to provide emergency assistance, and for which the requesting party agrees to reimburse the assisting party. Specifically included within such work-related periods are reasonable meal or rest breaks, following which the personnel of the assisting party return to active emergency assistance work.

ARTICLE II: ELIGIBILITY AND PROCESS FOR PARTICIPATION

The State of Michigan, counties, municipalities, townships, political subdivisions, federally recognized tribal nations and interlocal public agencies of the State of Michigan may become a party to this agreement by executing a copy of this agreement and providing a copy with original signatures and authorizing resolution(s) to the Emergency Management Division. The list of authorized representatives for each participating governmental entity executing this agreement shall be attached as "Attachment A", and shall be updated as needed by means of written notification to the Emergency Management Division. Each participating government shall cooperate with the Emergency Management Division to the extent possible in providing requested information for the development of files or databases of relevant resources.

ARTICLE III: GENERAL IMPLEMENTATION PROCEDURES

When a participating government either becomes affected by, or is under imminent threat of, an emergency, disaster or other serious threat to public health and safety, an authorized representative of that entity may invoke this agreement by communicating a request for assistance by any practical means to the Emergency Management Division through the Michigan State Police Operations Desk, which is the central, 24-hour, emergency communications center for the State of Michigan. The Operations Desk shall immediately notify the Emergency Management Division of all such requests. Verbal requests shall be confirmed in writing within 24 hours of the original request. All requests for assistance under MEMAC must be made to the Emergency Management Division through the Operations Desk. Direct requests for assistance between or among participating governments shall be considered as activation of local or regional mutual aid or reciprocal aid agreements, and not MEMAC; however, this does not preclude later requests for MEMAC assistance through the prescribed system.

Requests for assistance under MEMAC shall be limited to emergencies, disasters or other serious threats to public health and safety. MEMAC is primarily intended to facilitate a comprehensive and coordinated response to major or widespread threats or catastrophic events for which a local and gubernatorial declaration of a state of emergency or disaster for the affected jurisdiction(s) are anticipated or already issued. However, nothing precludes a requesting agency from invoking MEMAC for emergencies, disasters or other serious threats to public health and safety in the absence of a formal emergency or disaster declaration at any level. MEMAC assistance shall not be requested by any participating government unless it is anticipated that the resources available within the jurisdiction or through other, preexisting local or regional mutual aid or reciprocal aid compacts or agreements will be exhausted, inadequate or overwhelmed in response to the threat or event being faced.

The Emergency Management Division shall coordinate MEMAC planning and training, and occasionally conduct exercises of MEMAC activation and operations as deemed necessary. Exercises shall be designed and conducted so as to minimize extraordinary expenses to the extent possible. Participating governments shall not receive reimbursement for exercises, training or planning pertaining to MEMAC unless approved by the Emergency Management Division from available state or federal funds authorized for such purposes.

The established emergency management system for the State of Michigan will be followed to the extent practicable in implementing MEMAC. An authorized representative of the affected participating government must make requests for assistance under this agreement. Municipalities without an appointed emergency management coordinator shall coordinate requests for MEMAC assistance or for other state or federal assistance with their respective county emergency management coordinators as soon as practicable. Local emergency management coordinators shall, in turn, coordinate their activities with the Emergency Management Division through the division's district coordinator assigned to that area. See "Attachment E" for Summary Implementation Guidelines.

A. **Requests for Assistance under MEMAC**: Participating governments invoking MEMAC as requesting parties shall provide the Emergency Management Division with the information set forth in Article III, Paragraph F. The division shall then assess its database of available and relevant resources; contact other participating governments or mobilize state assets for assistance; and coordinate the mobilization of assistance under this agreement.

   Neither the Emergency Management Division nor the State of Michigan shall be responsible for any reimbursement or compensation costs associated with coordinating or facilitating such requests for assistance between or among participating governments, unless the Emergency Management Division is the requesting party on behalf of the State of Michigan. In all cases, the party receiving assistance shall be responsible for the costs incurred by any assisting party rendering aid under this agreement.

B. **Local/Regional Mutual Aid or Reciprocal Aid Compacts and Agreements:** Participating governments may, when faced with an emergency, disaster or other serious threat to public health and safety, invoke other, local or regional mutual aid or reciprocal aid compacts or agreements in lieu of, prior to, or in addition to, invoking MEMAC. Neither participation in nor requests for assistance under MEMAC shall preclude, supersede or negate the activation or the fulfillment of the terms of any local or regional mutual aid or reciprocal aid compacts and agreements.

C. **The State as Requesting Party:** The state director of emergency management may, with the approval of the governor, invoke MEMAC as the requesting party on behalf of the State of Michigan when: the director believes and the governor concurs that the threat or actual occurrence of an emergency, disaster or other serious threat to public health and safety is so severe or widespread that it significantly affects the safety and welfare of the people of the State of Michigan; the governor has issued or is expected to issue a declaration of a state of emergency or disaster for the affected jurisdiction(s); and the combined resources of the affected jurisdiction(s) and the state would be exhausted, overwhelmed or inadequate to respond to the event without additional assistance from other participating governments. The director shall seek input from the Emergency Management Division and its district coordinators assigned in the affected area(s) in determining whether to invoke MEMAC on behalf of the state. The Emergency Management Division shall fulfill all the responsibilities pertaining to assessment, notification, organization, providing information and reimbursement on behalf of the state when the state is the requesting party under MEMAC.

D. **Rights and Privileges**: The provisions of the Michigan Emergency Management Act (P.A. 390 of 1976 Sec.11 as amended; MCL 30.411) shall apply when the personnel, equipment or other resources of any participating government respond as an assisting party and provide emergency assistance outside their respective jurisdictions under any MEMAC request, for purposes of tort liability, immunity, authority, and worker's disability compensation.

Sec. 11. (1) Personnel of disaster relief forces while on duty shall:

(a) If they are an employee of the state, have the powers, duties, rights, privileges, and immunities of and receive the compensation incidental to their employment.

(b) If they are employees of a county, municipality, or other governmental agency regardless of where serving, have the powers, duties, rights, privileges, and immunities and receive the compensation incidental to their employment.

(c) If they are not employees of the state, a county, municipality, or other governmental agency, be entitled to the same rights and immunities as are provided by law for the employees of the state. All personnel of disaster relief forces shall, while on duty, be subject to the operational control of the authority in charge of disaster relief activities in the area in which they are serving, and shall be reimbursed for all actual and necessary travel and subsistence expenses.

Nothing in this agreement, including participation or non-participation by any eligible governmental entities, shall abrogate or supersede the powers and authority of the governor or state director of emergency management under MCL 30.401 *et seq.* to

provide direct state assistance (i.e., personnel, equipment or other resources), or to order local political subdivisions of the State of Michigan to provide mutual aid to affected areas outside their own respective jurisdictions, regardless of whether MEMAC has been activated. Neither shall it supersede or abrogate the powers and authority of the state fire marshal under MCL 419.201 *et seq.* or Executive Order No. 2003-18, to mobilize and require the assistance of fire departments outside their respective jurisdictions in the event of emergencies that affect the safety and welfare of the people of Michigan. However, it is the intent of MEMAC to enhance preparedness and response capabilities statewide through voluntary participation and advance planning by the State of Michigan and its political subdivisions, thereby reducing the need for the governor or state police director to exercise their compulsory powers related to mutual aid on an *ad hoc* emergency basis as authorized by law.

E. **No State, Division, or Signatory Liability:** In no event shall the Emergency Management Division, the State of Michigan, or any signatory to this agreement be responsible for costs associated with emergency assistance under this agreement in the absence of appropriated funds or where such funding would be contrary to law.

F. **Required Information**: Each request for assistance shall be accompanied by the following information, to the extent known:

1. A general description of the damage or harm sustained or threatened;
2. Identification of the emergency service function(s) for which assistance is needed (e.g. fire service, law enforcement, emergency medical services, transportation, search and rescue, communications, public works, engineering, building, inspection, planning and information assistance, mass care, resource support, public health, etc.), and the particular type of assistance needed;
3. The amount and type of personnel, equipment, materials, and supplies needed with a reasonable estimate of the length of time that each will be needed;
4. A proposed time and place for representatives of both the requesting and assisting parties to coordinate their activities and resources.

This information may be provided on the Assistance Request Form attached to this agreement as "Attachment B". The Emergency Management Division may subsequently and occasionally revise the format of "Attachment B" as needed. In that case, the division shall distribute copies of the revised form to all participating governments.

G. **Duty to Assess Availability of Resources and Render Assistance**: When contacted by the Emergency Management Division, the authorized representative(s) of any participating government shall assess their own situation to determine available personnel, equipment and other appropriate resources. It shall be the duty of each participating government to render all reasonably available assistance when requested under this agreement to the fullest extent possible and as expeditiously as possible.

However, a participating government may withhold, decline or refuse to provide any or all requested assistance even if available if such compliance would unreasonably jeopardize public health and safety, security or emergency response capabilities in its own jurisdiction. In such a case, an authorized representative of the participating government which has withheld or refused to provide requested assistance under MEMAC shall immediately notify the requesting party and the Emergency Management Division with an explanation, which shall be confirmed in writing to both the requesting party and the division within ten days.

An authorized representative of a participating government that agrees to provide assistance upon request under this agreement shall immediately communicate that assent and the information set forth in this Article III, Paragraph G below, to the extent known, to the Emergency Management Division by any means practicable. If the information is being provided in written form see Article III, Paragraph L for written acknowledgement guidelines.

1. A complete description of the personnel, equipment, and other resources to be furnished to the requesting party;
2. The estimated length of time that each of the personnel, equipment, and other resources will be available;
3. The areas of experience, training, and abilities of the personnel and the capability of the equipment to be furnished;
4. The name of the person or persons to be designated as supervisory personnel; and
5. The estimated time when each type of the assistance to be provided will arrive at the location designated by the requesting party.

H. **Standardized Incident Command System Required**: All participating governments involved in MEMAC shall operate during exercises or actual activation pursuant to a standardized incident command system or unified command system (also known as incident management system) as currently endorsed and adopted by

the U.S. Fire Administration (USFA). Adoption of any alternate incident command system must be endorsed by a majority vote of a joint inter-service committee of public safety officials representing law enforcement, fire service, emergency medical service and emergency management, convened and chaired by the director of the Emergency Management Division.

I. **Supervision and Control**: The personnel, equipment, and resources of any assisting party shall come and remain under the operational control of the incident commander from the time of arrival at the designated location for staging or response. Designated supervisory personnel of each assisting party shall retain direct supervision and control of their own personnel, equipment, and other resources. The incident commander shall assign work tasks to the supervisory personnel of each assisting party, who shall in turn assign work tasks and establish work schedules for their own personnel. In the event that two or more assisting parties combine to provide multijurisdictional teams or task forces according to their preexisting local or regional mutual aid compacts and operations, the supervisor(s) designated by the constituent jurisdictions shall exercise normal supervision and control of the team or task force as if it was an assisting party from a single jurisdiction.

   Supervisory personnel of each assisting party shall: maintain daily personnel time records, material records and a log of equipment hours; be responsible for the operation and maintenance of the equipment and other resources they have furnished; and report work progress to the incident commander through appropriate channels. The personnel, equipment and other resources of any assisting party may be recalled to respond to emergencies, disasters or other serious threats to public health and safety within their own respective jurisdictions at any time. In such an event, the assisting parties being recalled shall, if possible, provide at least twenty-four hours' advance notice to the incident commander and the Emergency Management Division; otherwise, such notice shall be provided as soon as practicable.

   When providers such as Emergency Medical Services, that require medical control supervision, render pre-hospital emergency medical care outside of their region under a MEMAC request they will operate under the authority of their own existing Medical Control Authority.

J. **Food, Housing, & Self-Sufficiency**: Absent specific instructions or agreements to the contrary, the requesting party is ultimately responsible for providing safe and adequate food and housing for all assisting personnel during the entire period of assistance. However, recognizing that disasters and emergencies place

extraordinary demands and limitations on local resources and disrupt vital facilities and services in the stricken areas, it is expected that assisting parties should be self-sufficient to the extent possible. A requesting party may even specify that it will accept assistance only from assisting parties with self-sufficient personnel and resources.

K. **Communications**: Absent specific instructions or agreements to the contrary, the requesting party shall have the ultimate responsibility for coordinating communications among the personnel of the requesting and assisting parties. However, personnel, units, teams or task forces from each assisting party should be prepared to bring or obtain sufficient equipment for their own operations and communications needs.

L. **Written Acknowledgement**: Assisting parties shall respond to requests for assistance under this agreement by providing written acknowledgement to the requesting party and the Emergency Management Division as soon as practicable of the assistance to be rendered. This information may be provided on the Assistance Confirmation form attached to this agreement as "Attachment C". The Emergency Management Division may subsequently and occasionally revise the format of "Attachment C" as needed. In that case, the division shall distribute copies of the revised form to all participating governments.

ARTICLE IV: REIMBURSEMENT

The terms and conditions governing reimbursement for any assistance provided under this agreement shall be in accordance with the following provisions, unless otherwise mutually agreed upon in writing by the requesting and assisting parties.

Nothing in this agreement, nor the activation of the provisions of this agreement, precludes the chief executive official of a participating government from requesting, through the Emergency Management Division, state and/or federal assistance, and/or the issuance of a gubernatorial or presidential declaration of emergency or disaster, according to the provisions of the Michigan Emergency Management Act and the federal Disaster Relief Act of 1974 (known as the Robert T. Stafford Act—Public Law 93-288, 88 Stat. 143), as amended by the Disaster Mitigation Act of 2000.

A. **Personnel**: During the period of assistance, each assisting party shall continue to pay its employees according to its then prevailing ordinances, rules, contracts and regulations. The requesting party shall reimburse each assisting party for all direct and indirect payroll costs and expenses (including travel expenses) incurred during the period of assistance, including, but not limited to, employee pensions and benefits as provided by Generally Accepted Accounting Principles (GAAP).

B. **Equipment**: The requesting party is obligated to reimburse each assisting party for the use of its equipment during the period of assistance according to either a pre-established local or state hourly rate or the current Schedule of Equipment Rates published by the Federal Emergency Management Agency (FEMA). See "Attachment D" for the current Schedule of Equipment Rates published by FEMA. For those instances in which costs are reimbursed by FEMA, the eligible direct costs shall be determined in accordance with 44 Code of Federal Regulations (CFR) 206.228. Each assisting party shall pay for all repairs to its own equipment as deemed necessary by its on-site supervisor(s) in order to maintain the equipment in safe operating condition. If practical, the requesting party may, upon request, provide fuel, miscellaneous supplies and minor repairs to assisting parties. The total equipment charges invoiced to the requesting party for reimbursement shall be reduced by the total value of fuel, supplies and repairs furnished by the requesting party, as well as by the amount of any insurance proceeds covering the damaged assets received by the assisting party as the result of covered losses from the event.

C. **Materials and Supplies**: The requesting party shall reimburse each assisting party for all materials and supplies furnished by it and used or damaged during the period of assistance, except for the costs of equipment, fuel and maintenance materials, labor, and supplies, which shall be included in the equipment rate established above, unless such damage is caused by gross negligence, willful and wanton misconduct, intentional misuse, or recklessness on the part of the assisting party involved. All assisting personnel shall use reasonable care under the circumstances in the operation and control of all materials and supplies they use during their response. The measure of reimbursement shall be determined in accordance with 44 CFR 206.228. As an alternative, the parties may agree that the requesting party will replace used or damaged materials and supplies with like kind and quality as acceptable to the assisting party.

D. **Record Keeping**: Each assisting party shall maintain records and submit invoices for reimbursement by the requesting party using the format used or required by FEMA publications, including 44 CFR Part 13, and applicable Office of Management and Budget (OMB) Circulars. Finance staff from both the requesting party and Emergency Management Division shall provide each assisting party with necessary information, directions and assistance for proper record keeping. In the event that the Emergency Management Division is invoiced as the requesting party on behalf of the state of Michigan under this agreement, all required documentation shall be provided to the division in accordance with the Michigan Emergency Management Act and the applicable administrative regulations.

E. Payment: Unless otherwise mutually agreed upon in writing by the requesting and assisting parties, each assisting party shall bill the requesting party for all reimbursable expenses with an itemized invoice as soon as practicable after the expenses are incurred, but not later than sixty (60) days following the period of assistance, unless the deadline for identifying damage is extended in accordance with 44 CFR Part 206. The requesting party shall pay the invoice, or notify the billing party of any disputed items, as soon as practical. These time limits may be modified by mutual agreement.

The Emergency Management Division shall provide reimbursement for authorized expenses upon authorization from FEMA in the event of a presidential disaster declaration with public assistance provisions, or from the state disaster contingency fund under the provisions of MCL 30.419, or under such other law as may be applicable.

ARTICLE V: ARBITRATION OF DISPUTES REGARDING REIMBURSEMENT

Any controversy or claim arising out of or relating to this Agreement, or the breach thereof, shall be resolved in the following manner:

1. The party asserting noncompliance shall serve written notice to the other party or parties. The notice shall identify the specific compact provision alleged to have been violated and shall specify the factual and legal basis for the alleged noncompliance. Representatives of both parties shall therefore meet within 30 days in an effort to resolve the dispute.
2. In the event the controversy or claim is not resolved to the satisfaction of both parties within 90 days after service of the notice set forth in Section 1, either party may request that the controversy or claim be resolved through arbitration. Any arbitration under this provision shall be conducted under the commercial arbitration rules of the American Arbitration Association.
3. All parties shall bear their own costs of arbitration and attorney fees.
4. Nothing herein shall be construed to waive, limit or restrict any defense that is otherwise available to either party.

ARTICLE VI: INSURANCE

Each requesting and assisting party operating under this agreement shall bear the risk of its own actions as it would with normal, day-to-day operations, and determine for itself what kinds and amounts of insurance it should carry. The amount of reimbursement from any requesting party, or from any authorized state or federal

disaster relief funds, shall be reduced by the amount of any insurance proceeds covering the damaged assets that the requesting or assisting party collects as a result of losses experienced in rendering assistance pursuant to this agreement.

ARTICLE VII: LIABILITY

Requesting agencies shall not be responsible for the liability or the defense of the employees, volunteers, agents, and subcontractors, of the assisting parties.

ARTICLE VIII: LENGTH OF TIME FOR ACTIVATION UNDER MEMAC

Once a participating government has agreed and mobilized to respond as an assisting party under this agreement, the activation period may be terminated at any time by the requesting party if it is deemed that the threat or harm has subsided or outside resources and assistance are no longer needed. Otherwise, the period of obligation for assistance shall terminate no later than seven days after the initial activation regardless of whether there is a local or gubernatorial declaration of emergency or disaster, unless there is mutual agreement between or among the requesting and assisting parties to continue the activation for a specific number of days.

ARTICLE IX: SUPPLEMENTARY AGREEMENTS/ANNEXES

Specialized disciplines (e.g., fire service, EMS, HazMat response, etc.) may consider it necessary to develop supplementary agreements or annexes to MEMAC with more detailed plans or guidance for their response operations. Upon request, the Emergency Management Division shall convene and coordinate committees involving appropriate selected representatives from the discipline(s) involved to develop and promulgate such annexes or supplementary agreements.

All jurisdictions should note that when operating under an other than MEMAC mutual aid or reciprocal aid compact or agreement and it does not require the requesting parties to reimburse assisting parties, then the parties involved risk becoming ineligible for reimbursement from disaster relief or public assistance funds of the State of Michigan or federal government in the event of a gubernatorial and/or presidential disaster declaration. Also note that participating governments involved in MEMAC activation as assisting parties also risk becoming ineligible for reimbursement from disaster relief or public assistance funds of the State of Michigan or federal government if they make supplementary agreements in advance between or among themselves to waive reimbursement as required by this agreement.

ARTICLE X: TERM OF AGREEMENT AND PROCESS FOR WITHDRAWAL

This agreement shall be in effect for each participating government unless terminated

by advance written notice. Notice of termination or withdrawal from this agreement shall be made in writing and shall be served personally or by registered mail upon the director of the Emergency Management Division. Termination or withdrawal shall not be effective until thirty (30) days after the Emergency Management Division has received written notice. The termination or withdrawal from the agreement shall apply only to the participating government that has tendered the required notice; this agreement shall otherwise remain in full force and effect as to all other parties.

ARTICLE XI: IMPLEMENTATION OF MEMAC

This agreement shall become operative immediately upon its execution by any two eligible governmental entities, one of which may include the Emergency Management Division on behalf of the State of Michigan. It shall become effective for each successive signatory upon its execution by that political subdivision and receipt of the required legal documents by the Emergency Management Division, with no other actions required of any of the other participating governments.

ARTICLE XII: ROLE AND RESPONSIBILITIES OF THE EMERGENCY MANAGEMENT DIVISION

The role and responsibilities of the Emergency Management Division pertaining to MEMAC are to: administer and implement MEMAC; coordinate all exercises, planning and activation pertaining to MEMAC; maintain and update files or databases of participating governments and relevant documents; gather data pertaining to the relevant personnel, training, skills, equipment and other resources available from participating governments and serve as the central repository for files or databases of those resources; and fulfill the duties of notification, reimbursement, etc. when the State of Michigan is the requesting party under MEMAC. Nothing in this agreement herein shall be construed to limit the division from otherwise performing such duties and responsibilities as it may have under MCL 30.401 *et seq.*

ARTICLE XIII: SEVERABILITY; EFFECT ON OTHER AGREEMENTS

Should a court of competent jurisdiction rule any portion, section, or subsection of this agreement invalid or nullified, that fact shall not affect or invalidate any other portion, section or subsection. All remaining portions and sections of this agreement not invalidated or nullified by a court ruling shall remain in full force and effect.

This agreement shall not be construed so as to make any other agreement, arrangement or contract, other than this agreement itself, binding on any parties to this agreement.

ARTICLE XIV: AMENDMENTS AND REVISIONS

Except as otherwise specified within this agreement, notice of any amendments or revisions of MEMAC must be made in writing to all participating governments by the Emergency Management Division, and shall only take effect for each participating government upon its acceptance and execution of an amended instrument promulgated by the division.

Nothing in this section shall be construed so as to prevent or restrict participating governments from making bilateral or multilateral agreements among themselves regarding matters where such agreements are specifically authorized or contemplated by pertinent sections of this agreement.

ARTICLE XV: PARTICIPATION IN EMAC

The State of Michigan is currently a participating member in the interstate Emergency Management Assistance Compact (EMAC) according to the provisions of MCL 3.991 *et seq.* In cases where the State of Michigan has received a request and agreed to provide assistance to another state, province or territory under EMAC, but lacks the particular personnel, equipment or other resources necessary, the state director of emergency management may, with the approval of the governor, invoke MEMAC with the state as requesting party in order to solicit assistance from other participating governments to respond as state assets outside the State of Michigan under EMAC. Such assistance under EMAC shall be completely voluntary on the part of local participating governments.

Personnel, equipment and other resources of assisting parties responding outside Michigan through the concurrent activation of MEMAC and EMAC shall be considered as state assets for the purposes of liability, immunity and worker's compensation. The State of Michigan shall also be responsible for reimbursement of costs to assisting parties according to the provisions of MEMAC. Assisting parties from local participating governments responding on behalf of the State of Michigan shall not be activated outside the state longer than seven days except by mutual agreement between the assisting parties and the state director of emergency management upon request from the affected EMAC jurisdiction.

Nothing herein shall be deemed to constitute either an obligation of future appropriations or a pledge of the credit of the State of Michigan or signatory to this agreement.

.....

IN WITNESS WHEREOF, the parties set forth below have duly executed this Agreement on the date set forth below:

For Jurisdiction of: _____

Printed Name: _____

Title: _____ Date: _____

Signature: _____

Attest:

Printed Name: _____

Title: _____ Date: _____

Signature: _____

Approved As To Form By Attorney For Signatory:

Printed Name: _____

Title: _____ Date: _____

Signature: _____

Attachment A

AUTHORIZED REPRESENTATIVES CONTACT INFORMATION
Michigan Emergency Management Assistance Compact

Date: _____

Name of Governmental Entity: _____

Mailing Address: _____

City, State, Zip Code: _____

Primary Representative: _____

Title: _____

24 hour Phone: _____ E-mail _____

Address: _____

Day Phone: _____ Night Phone: _____

Pager: _____ Fax: _____

1st Alternate Name: _____

Title: _____

24 hour Phone: _____ E-mail _____

Address: _____

Day Phone: _____ Night Phone: _____

Pager: _____ Fax: _____

2nd Alternate Name: _____

Title: _____

24 hour Phone: _____ E-mail _____

Address: _____

Day Phone: _____ Night Phone: _____

Pager: _____ Fax: _____

Attachment B

MICHIGAN EMERGENCY MANAGEMENT ASSISTANCE COMPACT (MEMAC) ASSISTANCE REQUEST FORM			
TO BE COMPLETED BY THE REQUESTING AGENCY **Type or print all information except signatures**			
Date:	Time:	From the Political Subdivision of:	
Contact Person:		Telephone: ( )	FAX: ( )
Incident Requiring Assistance:			
General Description of the Damage Sustained:			
Type of Assistance/Resources Needed:			
Date & Time Resources Are Needed:			
Incident Base Location:			
Approximate Return Date/Time for Resources:			
Title:		Agency:	
Authorized Official's Name:		Authorized Official's Signature:	

Attachment C

MICHIGAN EMERGENCY MANAGEMENT ASSISTANCE COMPACT (MEMAC) ASSISTANCE CONFIRMATION FORM		
TO BE COMPLETED BY THE ASSISTING AGENCY **Type or print all information except signatures**		
Contact Person:	Telephone: ( )	FAX: ( )
Type of Assistance Available:		
Date & Time Resources Available:	From:	To:
Logistics Required From Requesting Agency:		
Date:	Time:	From the Political Subdivision of:
Title:	Agency:	
Authorized Official's Name:	Authorized Official's Signature:	

Attachment D

SCHEDULE OF EQUIPMENT RATES

FEDERAL EMERGENCY MANAGEMENT AGENCY
RESPONSE AND RECOVERY DIRECTORATE
INFRASTRUCTURE DIVISION
WASHINGTON, D.C. 20472

The rates on this Schedule of Equipment Rates are for applicant-owned equipment in good mechanical condition, complete with all required attachments. Each rate covers all costs eligible under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. § 5121, et seq., for ownership and operation of equipment, including depreciation, overhead, all maintenance, field repairs, fuel, lubricants, tires, OSHA equipment and other costs incident to operation. Standby equipment costs are not eligible.

Equipment must be in actual operation performing eligible work in order for reimbursement to be eligible. LABOR COSTS OF OPERATOR ARE NOT INCLUDED in the rates and should be approved separately from equipment costs.

Information regarding the use of the Schedule is contained in 44 CFR § 206.228 *Allowable Costs.* Rates for equipment not listed will be furnished by FEMA upon request. Any appeals shall be in accordance with 44 CFR § 206.206 *Appeals.*

Cost Code	Equipment	Capacity/Size	HP	Notes	Unit	Rate
8490	Aerial Lift, Self-Propelled	37 Ft	to 15	Articulated, Telescoping, Scissor.	hour	$4.00
8491	Aerial Lift, Self-Propelled	60 Ft	to 30	Articulated, Telescoping, Scissor.	hour	$11.00
8492	Aerial Lift, Self-Propelled	70 Ft	to 50	Articulated, Telescoping, Scissor.	hour	$20.50
8493	Aerial Lift, Self-Propelled	125 Ft	to 85	Articulated and Telescoping.	hour	$37.00
8494	Aerial Lift, Self-Propelled	150 Ft	to 130	Articulated and Telescoping.	hour	$58.00
8486	Aerial Lift, Truck Mntd	25 Ft		Articulated and Telescoping.	hour	$5.30
8487	Aerial Lift, Truck Mntd	50 Ft		Articulated and Telescoping.	hour	$8.90
8488	Aerial Lift, Truck Mntd	75 Ft		Articulated and Telescoping.	hour	$19.00
8489	Aerial Lift, Truck Mntd	100 Ft		Articulated and Telescoping.	hour	$36.00
8010	Air Compressor	41 CFM	to 10	Hoses included.	hour	$1.50
8011	Air Compressor	103 CFM	to 30	Hoses included.	hour	$4.10
8012	Air Compressor	130 CFM	to 50	Hoses included.	hour	$6.70
8013	Air Compressor	175 CFM	to 90	Hoses included.	hour	$11.75
8014	Air Compressor	400 CFM	to 145	Hoses included.	hour	$18.50
8015	Air Compressor	575 CFM	to 230	Hoses included.	hour	$29.00
8016	Air Compressor	1100 CFM	to 355	Hoses included.	hour	$43.00

8017	Air Compressor	1600 CFM	to 500	Hoses included.	hour	$58.00
8020	Air Curtain Burner		to 50	In ground burner.	hour	$5.40
8021	Air Curtain Burner		to 75	In ground burner.	hour	$6.10
8022	Air Curtain Burner		to 100	In ground burner.	hour	$6.90
8023	Air Curtain Burner		to 50	Above ground burner.	hour	$7.30
8024	Air Curtain Burner		to 75	Above ground burner.	hour	$9.70
8025	Air Curtain Burner		to 100	Above ground burner.	hour	$12.75
8040	Ambulance		to 150		hour	$16.50
8041	Ambulance		to 210		hour	$25.00
8060	Auger, Portable	16 In	to 6		hour	$1.10
8061	Auger, Portable	18 In	to 13		hour	$2.50
8062	Auger, Tractor Mntd	36 In	to 13	Includes digger, boom & mounting hardware.	hour	$1.75
8063	Auger, Truck Mntd	24 In	to 100	Guardrail post driver.	hour	$25.00
8070	Automobile		to 130	Transporting people.	mile	$0.37
8071	Automobile		to 130	Transporting cargo.	hour	$7.60
8072	Automobile, Police		to 250	Patrolling.	mile	$0.41
8073	Automobile, Police		to 250	Stationary with engine running.	hour	$11.00
8110	Barge, Deck	120'x30'x7.25'			hour	$24.50
8111	Barge, Deck	120'x45'x7'			hour	$38.00
8112	Barge, Deck	140'x45'x7'			hour	$51.00
8113	Barge, Deck	150'x45'x9'			hour	$60.00
8115	Barge, Hopper	200'x35'x12'		Open	hour	$45.00
8116	Barge, Hopper	200'x35'x12'		Closed	hour	$52.00
8050	Board, Arrow		to 8	Trailer Mounted.	hour	$2.80
8051	Board, Message		to 5	Trailer Mounted.	hour	$8.40
8133	Boat, Push	45'x21'x6'	to 435	Flat hull.	hour	$128.00
8134	Boat, Push	54'x21'x6'	to 525	Flat hull.	hour	$144.00
8135	Boat, Push	58'x24'x7.5'	to 705	Flat hull.	hour	$176.00
8136	Boat, Push	64'x25'x8'	to 870	Flat hull.	hour	$206.00
8130	Boat, Row			Heavy duty.	hour	$0.85
8131	Boat, Runabout	13'x5'	to 50	Outboard.	hour	$9.30
8132	Boat, Tender	14'x7'	to 100	Inboard with 360 degree drive.	hour	$20.50
8120	Boat, Tow	55'x20'x5'	to 870	Steel.	hour	$157.00
8121	Boat, Tow	60'x21'x5'	to 1050	Steel.	hour	$248.00
8122	Boat, Tow	70'x30'x7.5'	to 1350	Steel.	hour	$369.00
8123	Boat, Tow	120'x34'x8'	to 2000	Steel.	hour	$559.00
8140	Boat, Tug	16 Ft	to 100		hour	$23.00
8141	Boat, Tug	18 Ft	to 175		hour	$35.00
8142	Boat, Tug	26 Ft	to 250		hour	$44.00
8143	Boat, Tug	40 Ft	to 380		hour	$109.00
8144	Boat, Tug	51 Ft	to 700		hour	$153.00
8420	Breaker, Pavement		to 70		hour	$25.50
8421	Breaker, Pavement		to 105		hour	$34.00
8422	Breaker, Pavement		to 137		hour	$42.00
8150	Broom, Pavement	72 In	to 20		hour	$7.80
8151	Broom, Pavement	84 In	to 45		hour	$11.75

8152	Broom, Pavement	96 In	to 100		hour	$14.50
8153	Broom, Pavement, Mntd	72 In	to 18		hour	$5.50
8154	Broom, Pavement, Pull	84 In	to 20		hour	$7.50
8270	Bucket, Clamshell	1.0 CY		Includes teeth.	hour	$4.00
8271	Bucket, Clamshell	2.5 CY		Includes teeth.	hour	$7.10
8272	Bucket, Clamshell	5.0 CY		Includes teeth.	hour	$11.75
8273	Bucket, Clamshell	7.5 CY		Includes teeth.	hour	$16.00
8275	Bucket, Dragline	2.0 CY			hour	$3.25
8276	Bucket, Dragline	5.0 CY			hour	$6.80
8277	Bucket, Dragline	10 CY			hour	$11.25
8278	Bucket, Dragline	14 CY			hour	$13.25
8180	Bus		to 150		hour	$11.50
8181	Bus		to 210		hour	$17.75
8182	Bus		to 300		hour	$24.00
8190	Chain Saw	16 In			hour	$1.25
8191	Chain Saw	25 In			hour	$2.45
8192	Chain Saw, Pole	18 In			hour	$1.65
8200	Chipper, Brush	6 In	to 35	Trailer Mounted.	hour	$10.75
8201	Chipper, Brush	12 In	to 65	Trailer Mounted.	hour	$14.25
8202	Chipper, Brush	16 In	to 100	Trailer Mounted.	hour	$18.25
8203	Chipper, Brush	18 In	to 125	Trailer Mounted.	hour	$21.50
8204	Chipper, Brush	18 In	to 200	Trailer Mounted.	hour	$31.00
8205	Chipper, Brush	19 In	to 300	Trailer Mounted.	hour	$45.00
8206	Chipper, Brush	19 In	to 450	Trailer Mounted.	hour	$68.00
8207	Chipper, Brush		to 650	Trailer Mounted.	hour	$103.00
8210	Clamshell & Dragline		to 100	Bucket not included.	hour	$64.00
8211	Clamshell & Dragline		to 155	Bucket not included.	hour	$86.00
8212	Clamshell & Dragline		to 235	Bucket not included.	hour	$117.00
8213	Clamshell & Dragline		to 350	Bucket not included.	hour	$159.00
8214	Clamshell & Dragline		to 530	Bucket not included.	hour	$221.00
8215	Clamshell & Dragline		to 800	Bucket not included.	hour	$305.00
8712	Cleaner, Sewer/Catch Basin	5 CY		Truck Mounted.	hour	$17.25
8713	Cleaner, Sewer/Catch Basin	14 CY		Truck Mounted.	hour	$22.00
8220	Compactor		to 10		hour	$7.90
8221	Compactor		to 45		hour	$13.75
8222	Compactor		to 75		hour	$19.75
8223	Compactor		to 95		hour	$24.00
8224	Compactor		to 150		hour	$38.00
8225	Compactor		to 235		hour	$63.00
8226	Compactor		to 335		hour	$101.00
8227	Compactor		to 535		hour	$200.00
8228	Compactor, towed		to 15		hour	$14.00
8229	Compactor, towed		to 50		hour	$35.00
8230	Compactor, towed		to 100		hour	$60.00
8500	Crane	8 MT	to 80		hour	$25.50
8501	Crane	15 MT	to 150		hour	$38.00

8502	Crane	27 MT	to 200		hour	$58.00
8503	Crane	45 MT	to 300		hour	$87.00
8504	Crane	70 MT	to 350		hour	$126.00
8505	Crane	110 MT	to 450		hour	$182.00
8496	Crane, Truck Mntd	17600 Lbs			hour	$22.00
8497	Crane, Truck Mntd	33000 Lbs			hour	$32.00
8498	Crane, Truck Mntd	60000 Lbs			hour	$49.00
8499	Crane, Truck Mntd	120000 Lbs			hour	$86.00
8195	Cutter, Brush	8 ft	to 150			$69.00
8196	Cutter, Brush	8 ft	to 190			$76.00
8197	Cutter, Brush	10 ft	to 245			$85.00
8670	Derrick, Hydraulic Digger	55 Ft	Includes hydraulic pole alignment attachment.		hour	$32.00
8671	Derrick, Hydraulic Digger	75 Ft	Includes hydraulic pole alignment attachment.		hour	$34.00
8672	Derrick, Hydraulic Digger	95 Ft	Includes hydraulic pole alignment attachment.		hour	$36.00
8580	Distributor, Asphalt	500 Gal	Truck Mounted. Includes burners, insulated tank, and circulating spray bar.		hour	$9.50
8581	Distributor, Asphalt	1000 Gal	Truck Mounted. Includes burners, insulated tank, and circulating spray bar.		hour	$14.00
8250	Dozer, Crawler		to 65		hour	$26.50
8251	Dozer, Crawler		to 105		hour	$34.00
8252	Dozer, Crawler		to 160		hour	$46.00
8253	Dozer, Crawler		to 245		hour	$67.00
8254	Dozer, Crawler		to 375		hour	$104.00
8255	Dozer, Crawler		to 565		hour	$171.00
8256	Dozer, Crawler		to 850		hour	$298.00
8260	Dozer, Wheel		to 260		hour	$44.00
8261	Dozer, Wheel		to 335		hour	$52.00
8262	Dozer, Wheel		to 445		hour	$66.00
8263	Dozer, Wheel		to 615		hour	$96.00
8280	Excavator, Hydraulic	0.5 CY	to 45	Crawler, Truck & Wheel. Includes bucket.	hour	$19.50
8281	Excavator, Hydraulic	1.0 CY	to 90	Crawler, Truck & Wheel. Includes bucket.	hour	$33.00
8282	Excavator, Hydraulic	1.5 CY	to 160	Crawler, Truck & Wheel. Includes bucket.	hour	$55.00
8283	Excavator, Hydraulic	2.5 CY	to 265	Crawler, Truck & Wheel. Includes bucket.	hour	$88.00
8284	Excavator, Hydraulic	4.5 CY	to 420	Crawler, Truck & Wheel. Includes bucket.	hour	$138.00
8285	Excavator, Hydraulic	7.5 CY	to 650	Crawler, Truck & Wheel. Includes bucket.	hour	$215.00
8286	Excavator, Hydraulic	12 CY	to 1000	Crawler, Truck & Wheel. Includes bucket.	hour	$338.00

8240	Feeder, Grizzly		to 35		hour	$18.75
8241	Feeder, Grizzly		to 55		hour	$28.50
8242	Feeder, Grizzly		to 75		hour	$45.00
8300	Fork Lift	6000 Lbs	to 60		hour	$7.80
8301	Fork Lift	12000 Lbs	to 90		hour	$11.00
8302	Fork Lift	18000 Lbs	to 140		hour	$18.25
8303	Fork Lift	50000 Lbs	to 215		hour	$33.00
8310	Generator	5.5 KW	to 10		hour	$2.65
8311	Generator	16 KW	to 25		hour	$5.90
8312	Generator	43 KW	to 65		hour	$12.50
8313	Generator	85 KW	to 125		hour	$18.25
8314	Generator	140 KW	to 200		hour	$25.50
8315	Generator	210 KW	to 300		hour	$36.00
8316	Generator	280 KW	to 400		hour	$46.00
8317	Generator	350 KW	to 500		hour	$56.00
8318	Generator	530 KW	to 750		hour	$82.00
8319	Generator	710 KW	to 1000		hour	$109.00
8320	Generator	1100 KW	to 1500		hour	$166.00
8321	Generator	1500 KW	to 2000		hour	$226.00
8322	Generator	1900 KW	to 2500		hour	$280.00
8323	Generator	2400 KW	to 3000		hour	$335.00
8755	Golf Cart	2 person			hour	$2.15
8330	Graders	8 Ft	to 50	Includes Rigid and Articulate equipment.	hour	$20.50
8331	Graders	10 Ft	to 100	Includes Rigid and Articulate equipment.	hour	$27.00
8332	Graders	12 Ft	to 150	Includes Rigid and Articulate equipment.	hour	$35.00
8333	Graders	14 Ft	to 225	Includes Rigid and Articulate equipment.	hour	$49.00
8350	Hose, Discharge	3 In	Per 25 foot length. Includes couplings.		hour	$0.15
8351	Hose, Discharge	4 In	Per 25 foot length. Includes couplings.		hour	$0.20
8352	Hose, Discharge	6 In	Per 25 foot length. Includes couplings.		hour	$0.35
8353	Hose, Discharge	8 In	Per 25 foot length. Includes couplings.		hour	$0.55
8354	Hose, Discharge	12 In	Per 25 foot length. Includes couplings.		hour	$1.10
8355	Hose, Discharge	16 In	Per 25 foot length. Includes couplings.		hour	$1.85
8356	Hose, Suction	3 In	Per 25 foot length. Includes couplings.		hour	$0.20
8357	Hose, Suction	4 In	Per 25 foot length. Includes couplings.		hour	$0.30
8358	Hose, Suction	6 In	Per 25 foot length. Includes couplings.		hour	$0.50
8359	Hose, Suction	8 In	Per 25 foot length. Includes couplings.		hour	$0.80
8360	Hose, Suction	12 In	Per 25 foot length. Includes couplings.		hour	$1.75
8361	Hose, Suction	16 In	Per 25 foot length. Includes couplings.		hour	$3.10
8517	Jackhammer (Dry)	25-45 Lbs			hour	$1.05
8518	Jackhammer (Wet)	30-55 Lbs			hour	$1.20
8380	Loader, Crawler	0.5 CY	to 32	Includes bucket.	hour	$11.75
8381	Loader, Crawler	1 CY	to 60	Includes bucket.	hour	$20.50
8382	Loader, Crawler	2 CY	to 118	Includes bucket.	hour	$40.00
8383	Loader, Crawler	3 CY	to 178	Includes bucket.	hour	$63.00
8384	Loader, Crawler	4 CY	to 238	Includes bucket.	hour	$88.00

8385	Loader, Crawler	5 CY	to 300	Includes bucket.	hour	$118.00
8540	Loader, Skid-Steer	1000 Lbs	to 35		hour	$10.50
8541	Loader, Skid-Steer	2000 Lbs	to 65		hour	$14.25
8542	Loader, Skid-Steer	3000 Lbs	to 85		hour	$16.00
8543	Loader, Skid-Steer	4000 Lbs	to 94		hour	$16.50
8401	Loader, Tractor, Wheel		to 81		hour	$14.25
8390	Loader, Wheel	0.5 CY	to 38		hour	$11.25
8391	Loader, Wheel	1 CY	to 60		hour	$14.00
8392	Loader, Wheel	2 CY	to 105		hour	$20.50
8393	Loader, Wheel	3 CY	to 152		hour	$27.50
8394	Loader, Wheel	4 CY	to 200		hour	$35.00
8395	Loader, Wheel	5 CY	to 250		hour	$43.00
8396	Loader, Wheel	6 CY	to 305		hour	$53.00
8397	Loader, Wheel	7 CY	to 360		hour	$64.00
8398	Loader, Wheel	8 CY	to 415		hour	$75.00
8399	Loader, Wheel	9 CY	to 470		hour	$86.00
8400	Loader, Wheel	10 CY	to 530		hour	$100.00
8570	Loader-Backhoe, Wheel	0.5 CY	to 40	Loader and Backhoe Buckets included.	hour	$10.50
8571	Loader-Backhoe, Wheel	1 CY	to 70	Loader and Backhoe Buckets included.	hour	$16.00
8572	Loader-Backhoe, Wheel	1.5 CY	to 95	Loader and Backhoe Buckets included.	hour	$23.00
8573	Loader-Backhoe, Wheel	1.75 CY	to 115	Loader and Backhoe Buckets included.	hour	$30.00
8410	Mixer, Concrete Portable	10 Cft			hour	$2.50
8411	Mixer, Concrete Portable	16 Cft			hour	$3.75
8412	Mixer, Concrete, Trailer Mntd	11 Cft	to 10		hour	$8.70
8413	Mixer, Concrete, Trailer Mntd	16 Cft	to 25		hour	$13.25
8075	Motorcycle, Police				mile	$0.29
8633	Mulcher, Trailer Mntd	7 TPH	to 35		hour	$7.90
8634	Mulcher, Trailer Mntd	10 TPH	to 55		hour	$11.50
8635	Mulcher, Trailer Mntd	20 TPH	to 120		hour	$16.75
8430	Paver, Asphalt		to 50	Includes wheel and crawler equipment.	hour	$37.00
8431	Paver, Asphalt		to 75	Includes wheel and crawler equipment.	hour	$56.00
8432	Paver, Asphalt		to 125	Includes wheel and crawler equipment.	hour	$88.00
8433	Paver, Asphalt		to 175	Includes wheel and crawler equipment.	hour	$113.00
8434	Paver, Asphalt		to 250	Includes wheel and crawler equipment.	hour	$136.00
8436	Pick-up, Asphalt		to 110			$52.00
8437	Pick-up, Asphalt		to 150			$72.00

8438	Pick-up, Asphalt		to 200			$97.00
8439	Pick-up, Asphalt		to 275			$135.00
8660	Plow, Cable	18 in	to 30			$7.50
8661	Plow, Cable	36 in	to 65			$15.75
8662	Plow, Cable	48 in	to 110			$25.00
8450	Plow, Grader Mntd	to 10 Ft			hour	$18.50
8451	Plow, Grader Mntd	to 14 Ft			hour	$25.00
8452	Plow, Truck Mntd	to 15 Ft			hour	$13.50
8453	Plow, Truck Mntd	to 15 Ft		With leveling wing.	hour	$20.00
8470	Pump		to 3	Hoses not included.	hour	$2.55
8471	Pump		to 6	Hoses not included.	hour	$3.30
8472	Pump		to 10	Hoses not included.	hour	$4.25
8473	Pump		to 15	Hoses not included.	hour	$5.40
8474	Pump		to 25	Hoses not included.	hour	$7.60
8475	Pump		to 40	Hoses not included.	hour	$10.75
8476	Pump		to 60	Hoses not included.	hour	$14.75
8477	Pump		to 95	Hoses not included.	hour	$20.50
8478	Pump		to 140	Hoses not included.	hour	$26.50
8479	Pump		to 200	Hoses not included.	hour	$31.00
8463	Pump Extender	20 Ft			hour	$1.20
8460	Pump, W/O Power	6 In			hour	$2.25
8461	Pump, W/O Power	12 In			hour	$2.95
8462	Pump, W/O Power	24 In			hour	$7.00
8510	Saw, Concrete	14 In	to 14		hour	$4.00
8511	Saw, Concrete	26 In	to 35		hour	$9.10
8512	Saw, Concrete	48 In	to 65		hour	$15.50
8513	Saw, Rock		to 65		hour	$25.00
8514	Saw, Rock		to 90		hour	$33.00
8515	Saw, Rock		to 120		hour	$45.00
8520	Scraper	11 CY	to 175		hour	$71.00
8521	Scraper	16 CY	to 250		hour	$92.00
8522	Scraper	23 CY	to 365		hour	$120.00
8523	Scraper	34 CY	to 475		hour	$145.00
8524	Scraper	44 CY	to 600		hour	$172.00
8560	Snow Blower	2,000 Tph	to 400		hour	$121.00
8561	Snow Blower	2,500 Tph	to 500		hour	$134.00
8562	Snow Blower	3,500 Tph	to 600		hour	$153.00
8550	Snow Blower, Truck Mntd	600 Tph	to 75		hour	$33.00
8551	Snow Blower, Truck Mntd	1100 Tph	to 150		hour	$52.00
8552	Snow Blower, Truck Mntd	1600 Tph	to 250		hour	$77.00
8553	Snow Blower, Truck Mntd	2500 Tph	to 400		hour	$109.00
8630	Sprayer, Seed	750 Gal	to 30	Trailer & truck mounted.	hour	$8.80
8631	Sprayer, Seed	1250 Gal	to 50	Trailer & truck mounted.	hour	$11.00
8632	Sprayer, Seed	3500 Gal	to 115	Trailer & truck mounted.	hour	$17.00
8458	Spreader, Chemical	5 CY	to 4	Trailer & truck mounted.	hour	$3.65

8423	Spreader, Chip	12.5 Ft	to 152		hour	$40.00
8424	Spreader, Chip	16.5 Ft	to 215		hour	$53.00
8425	Spreader, Chip, Mntd	8 Ft	to 8	Trailer & truck mounted.	hour	$2.85
8455	Spreader, Sand	Tailgate, Chassis			hour	$3.85
8456	Spreader, Sand	Dump Body			hour	$5.50
8457	Spreader, Sand	Truck (10yd)			hour	$7.70
8440	Striper	40 Gal	to 22		hour	$11.75
8441	Striper	90 Gal	to 60		hour	$16.75
8442	Striper	120 Gal	to 122		hour	$33.00
8445	Striper, Truck Mntd	120 Gal	to 460		hour	$51.00
8446	Striper, Walk-behind	12 Gal			hour	$2.75
8157	Sweeper, Pavement		to 110		hour	$38.00
8158	Sweeper, Pavement		to 150		hour	$43.00
8159	Sweeper, Pavement		to 200		hour	$50.00
8590	Trailer, Dump	20 CY	Does not include Prime Mover.		hour	$16.75
8591	Trailer, Dump	30 CY	Does not include Prime Mover.		hour	$25.50
8592	Trailer, Dump	40 CY	Does not include Prime Mover.		hour	$34.00
8600	Trailer, Equipment	30 Tons			hour	$9.70
8601	Trailer, Equipment	40 Tons			hour	$11.25
8602	Trailer, Equipment	60 Tons			hour	$13.50
8640	Trailer, Office	8' x 24'			hour	$1.55
8641	Trailer, Office	8' x 32'			hour	$1.85
8642	Trailer, Office	10' x 32'			hour	$2.30
8610	Trailer, Water	4000 Gal		Includes a centrifugal pump with sump and a rear spraybar.	hour	$10.50
8611	Trailer, Water	6000 Gal		Includes a centrifugal pump with sump and a rear spraybar.	hour	$12.25
8612	Trailer, Water	10000 Gal		Includes a centrifugal pump with sump and a rear spraybar.	hour	$15.25
8613	Trailer, Water	14000 Gal		Includes a centrifugal pump with sump and a rear spraybar.	hour	$18.50
8650	Trencher		to 35	Walk-behind, Crawler & Wheel Mounted. Chain and Wheel.	hour	$11.75
8651	Trencher		to 85	Walk-behind, Crawler & Wheel Mounted. Chain and Wheel.	hour	$27.50
8652	Trencher		to 115	Walk-behind, Crawler & Wheel Mounted. Chain and Wheel.	hour	$37.00
8653	Trencher		to 175	Walk-behind, Crawler & Wheel Mounted. Chain and Wheel.	hour	$55.00
8290	Trowel, Concrete	90 In	to 25		hour	$9.00
8291	Trowel, Concrete	100 In	to 38		hour	$14.00

8810	Truck, Bucket		Add Flatbed Truck to Truck Mounted Aerial Lift.			
8811	Truck, Cleaning		Add Flatbed Truck to Sewer Cleaner.			
8680	Truck, Concrete Mixer	10 CY	to 255		hour	$58.00
8681	Truck, Concrete Mixer	13 CY	to 300		hour	$67.00
8720	Truck, Dump	8 CY	to 210		hour	$21.00
8721	Truck, Dump	10 CY	to 235		hour	$24.00
8722	Truck, Dump	12 CY	to 255		hour	$27.00
8723	Truck, Dump	18 CY	to 330		hour	$40.00
8724	Truck, Dump	28 CY	to 400		hour	$66.00
8725	Truck, Dump	40 CY	to 460		hour	$72.00
8726	Truck, Dump	50 CY	to 620		hour	$90.00
8690	Truck, Fire	1000 GPM			hour	$44.00
8691	Truck, Fire	1250 GPM			hour	$46.00
8692	Truck, Fire	1500 GPM			hour	$59.00
8693	Truck, Fire	2000 GPM			hour	$64.00
8700	Truck, Flatbed	15000 Lbs	to 150		hour	$11.25
8701	Truck, Flatbed	25000 Lbs	to 180		hour	$13.75
8702	Truck, Flatbed	30000 Lbs	to 215		hour	$17.75
8703	Truck, Flatbed	45000 Lbs	to 250		hour	$23.00
8704	Truck, Flatbed	50000 Lbs	to 300		hour	$28.00
8705	Truck, Flatbed		to 375		hour	$34.00
8706	Truck, Flatbed		to 450		hour	$40.00
8730	Truck, Garbage	25 CY	to 255		hour	$31.00
8731	Truck, Garbage	32 CY	to 325		hour	$38.00
8812	Truck, Knuckle Boom		Add Flatbed Truck to Truck Mounted Crane.			
8813	Truck, Ladder		Add Flatbed Truck to Truck Mounted Aerial Lift.			
8814	Truck, Line		Add Flatbed Truck to Hydraulic Digger Derrick.			
8800	Truck, Pickup		to 130	When transporting people.	mile	$0.33
8801	Truck, Pickup		to 130		hour	$7.40
8802	Truck, Pickup		to 180		hour	$9.30
8803	Truck, Pickup		to 230		hour	$11.75
8804	Truck, Pickup		to 280		hour	$14.75
8790	Truck, Tractor		to 210		hour	$22.00
8791	Truck, Tractor		to 265		hour	$28.50
8792	Truck, Tractor		to 310		hour	$32.00
8793	Truck, Tractor		to 350		hour	$35.00
8780	Truck, Water	2500 Gal	to 175	Include pump and rear spray system.	hour	$20.50
8781	Truck, Water	4000 Gal	to 250	Include pump and rear spray system.	hour	$29.00
8620	Tub Grinder		to 400		hour	$61.00
8621	Tub Grinder		to 500		hour	$74.00
8622	Tub Grinder		to 600		hour	$86.00

8623	Tub Grinder		to 700		hour	$98.00
8624	Tub Grinder		to 800		hour	$110.00
8625	Tub Grinder		to 900		hour	$122.00
8626	Tub Grinder		to 1000		hour	$133.00
8753	Vehicle, Recreational		to 10		hour	$2.15
8750	Vehicle, Small		to 30		hour	$4.10
8760	Vibrator, Concrete		to 4		hour	$1.00
8761	Vibrator, Concrete		to 8		hour	$1.95
8770	Welder, Portable		to 16	Includes ground cable and lead cable.	hour	$3.05
8771	Welder, Portable		to 34	Includes ground cable and lead cable.	hour	$6.20
8772	Welder, Portable		to 50	Includes ground cable and lead cable.	hour	$8.70
8773	Welder, Portable		to 80	Includes ground cable and lead cable.	hour	$12.50

Appendix to FEMA Schedule of Equipment Rates: Aircraft Rates
The rates for helicopters and airplanes have not been included in the FEMA Schedule of Equipment Rates because the procedures for developing aircraft rates are different from procedures for other equipment. The procedure for helicopters and airplanes is given below, along with examples.

Components of Aircraft Rates
The components required for developing an aircraft rate include:
· the year the equipment was purchased by the applicant;
· the purchase price at that time, including any cost to make the equipment operational;
· the average hours of operation for the last three non-disaster years; and
· the shaft horsepower for continuous operation (this is not the takeoff horsepower).

Ownership
To obtain the yearly depreciation, divide the purchase price of the equipment, including any cost to make the equipment operational, by 15 years. This is an industry standard. Occasionally, an applicant will obtain equipment for $0 and in such a case the depreciation would be $0. If a cost was incurred to make the equipment operational, depreciation would be based on that cost.

The next step is to determine overhead costs. These costs are determined by multiplying the depreciation by 25 percent. Overhead and depreciation should then be added. The average three-year usage for non-disaster years should then be determined. If this usage is not available, use 1200 hours. To determine the ownership cost, divide the sum of depreciation and overhead by the three-year average hours of operation to obtain the hourly cost. Overhead of $0.02 per horsepower (minimum of $4.00) should be included for equipment over 15 years or equipment obtained at no cost.

Operational Costs
For the operation and maintenance cost, multiply the horsepower by $0.50 to obtain the operational costs.

Equipment Rate
The combination of the ownership and operational costs is the equipment rate.

Example 1
Aircraft data:
1990 Cost = $150,000
Shaft Horsepower = 200 hp
Average 3-year operation = 600 hours

Ownership:
Depreciation $150,000/15 years = $10,000
Overhead 25% x $10,060 = $ 2,500
Total = $12,500
$12,500/600 hours = $21 (rounded)
Operational:
200 hp x $0.50 = $100
Total rate (ownership + operational) = $121

Example 2
Aircraft data:
1980 Cost = $150,000
Shaft Horsepower = 300 hp
Average 3-year operation = 600 hours

Ownership:
Depreciation = $0
Overhead $0.02 x 300 = $6
Total = $6

Operational:
300 hp x $0.50 = $150.00
Total rate (ownership + operational) = $156

Example 3
Aircraft data:
1985 cost = $0
Cost to make equipment operational = $30,000
Shaft horsepower = 400 hp
Average 3-year operation is unknown

Ownership:
Depreciation $30,000/15 = $2000
Overhead 25%x$2000 = $ 500
Use minimum of $4 for overhead, since overhead $500/1200 hours would be less than $4.00.
Calculate depreciation separately.
Depreciation $2000/1200 hours = $2
Overhead = $4
Total = $6

Operational:
400 hp x $0.50 = $200.00
Total rate (ownership + operational) = $206

Attachment E

Summary Implementation Guidelines
Michigan Emergency Management Assistance Compact

Introduction

The *Michigan Emergency Management Assistance Compact* (MEMAC) was developed to assist public subdivisions of the State of Michigan to more effectively and efficiently exchange services and resources, especially in response to a major disaster where assistance needs to be provided from one area of the state to another. The MEMAC establishes procedures to request mutual assistance for the State of Michigan and any participating government that becomes affected by, or is under imminent threat of, a disaster, emergency, or other serious threat to public health and safety. It also sets forth the terms and conditions governing reimbursement for assistance rendered by participating governments and resolves issues concerning the insurance and liability coverage of emergency workers when responding from one locality to another. It is also important to note that the MEMAC takes full advantage of opportunities for state/federal reimbursement of eligible costs.

How to become a participating member of the MEMAC

Counties, municipalities, townships, political subdivisions, and interlocal public agencies can become a party to the MEMAC by submitting the following to the Emergency Management Division;

1. An original signed copy of the Compact/Agreement.
2. A resolution authorizing MEMAC participation. (see page 4 for sample)
3. Letters describing the types and the amounts of insurance carried by the entity. Each participating government is expected to maintain insurance for its own exposures regarding the following;
    - public officials
    - law enforcement
    - general
    - automobile liability
    - workers' disability compensation

The Compact/Agreement will be in effect upon execution by the initial participating governments. No action is required of current signatories when additional signatories are added and the Compact shall stay in effect indefinitely. A participating government may, however, terminate its involvement in the MEMAC by providing 30 days advance written notice to the Emergency Management Division.

How to request assistance

A participating government can implement the Compact when it either becomes affected by, or is under imminent threat of a disaster, emergency, or other serious threat to public health and safety. An authorized representative of the requesting agency may invoke this agreement by communicating a request for assistance by any practical means to the Emergency Management Division through the Michigan State Police Operations Desk, which is the central, 24-hour, emergency communications center for the State of Michigan [800.993.4677]. The Operations Desk shall immediately notify the Emergency Management Division of all such requests. Verbal requests shall be confirmed in writing within 24 hours of the original request.

All requests for mutual assistance shall be accompanied by the required information outlined in the Assistance Request (MEMAC Attachment B) and includes the following information:

1. A general description of the damage or harm sustained or threatened;
2. Identification of the emergency service function(s) for which assistance is needed (e.g. fire service, law enforcement, emergency medical services, transportation, search and rescue, communications, public works, engineering, building, inspection, planning and information assistance, mass care, resource support, public health, etc.), and the particular type of assistance needed;
3. The amount and type of personnel, equipment, materials, and supplies needed with a reasonable estimate of the length of time that each will be needed;
4. A proposed time and place for representatives of both the requesting and assisting parties to coordinate their activities and resources.

NOTE: Any participating government shall not request mutual assistance unless they determine resources available within the affected jurisdiction to be inadequate.

How to provide assistance when requested

Upon receiving a request for assistance, a participating government of the MEMAC should assess its personnel, equipment, and other resources to determine the extent to which it will be able to render assistance. Assisting parties shall respond to requests for assistance under this agreement by providing written acknowledgement of the assistance to be rendered to the requesting party and the Emergency Management Division as soon as practicable. The recommended format for this acknowledgment is attached as "Attachment C" and includes the following information:

1. A complete description of the personnel, equipment, and other resources to be furnished to the requesting party.
2. The estimated lengths of time that each of the personnel, equipment, and other resources will be available.
3. The areas of experience, training, and abilities of the personnel and the capability of the equipment to be furnished.
4. The name of the person or persons to be designated as supervisory personnel.

How reimbursement works

The assisting party shall submit an itemized invoice for all eligible expenses to the requesting party within 60 days following the period of assistance. The requesting party shall reimburse the assisting party for all eligible expenses, or advise of any disputed items, within 60 days following the billing date.

MEMAC Key Points

1. Provides form and structure setting forth common procedures and expectations.
2. Solves potential problems and concerns related to liability, insurance, and reimbursement up-front.
3. Has the active support of all local government management and professional emergency responder member organizations statewide.
4. Provides for the reimbursement of all eligible costs from the requesting party to the assisting party.
5. Supports the subsequent reimbursement of eligible costs from the federal government to the requesting party, in the event of a federal disaster declaration.
6. The MEMAC is supplemental to, and does not affect, existing day-to-day mutual aid/assistance agreements between adjacent or nearby localities.
7. Mutual assistance under MEMAC may be enacted even if you have utilized/enacted an existing local mutual aid agreement.
8. It may be useful to insert some language within your existing local mutual aid agreements as follows:

   "When the financial burden of supplying local mutual aid surpasses our budgetary capacity we may mutually agree to transition to enacting the MEMAC for mutual assistance purposes."

Sample Authorizing Resolution for Michigan Emergency Management Assistance Compact

Resolution #_____

WHEREAS, the State of Michigan Emergency Management Act, Act 390 of the Public Acts of 1976, as amended M.C.L. 30.401 et.seq. authorizes the State and its political subdivisions to provide emergency aid and assistance in the event of a disaster or emergency; and

WHEREAS, the statutes also authorize the State to coordinate the provision of any equipment, services, or facilities owned or organized by the State or its political subdivisions for use in the affected area upon request of the duly constituted authority of the area; and

WHEREAS, this Resolution authorizes the request, provision, and receipt of interjurisdictional mutual assistance in accordance with the Emergency Management Act, Act 390 of the Public Acts of 1976, as amended among political subdivisions within the State;

NOW, THEREFORE, be it resolved by _____ that in order to maximize the prompt, full and effective use of resources of all participating governments in the event of an emergency or disaster we hereby adopt the Michigan Emergency Management Assistance Compact which is attached hereto and incorporated by reference.

ADOPTED BY: _____

DATE: _____

I certify that the foregoing is an accurate copy of the Resolution/Ordinance adopted by _____ on _____

BY: _____

TITLE: _____

DATE:_____

May 9, 2005

TO: John Szerlag, City Manager

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

SUBJECT: **Agenda Item**
Engineering Services for the Sanitary Sewer Infiltration/Inflow Study portion of the Rouge River National Wet Weather Demonstration Grant Project

BACKGROUND INFORMATION

The Engineering Department advertised for technical proposals for Engineering Services for the Sanitary Sewer Infiltration/Inflow Study, which is part of the Rouge River National Wet Weather Demonstration Project grant that was approved by City Council on February 21, 2005 (CC Res# 2005-02-083-E12). Proposals were received from the following three (3) consultants:

1. Giffels-Webster Engineers, 2871 Bond Street, Rochester Hills, MI
2. Hubbell, Roth & Clark, 555 Hulet, Bloomfield Hills, MI
3. Spalding DeDecker Assoc., 905 South Blvd., Rochester Hills, MI

In accordance with the QBS process, a review committee consisting of the City Engineer, Deputy City Engineer, Storm Water Engineer, Public Works Director and the Water & Sewer Superintendent, rated the consultants based on each firm's understanding of the project, past experience with similar projects and other items as listed on the review sheet (Exhibit 1).

Total final scores for all consultants are presented in Exhibit 1, with Hubbell, Roth & Clark, Inc. (HRC) receiving the highest score based on the committee rating results. HRC was asked to submit a priced proposal based on guidelines prepared by the Engineering Department.

PROPOSAL INFORMATION

City project staff met with HRC to discuss in detail the required scope of services and specific project elements. The fee for Preliminary Engineering submitted by HRC was $52,502.00. This submittal is based on 705 hours, which provides for all necessary sewer meter installation, maintenance, training of meter and software use, and the final Inflow/Infiltration Report and is in line with the hours by the other consultants submitting un-priced technical proposals on this project. A detailed breakdown of costs is included in the attached copy of the HRC priced proposal (Exhibit 2). Also included with this memo is the signed Engineering agreement with Hubbell, Roth & Clark, Inc.

RECOMMENDATION:

Staff recommends awarding the Engineering services for the Sanitary Sewer Infiltration/Inflow Study to Hubbell, Roth & Clark, Inc. and authorizing the Mayor and Clerk to execute the Preliminary Engineering Agreement with HRC for a not to exceed fee of $52,502.00.

BUDGET

Funds are available for Engineering services in the SSO Grant account number 535.7973.054015 with 40% of that to be reimbursed by the federal grant.

Reviewed as to Form and Legality:_____

Lori G. Bluhm, City Attorney Date

Prepared by: Dana Calhoun, Storm Water Engineer
G:\Storm Water Division\Environmental\SSOGrant\CityCouncilHRCmemo.doc

Exhibit 1

Request for Proposal
Evergreen Farmington Sewage District System
Flow Monitoring Engineering Work

Item No.	Task	Engineering Firm Hubbell, Roth & Clark, Inc.	Spalding DeDecker Associates, Inc.	Giffels-Webster Engineers
1.	Familiarity & experience w/ Wayne County's requirements & standards for the RRNWWDP (5 points)	4.6	3.8	3.4
2.	Qualifications & experience of "Key Personnel" assigned to this project (5 points)	4.2	4.7	4
3.	Prior experience w/ Flow Metering projects and I/I studies on sewer systems similar to this project (15 points)	14.2	13	11.6
4.	Familiarity & experience w/ City of Troy's sanitary sewer system & how the system functions within the EFSDS (25 points)	24.2	19	10.5
5.	Ability to complete the project on-time and address the project purpose and objectives (25 points)	22	22.8	18
6.	Demonstrate a clear understanding of the project (25 points)	24.4	22.4	21.2
7.	Minority, Women, Disadvantaged Owned Business (10 points)	8.2	9	9.2
	Total Points (110 points possible)	101.8	94.7	77.9

PRINCIPALS
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Thomas E. Biehl
Walter H. Alix
George E. Hubbell
Peter T. Roth
Michael D. Waring
Keith D. McCormack
Curt A. Christeson

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Randal L. Ford
David P. Wilcox
Timothy H. Sullivan

1915 - 2005™

HRC

HUBBELL, ROTH & CLARK, INC.

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Robert F. DeFrain
Marshall J. Grazioli
Thomas D. LaCross

May 6, 2005

City of Troy
Engineering Department
500 West Big Beaver
Troy, Michigan 48084

Attention: Mr. Steve Vandette, P.E., City Engineer

Re: Rouge River National Wet Weather Demonstration Project
Meter Study
Cost Estimate and Work Plan

HRC Job No. 20050183.86

Dear Mr. Vandette,

Per your request, we are pleased to provide this cost estimate and work plan to assist the City with the metering portion of the City's Rouge River National Wet Weather Demonstration Project Round VI – Part "A" Grant Program.

In accordance with the items discussed during our meeting on April 26, 2005, our assistance with the meter study will generally consist of the following tasks:

A. Flow Meter Training
B. Meter Installation and Removal (assistance and training)
C. Weekly Data Collection (assistance and training)
D. Meter Data Analysis and Progress Meetings

Each task is described as follows.

Flow Meter Training

We will provide an 8-hour training session for City staff that will provide an overview on why we meter, how the data is analyzed, how meters work, how to fill out the various forms required to keep track of your meters and meter data, and how to utilize the meter software that programs, downloads and graphs meter data. We anticipate that the first half of the training session would be a presentation with the second half a work session utilizing the meter software package. For this afternoon session it would be beneficial if every person who will interface with the meters/software have a laptop or desktop at their disposal (if necessary, up to three (3) could share a computer). Depending on the number of City staff that will attend this training session, we may be able to provide all the necessary laptops/equipment (we can coordinate this upon approval of this work plan and notice to proceed). Assuming Isco meters are purchased, we can set up training as soon as possible (even before the City receives their meters). We will provide binders for each attendee that will include the presentation, as well as, meter programming, downloading and data viewing procedures and forms.

2001 Centerpoint Pkwy • Suite 109 • Pontiac, MI 48341 • Telephone: (248) 454-6300 • FAX: (248) 454-6359 • www.hrc-engr.com

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Meter Installation and Removal

Meters shall be installed as shown in Figure 1. Prior to installing the meters it is important to check out site conditions of selected meter locations to determine if the hydraulics will be conducive for flow metering. For training purposes, City staff should join our staff as we field investigate the meter locations. This task also requires programming of each meter prior to installation. Our staff will meet with the City staff that will be responsible for the meters and will show them how to program and get the meters ready for installation (typically this is completed a day or two (2) prior to installation; the site visit and meter programming could be coordinated to occur the same day). The installation and removal assumes that two (2) HRC representatives and one (1) Rama, Rao & Associates (RRA) representatives are utilized. The City personnel responsible for future metering projects must attend for training purposes. Upon removal, HRC staff will show City staff the proper way to clean the instrument and store it until further use. It is assumed that all these tasks, except site inspection, will occur twice (in 2005 and 2006).

Weekly Data Collection

Weekly data collection assumes that an HRC representative and an RRA representative will be on-site for the first two (2) weeks to assist the City with the weekly data downloading. Following the first two (2) weeks, only an RRA representative will assist the City with data downloading; however, please note, the RRA representative may not be prepared to answer questions on the software or data downloading, all such questions will likely have to be asked of HRC personnel. The budget under this task allows for one (1) field visit per month from HRC personnel should the City require additional assistance or have on-site questions. After the first two (2) data downloads, HRC personnel will show the City's "data analyst" and/or field staff how to scan the data (for telltale signs of apparent meter malfunctions that require immediate meter cleaning or calibrating), archive the data and transfer via email to HRC for review. HRC staff will review the data weekly and will let City staff know if any of the meters need additional maintenance.

Meter Data Analysis and Progress Meetings

The meter data analysis assumes that each data set from 2005 and 2006 will be analyzed with a preliminary report summarizing the 2005 study completed no later than November, 2005. And the final report will be completed no later than October 1, 2006 prior to the Grant deadline of October 31, 2006.

In general, the goal of the project is to quantify the effectiveness of the proposed Cured-In-Place-Pipe (CIPP) improvements. CIPP improvements will essentially remove the sources of ground water infiltration that are currently leaking into the local collection sewer at cracks in the pipes and joints. Therefore, the analysis will include an evaluation of the dry weather flow compared to tributary population and inch-mile of pipe. It would be best if metering occurred at same time of the year each year so that the data collection occurs under similar ground water table elevations. Therefore, as discussed during our April 26 meeting, in order to meet the Grant deadline, the metering periods will be from June through August in 2005 and 2006.

Rain events would be useful to collect to compare peak flows to tributary population and inch-mile of pipe, however, according to project goal, rain events are not necessarily required to determine the effectiveness of the CIPP improvements. While 10-year, 1-hour peak inflow projections may be useful to determine the extent of excessive inflow (footing drain and sump pump flow) into the sanitary system, it is important to note that, this study does not allow for data projections. We can adjust our proposal accordingly should the City want to expand the scope of the project to evaluate the 10-year, 1-hour projected peak inflow.

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We have also included progress meetings (up to four (4)) and a presentation to City council, which are tasks that are in addition to the original estimate that was presented during our April 26, 2005 meeting.

We estimate that it will take approximately 705 hours of staff time to assist the City with the meter portion of the City's Rouge River National Wet Weather Demonstration Project Round VI – Part "A" Grant Program. Further, the cost to complete these tasks will not exceed $52,502.00 without prior authorization (see attached for breakdown of hours and costs).

If you have any questions or require any additional information, please feel free to contact me at 248-454-6300.

Very truly yours,

HUBBELL, ROTH & CLARK, INC.

Walter H. Alix, P.E., P.S.
Vice President

Jennifer Morreale, P.E.
Project Engineer

JLM/jlm
Attachment

pc: Troy; D. Calhoun, B. Houtari, T. Richnak, M. Karloff
HRC; M. MacDonald, File

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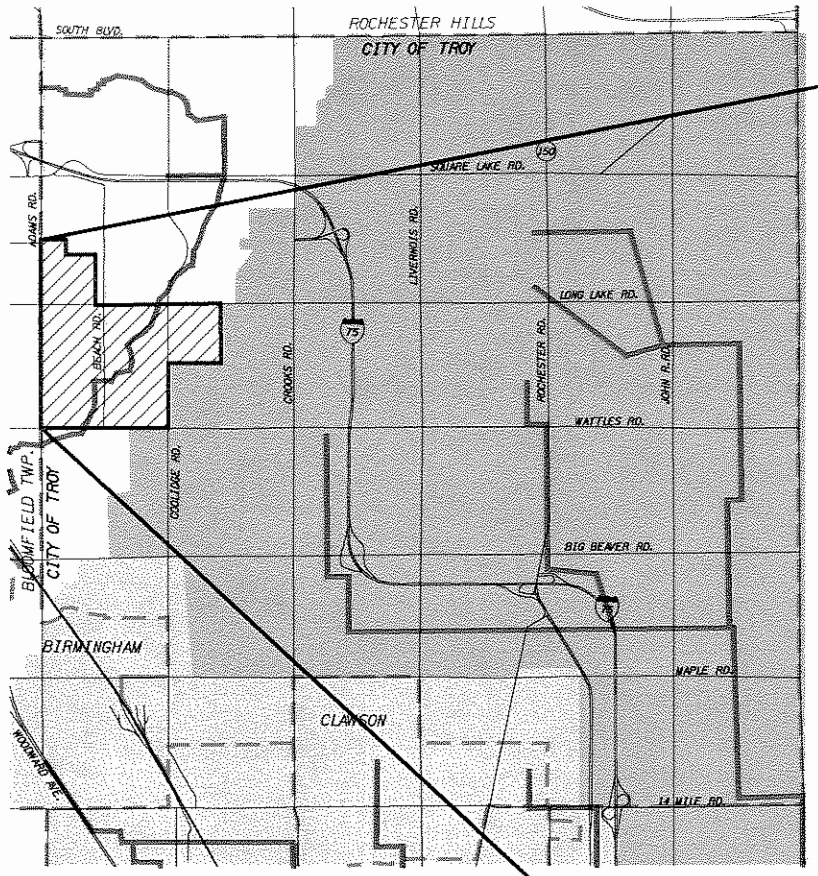
STAFF HOUR PROJECTIONS / TOTAL COST ESTIMATE
ROUGE RVER NATIONAL WET WEATHER DEMONSTRATION PROJECT - METER STUDY
CITY OF TROY, MICHIGAN

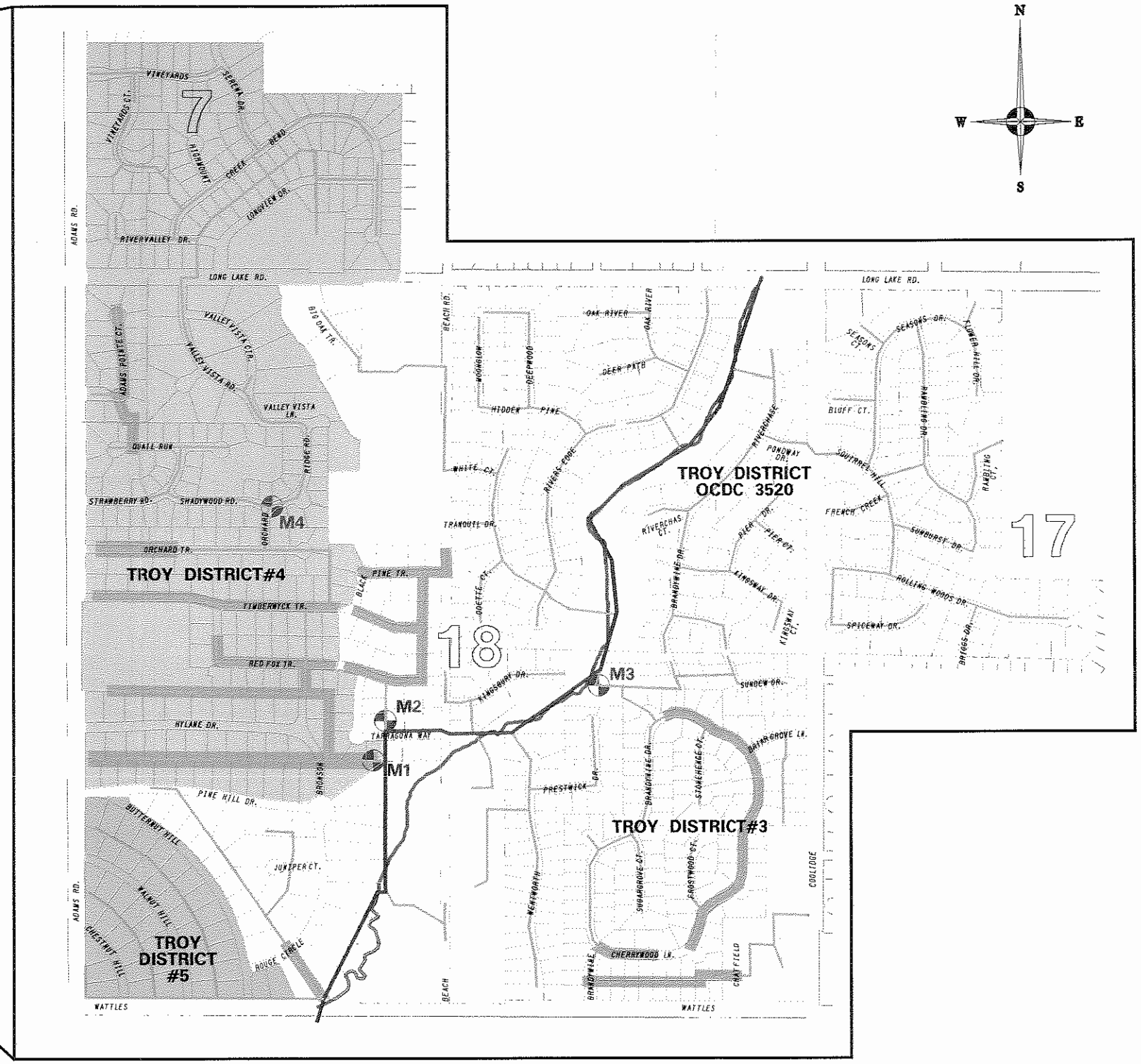
TASK	Staff Hours by Labor Category					Total
	Associate	Project Engineer	Cadd Tech.	Field Tech.	Clerical	
A Flow Meter Training						
1. Revise Meter Forms for City		3				3
2. Update Flow Meter Presentation		12		2		14
3. Compile Training Binders/Info		4			8	12
4. Training Day with City Staff		8				8
B. Meter Installation & Removal						
1. Site Inspection (with City Staff)		6		6		12
2. Set up 8 Meters for Installation (with City Staff)		2		16		18
3. Install 8 Meters (2 HRC + 1 RRA + City Staff)		2		64		66
4. Remove 8 Meters (2 HRC + 1 RRA + City Staff)				48		48
5. Clean and Store Meter Equipment (with City Staff) - Twice				16		16
C. Weekly Data Collection						
1. Data Collection for First 2 Weeks (1 HRC + 1 RRA + City Staff)				32		32
2. Data Collection for remaing 22 Weeks (1 RRA + City Staff)				110		110
3. Assume Field Site Visit/Help Once per Month (1 HRC)				36		36
4. Scan Data, Archive and Transfer for First 2 Weeks (1 HRC + City Staff) - Twice		16				16
5. Data Review		72				72
D. Meter Data Analysis & Progress Meetings						
1. Meter Data Analysis		64				64
2. Meter Study Preliminary Report (October - November, 2005)	4	40	16		8	68
3. Meter Study Final Report (October 1, 2006)	4	20	16		8	48
4. Progress Meetings - 4 Meetings	12	24				36
5. Presentation to City	4	18	4			26
	24	**291**	**36**	**330**	**24**	**705**

FEES FOR ENGINEERING SERVICES

ROUGE RVER NATIONAL WET WEATHER DEMONSTRATION PROJECT - METER STUDY
CITY OF TROY, MICHIGAN

	ESTIMATED HOURS	DIRECT PAYROLL	ESTIMATED COST
Associate	24	$45.00	$ 1,080.00
Project Engineer	291	$30.00	$ 8,730.00
Cadd Tech.	36	$25.00	$ 900.00
Field Tech.	330	$20.00	$ 6,600.00
Clerical	24	$15.00	$ 360.00
TOTAL DIRECT PAYROLL			$ 17,670.00
Overhead Labor (1.5837 Times Direct Payroll)			$ 27,983.98
Sub-Total (Total Labor + Total Overhead)			$ 45,653.98
Fixed Fee (15%)			$ 6,848.10
TOTAL ESTIMATED FEE			**$ 52,502.08**





LEGEND:

- EVERGREEN-FARMINGTON SEWAGE DISPOSAL SYSTEM STCAP STUDY AREA
- SOUTHEASTERN OAKLAND COUNTY SEWAGE DISPOSAL SYSTEM
- GEORGE W. KUHN DRAIN DISTRICT (12 TOWNS)
- COUNTY INTERCEPTORS
- CITY/TOWNSHIP BOUNDARY
- LOCAL SANITARY SEWERS
- TEMPORARY METER LOCATIONS
- SANITARY SEWERS PREVIOUSLY TELEVISED

TROY DISTRICT[1]	10-YEAR, 1-HOUR PROJECTED PEAK FLOW (gpcd)[2]	DISTRICT RANKING[3]
3	1,194	2
4	473	6
5	792	5
OCDC 3520	947	4

[1] TROY DISTRICT DELINEATION, INFLOW AND DISTRICT RANKING INFORMATION ARE FROM THE *1998 EFSOS FLOW MONITORING STUDY FOR THE CITY OF TROY* PREPARED BY HRC. REFER TO SECTION 1 OF SAID REPORT FOR MORE INFORMATION.

[2] ACCORDING TO THE EPA, PEAK FLOW > 275 gallon per capita per day (gpcd) IS CONSIDERED TO BE EXCESSIVE.

[3] A TOTAL OF 6 DISTRICTS WERE RANKED. THE LOWER THE NUMBER, THE WORSE THE DISTRICT (i.e. TROY DISTRICT 3 WAS RANKED THE 2nd WORST DISTRICT)

HRC
CONSULTING ENGINEERS
555 HULET DRIVE
BLOOMFIELD HILLS, MICH.
P.O. BOX 824
48303-0824

CITY OF TROY –
ROUGE RIVER NATIONAL WET WEATHER
DEMONSTRATION PROJECT METER STUDY

SECTION 18 –
TEMPORARY METER LOCATIONS

JOB NO. 20050138
DATE: MAY 2005
FIGURE: 1

QUEUE: \\qa\CP_Color-555OPC1 CLR. TBL.=F:\standards\M3/8\dgn\hrc_colorM_reduce/TIME - 04-MAR-2005 14:44
DESIGN FILE: F:\20040909\20040905\C\20050138\fig01.dgn
USER NAME: bobfagnitzak

CITY OF TROY
AGREEMENT FOR ENGINEERING SERVICES
FOR SANITARY SEWER INFILTRATION/INFLOW STUDY

AGREEMENT

Pursuant to City Council Resolution No._____, the City of Troy (City) and _____(Consultant), based on the Proposal for Engineering Services received from _____ on March 31, 2005 (copy attached), agree as follows:

a) The Consultant shall conform to all applicable laws, ordinances, City standards and statutes of the Federal Government, State of Michigan and City of Troy, including but not limited to, the following:

- Civil Rights Act of 1964, as amended
- Davis Bacon Act, as amended (40 USC 327-330)
- Copeland "Anti-Kickback" Act (18 USC 874), as supplemented in the Department of Labor Regulations (20 CFR-Part 3)

b) The City reserves the right to terminate the contract at any time with the assurance that the contractor shall be entitled to reimbursement for any services rendered prior to the date of termination.

c) Provide a statement that the Consultant will not perform any services for the City in which there is a conflict of interest, or the appearance of a conflict of interest, with any builder, developer, contractor or private client who is or might be expected to be active in the City.

If the Consultant is currently performing services for a builder, developer, contractor or private client who is or might be expected to be active in the City, the consulting engineer shall provide a detailed listing of this work, as well as the anticipated date of completion.

d) The Consultant will be held responsible for additional costs resulting from negligence, mismanagement, delays or improper guidance. When it can be established that the Consultant is clearly at fault, these additional costs will be borne by the Consultant.

The City will require affirmative steps to be taken by the Consultant for the utilization of DBE/WBE firms for subcontracted services for this project if necessary.

e) The Consultant shall not commence work under this agreement until it has obtained the following required insurance. All coverage shall be with insurance carriers acceptable to the City. **All insurance carriers shall be licensed and admitted to do business in the State of Michigan.** The Consultant shall require each its subcontractors to maintain the following required insurance. If

any insurance is written with a deductible or self-insured retention, the Consultant shall be solely responsible for said deductible or self-insured retention. The purchase of insurance and the furnishing of a certificate of insurance shall not constitute satisfaction of the Consultant's indemnification of the City.

The Consultant and its subcontractors shall procure and maintain during the life of the agreement the following coverage:

i. Workers compensation insurance in accordance with all applicable statutes of the State of Michigan. Coverage shall include a minimum $250,000 employers liability coverage.

ii. Commercial general liability insurance on an "occurrence" basis with limits of liability not less that $1,000,000 per occurrence and/or aggregate combined single limit, personal injury, bodily injury and property damage. Coverage shall include the following extensions:

- Per Contract Aggregate (Annual Aggregate Contract Limit)
- Contractual liability
- Products and completed operations
- Independent contractors coverage
- Broad form general liability extensions or equivalent

iii. Motor vehicle liability coverage, including Michigan no-fault coverage for all vehicles used in the performance of the contract.

Coverage shall include all owned vehicles, all non-owned vehicles and all hired vehicles. Limits of liability shall not be less than $1,000,000 per occurrence combined single limit bodily injury and property damage.

iv. Professional liability, issued on an "occurrence basis" or "claims made basis", with limits of liability of not less than $3,000,000 per occurrence/aggregate, or per claim/aggregate if on a "claims made basis". If written on a "claims made basis", the policy must continue for a period of two (2) years following the termination or end date of the contract. Whether on an "occurrence basis" or a "claims made basis", the policy shall include: a) per contract aggregate and b) deletion of all contractual liability exclusions and/or provisions.

v. Additional insured, commercial general liability insurance and motor vehicle liability coverage, as described above, shall include an endorsement stating the following shall be additional insureds:

"The City of Troy, including architects and engineers, all elected and appointed officials, all employees and volunteers, boards, commissions and/or authorities and their board members, employees, and volunteers "; additional insured on ISO form B or broader."

vi. Cancellation notice. Worker' compensation insurance, commercial general liability insurance, motor vehicle liability insurance and professional liability insurance, as described above shall include an endorsement stating that thirty (30) days' advance written notice of cancellation, non-renewal, reduction and/or material change shall be sent to:

City of Troy – Risk Management
500 W. Big Beaver
Troy, MI 48084

vii. Indemnification, except professional liability. To the fullest extent permitted by law, the Consultant expressly agrees to indemnify and hold the City harmless against all losses and liabilities arising out of personal injury, bodily injury or property damages, based upon any negligent act, grossly negligent act or omission, or willful or wanton misconduct, by the Consultant or anyone acting on the Consultant's behalf, in connection with, or incidental to, the contract or the work to be performed, except that the Consultant shall not be responsible to indemnify the City for losses or damages caused by or resulting from the City's gross negligence.

viii. Indemnification, professional liability.

a. The Consultant expressly agrees to indemnify and hold the City harmless against all losses and liabilities arising out of personal injury, bodily injury or property damages to the extent of any negligent act, grossly negligent act, error or omission of the Consultant or anyone acting on the Consultant's behalf, in connection with, or incidental to, the contract or work to be performed, except that the Consultant shall not be responsible to indemnify the City for any losses or damages to the extent that same are caused by or result from the gross negligence of the City or any other person or entity.

b. To the extent of the Consultant's actual degree of fault, the Consultant's obligation to indemnify and hold the City harmless shall include:

I. The obligation to defend the City from any such suit, action or proceeding, and;

II. The obligation to pay any and all judgments which may be recovered in any such suit, action or proceeding and/or any reasonable expenses including, but not limited to costs, attorney fees and settlement expenses which may be incurred, but only to the extent that such judgments and expenses are attributable to the Consultant's actual fault.

c. The Consultant agrees that it will not settle or resolve any claim or action against the Consultant based upon its acts which includes, or may include, a claim or count against the City or its employees without obtaining a full and complete release in favor of the City with respect to any and all claims or counts against the City except those based upon the gross negligence or willful or wanton misconduct of the City or its employees.

d. For the purpose of indemnity clauses in the agreement, "City" shall mean City of Troy, its elected and appointed officials, employees and volunteers working on behalf of the City; losses and liabilities shall mean loss, cost, expense, damage, liability or claims, whether groundless or not; personal injury shall mean false arrest, erroneous service of civil papers, false imprisonment, malicious prosecution, assault and battery, libel, slander, defamation of character, discrimination, mental anguish, wrongful entry or eviction, violation of property, or deprivation of any rights, privileges or immunities secured by the constitution and laws of the United States of America or the State of Michigan, for which the Consultant may be held liable to its injured party in an action-at-law or a suit in equity or other proceedings for redress; bodily injury shall mean bodily injury, sickness or disease and mental injury which may be sustained or claimed by any person or persons; and property damage shall mean the damage and destruction of any property including the loss of use thereof.

e. The Consultant and the City may agree to arbitrate any disputes with respect to the application of this indemnification clause.

CITY OF TROY
AGREEMENT FOR ENGINEERING SERVICES
FOR SANITARY SEWER INFILTRATION/INFLOW STUDY

This agreement is hereby made and entered into this _____ day of _____ 2005, by and between the City of Troy (Troy) and _____ (Consultant).

CITY OF TROY:	**CONSULTANT:**
_____	_____
Louise Schilling, Mayor	
_____	_____
Tonni Bartholomew, City Clerk	

May 10, 2005

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager

SUBJECT: Schedule Special-Study Meeting on May 23, 2005

A special-study meeting is required for Monday, May 23, 2005 at 7:30 PM in the Council Board Room for reason of discussing the following topics:

1) Septic System Inspection Program; and Possible Sanitary Sewer Special Assessment District (SAD) in Charnwood Hills Subdivision
2) Futuring and Strategic Planning Process

May 10, 2005

TO: John Szerlag, City Manager

FROM: Doug Smith, Real Estate and Development Director

SUBJECT: AGENDA ITEM - Local Match for a Michigan Economic Growth Alliance Attraction and Incentive Package

Management has been working with Compact Power, Inc. to locate its North American Headquarters and Engineering Center in Troy. Staff approached the Michigan Economic Growth Alliance (MEGA) to provide a state package of incentives to attract the company to Michigan. State law requires that in order for MEGA to provide an incentive package to a company, a local contribution must be made. The size and nature of that local match is negotiated between MEGA and the local community. This MEGA incentive package will be considered by the MEGA Board on May 17, 2005.

Compact Power, Inc. is currently located in Monument, Colorado (close to the Air Force Academy and in a high tech corridor in Colorado). They are considering a location for their North American Headquarters and Engineering Center, and looking at both Michigan and Colorado. The company is a subsidiary of LG Chem, a major Korean company. Compact Power, Inc. is developing and producing lithium-ion batteries for the auto industry (hybrid electric application) and the military. They currently have contracted with the US Advanced Battery Consortium (USABC), NASA and the U.S. Air Force for testing of their latest cell designs. They also anticipate working with the DC/GM (Daimler Chrysler/General Motors) joint venture project for the hybrid vehicle program.

The State is negotiating with the company for a high tech MEGA, for a 10-year term. The company would be creating 168 new jobs; investing $9.1 million in new machinery and equipment, $1.1 million in office equipment; $2.8 million in special tooling; and $1.7 million on computers over the next 5 years. The company currently has 1 employee in Southfield and has selected 1857 Technology Drive, in Troy, as the location. They are securing a ten-year lease for 12,000 sq. ft. with additional options 30,000 square feet. They anticipate 30 engineers the first year and potentially up to 168 engineers by year three.

MEGA is requesting $50,000 of roadwork on Technology Drive and a Next Energy property tax exemption as the combined local match. The city identified the roadwork as an infrastructure improvement that would benefit the proposed location and was a needed, but as yet unscheduled, road repair. (See attached pictures)

The Next Energy exemption would be needed in order for the company to receive credit for the years that the city offers support for the Next Energy property exemptions. The exemptions put Michigan in a more competitive position compared to Colorado for this project.

The Michigan Next Energy Authority (MNEA) was created by Public Act 549 of 2002. They are charged with certifying alternative energy businesses, and alternative energy personal property.

Under the provisions of the Act, alternative energy personal property (as certified by the Next Energy Authority) purchased between 2002 and 2012, may be exempt from taxation, through the process of eliminating some, or all millages from being levied against the property.

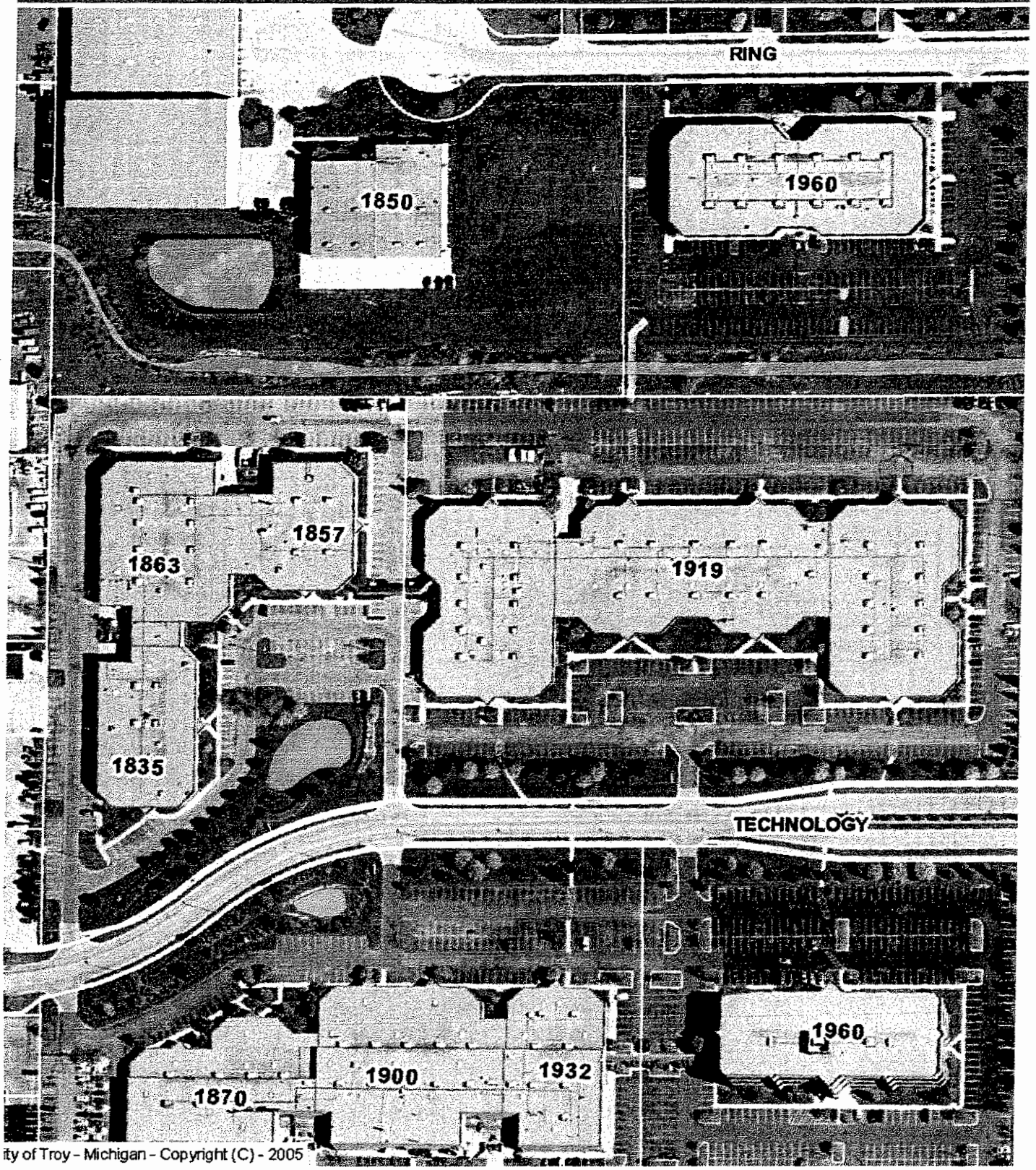
Also under provisions of the Act, local taxing authorities may “opt out” of the exemption process. In order to “opt out”, these local authorities (schools, community college, county, city intermediate school districts) must pass a resolution within 60 days of receipt of the MNEA Resolution certifying the alternative energy company’s proposal (pending final certification by the local Assessor). Barring a resolution to opt out, the property is exempt from that local units millage rate.

A local contribution is provided only after there is complete documentation submitted by the company to MEGA and MEGA has determined that they have successfully met all the criterion to meet the MEGA incentive package.

This local contribution is required in order for MEGA to award the state package of incentives. MEGA conducts an extensive examination to determine that there is a documented potential for this company moving out of state, and that intervention by the state is necessary to keep the company here.

Management would recommend that City Council approve the local contribution for this MEGA package of incentives to be $50,000 of roadwork along Technology Drive from the industrial road maintenance portion of the 2005/06 budget and will join with the State of Michigan to exempt all qualified personal property from taxation for this company under PA 549 of 2002.

Geographical Information Systems Online



ity of Troy - Michigan - Copyright (C) - 2005

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

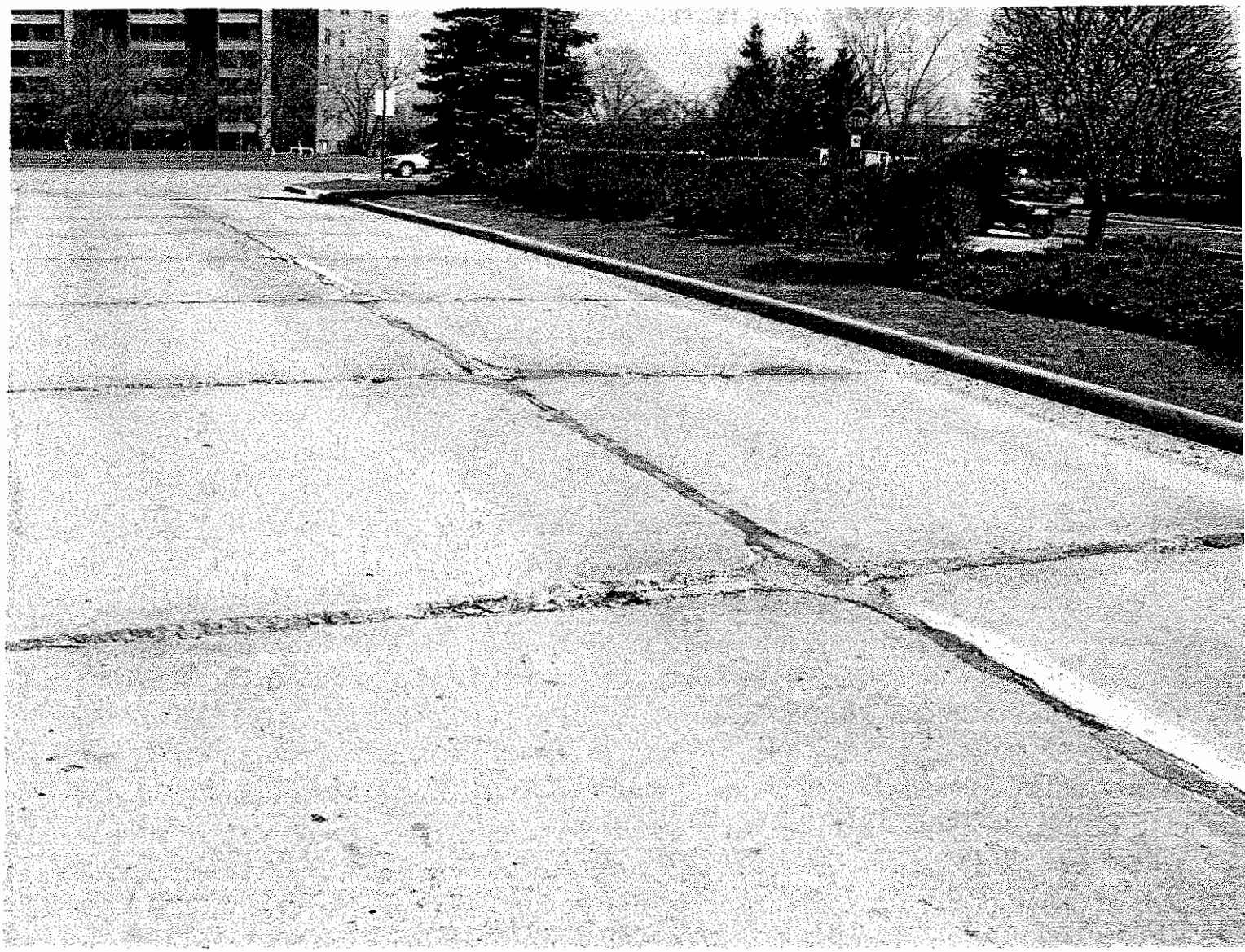
Douglas J Smith

From: Steven J Vandette
Sent: Monday, April 11, 2005 4:05 PM
To: Douglas J Smith
Subject: Technology Drive

There are plenty of concrete defects on Tech Drive that warrant repairs. I did not find anything on the drain that needed attention. The road repairs can easily exceed 50 thousand. Let me know what else you need this.

Steve

DSCN1929.JPG DSCN1930.JPG DSCN1921.JPG DSCN1923.JPG DSCN1926.JPG


STOP

969

May 3, 2005

TO: John Szerlag, City Manager

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

SUBJECT: **Agenda Item** – South Boulevard Water Main Repairs
Addendum No. 1 to Contract 03-5

RECOMMENDATION:

It is recommended that City Council ratify Addendum No.1 to Contract 03-5 in the amount of $283,081.44 for water main repair work performed on South Boulevard between Crooks and Coolidge.

BACKGROUND:

City Council awarded Contract 03-5 to Gianetti Contracting Corporation by Resolution No. 2003-12-635-E-12 (12/15/03) and authorized additional work not to exceed 10% of the total project cost. The contract award amount was $935,916.41. With the 10% contingency, the total contract amount approved was $1,029,508.05. The contract to date, including added work, has reached the contract limit as established by Resolution No. 2003-12-635-E-12.

In April 2004 it was discovered that a break occurred in the 16" water main on South Boulevard and the main was shut down. This main is a primary water main feed on the north side of Troy. The break occurred within a section of approximately 600 feet of 16" water main, on the south side of South Boulevard between Crooks and Coolidge, which lies within a peat bog. When this water main was installed in the early 1970's, wooden piles had to be placed to depths ranging from ten (10) to twenty-seven (27) feet in order to support the water main and span the peat bog. The 16" water main was placed on these piles and strapped in place with metal bands. It was suspected that a pile failure of unknown scope caused the break. Repair of this main would require a contractor with experience and expertise in pile construction and repair and for that reason quotes were requested from three (3) experienced contractors who were under contract with the City and capable of repairing the main. Quotes were requested from Troelsen Excavating, Aielli Construction and Giannetti Contracting. Troelsen Excavating declined to submit a quote and Giannetti submitted the lowest hourly rate for the repair work.

Giannettti Contracting was directed to mobilize on the site and complete the water main repairs on the 16" water main. Since the cause and scope of the break was unknown at that time, Giannetti Contracting was directed to explore the area of the break approximately 50 feet east and west of the main break, determine its cause and make all necessary repairs on an hourly rate basis. During this work it was discovered that the

metal bands had corroded and broke and the 16" water main essentially rolled off the top of the piles that supported the main. The pipe was placed back on top of the piles and new stainless steel bands and bolts were used to fasten the water main in place. This work was completed in May 2004.

After the initial water main repair work was completed, another water main break occurred outside of the original repair area. At that time, Giannetti was directed to remobilize and excavate along the entire length of the 16" water main that is on pilings, approximately 600 feet. All existing pilings within the peat bog area were checked and all bands and bolts were removed and replaced with stainless steel bands and bolts. This work was ongoing during the summer and completed in the fall of 2004.

Staff has reviewed extensive project cost documentation from Giannetti to verify all work and charges were in agreement with our inspector's daily reports and recommends payment to Giannetti be made.

BUDGET

Funds for this work are included in the 2004-05 Water Fund in account number 555.7972.045025

Prepared by: William J. Huotari, Deputy City Engineer
G:\Contracts\Contracts - 2003\03-5 Sec. 10 Water Main\Corrs\Addendum No. 1_South Blvd WMr1.doc

May 12, 2005

TO: John Szerlag, City Manager

FROM: Doug Smith, Real Estate and Development Director

SUBJECT: AGENDA ITEM – Local Development Finance Authority 2005/06 Budget

On Monday, May 9, 2005, the Local Development Finance Authority approved the 2005/06 budget including estimated revenues of $224,100. The expenditures of the budget meet the commitments previously approved by Council for operation and capital for the Technology Center. The budget also includes approximately $43,000 earmarked for marketing of the Automation Alley SmartZone and sharing the cost for constructing a monument sign for the park.

RESOLVED, that Troy City Council approves the 2005/06 proposed annual budget for the Local Development Finance Authority.

CITY OF TROY

LOCAL DEVELOPMENT FINANCE AUTHORITY

2005-06

BUDGET

REVENUE

Property Tax	$208,600
Interest Income	1,500
Transfer In	14,000
	$224,100

EXPENDITURES

Automation Alley Technology Center - Operations	125,160
Automation Alley Technology Center - Building	46,000
Administrative Services	10,000
Marketing & Signage	42,940
	$224,100

CAPTURED TAXABLE VALUE

2005-06

	Taxable Value
2005 - Total Value	22,482,220
2003 - Initial Value	14,447,380
Captured Taxable Value	**8,034,840**

	Oakland County	Oakland Comm. College	City of Troy	Transportation	Intermediate	Operating	Total
Millage Rates	4.6476	1.5889	8.9500	0.5962	1.6895	9.0000	26.4722
Captured Yield							**212,700**

May 12, 2005

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager

SUBJECT: Schedule Special-Study Meeting for a Continuation of the Discussion on an Ethics Policy

A special-study meeting is required to continue the discussion of an ethics policy for City Council and its boards and committees. Below are suggested dates, all to take place at 7:30 PM in the Council Board Room of City Hall:

Monday, June 27, 2005
Tuesday, June 28, 2005
Monday, July 25, 2005
Tuesday, July 26, 2005
Monday, August 8, 2005
Tuesday, August 9, 2005
_____, 2005 (or an alternate date of Council's choosing)

FINAL
Meeting Minutes
DOWNTOWN DEVELOPMENT AUTHORITY
DECEMBER 15, 2004

A meeting of the Downtown Development Authority was held on Wednesday, December 15, 2004 in the Lower Level Conference Room of Troy City Hall, 500 W. Big Beaver Troy, Michigan. Tom York called the meeting to order at 7:30 a.m.

PRESENT: Stuart Frankel
Michele Hodges
William Kennis
Carol Price
Ernest Reschke
Douglas Schroeder (Arrived 7:32, Departed 9:20)
G. Thomas York
Michael Culpepper
David Hay
Daniel MacLeish
Louise Schilling

ABSENT: Alan Kiriluk
Harvey Weiss

ALSO PRESENT: Lori Bluhm
John M. Lamerato
Brian Murphy
Mark Miller
Doug Smith
Andy Appleby, General Sports
Dana Schmitt, General Sports

EXCUSE ABSENT MEMBERS

Resolution: DD-04-17
Moved by: Hodges
Seconded by: Culpepper

RESOLVED, That Kiriluk and Weiss be excused.

Yeas: All (10)
Absent: Kiriluk, Schroeder, Weiss

APPROVAL OF MINUTES

Resolution: DD-04-18
Moved by: Kennis
Seconded by: MacLeish

RESOLVED, That the minutes of the September 15, 2004 regular meeting be approved.

Yeas: All (10)
Absent: Kiriluk, Schroeder, Weiss

OLD BUSINESS

Corridor Study Update

Mark Miller gave a brief update on the Corridor Study.

NEW BUSINESS

Audited Financial Statements – June 30, 2004

Resolution: DD-04-19
Moved by: Kennis
Seconded by: Reschke

RESOLVED, That the Audited Financial Statements for the year ended June 30, 2004, were received and filed.

Yeas: All (11)
Absent: Kiriluk, Weiss

General Sports Request for a Minor League Baseball Park Infrastructure Contribution

Resolution: DD-04-20
Moved by: Frankel
Seconded by: MacLeish

RESOLVED, That the DDA recommends to City Council that Council seek an agreement with General Sports to construct a multi-purpose stadium, but has reservations about DDA funding of infrastructure without demonstrated benefit to the business community and finalization of parking agreements with Liberty Property Trust and any contribution to this project requires a formula of reimbursement for infrastructure costs and analysis of the economic impact on the DDA Budget.

Yeas: Frankel, Hay, MacLeish, Reschke, Schilling, Schroeder, York
Nays: Culpepper, Hodges*, Kennis, Price
Absent: Kiriluk, Weiss

Michele Hodges asked that the minutes reflect the reason for her no vote, which should not be interpreted to indicate that she is not in support of the project. Instead, she voted no for the motion because she wanted a more positive resolution, similar to the resolution proposed by Carol Price that was not formally motioned.

PUBLIC COMMENT

Several members in attendance addressed the Board.

The meeting was adjourned at 9:25 a.m.

Next Meeting: January 19, 2005 @ 7:30 a.m. @ Troy City Hall, Lower Level Conference Room

_____
G. Thomas York, Vice Chairman

_____
John M. Lamerato, Secretary/Treasurer

JL/lc

TROY HISTORIC STUDY COMMITTEE – FINAL **MARCH 1, 2005**

This Meeting of the Troy Historic Study Committee was held Tuesday March 1, 2005 at the Troy Museum & Historic Village. The meeting was called to order at 7:40 P.M.

ROLL CALL

PRESENT: Kevin Lindsey
Bob Miller
Linda Rivetto
Kinda Hupman

ABSENT: Charlene Harris
Marjorie Biglin
Paul Lin

STAFF: Loraine Campbell

Resolution #HDC-2005-03-001
Moved by Miller
Seconded by Hupman

RESOLVED, That the absences of the Harris, Biglin and Lin be excused
Yes: 4 —Lindsey, Miller, Rivetto, and Hupman
No: 0

MOTION CARRIED

Resolution #HDC-2005-03-002
Moved by Lin
Seconded by Rivetto

RESOLVED, That the minutes of February 1, 2005 be approved
Yes: 4 —Lindsey, Miller, Rivetto, and Hupman
No: 0

MOTION CARRIED

NEW BUSINESS

Historic Resources Inventory Workflow

The committee members reviewed the Manual for Historic and Architectural Surveys in Michigan. They will conduct the photo inventory in April before the trees leaf out and assign inventory reviews.

The Troy Historic Study Committee Meeting was adjourned at 9:45 p.m. The next regular meeting will be held Tuesday, April 5, 2005 at 7:30 p.m. at the Troy Museum & Historic Village.

Kevin Lindsey
Chairman

Loraine Campbell
Recording Secretary

LIBRARY BOARD MINUTES - FINAL **MARCH 10, 2005**

A Regular Meeting of the Troy Library Board was held on Thursday March 10, 2005 at the Office of the Library Director. Brian Griffen, Chairman, called the meeting to order at 7:35 P.M.

ROLL CALL PRESENT: Joanne Allen
Brian Griffen
Nancy Wheeler
Audre Zembrzuski

Lauren Andreoff, Student Representative
Cheng Chen, Student Rpresentative

Brian Stoutenburg, Library Director

The Pledge of Allegiance to the Flag was given

Resolution #LB-2005-03-001
Moved by Wheeler
Seconded by Allen

RESOLVED, That Lynne Gregory be excused.
Yes: 4—Allen, Griffen, Wheeler, Zembrzuski
No: 0

MOTION CARRIED

Resolution #LB-2005-03-002
Moved by Zembrzuski
Seconded by Allen

RESOLVED, That the Minutes of February 4, 2005 be approved.

Yes: 4—Allen, Griffen, Wheeler, Zembrzuski
No: 0

MOTION CARRIED

Reviewed Agenda entries

Resolution #LB-2005-03-003

Moved by Allen
Seconded by Wheeler

RESOLVED, That the Agenda be approved.
Yes: 4— Allen, Griffen, Wheeler, Zembrzuski
No: 0

MOTION CARRIED

POSTPONED ITEMS
There were no postponed items.

REGULAR BUSINESS
There was no Regular Business

REPORTS & COMMUNICATIONS
Director's Report.
The request for reconsideration of the video "Pretty Baby" was discussed. The title has been removed from the collection because of under-aged nudity and therefore deemed inappropriate for the Library.

The Organizational Chart, the Functional Organizational Chart and a list of Key staff members were passed out and discussed.

Board Member comments.
Wheeler asked about the progress of moving the Friends Bookstore upstairs temporarily as a result of the new HVAC system that will be installed this Spring. The move went very smoothly and will open to the public on March 11, 2005.

Wheeler asked when the Balthaser Korab program was scheduled. It is the Third Minoru Yamasaki Public Symposium on May 15, 2005.

Griffen presented letters from Mati-Bolgaria Detroit and Elena Poptodorova from the Embassy of the Republic of Bulgaria praising the recent Shared Inheritances program: Bulgarian Art Appreciation Day.

Griffen asked that the Museum's LCD projector be housed at the Library since the Museum had one installed in the Historic Church.

Andreoff asked why one has to be 18 to be able to use the computers in the Adult Services Tech Center. They are unfiltered, and by State Law, we are not to have unfiltered Internet access for minors. All the Teen computers and Youth computers are filtered.

SLC Report.
No report.

Friends of the Library.
The Friends Books Store moved up to the meeting room temporarily. There was no meeting in February.

Gifts.
No gifts were received.

Informational Items.
March TPL Calendar

Contacts and Correspondence.
26 written comments from the public were reviewed.

Public Participation.
There was no public participation.

The Library Board meeting adjourned at 8:25 P.M.

Brian Griffen
Chair

Brian Stoutenburg
Recording Secretary

A meeting of the **Troy Youth Council (TYC)** was held on March 23, 2005 at 7:00 PM at City Hall in the Lower Level Conference Room, 500 West Big Beaver Road. Maniesh Joshi and Min Chong called the meeting to order at 7:02 p.m.

MEMBERS PRESENT: Min Chong (co-chair)
Alexandra (Sasha) Bozimowski
Maniesh Joshi (co-chair)
Rishi Joshi
Andrew Kalinowski
Manessa Shaw (arrived 7:10 PM)
Nicole Vitale
YuJing Wang

MEMBERS ABSENT: Juliana D'Amico
Catherine Herzog
Jessica Kraft (excused)
Monika Raj
Karen Wullaert (excused)

ALSO PRESENT: Laura Fitzpatrick, Assistant to the City Manager

1. **Roll Call**

2. **Approval of Minutes**

Resolution # TY-2005-03-09
Moved by Chong
Seconded by Bozimowski
RESOLVED, That the minutes of 2/23/05 be approved
Yes: 8
No: None
Absent: 5 – D'Amico, Herzog, Kraft, Raj, Wullaert
MOTION CARRIED

3. **Attendance Report:** To note and file
4. **Visitor:** Jamie Martone, President of Teens Taking Action – to speak about *Spring Break Troy Style*
5. **Membership Update:**
   Vacant Seats: 9 applications on file; 6 from 2004, 3 from 2005; deadline is 4/15/05
   Also, looking ahead: Succession Plan for Seats to be Vacated 5/05 Due to Graduations (at least 8 seats will be vacated):
   - Feb, March: City accepting applications; TYC to promote; Application Deadline is 4/15
   - April 27th TYC Meeting: TYC interview applicants and recommend students for appointment; brainstormed questions to ask in interviews
   - May: Send recommendations to City Council
   - May 18th TYC Meeting: New members attend meeting with outgoing members
   - August: Terms officially begin for new members

6. Troy Daze Festival Update: Youth Council Sponsored Entertainment Event

- *Seeking Members to Help*
  - Recruit entertainment: band(s)
  - Recruit or serve as Master of Ceremonies
  - Coordinate publicity

***7.* Motion to Excuse Absent Members Who Have Provided Advance Notification**

Resolution # TY-2005-03-10
Moved by M Joshi
Seconded by Wang
RESOLVED, That members Kraft and Wullaert are excused.
Yes: All - 8
No: None
Absent: 5 – D'Amico, Herzog, Kraft, Raj, Wullaert
MOTION CARRIED

Youth Council Comments
PUBLIC COMMENT

Next Meeting: Reminder Next Meeting: WED APRIL 27th 7:00 P.M.
@ CITY HALL (Interviews for TYC Applicants – watch mail for application packets!)

The meeting adjourned at 7:33 P.M.

_____
Min Chong, Co-chair

_____
Laura A. Fitzpatrick, Assistant to the City Manager

A Special-Joint Meeting of the Troy City Council was held Monday, March 28, 2005, at the Fire and Police Training Facility, 4850 John R – Troy, Michigan 48085. Mayor Schilling called the Meeting to order at 7:48 PM.

ROLL CALL:

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

PLANNING COMMISSION:
Gary Chamberlain
Lynn Drake-Batts
Larry Littman
Robert Schultz
Fazlullah M. Khan
Mark Vleck
David Waller
Wayne C. Wright

Resolution # PC-2005-03-039
Moved by: Wright
Seconded by: Waller

RESOLVED, That Thomas Strat is excused from attendance at this meeting for personal reasons.

Yes: All present (8)
No: None
Absent: Strat

MOTION CARRIED

Mayor Schilling introduced John Szerlag as the moderator of the interest-based approach to bargaining. Mr. Szerlag described the interest-based approach and the meeting format.

Consensus was reached by a vote by voice to follow simple ground rules as described by John Szerlag.

John Szerlag moderated an interest-based discussion with the City Council and Planning Commission on accessory building footprint ratios, garage door height and commercial vehicle regulations.

1. Options for Regulating Attached Garages and Accessory Structures

Mark Miller, Planning Director, provided an update on ZOTA 215 and the process to date.

Mark Stimac, Director of Building and Zoning, presented a brief history of commercial vehicle restrictions in Troy.

Planning Consultant Richard Carlisle provided a regional perspective on commercial vehicles.

Peggy Clifton recorded interests and options on easels located at the front of the room. The following interests and options regarding *Options for Regulating Attached Garages and Accessory Structures* were recorded based on individual input:

PLANNING COMMISSION INTERESTS:

I. Footprint Ratios

1. Enforcement not to be retroactive for legally constructed structures. (Do not create non-conforming structures.)
2. Replacement structures must conform.
3. Maintain residential character.

II. Garage Door Heights

1. Maintain residential flavor/appearance.
2. Do not store recreational vehicles in residential areas.

CITY COUNCIL INTERESTS:

I. Footprint Ratios

1. Footprint ratio that does not create non-conformance.
2. Footprint of living area, not just first floor.
3. Solution should address Alpine Street.
4. Allow building size to be dictated by size of property.
5. Be careful not to permit too big of structure based on lot size.

II. Garage Door Heights

1. Maintain residential character.

CITY MANAGEMENT INTERESTS:

I. Footprint Ratios

1. Consistency
2. Practicality of application of ordinance

II. Garage Door Heights

1. No height limit.

OPTIONS:

I. Footprint Ratios

1. 100% of livable area calibrated with setbacks.
2. 75% of the first floor living area.
3. 125% of living area.
4. Establish a ceiling.
5. Calibration of larger attached buildings based on height.

II. Garage Door Height

1. 8' for front entrances; larger in rear.
2. No height restriction.

GENERAL DIRECTION FROM CITY COUNCIL:

- The option selected was 75% of first floor living area and larger with a greater setback than otherwise required, based on a formula created by the Planning Commission.

- Do not limit garage door height

---

2. Options for Regulating Commercial Vehicles

Peggy Clifton recorded interests and options on easels located at the front of the room. The following interests and options regarding *Options for Regulating Commercial Vehicles* were recorded based on individual input:

PLANNING COMMISSION INTERESTS:

I. Commercial Vehicles - The Planning Commission members did not have an opportunity to participate.

CITY COUNCIL INTERESTS:

I. Commercial Vehicles

1. Fix definition of commercial vehicle (weight, size, type).
2. Make variance renewals automatic (if no changes).
3. Exceptions considered for (1) Mile Road frontage; (2) Hardships (short-term); (3) Duration.
4. Residentially zoned/utilized areas only.

CITY MANAGEMENT INTERESTS:

I. Commercial Vehicles

1. Appropriate criteria be developed for variance to be granted.

OPTIONS:

I. Commercial Vehicles

1. No change.
2. Transfer authority to grant variances to BZA.
3. Administrative approval of variance renewals.
4. Change definition of commercial vehicles.
5. Restrict indoor storage.
6. Modify criteria – all 4 conditions must be met.
7. Separate police power ordinance.
8. Eliminate ability to appeal commercial vehicle storage provisions.

GENERAL DIRECTION FROM CITY COUNCIL:

- Transfer authority to grant variances to BZA.
- Develop appropriate criteria for granting variances.

Following the interest-based discussion, moderator John Szerlag handed control of the meeting back to Mayor Schilling.

PUBLIC COMMENT

Vote on Resolution to Suspend Council Rules #16 – Members of the Public & Visitors

Resolution #2005-03-148a
Moved by Stine
Seconded by Broomfield

RESOLVED, That Council Rules #16, Members of the Public & Visitors, be **SUSPENDED** and that Public Comment be reduced from five minutes to two minutes at the request of the Chair and by majority vote of City Council members elect.

Yes: All-7

The meeting **ADJOURNED** at 10:36 PM.

Respectfully submitted,

_____
Robert Schultz, Vice Chair

_____
Brent Savidant, Principal Planner

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The Special Meeting of the Troy City Planning Commission was called to order by Chair Strat at 6:00 p.m. on April 5, 2005 at 2038 W. Big Beaver Road, Troy, Michigan.

1. ROLL CALL

Present:
Gary Chamberlain
Lynn Drake-Batts
Fazal Khan
Robert Schultz
Thomas Strat
Mark J. Vleck (arrived 6:14 p.m.)
David T. Waller

Absent:
Lawrence Littman
Wayne Wright

Also Present:
Mark F. Miller, Planning Director
Brent Savidant, Principal Planner
Allan Motzny, Assistant City Attorney

Resolution # PC-2005-04-040
Moved by: Waller
Seconded by: Khan

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

Yes: Chamberlain, Drake-Batts, Khan, Schultz, Strat, Waller
No: None
Absent: Littman, Vleck (arrived 6:14 p.m.), Wright

MOTION CARRIED

2. PUBLIC COMMENT

There was no one present who wished to speak.

3. SITE VISIT OF PUD 004 SITE

4. PUBLIC COMMENT

There was no one present who wished to speak.

ADJOURN

The Special Meeting of the Planning Commission adjourned at 7:03 p.m.

Respectfully submitted,

_____
Thomas Strat, Chair

_____
Gary Chamberlain, Planning Commissioner

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The Special/Study Meeting of the Troy City Planning Commission was called to order by Chair Strat at 7:30 p.m. on April 5, 2005 in the Council Board Room of the Troy City Hall.

1. ROLL CALL

Present:
Gary Chamberlain
Lynn Drake-Batts
Fazal Khan
Lawrence Littman
Robert Schultz
Thomas Strat
Mark J. Vleck
David T. Waller
Wayne Wright

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

2. MINUTES

Resolution # PC-2005-04-041

Moved by: Khan
Seconded by: Schultz

RESOLVED, To approve the March 22, 2005 Special/Study Meeting minutes as published.

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

MOTION CARRIED

3. PUBLIC COMMENTS

There was no one present who wished to speak.

4. PLANNING AND ZONING REPORT

Mr. Savidant reported on Council actions taken at its April 4, 2005 Regular Meeting.

- Rezoning Application Z-700, Northeast corner of Livernois and Maple Road, Section 27, From B-1 to H-S – *Approved*.
- Final Street Vacation SV 173, portion of Hanover Street, north of Wattles Road and east of Livernois, Section 15 – *Approved*.
- Street Vacation Application SV 182, section of alley located south of Chopin and north of Maple, Section 27 – *Approved*.

5. PLANNED UNIT DEVELOPMENT (PUD 4) – Proposed The Monarch Private Residences, 209 units, 11,166 S.F. retail space and structured parking, North side of Big Beaver Road between Alpine and McClure, Section 20 – O-1 (Low Rise Office), P-1 (Vehicular Parking) and R-1B (One Family Residential) District

Comments were gathered from around the table on the site visit conducted at 6:00 p.m. this evening. It was the consensus of the members to request the presence of the petitioner and the project architect for the proposed Villa townhouse units at the April 26, 2005 Special/Study Meeting to discuss three major concerns: (1) public benefit to the City, (2) design and density of the townhouses, and (3) the transition and landscape buffer on the north boundary.

6. ZONING ORDINANCE TEXT AMENDMENT (ZOTA 212) – Freestanding Restaurants in the R-C (Research Center) and O-S-C (Office Service Commercial) Zoning Districts

Mr. Miller reviewed the changes that were incorporated in the proposed zoning ordinance text amendment, as suggested by the members at a previous study meeting. He asked if the members would like to consider adding architectural standards in relation to the existing office buildings. Mr. Miller also addressed the proposed text that relates to outdoor dining and seating area with respect to current ordinance text in the O-M (Office Mid-Rise) and B (Business) districts.

The members briefly discussed architectural standards, outdoor dining and seating area, childcare facilities and fast food restaurants.

It was the consensus of the members to include zoning ordinance text relating to:
- Architectural standards.
- State childcare regulations.

Chair Strat requested a recess at 8:48 p.m.

The meeting reconvened at 8:55 p.m.

7. ZONING ORDINANCE TEXT AMENDMENT (ZOTA 201) – Commercial Indoor Recreation in the Light Industrial Zoning District

Mr. Savidant reviewed the revisions that were incorporated in the proposed zoning ordinance text amendment, as suggested by the members at a previous study meeting. The revisions relate to permitting commercial indoor recreation by Special Use Approval in the M-1 District and the determination of off-street parking requirements based on the specific use proposed for the facility.

The members briefly discussed parking accommodations, simplicity and readability of the zoning ordinance text amendment with respect to parking requirements, violation of Special Use Approval and shared parking.

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

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

Mr. Miller reported that the draft minutes of the Special Joint City Council/Planning Commission Meeting held on March 28, 2005 should be available for review by the members at their next meeting.

Mr. Wright requested information from the Assessing Department that determines the number of non-conforming structures that would result from using the formulas of 75% of ground floor area, or 50% of total square footage of living area, whichever is greater.

Discussion points were:

- Grandfathering non-conforming accessory structures.
- Creation of different classes of grandfathering.
- Board of Zoning Appeals (BZA) consideration with respect to hardship.
- Written opinion from Legal Department on grandfathering and BZA consideration.
- Timetable of the administration.

Resolution # PC-2005-04---(amended - refer to #PC-2005-04-043)

Moved by: Schultz
Seconded by: Vleck

RESOLVED, To postpone any action on this matter until review of the draft minutes of the Special Joint City Council/Planning Commission Meeting of March 28, 2005 at the next Special/Study Meeting of the Planning Commission, at which time the Planning Commission would make its determination on what would be forwarded to City Council.

Resolution # PC-2005-04-042

Moved by: Chamberlain
Seconded by: Drake-Batts

RESOLVED, To amend the motion on the floor to include in its review at the next Special/Study Meeting a package from the Legal Department with respect to (1) grandfathering non-conforming accessory structures and (2) consideration of hardship matters by Board of Zoning Appeals.

Vote on the amendment of the motion.

Yes: All present (9)
No: None

MOTION CARRIED

Vote on the motion as amended and to read as follows.

Resolution # PC-2005-04-043

Moved by: Schultz
Seconded by: Vleck

RESOLVED, To postpone any action on this matter until review of the draft minutes of the Special Joint City Council/Planning Commission Meeting of March 28, 2005 at the next Special/Study Meeting of the Planning Commission, at which time the Planning Commission would make its determination on what would be forwarded to City Council; and

FURTHER RESOLVED, That the Planning Commission review at its next Special/Study Meeting a package from the Legal Department with respect to (1) grandfathering non-conforming accessory structures and (2) consideration of hardship matters by Board of Zoning Appeals.

Yes: All present (9)
No: None

MOTION CARRIED

(Mr. Waller exited the meeting at 9:15 p.m. for personal reasons.)

10. ZONING ORDINANCE TEXT AMENDMENT (ZOTA 213) – Article 23.30.02, Service Stations in the H-S Highway Service District

Mr. Miller reported that at an earlier Special/Study Meeting a general consensus was reached by the members that expanding the minimum lot size requirement for service stations would not solve the current problem of existing service stations. Mr. Miller requested confirmation of this consensus in the form of a resolution.

A brief discussion was held with respect to a summary of service stations and site plan illustration provided by the Planning Department.

Resolution # PC-2005-04-044

Moved by: Littman
Seconded by: Wright

RESOLVED, That there be no change to the minimum lot size requirement of 15,000 square feet for H-S (Highway Service) district for the following reasons:

1. Expansion of lot size requirement would create all existing service stations to non-conforming sizes.
2. There is little demand, if any, foreseen for new service stations.

Yes: All present (8)
No: None
Absent: Waller (9:15 p.m.)

MOTION CARRIED

11. POTENTIAL ZONING ORDINANCE TEXT AMENDMENT – Medical offices in the R-C Research Center District

Mr. Miller asked for input from the members in consideration of allowing medical offices in the R-C (Research Center) district.

Discussion points were:

- Affect on commercial development and tax base.
- Current vacancy rate in R-C district.
- Objective in creating R-C zoning.
- Rezoning property versus a zoning ordinance amendment.
- Growth potential of medical field and functionality of existing buildings for medical use.
- Mixed-use development.
- Proposed amendment in relation to completion of Big Beaver Road Corridor Study and review of Master Land Use Plan and Zoning Ordinance.
- Priority of the ZOTA.

It was determined that related requests in the future would be handled administratively through rezoning alternatives.

12. REVIEW OF APRIL 12, 2005 REGULAR MEETING

Agenda items for the April 12, 2005 Regular Meeting were briefly reviewed.

13. PUBLIC COMMENTS

Dick Minnick of 28 Millstone, Troy, was present to address ZOTA 215. Mr. Minnick said the homeowners in his subdivision are not creating a problem today and should not be made a part of the problem going forward. Mr. Minnick addressed issues relating to footprint ratio, height, non-conformance disclosure, grandfathering, and recordkeeping by the City. He suggested it would be best to use the footprint ratio method with no height restrictions in its determination of non-conforming accessory structures, should the City decide not to grandfather existing non-conforming accessory structures.

Mr. Wright asked Mr. Minnick how many of his neighbors would be affected should accessory structures be evaluated on the 75% footprint ratio or 50% of the total square living area.

Mr. Minnick replied that no one in his subdivision would be affected.

Chris Komasara of 5287 Windmill, Troy, was present to address ZOTA 215. Mr. Komasara expressed his concern with respect to the rebuild of an accessory structure should it be damaged or destroyed. With the proposed change in the ordinance, the rebuild of an accessory structure would be up to 60% of its value. Mr. Komasara said the structure should be replaced at full value because insurance premiums for full coverage would have been paid up until the time it was damaged or destroyed. Mr. Komasara spoke in favor of grandfathering existing non-conforming accessory structures. He said he heard a lot of personal opinions voiced at the joint meeting of City Council and the Planning Commission, and it is not fair to punish residents for one family's decision to build a monster garage. Mr. Komasara said he receives compliments on his house, and his garage has always been one of his dreams.

Mr. Miller said there is consideration to passing an ordinance that would give the Board of Zoning Appeals the authority to allow an accessory building to be restored or expanded should it be destroyed more than 60% of its value.

GOOD OF THE ORDER

Mr. Schultz referenced a recent news article on mixed-use residential development in downtown Rochester.

Mr. Vleck commented on accessory structures. He thinks it is very important for the City to identify the problem and to specifically address those homes that would become non-conforming.

Mr. Chamberlain complimented members on a productive meeting with respect to addressing several ZOTA's.

Chair Strat briefly commented on his recent attendance at the annual conference of the American Planners Association. He said a full report would follow. Chair Strat addressed his goal with respect to the revision of the Master Land Use Plan and the review of the Zoning Ordinance, to which he committed to discuss at the next study session.

ADJOURN

The Special/Study Meeting of the Planning Commission adjourned at 10:00 p.m.

Respectfully submitted,

_____
Thomas Strat, Chair

_____
Kathy L. Czarnecki, Recording Secretary

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TROY HISTORIC STUDY COMMITTEE – FINAL **APRIL 5, 2005**

This Meeting of the Troy Historic Study Committee was held Tuesday April 5, 2005 at the Troy Museum & Historic Village. The meeting was called to order at 7:37 P.M.

ROLL CALL PRESENT: Kevin Lindsey
Bob Miller
Linda Rivetto
Kinda Hupman
Charlene Harris
Paul Lin

ABSENT: Marjorie Biglin

STAFF: Loraine Campbell

Mr. Brian Wattles and Ms. Mary Jane Wattles, owners of 3864 Livernois (Wattles Home) were present.

Resolution #HDC-2005-04-001
Moved by Rivetto
Seconded by Miller

RESOLVED, That the absence of Biglin be excused
Yes: 6 —Lindsey, Miller, Rivetto, Hupman, Harris and Lin
No: 0

MOTION CARRIED

Resolution #HDC-2005-04-002
Moved by Miller
Seconded by Rivetto

RESOLVED, That the minutes of March 1, 2005 be approved
Yes: 6 —Lindsey, Miller, Rivetto, Hupman, Harris and Lin

No: 0

MOTION CARRIED

NEW BUSINESS

Request by homeowners of 3864 Livernois- Wattles House

Brian Wattles and Mary Jane Wattles petitioned the Historic District Study Committee to revise the boundaries of their Historic District. Mr. Wattles

explained that his deceased great uncle, Morris Wattles, had filed a plat with Oakland County prior to his death dividing the 5 acre parcel into Parcel A, which fronts on Livernois and contains 1.705 acres and Parcel B, directly behind or east of Parcel A containing 3.295 acres. Mr. Wattles and Ms. Wattles wish to sell Parcel B in order to finalize the terms of their divorce. They wish to limit the size of the Historic District to Parcel A, minus a required right-of-way to Parcel B. There are no structures on Parcel B, nor does that portion of the District have any obvious significance as a historic resource.

Kevin Lindsey referred to the National Register Bulletin #21: Defining Boundaries for National Register Properties. This is the guideline adhered to by the State Historic Preservation Office. The bulletin states that the boundaries of the Historic District should comply with the legal boundaries of the properties located within the district. However, if there is a financial hardship, this guideline can be waived.

Kevin Lindsey and Paul Lin will complete a site and photo review before the May meeting. At that time the Committee will review all the data and make their recommendation.

OLD BUSINESS

Historic Resources Inventory Work Flow

The committee reviewed Survey Field Forms completed by Kevin Lindsey and Linda Rivetto for 3995 W. South Blvd. and 6890 Norton. The group discussed the process for completing the survey forms for other historic resources.

Inventory Assignments

Members of the committee agreed to complete photo inventories of various resources before the May meeting.

The Troy Historic Study Committee Meeting was adjourned at 9:45 p.m. The next meeting will be held Thursday, May 5, 2005 at 7:30 p.m. at the Troy Museum & Historic Village. Loraine Campbell will post the Change of Meeting Notice in the City Clerk's office.

Robert Miller
Co-Chairman

Loraine Campbell
Recording Secretary

ADVISORY COMMITTEE FOR PERSONS WITH DISABILITIES – DRAFT – APRIL 6, 2005

A Regular Meeting of the Troy Advisory Committee for Persons with Disabilities was held Wednesday, April 6, 2005, at the lower level conference room at City Hall. Leonard Bertin called the Meeting to order at 7:02 P.M.

Present:	L Bertin, member	A. Done, member
	A. Fuhrman, alternate	K. Gauri, member
	P. Manetta, member	D. Pietron, member
	M. Pritzlaff, alternate	S. Werpetinski, member

Present:	M. Grusnick, staff	
	K. Jearls, staff	

Absent:	C. Buchanan, member, EA	S. Burt, member, EA
	T. House, member, EA	N. Johnson, alternate, UA
	A. Wiqar, student, UA	

ITEM B – APPROVAL OF MINUTES OF MEETING OF March 2, 2005
Pietron made a motion that the minutes of March 2, 2005 be approved. Supported by Done. All voted in favor.

ITEM C – VISITORS, DELEGATIONS AND GENERAL PUBLIC

ITEM D – NEW BUSINESS
Volunteers are needed by the National Council to give testimony on the impact of ADA on people with disabilities. They will accept written testimony. The next and last meeting available is in Washington DC on 5/3/05. You can email Patricia Jackson at patricia.jackson@lmco.com with your input.

ITEM E – REGULAR BUSINESS
Pietron will attend the City Council meeting on 4/18/05.

ITEM F – OLD BUSINESS
Buchanan and Bertin recommend that the Advisory Committee not be involved in Troy Daze next year. It is too difficult a venue for people with disabilities to negotiate and there is no multiple use tent planned.

Grusnick will contact Carla Vaughn regarding Senior Health Day to see if it would be possible to expand to include persons with disabilities.

ITEM G - INFORMATIONAL ITEMS
Bertin and Werpetinski met with Mike Williams regarding Troy schools' accessible playgrounds. Each school will have their own task force to assess needs. Volunteers within school boundaries are welcome to sit in at their meetings.

This Committee applauds the City Council for their efforts for City participation in the Oakland County Block Grant Program.

Buchanan's City Beaver drawn in a wheelchair was the 4th favorite design.

ITEM H – ADJOURN
Werpetinski made a motion to adjourn at 7:50 which was seconded by Pietron.

_____
Leonard Bertin, Chairperson

_____
Kathy Jearls, Recording Secretary

ADVISORY COMMITTEE FOR PERSONS WITH DISABILITIES – FINAL – APRIL 6, 2005

A Regular Meeting of the Troy Advisory Committee for Persons with Disabilities was held Wednesday, April 6, 2005, at the lower level conference room at City Hall. Leonard Bertin called the Meeting to order at 7:02 P.M.

Present:	L Bertin, member	A. Done, member
	A. Fuhrman, alternate	K. Gauri, member
	P. Manetta, member	D. Pietron, member
	M. Pritzlaff, alternate	S. Werpetinski, member

Present:	M. Grusnick, staff	
	K. Jearls, staff	

Absent:	C. Buchanan, member, EA	S. Burt, member, EA
	T. House, member, EA	N. Johnson, alternate, UA
	A. Wiqar, student, UA	

ITEM B – APPROVAL OF MINUTES OF MEETING OF March 2, 2005
Pietron made a motion that the minutes of March 2, 2005 be approved. Supported by Done. All voted in favor.

ITEM C – VISITORS, DELEGATIONS AND GENERAL PUBLIC

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This Committee applauds the City Council for their efforts for City participation in the Oakland County Block Grant Program.

~~Buchanan's City Beaver drawn in a wheelchair was the 4th favorite design~~. Ann Comisky has been quoted in the Troy Times as stating that Buchanan's Beaver drawn in a wheelchair was her favorite design.

ITEM H – ADJOURN

Werpetinski made a motion to adjourn at 7:50 which was seconded by Pietron.

_____

Leonard Bertin, Chairperson

_____

Kathy Jearls, Recording Secretary

The Chairman, Ted Dziurman, called the meeting of the Building Code Board of Appeals to order at 8:32 A.M., on Wednesday, April 6, 2005 in the lower level conference room of the Troy City Hall.

PRESENT: Ted Dziurman
Rick Kessler
William Nelson
Tim Richnak
Frank Zuazo

ALSO PRESENT: Mark Stimac, Director of Building & Zoning
Pamela Pasternak, Recording Secretary

ITEM #1 – APPROVAL OF MINUTES – MEETING OF MARCH 2, 2005

Motion by Richnak
Supported by Kessler

MOVED, to approve the minutes of the meeting of March 2, 2005 as written.

Yeas: All – 5

MOTION TO APPROVE MINUTES AS WRITTEN CARRIED

ITEM #2 – VARIANCE REQUEST. SAFET STAFA, 3455 JOHN R., for relief of Chapter 83 to install a 40" high non-obscuring fence along the front property line of John R.

Mr. Stimac explained that petitioner is requesting relief of Chapter 83 to install a 40" high and 100' long, non-obscuring fence along the front property line of John R. Chapter 83 limits the height of fences in front yards to no more than 30" in height. The petitioner originally requested a variance to maintain a 6' high privacy fence along the front property line of John R. The Building Code Board of Appeals denied this request at the meeting of December 1, 2004.

This item last appeared before this Board at the meeting of January 5, 2005 and was postponed until this meeting to allow the petitioner the opportunity to meet with Ron Hynd of the Parks and Recreation Department and bring in a landscaping plan for approval by this Board.

Mr. Stafa was present and stated that he had contacted different landscaping companies but found the cost too prohibitive to add a berm and shrubbery. Mr. Stafa cut the fence down as far as he could without destroying the entire fence and the fence is now between 32" and 33". If he were to cut the fence any lower he would have to remove the middle brace and the fence would be destroyed.

ITEM #2 – con't.

Mr. Zuazo stated that it was his understanding that originally Mr. Stafa planned on adding landscaping. Mr. Stafa said that was correct however, he found the cost too high. Mr. Zuazo indicated that Mr. Stafa did not leave enough room between the fence and the sidewalk for landscaping. Mr. Stafa said if the existing fence was still a problem he would be willing to take it down.

Mr. Dziurman asked if Mr. Stafa had met with Ron Hynd. Mr. Stafa said that he had met with someone from the City twice, but did not remember the person's name. Mr. Dziurman asked what kind of plan Mr. Stafa developed. Mr. Stafa said that he wanted to put up 3' of dirt to create a berm however; he could not afford the cost of the dirt. Mr. Dziurman said that although he cut the fence down, he did not comply with the request of the Board to determine if an alternative plan was available.

Mr. Richnak asked if the height of the fence is measured from the ground. Mr. Stimac explained that the fence height is measured from the ground to the top of the fence. Mr. Stimac said that the petitioner is basically asking for a 2" – 3" variance to keep the fence at its present height.

Mr. Nelson clarified that the original request was to be able to leave the 6' high privacy fence up. Mr. Stimac agreed and stated that this item was postponed in order to allow the petitioner the opportunity to look at different options including landscaping.

Mr. Stafa said that the fence is in exactly the same spot as the original fence, which he said is about 3' from the sidewalk. Mr. Stimac said that from looking at the pictures it would appear that the fence is closer than 3' from the sidewalk. Mr. Zuazo concurred agreeing that at the most it was 18" from the sidewalk.

Mr. Richnak asked what the required distance from the sidewalk was. Mr. Stimac said that assuming the right of way line from John R. is 1' from the sidewalk this fence appears to be right at the right of way line. Mr. Stimac also explained that a 30" high fence would be allowed to be placed at the front property line.

Motion by Richnak
Supported by Nelson

MOVED, to grant Safet Stafa, 3455 John R., relief of Chapter 83 to maintain a non-obscuring fence along the front property line of John, that is between 32" and 33" high.

- Location of fence is contingent on the distance that it is setback from the John R. right of way line.
- Additional grading is required underneath the fence to make the grade uniform, but cannot create a drainage and/or ponding problem on the sidewalk.

Yeas: All – 5

ITEM #2 – con't.

MOTION TO GRANT APPROVAL OF REQUEST WITH STIPULATIONS CARRIED

ITEM #3 – VARIANCE REQUEST. BEAUMONT SERVICES COMPANY, L.L.C. 44201 DEQUINDRE, for relief of the 2003 Michigan Building Code to omit smoke dampers in ductwork penetrating smoke barriers throughout William Beaumont Hospital Troy campus.

Mr. Stimac explained that the petitioner is requesting relief of the 2003 Michigan Building Code to omit smoke dampers in ductwork penetrating smoke barriers throughout William Beaumont Hospital, the Troy Campus, 44201 Dequindre. Section 716.5.5. of the 2003 Michigan Building Code requires dampers in ductwork penetrating smoke barriers.

Mr. Joseph Malkoun and Mr. Chet Schroeder were present. Mr. Schroeder stated that this is a community service operating 24 hours a day 7 days a week and one of the things they are trying to do is maintain consistency regarding safety. Everything is dedicated to the same area and this helps to reduce the chance of human error.

Mr. Malkoun explained that the reason for these dampers is for safety and they have already exceeding most standards regarding fire safety. There is a fire alarm system, which is interconnected with the sprinkler system and the sprinkler heads used in the system are listed quick-response type. The heating, ventilation and air-conditioning systems are fully ducted throughout the site. The hospital is subject to a number of codes and inspections and they have exceeded the requirements of the code. The Michigan Building Code requires the use of quick response sprinklers in patient sleeping rooms area within a smoke compartment and they have installed quick response sprinklers throughout the building.

Furthermore, based on the Code they are required to have a fire drill for each shift and on each floor. They exceed this requirement because we have two (2) fire drills per shift. The hospital is constantly upgrading the training of their staff. Also, the fire alarm system has a custom-messaging system built it that will announce the exact floor, exact area and exact smoke area, which enhances the quick response. Mr. Malkoun said that their main concern is life safety and he believes that the omission of the smoke dampers will not compromise this safety of the people that use this facility.

Mr. Dziurman asked Mr. Nelson if the Fire Department had any type of problem with this request. Mr. Nelson stated that Fire Prevention has looked at this proposal and does not see any problem with it at all.

Mr. Stimac asked the petitioners if this type of request had been submitted to the International Code Council as an amendment to the Code. Mr. Malkoun said that to the best of his knowledge it had not. Mr. Malkoun further explained that the entire hospital is built from either non-combustible or limited combustible materials to increase safety.

ITEM #3 - con't.

Motion by Nelson
Supported by Kessler

MOVED, to grant Beaumont Services Company, LLC, 44201 Dequindre, relief of the 2003 Michigan Building Code to omit smoke dampers in ductwork penetrating smoke barriers throughout William Beaumont Hospital Troy campus.

- Variance is not contrary to public interest.
- Variance will not compromise the public safety.

Yeas: All – 5

MOTION TO GRANT VARIANCE CARRIED

The Building Code Board of Appeals meeting adjourned at 9:03 A.M.

Ted Dziurman, Chairman

Pamela Pasternak, Recording Secretary

The Regular Meeting of the Troy City Planning Commission was called to order by Chair Strat at 7:30 p.m. on April 12, 2005, in the Council Chambers of the Troy City Hall.

1. ROLL CALL

Present:
Gary Chamberlain
Lynn Drake-Batts
Fazal Khan
Lawrence Littman
Robert Schultz
Thomas Strat
Mark J. Vleck
Wayne Wright

Absent:
David T. Waller

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

Resolution # PC-2005-04-045
Moved by: Chamberlain
Seconded by: Khan

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

Yes: All present (8)
No: None
Absent: Waller

MOTION CARRIED

2. PUBLIC COMMENTS

There was no one present who wished to speak.

TABLED AND POSTPONED ITEMS

3. PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT (ZOTA 201) – Article 28.20.13 or 28.30.00 Arts and Dance Schools in Light Industrial Zoning Districts

Mr. Miller reported that it is the recommendation of the Planning Department to postpone this matter and Public Hearing to the May 10, 2005 Regular Meeting in

order to provide the Planning Department an opportunity to continue developing the draft ZOTA.

PUBLIC HEARING OPENED

No one was present to speak.

Chair Strat announced the Public Hearing would remain open.

Resolution # PC-2005-04-046
Moved by: Wright
Seconded by: Khan

RESOLVED, That the Zoning Ordinance Text Amendment ZOTA-201 requested by The Link School for the Arts and the Public Hearing are hereby postponed to the May 10, 2005 Regular Meeting.

Yes: All present (8)
No: None
Absent: Waller

MOTION CARRIED

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

Mr. Miller presented a summary of the Planning Department report and a brief history of the proposed rezoning. Mr. Miller reported that it is the recommendation of the Planning Department to approve the rezoning application because it is consistent with the intent of the Future Land Use Plan and is compatible with surrounding land uses and zoning districts. He noted that the City Council asked the Planning Commission to consider zoning a strip of land along the eastern property line to E-P.

Chair Strat said the grade difference shown on the site plan effectuates a 6.5-foot masonry wall on the residential side of the development, but he clearly noted that the site plan should not be a consideration in the approval process of the rezoning request.

Mr. Schultz indicated that a potential water problem could result from the difference in grade.

Mr. Savidant noted that the Engineering Department, upon a cursory review of the site plan, indicated the water problem could be addressed.

Eileen Youngerman of 35 W. Huron, Pontiac, was present to represent the petitioner. Ms. Youngerman, a certified property manager for Arnold Becker for 17.5 years, said the primary purpose of the proposal is to create an overflow parking area and square off the property to make it more of a viable location for tenancy. She said the perceived lack of parking by potential tenants has resulted in a vacant building for a very long time. Ms. Youngerman said the project engineering team is also present this evening should the members wish to address any questions to them.

PUBLIC HEARING OPENED

Nancy Haynes of 1046 Henrietta, Troy, was present. Ms. Haynes, who lives east of the proposed parking lot, said she has talked extensively with Ms. Youngerman about the proposal. Ms. Haynes says she does not want to live next door to a parking lot or to two vacant lots, and said it is a “catch 22” situation. She voiced concerns with respect to potential flooding, potential users of the parking lot (i.e., restaurant customers), and noise. Ms. Haynes said the petitioner has tentatively agreed to put up signs that the parking lot is for office users only and to keep the dumpster in its current location closer to the office building.

Chair Strat informed Ms. Haynes that she would have an opportunity to voice her concerns again at the time of site plan approval.

Ms. Drake-Batts asked if Ms. Haynes would prefer the property remain as is or have it rezoned.

Ms. Haynes said she was not sure. She reflects on last summer when the weeds were growing and the mosquitoes were breeding. Ms. Haynes said she would prefer the masonry wall as opposed to the berm. Ms. Haynes confirmed she was opposed to the rezoning originally, but thinks she has just come to terms with the matter.

Mark Kozlow of 1058 Henrietta, Troy, was present. Mr. Kozlow said he would like to see a plan that takes care of the residences in the area as well as the office building property owner. He said the houses are surrounded by industry and are limited with respect to building out and market appeal for resale. Mr. Kozlow also noted industrial development is limited because of the size of the lots.

PUBLIC HEARING CLOSED

Mr. Vleck said he is not comfortable with rezoning the area from residential to a parking lot and that there is no control after the property is rezoned. Mr. Vleck said screen walls are not appropriate buffers because they are not decorative. He said the City is shortchanging residents by slowly letting commercial in the area and suggested that it might be appropriate to conduct a special study on the area.

Mr. Chamberlain said a study is not necessary on the area because there is a plan in place. The Future Land Use Plan designates the area as something other than residential. Mr. Chamberlain addressed the piecemeal development in the area.

Ms. Drake-Batts asked if there was a guarantee the screen wall would be erected should the property be rezoned.

Mr. Miller said there would be no guarantee because (1) the property might be rezoned but never built and (2) the petitioner might seek a variance or waiver from the Board of Zoning Appeals. Mr. Miller said the Planning Commission would review the proposed development at the time of site plan approval. He noted the minimum Zoning Ordinance requirements would have to be met, and the Planning Department would encourage the petitioner to provide additional landscaping for a better transition.

Ms. Drake-Batts said she does not think the property should be rezoned until there is a tenant in the building.

Mr. Schultz recapped that should the rezoning request be approved, there is no guarantee that the screen wall would be constructed, and the property owner has the right to leave the property as it currently is with no improvements; therefore the adjacent resident would still have a weed pile next to her and no screen wall for years to come in the future.

Chair Strat commented on the office vacancy in the City and said it would be easier to lease the building with an approval already from the City to build the parking lot. He also noted that there would be a continuous straight line of zoning along the southern and northern property lines, so the rezoning would not be considered “spot” zoning. Chair Strat indicated he would be voting in favor of the rezoning for those reasons.

Mr. Khan indicated support of the rezoning because it would be difficult to lease the building if parking is insufficient. Mr. Khan said to give the petitioner the benefit of the doubt that the property would be improved.

A brief discussion was held with respect to the current parking requirements on the site.

Mr. Miller said the general parking requirements for retail is 1:200, and that the site currently meets the minimum parking requirements. Mr. Miller confirmed that should the parking lot be built, it would allow expansion opportunities for the existing building.

Mr. Vleck cited previous developments that were rezoned to parking because the petitioners claimed there was not enough parking for the buildings; and upon approval of the rezoning requests, the property owners used the option to add to their existing buildings and ended up with the same amount of parking. Mr. Vleck

said that City Council requested the Planning Commission to look at the potential installation of an E-P zoning buffer. Mr. Vleck said he would be more comfortable utilizing the State law to allow the condition of rezoning approvals upon specific use and design conditions.

Ms. Drake-Batts said it appears the additional parking would be just a plus in leasing the property because the current parking is sufficient for the existing building. Ms. Drake-Batts said she would consider the rezoning request when there is a plan; and in her perspective, what was submitted is not a plan.

Mr. Miller said the petitioner has the right to request the rezoning and the request should be reviewed in relation to the City's Future Land Use Plan. Mr. Miller reviewed the Future Land Use Plan with respect to the residential use and the planned commercial-type uses. It is Mr. Miller's opinion that the rezoning request is appropriate as configured.

Chair Strat said he is hopeful that should the rezoning request be approved, it would act as a catalyst to expand the facility and improve the appearance of the existing building. He addressed the significance of the site because of its gateway location.

Resolution # PC-2005-04-047
Moved by: Khan
Seconded by: Chamberlain

RESOLVED, That the Planning Commission hereby recommends to the City Council that the R-1E to P-1 (Z-695) rezoning request located on the south side of Henrietta and east of Rochester, within Section 27, being 0.25 acres in size, be granted, for the following reason:

1. It is consistent with the intent of the Future Land Use Plan.

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

MOTION CARRIED

Mr. Vleck stated that the City Council sent the rezoning request back to the Planning Commission for consideration of an environmentally protected zone and that option was not discussed. Mr. Vleck said he believes expanding this particular area next to residential at this point in time is not the appropriate action.

Ms. Drake-Batts said her opinion has been made clear from her previous comments.

Mr. Wright agreed with the comments of Mr. Vleck. Mr. Wright said the request is premature at this time and he would like to see some consolidation of parcels in this area that would realize a better plan.

5. PUBLIC HEARING – PLANNED UNIT DEVELOPMENT (PUD 1) – Proposed Amendment to Woodside Bible Church / Northwyck Condominium P.U.D., East side of Rochester and South of South Blvd., Section 2 – PUD 1

Mr. Miller presented a summary of the Planning Department report for the proposed amendment to PUD 1. Mr. Miller reported that it is the recommendation of the Planning Department to postpone this matter to the May 10, 2005 Regular Meeting because the petitioner has not submitted revised plans to the Planning Department or made any contact to discuss the matter. Mr. Miller noted that the petitioner forwarded a written request to postpone the matter, of which a copy was distributed to the members prior to the beginning of the meeting.

Mr. Khan asked what action could be taken because the entry sign is currently up on Rochester Road and the mechanical equipment on the roof remains unscreened.

Mr. Miller said the City could order the petitioner to remove the sign or the matter could be handled administratively as a code enforcement violation should the PUD Agreement be breached. Mr. Miller confirmed that to date a final Certificate of Occupancy has not been issued.

Note: The Public Hearing was not opened, at the discretion of Chair Strat.

Resolution # PC-2005-04-048
Moved by: Schultz
Seconded by: Wright

RESOLVED, That the Proposed Amendment to Woodside Bible Church / Northwyck Condominium P.U.D., East side of Rochester and South of South Blvd., Section 2 – PUD 1, is hereby postponed to the May 10, 2005 Planning Commission Regular Meeting.

FURTHER RESOLVED, Should the petitioner make no progress toward remedies or negotiations on this matter in the next thirty (30) days, a resolution to deny both proposed amendments would be considered.

Yes: All present (8)
No: None
Absent: Waller

MOTION CARRIED

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

7. PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT (ZOTA 215-C) – Article 43.00.00, Article 40.65,00, Article 40.66.00 and Article 44.00.00, pertaining to Commercial Vehicle Parking Appeals

Mr. Miller presented a summary of ZOTA 215-A and 215-C. Mr. Miller reported that it is the recommendation of the Planning Department to postpone the items to the May 10, 2005 Regular Meeting because the minutes from the March 28, 2005 Joint Meeting and a final draft ZOTA are not complete at this time.

Resolution # PC-2005-04-049
Moved by: Vleck
Seconded by: Khan

RESOLVED, That ZOTA 215-A and ZOTA 215-C, pertaining to Accessory Buildings Definitions and Provisions and Commercial Vehicle Parking Appeals, respectively, be tabled to the May 10, 2005 Regular Meeting.

Yes: All present (8)
No: None
Absent: Waller

MOTION CARRIED

SITE CONDOMINIUM SITE PLANS

8. SITE PLAN REVIEW – Proposed Walnut Forest Site Condominium, 16 units/lots proposed, East of I-75, between Paragon and Hedgewood, Section 16, Zoned CR-1 (One Family Residential Cluster) District

Mr. Khan informed the members that approximately 12 years ago he worked for a company of which the petitioner was a 50% partner, and asked if the members had any objection to his consideration and vote on the matter. He indicated he had no financial interest in the company or in the proposed development.

The members voiced no objections to Mr. Khan's consideration and vote on the matter.

Mr. Miller presented a summary of the Planning Department report for the proposed Walnut Forest Site Condominium project. He provided a history of the rezoning of the property to CR-1, in which a number of residents voiced opposition to the proposed rezoning at the Public Hearing. The rezoning approval was conditioned on the owner providing and recording a restrictive instrument that there would be no vehicular access onto Paragon, and that all vehicular access would be off of

Hedgewood. Mr. Miller noted that all departmental comments identified in the report have been addressed.

Mr. Miller reported that it is the recommendation of the Planning Department to approve Walnut Forest Site Condominium subject to two conditions: (1) That the area delineated on the site plan as “park” and “preserved woodland” shall be identified as general common area and (2) that the applicant shall get a letter of no jurisdiction from the MDEQ prior to Final Site Condominium approval.

There was discussion on access to the site condominium from Hedgewood Drive and the cul-de-sac layout to the east.

The petitioner, Vincent DiLorenzo of D & T Construction Company, 46719 Hayes Road, Shelby Township, was present. Mr. DiLorenzo said the road configuration was determined to appease the homeowners to the south and to comply with the conditions placed by the City Council and the Planning Commission at the time of the rezoning approval. He indicated the original plan did have the road going through. Mr. DiLorenzo noted they chose to make the road private in order to maximize the green space and to distance the residential homes from the expressway. He said the proposed design is the least intrusive with respect to space and noise. Mr. DiLorenzo addressed the Planning Department’s concerns with respect to the wetlands. He said they were informed there are no wetlands on site, but he would work with the Planning Department and MDEQ to confirm that determination.

Chair Strat opened the floor for public comment.

Debbie Sosa of 4523 Hedgewood, Troy, was present. Ms. Sosa asked where the entrance for the construction vehicles and equipment would be located. Ms. Sosa addressed the road extension to accommodate the new residents. She is concerned with the increase in traffic and safety of the neighborhood children, as residents must drive more than one-half mile to get out of the subdivision. Ms. Sosa questioned why Paragon could not be another access point because it is the most direct access. She indicated the residents of Carlson Park are currently working with the City to control the existing problem of speeding traffic coming from Long Lake Road.

Gordon Schepke of 328 Paragon, Troy, was present. Mr. Schepke voiced strong opposition to the proposed development. Mr. Schepke said the concern he and his neighbors have is there is only one portion of sidewalk on one side only between Virgilia and I-75 out of the three streets in the subdivision. He said the covenant provided on the property at the end of Paragon at the time of the rezoning resulted from the homeowners collectively expressing their concerns to the developer. Mr. Schepke also expressed concern with additional traffic that might result from the proposed I-75 interchange at Long Lake Road. He referenced a conversation he had with a City planner regarding the preliminary plan with respect to the road

layout and building design. Mr. Schepke stated the neighborhood never experienced any problem with snow removal.

Mike Marrs of 144 Paragon, Troy, was present. He expressed appreciation in the recognition that the neighbors came out in force over 1.5 years ago to oppose the development. Mr. Marrs said the asphalt roads and lack of sidewalks in their subdivision would not properly handle the traffic He challenged the Planning Commission members to come up with a holistic approach to the dynamics of the neighborhood; i.e., the expansion of I-75 to 4 lanes, the proposed Long Lake Road exit, the 20-acre school district property adjacent to the proposed development, and the subdivision roads that are over 35 years old with no sidewalks. He challenged the City to take into consideration sound abatement as provided in other communities, to address the sidewalk matter, to work with the school district to protect property as park and wetlands, to determine how the proposed development would enhance the neighborhood they live in, and to look at the whole property, not just 6 acres.

Shannon Johnstone of 50 Paragon, Troy, was present. Ms. Johnstone expressed concern for the safety of the children with the additional traffic and no sidewalks in their subdivision. She said the road is at least one-half mile long and one straight shot. She noted the speed of drivers averages 35 to 40 mph to get to the end because it is such a long street. Ms. Johnstone said it doesn't take a scientist to determine that there are wetlands on site. She said, as children, they would ice skate on the water formed back there, and asked that the City take a second look at the proposed development.

Rick Bonin of 25518 Chernick, Taylor, was present. Mr. Bonin is an Environmental Consultant and President of Scientific Management, Inc., the firm contracted to complete the wetlands determination for the subject property. Charles Downing, B.S., Environmental Scientist and Army Corps of Engineers Trained Wetland Delineator, completed the wetlands delineation report. Mr. Bonin said the wetlands have diminished over the years, specifically on the subject site, as a result of a lower water table and the elimination of source waters from the developments to the north and south. He said there might be wetlands on the adjoining wooded parcel, but its proximity to the ditch located along I-75 has impacted the site to the point of losing the wetlands. Mr. Bonin indicated that the trees identified on site by the City's Environmental Specialist are wetland-type trees that are sustainable as the wetlands diminish. The ponding water identified by the City's Environmental Specialist was on site during the month of March, at which time the water would not have had time to go in the ground, as it normally would do. Mr. Bonin is confident Scientific Management is accurate in its opinion that there are no wetlands on the property. He stated the adjoining property would be an entirely different issue that would not impact this development.

Eileen Heasly of 190 Paragon, Troy, was present. Ms. Heasly spoke about how satisfied the residents were when their complaints voiced to the City Council previously were heard and a solution was reached with the developer. She has

lived in her house for 32 years, and would like to keep their street the way it has been for many years. Ms. Heasly asked the members to keep to the solution that was made years ago.

The floor was closed.

Mr. Schultz said it appears from the topographical survey and wetlands delineation report that there could be water problems on the property, and he personally would like to see them officially delineated before moving forward on the project.

Chair Strat said it would be preferable to have an as-built survey provided for review.

Mr. Littman asked if the Planning Department is aware of any regulated wetlands on the school district property.

Mr. Miller responded that he did not know. Mr. Miller confirmed that the Planning Department's recommendation is subject to receiving a letter of no jurisdiction from the MDEQ prior to final site condominium approval because the Planning Department is not sure if there are regulated wetlands on the subject site.

Mr. Vleck stated concern with respect to City maintenance of the private road at the end of the public road.

Ms. Drake-Batts said that not having heard the arguments in support for not opening both roads to the development at previous meetings, she would like to see both roads used as access to the development because it would more evenly distribute the traffic. Ms. Drake-Batts said the developer has a right to build on his property. She said the residents have an option to buy the property from the developer should they want to keep the property as a park.

Mr. Wright provided a brief history on the project. He said the primary reason to not open up the development to Paragon was because Paragon is a narrow asphalt street with a ditch and no sidewalks. It was thought that traffic would cut through Carlson Park subdivision to Paragon to Wattles.

It was agreed that discussion on Paragon's access to the development is a mute point because the rezoning was conditioned on it being closed. Comments continued on traffic control, maintenance issues, construction access, public utility easement, and setbacks with respect to public and private road.

Mr. DiLorenzo said it is proposed to provide a temporary construction access from Paragon. He indicated that a stub street was provided at the recommendation of the Planning Department at the time Carlson Park subdivision was developed. Mr. DiLorenzo said he would make the road public should that be the City's recommendation. He noted a private road would save trees and provide a better buffer.

Resolution # PC-2005-04-050
Moved by: Chamberlain
Seconded by: Vleck

RESOLVED, That the Preliminary Site Plan (Section 34.30.00 Unplatted One-Family Residential Development), as requested for Walnut Forest Site Condominium, including 16 units, located east of I-75 between Paragon and Hedgewood, Section 16, within the CR-1 zoning district, be tabled to the May 10, 2005 Regular Meeting, so the petitioner can present to the Planning Department and subsequently to the Planning Commission at a Special/Study Meeting prior to the Regular Meeting how the following issues can be resolved:

1. Private versus public street, the Planning Commission would prefer a public street.
2. Location of public utility easement on the west side or south side of the street.
3. Provide drawings on the setback from the sidewalk on the east side to the buildings; i.e., public versus private street so a determination can be made whether there is enough space to park cars in driveways without intruding on sidewalks.
4. Maintenance and snow removal on a public street that ends into a private street.
5. Use of Paragon as a construction entrance; i.e., Paragon is an asphalt street that might disintegrate under heavy construction use and liability responsibility should damage occurs.

Yes: All present (8)
No: None
Absent: Waller

MOTION CARRIED

9. SITE PLAN REVIEW – Revision to Proposed Hidden Forest Site Condominium, 37 units/lots proposed, South side of Wattles, West of Jennings, Section 22, Zoned R-1C (One Family Residential) District

Mr. Miller presented a summary of the Planning Department report for the proposed Hidden Forest Site Condominium. The petitioner is incorporating an additional 0.82-acre parcel on the east side of Wattles Road that allows him to add three units to the development. Mr. Miller reported that it is the recommendation of the Planning Department to approve the Hidden Forest Site Condominium plan as revised.

The petitioner, Gary Abitheira of 178 Larchwood, Troy, was present.

Chair Strat opened the floor for public comment.

M. J. Molnar of 462 E. Wattles, Troy, was present. Mr. Molnar lives next door to the parcel recently acquired by the petitioner. Mr. Molnar said the City told him at the time

he purchased his home that there would be no building on the subject 18-acre parcel because it is in a floodplain. He said after the property was purchased, all the trees were cut, the stumps were ground, all vegetation was stripped and the land was disked so that there was nothing but dirt. He said the property was then graded and canals were put in, all of them leading to his back yard. Mr. Molnar said his backyard floods whenever it rains. He said the massive amount of trees and vegetation that were destroyed and left in the working ditch along the property line eventually decayed and turned into compost. Mr. Molnar said he has two sump pumps running 24 hours a day; one sump pump burned out; and his utility bills have increased significantly. Mr. Molnar said the property owner has promised to redirect water and correct the flooding situation, but nothing has happened to date. Mr. Molnar referenced the discussion at a previous Planning Commission meeting on the site condominium project going in on the north side of Wattles, as relates to the concern of potential flooding from the difference of grading. He expressed similar concerns with this proposed development.

Mr. Khan strongly encouraged Mr. Molnar to discuss the flooding problem with the Engineering Department. He also informed Mr. Molnar that floodplain maps have been recently revised and suggested that he check the current status of his property.

Mr. Molnar said he has been working with the City Engineering Department for the last two years. He had asked the field engineer if it was legal for the property owner to cause a creek to run through his backyard every time it rains. The field engineer indicated it was not legal, and Mr. Molnar asked why the matter continues to exist for two years. Mr. Molnar said the response from the field engineer was “It’s in who you know.”

Mr. Miller asked Mr. Molnar to contact him directly and he would arrange a meeting in which he would act as mediator with the City Engineer to resolve the issue. Mr. Miller said if Mr. Molnar’s comments are true, the existing situation should not be occurring and the City should require the developer to fix it.

Mr. Chamberlain said it is obvious that Mr. Molnar’s property is the lowest property within the whole area, and the City owes it to him to resolve the matter.

Mr. Abitheira was agreeable in meeting with the City and Mr. Molnar to work on a solution to the problem.

Bruce Baker of 380 E. Wattles, Troy, was present. Mr. Baker lives adjacent to the subject property on the west side. Mr. Baker expressed similar concerns with the flooding problem. He asked how he could get a copy of the revised site plan.

Mr. Miller informed Mr. Baker that he could receive a copy of the revised site plan from the Planning Department during regular business hours. [A copy of the revised site plan was provided to Mr. Baker from a Planning Commission member.]

Dan McCatty of 3721 Jennings, Troy, was present. Mr. McCatty addressed the water problem. He asked if the storm drainage easement would be used for utilities or if the trees would remain. Mr. McCatty also asked if the petitioner could replace the trees should they be removed.

Mr. Miller indicated it might not be possible to save any trees or vegetation along the storm drainage easement.

Discussion followed on:

- Authority of the Planning Commission to request the petitioner to replace cut trees.
- The existence of trees near the drainage easement.
- Acceptable trees according to the City's tree ordinance.

Mark Harrison of 3621 Jennings, Troy, was present. Mr. Harrison referenced his previous comments with respect to access from Troywood. Mr. Harrison said, in retrospect, that access might not be a good idea.

Enrique Aguilar of 3741 Jennings, Troy, was present. Mr. Aguilar voiced concerns with potential water problems, the increase of traffic and the safety of neighborhood children.

The floor was closed.

Comments followed with respect to (1) tabling the matter until the existing water problem is resolved and (2) forwarding a design recommendation to the Engineering Department as relates to the asphalt pathway.

Resolution # PC-2005-04-051

Moved by: Chamberlain
Seconded by: Schultz

RESOLVED, That the Planning Commission recommends to City Council that the Preliminary Site Plan (Section 34.30.00 Unplatted One-Family Residential Development), as requested for Hidden Forest Site Condominium, including 37 units, located south of Wattles Road and east of Livernois Road, Section 22, within the R-1C zoning district be granted, subject to the following conditions:

1. That the petitioner prior to City Council approval meet with the neighbors on Wattles directly east and west, the City Engineer and the City Planner to resolve storm water problems and issues and the debris brought by the storm water issues.

2. That the petitioner prior to City Council approval meet with the Engineering and Planning Departments, the Fire Department and emergency vehicle people to determine rather than using asphalt pavement for the emergency access and pedestrian access to Troywood and the school, to be some kind of pervious pavers that would hold the largest emergency vehicles the City has.

Yes: All present (8)
No: None
Absent: Waller

MOTION CARRIED

Chair Strat requested a recess at 9:40 p.m.

The meeting reconvened at 9:52 p.m.

REZONING REQUEST

10. PUBLIC HEARING – PROPOSED REZONING (Z 683-B) – Proposed Medical Building, North side of Big Beaver, between John R and Rochester, Section 23 – From R-1E to E-P, From R-1E to P-1 and From E-P to P-1

Mr. Savidant presented a summary of the Planning Department report for the proposed rezoning. Mr. Savidant reported that the request is compatible with surrounding land uses and zoning districts and is consistent with the intent of the Future Land Use Plan. As a courtesy, a copy of a protest petition in opposition to the proposed rezoning was provided members prior to the beginning of tonight's meeting. Mr. Savidant indicated that the petition would be considered at the time of City Council review.

Mr. Chamberlain suggested that all of the R-1E area be rezoned to E-P, not just the 50 feet as proposed by the petitioner. He said that would line up all of the properties.

Mr. Schultz concurred. He would like to see the 33.75 feet included in the E-P zoning so all of the lots would be the same depth. Mr. Schultz said the high-pressure transmission line that runs under the piece of property would most likely inhibit building a parking lot.

The petitioner, Najim Saymuah of CDPA Architects, 26600 Telegraph, Southfield, was present. Mr. Saymuah asked to see the protest petition. He explained the hardship as relates to the proposed rezoning. Mr. Saymuah, in reviewing the site

plan, acknowledged the existence of a gas line easement. He said the development does not encroach on the easement and indicated the easement stops the development from moving further north.

Chair Strat stated that the site plan provided serves as clarification in the rezoning request but should not be considered in the review process of the rezoning request.

Dr. Kheir Al-Zouhayli, owner of the property, was also present.

Mr. Saymuah and Dr. Al-Zouhayli did not fully understand the concept proposed by the members.

A lengthy and detailed discussion and review of the site plan followed in an attempt to clarify the members' position on the proposed rezoning.

Mr. Saymuah indicated they would have no opposition to rezone the 33.75-foot property to E-P.

It was the consensus of the members to table the rezoning request so that the boundaries could be better clarified.

PUBLIC HEARING OPENED

Shih Hwang Wu ("John") of 1577 Boyd, Troy, was present. Mr. Wu said the protest petition submitted was signed by approximately 66% of residents who would be affected and are opposed to the proposed rezoning. He shared the major concerns of the residents: (1) Safety of the young children of the 70 families in the West Oaks Subdivision. (2) Encroachment of commercial and industrial development into residential areas, as relates to property values of their homes. (3) Flood lights from the commercial buildings. (4) Preservation of the existing natural barrier, beauty and balance to the neighborhood. (5) Increase of noise. Mr. Wu asked why commercial development could go on the gas line easement, but not residential.

Sanjay Dixit of 1590 Hartland, Troy, was present. Mr. Dixit expressed concern with the parking lot being extended further into single family residential. He said the proposed rezoning request would spoil a well-planned subdivision. He questioned when commercial development from the Big Beaver Road corridor would stop extending into the residential area. Mr. Dixit said the residents cannot fight business owners and developers and rely on the Planning Commission and City Council members to protect their interests.

Ashtiaq Khokhar of 1566 Hartland, Troy, was present. Mr. Khokhar has a wooded lot behind his home and he said the proposed development would destroy the beauty of the subdivision. Mr. Khokhar's request to build a gazebo was denied because of the gas line easement, and he questioned why a parking lot could be built on top of it.

Chair Strat informed the audience that there would be no parking lot on the gas line easement.

PUBLIC HEARING CLOSED

Mr. Saymuah asked that he be provided the names and addresses of the residents who spoke this evening.

Resolution # PC-2005-04-052
Moved by: Littman
Seconded by: Khan

RESOLVED, That the Planning Commission hereby recommends that the R-1E to E-P, R-1E to P-1 and E-P to P-1 rezoning request, located on the north side of Big Beaver Road, between John R and Rochester, within Section 23, be tabled to the May 10, 2005 Regular Meeting, for the following reason:

1. Review the request for further definition where the boundaries are and how they might line up with surrounding areas.

FURTHER RESOLVED, that the request be reviewed at a Study Session Meeting prior to the May 10, 2005 Regular Meeting.

Yes: All present (8)
No: None
Absent: Waller

MOTION CARRIED

SITE PLAN REVIEWS

11. SITE PLAN REVIEW (SP 323-B) – Proposed Restaurant Addition, Northeast corner of Big Beaver and Crooks (888 W. Big Beaver), Section 21, Zoned O-S-C (Office Service Commercial) District

Mr. Savidant presented a summary of the Planning Department report for the proposed Morton's Restaurant. The petitioner was asked to bring in sample building materials for the Planning Commission review. Mr. Savidant provided a detailed explanation between the parking space layout preferred by the petitioner (dated April 6, 2005) and the layout preferred by the Planning Department (dated March 31, 2005). He noted that the petitioner submitted an alternate parking space layout today, and the Planning Department has not had the opportunity to review it.

Mr. Savidant reported that it is the recommendation of the Planning Department to approve the site plan as submitted with the conditions to add a 5-foot wide sidewalk on the west side of Wilshire and provide an off-street parking space layout on the

south side of the restaurant building as preferred by the Planning Department and dated March 31, 2005.

Mr. Miller stated that the petitioner has committed to 145 air banked parking spaces should they be needed in the future for construction of a deck.

David Richards, Architect, Rossetti and Associates, Two Towne Square, Southfield, was present to represent the petitioner. Mr. Richards said the parking space layout is proposed on the south side of the drive because (1) to date, after 25 years, it has not been necessary to implement the landbanked parking spaces; and (2) the proposed tenant desires to have a clean building front. Mr. Richards displayed the alternate parking space layout that combines the landbanked parking with the proposed aisle on the south side, increases the size of the green space, and provides a convenient approach.

Members were provided drawings of the alternate parking space layout.

Mr. Richards displayed several renderings and detailed the approach to the design and how the restaurant addition is a natural extension of the existing facility. Mr. Richards circulated samples of the precast and granite chip for review by the members. He noted the windows in the restaurant addition are near the entry of the existing building and clarified the proposed and existing landbanked parking.

Chair Strat opened the floor for public comment.

There was no one present who wished to speak.

The floor was closed.

Discussed at great length were:

- Handicapped parking; i.e., number of spaces, location.
- Appearance of building front.
- Landscaping; i.e., adequacy and beautification of City, perimeter landscaping, hedgerow similar to Kelly Services building.
- Landbanked parking.
- Appearance of parking structure.

Mr. Richards asked the members to consider the retail and restaurant use in relation to the visibility of the building. He said it was their intent to create a minimal design so the addition would have a low impact on the site. Mr. Richards briefly addressed the landscaping and landbanked parking modifications.

Resolution # PC-2005-04-053
Moved by: Chamberlain
Seconded by: Littman

RESOLVED, That Preliminary Site Plan Approval, as requested for the Proposed Restaurant Addition, located on the northeast corner of Big Beaver and Crooks, located in Section 21, within the O-S-C zoning district, be tabled to the May 10, 2005 Regular Meeting, for the following reasons, and that the Planning Department provide an updated report at a Special/Study Meeting in May:

1. That the petitioner submits one set of plans for the parking.
2. That the petitioner work with the Planning Department and the Parks and Recreation Department on the landscaping plan.

Scott Wortman of Redico Management, One Towne Square, Southfield, was present. Mr. Wortman said he is just as confused as the members. He originally thought the proposed restaurant addition would be approved administratively, and it would not be necessary to go through the formal site plan review process. Mr. Wortman said the different parking space layouts were submitted because the petitioner, architect and tenant did not agree with the Planning Department's recommendation. Mr. Wortman said their intent was to make a modest addition to the building that would comply with all the City's Zoning Ordinances and Codes. Mr. Wortman addressed the proposed design layout as relates to handicapped parking, and said security of the building was a consideration in the location of handicapped parking spaces. He said they are very familiar with the parking space counts and worked with Mr. Miller to come up with alternate plans on landbanking options. Mr. Wortman said they are willing to work with the appropriate City departments on a landscape plan that would satisfy the needs of the City. Mr. Wortman stressed the desire of Morton's Restaurant to have an opening date no later than Thanksgiving Day and asked the members' consideration in expediting the procedure.

Vote on the motion on the floor.

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

MOTION CARRIED

Ms. Drake-Batts said the landscaping issue could be handled administratively. She said the City is not addressing the needs of a tenant that she thinks the community would like to have in the City.

Mr. Schultz said he thinks what he heard from the petitioner is that they want to build it as their plans show and not give any consideration to the proposed alternatives. Mr. Schultz agreed that the landscaping issue could be handled

administratively. He said it appears the petitioner plans to provide the minimum required landscaping, and he does not see where 30 days would buy the City anything on the proposed development.

Discussion followed with respect to expediting the approval process.

Resolution # PC-2005-04-054
Moved by: Drake-Batts
Seconded by: Schultz

RESOLVED, That Resolution # PC-2005-04-053 be reconsidered.

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

MOTION CARRIED

Resolution # PC-2005-04-055
Moved by: Drake-Batts
Seconded by: Schultz

RESOLVED, To review the matter [SP 323-B] at the April 26, 2005 Special/Study Meeting.

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

MOTION CARRIED

Messrs. Vleck, Chamberlain and Khan said the site plan is being rushed through the planning review and approval process, and that the City would not get a quality product in that short of a time frame.

12. SITE PLAN REVIEW (SP 914) – Proposed Amberwood Condominium, South side of South Blvd., West of Rochester Road, Section 3, Zoned R-1T (One Family Attached) District

Mr. Savidant presented a summary of the Planning Department report for the proposed Amberwood Condominium. Mr. Savidant reported that it is the recommendation of the Planning Department to approve the site plan as submitted subject to five conditions as identified in the Planning Department report.

The petitioner, Ted Berlinghof of Architects International, Inc., Detroit, was present. Mr. Berlinghof provided renderings of the proposed development. He said they

would be more than happy to continue to work with the City of Troy to get the development approved. Mr. Berlinghof confirmed that there are no windows on the ends of the units and that landscaping would be provided. Mr. Berlinghof briefly addressed the design of the buildings.

Mr. Schultz indicated the landscape plan does not show landscaping at the ends of the buildings.

Mr. Berlinghof said he would be more than happy to work with the landscape analyst on the matter.

Chair Strat asked why a turnaround was provided in lieu of a "T".

Mr. Berlinghof replied that the turnaround allows for a larger retention area and more green space. He indicated the turnaround meets all the requirements of the Fire Department.

Mr. Schultz said the proposed development is a classic example why the Planning Commission should not give consideration to proposed site plans provided at the time of rezoning requests. He said the site plan provided for this development at the rezoning level bears no resemblance to the site plan submitted for approval.

Resolution # PC-2005-04-056
Moved by: Littman
Seconded by: Wright

RESOLVED, That Preliminary Site Plan Approval, as requested for the Proposed Amberwood Condominium, located on the south side of South Boulevard and west of Rochester Road, located in Section 3, containing 12 units on approximately 2.31 acres, within the R-1T zoning district, is hereby granted, subject to the following conditions:

1. Provide deceleration lane as per Traffic Engineer.
2. Indicate the 40-foot wide easement for private road on site plan.
3. Indicate 5-foot easement for sidewalk and public utility purposes adjacent to the 40-foot wide private road easement on site plan.
4. The berm shall be at least 50 feet in width and with slopes no greater than 1:4, and landscaped as per Section 12.60.03 of the Zoning Ordinance.
5. Label detention basin correctly.
6. Work with the landscape analyst to include landscaping on the ends of the units.

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

MOTION CARRIED

Mr. Khan said the project is not befitting to the City of Troy.

Chair Strat said the project lacks creativity and will not be an asset to the community.

Mr. Schultz said the development meets the requirements, but he personally thinks it is going to be atrocious looking. He said if he could have voted against it, he would have.

13. SITE PLAN REVIEW (SP 388-B) – Proposed Restaurant Re-Build, Southeast corner of Big Beaver and I-75 (585 W. Big Beaver), Section 28, Zoned O-S-C (Office Service Commercial) District

Mr. Savidant presented a summary of the Planning Department report for the proposed T.G.I. Fridays Restaurant. The petitioner was asked to bring in samples of building materials for the Planning Commission review. Mr. Savidant reported that it is the recommendation of the Planning Department to approve the site plan as submitted with the condition that a shared sidewalk easement over the sidewalk on the property to the east is executed prior to Final Site Plan approval.

Tim Germain, project engineer, Nowak & Fraus, Royal Oak, was present. Mr. Germain introduced the petitioner Tim Poole of Carrell Poole & Yost Architecture, Dallas, Texas. He explained the existing O'Grady's restaurant would be taken down and replaced with a T.G.I. Fridays Restaurant. Mr. Germain said they would bring the remainder of the site into compliance.

Mr. Savidant asked the petitioner to briefly explain the reason for the reduction in parking spaces.

Mr. Germain said the new restaurant would have more seats than the previous one. He said, based on the documentation provided to the Planning Department, the shortage of 14 spaces is minor with regard to the consideration that many of the hotel users would remain at the hotel to dine and would already be parked. He said a parking space would be freed up should a hotel visitor choose to dine elsewhere. Mr. Germain said the petitioner and the owner of Drury Inn do not view the shortage of parking spaces as a problem. Mr. Germain said records indicate an average of 87 rooms an evening remain vacant, and it is assumed that those 87 parking spaces would far outweigh the shortage of 14 parking spaces required by the Zoning Ordinance for both the hotel use and restaurant use.

Mr. Schultz asked if the brick on the front of the restaurant is the same brick or a compatible brick with the hotel.

Mr. Poole responded that the restaurant brick is the same brick as the hotel brick. He noted that the color of the EFIS would also match the hotel.

Resolution # PC-2005-04-057
Moved by: Schultz
Seconded by: Wright

RESOLVED, That the Planning Commission hereby approves a reduction in the total number of required parking spaces to three hundred eighty seven (387) when a total of four-hundred one (401) spaces are required on the site based on the off-street parking space requirements for restaurants and office uses, as per Article XL. This reduction meets the standards of Article 40.20.12 and will assist the Drury Inn and T.G.I. Fridays in minimizing the amount of storm water runoff on the site.

RESOLVED, That the Planning Commission has made a determination that the applicant has met the standard of Section 26.25.01 of the Zoning Ordinance, which requires that restaurants in the O-S-C be permitted "provided they are included in the office use structure or other principal structures…or are attached to such structures by means of a fully enclosed structural attachment, and therefore shall not be permitted as freestanding structures. Such secondary structures shall be designed so as to provide a logical extension of the floor plan of the principal structures, and shall utilize exterior materials similar to or harmonious with such principal structures".

BE IT FURTHER RESOLVED, That Preliminary Site Plan Approval, as requested for the Proposed Restaurant Re-Build, located on the southeast corner of Big Beaver and I-75, located in Section 28, within the O-S-C zoning district, is hereby granted, subject to the following condition:

1. A shared sidewalk easement over the sidewalk on the property to the east shall be executed prior to Final Site Plan Approval.

Yes: All present (8)
No: None
Absent: Waller

MOTION CARRIED

14. PUBLIC COMMENT

There was no one present who wished to speak.

GOOD OF THE ORDER

Mr. Chamberlain suggested to members to walk the Somerset Collection skywalk across Big Beaver Road between the hours of 5 p.m. and 6 p.m. to experience the view as it relates to building heights, green space and traffic. He said the proposed Monarch Residences will be a very good attraction in that area with respect to building height and the need for traffic control will be evident.

Mr. Miller announced that he and Chair Strat would be meeting with the Big Beaver Corridor Study selection committee to make a final recommendation to the DDA.

The Regular Meeting of the Planning Commission was adjourned at 12:00 p.m.

Respectfully submitted,

_____
Thomas Strat, Chair

_____
Kathy L. Czarnecki, Recording Secretary

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LIBRARY BOARD MINUTES - DRAFT **APRIL 14, 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
Cheng Chen, Student Rpresentative

Brian Stoutenburg, Library Director

The Pledge of Allegiance to the Flag was given

Resolution #LB-2005-04-001
Moved by Zembrzuski
Seconded by Wheeler

RESOLVED, That the Minutes of March 10, 2005 be approved with a correction. Under Board Member Comments, the fourth paragraph should read: Griffen asked that the Museum's LCD projector be housed at the Library since the Museum had one installed in the Historic Church.

Yes: 5—Allen, Gregory,Griffen, Wheeler, Zembrzuski

Reviewed Agenda entries

Resolution #LB-2005-04-002
Moved by Wheeler
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

Review of Exhibitor Procedure. The Board discussed the draft of changes to the Exhibitor Procedure that was based on language from the Law Department dealing with the issue of pricing and sales information.

Resolution #LB-2005-04-003
Moved by Wheeler
Seconded by Zembrzuski

RESOLVED, That the draft of the Exhibitor Procedure be sent to the City Attorney for review.

Yes: 5—Allen, Gregory, Griffen, Wheeler, Zembrzuski
No: 0

MOTION CARRIED

Friends of Michigan Libraries Linking. Allen, Zembrzuski and Stoutenburg will attend along with Julie Siegler from the Friends of the Troy Public Library.

PLATAOC Annual Spring Dinner. Allen, Gregory, Griffen and Wheeler will attend to represent the Board.

National League of Cities Audio Conference. Andreoff and Cheng were invited to participate in this Audio Conference that deals with youth issues. Both will try to attend.

Election of Board Officers. The Board was reminded that officers are scheduled to be elected at the May meeting.

REPORTS & COMMUNICATIONS

Director's Report.
At this point, the Library's Capital Budget request for funds to create a computer hot spot are still in the budget document. City Council Budget Hearings are scheduled for April 25, May 2 and May 7. The Library is beginning to develop a welcome packet for new patrons in cooperation with the Community Affairs Department. Tickets will be available for a Tigers Baseball game in May that is a promotional effort between Ernie Harwell, Alan Trammell and the Library Foundation of Michigan. Ten dollars of each ticket will be donated to the Foundation to support public libraries in Michigan. The HVAC project is underway.

Board Member comments.
There were no Board Member comments.

Student Representative's Comments.
Chen asked about the wi-fi hotspot and the State law about minor's and Internet access. We have been informed by the Law Librarian at the State that since it would be personal equipment individuals would be using and not the Library's, the Law would not apply.

SLC Report.
The substitute list will be continued. eVanced software will be purchased. This software provides for program registration online. The SLC Board adopted a records retention policy. The Romeo District Library Director is retiring.

Friends of the Library.
No report

Gifts.
No gifts were received.

Informational Items.
April TPL Calendar

Contacts and Correspondence.
13 written comments from the public were reviewed.

Public Participation.
There was no public participation.

The Library Board meeting adjourned at 8:45 P.M.

Brian Griffen
Chair

Brian Stoutenburg
Recording Secretary

The Special/Study Meeting of the Troy City Planning Commission was called to order by Chair Strat at 7:30 p.m. on April 26, 2005 in the Council Board Room of the Troy City Hall.

1. ROLL CALL

Present:
Gary Chamberlain
Lynn Drake-Batts
Fazal Khan
Lawrence Littman
Robert Schultz
Thomas Strat
Mark J. Vleck
David T. Waller

Absent:
Wayne Wright

Also Present:
Mark F. Miller, Planning Director
Brent Savidant, Principal Planner
Allan Motzny, Assistant City Attorney
Richard K. Carlisle, Carlisle/Wortman Associates
Kathy L. Czarnecki, Recording Secretary

Resolution # PC-2005-04-058
Moved by: Schultz
Seconded by: Littman

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

Yes: All present (8)
No: None
Absent: Wright

MOTION CARRIED

Mr. Miller announced the Agenda was revised and updated copies have been provided to the members.

2. PUBLIC COMMENTS

There was no one present who wished to speak.

3. PLANNING AND ZONING REPORT

Mr. Miller reported on Council actions taken at its April 18, 2005 Regular Meeting.

- Preliminary Site Condominium Review, Oak Forest Site Condominium, south side of Square Lake Road, between Willow Grove and John R Road, Section 11 – R-1C - ***Approved***
- Preliminary Site Condominium Review, Oak Forest South Site Condominium, east side of Willow Grove, south of Square Lake Road, Section 11 – R-1C - ***Approved***

Mr. Miller announced that the May 10, 2005 Planning Commission Regular Meeting agenda is very heavy.

4. DOWNTOWN DEVELOPMENT AUTHORITY REPORT

Mr. Miller reported on the April 20, 2005 Downtown Development Authority (DDA) meeting.

- Contract for the Big Beaver Corridor Study to Birchler Arroyo Associates – ***Approved*** *(Note: Item will go forward to City Council for review/approval at its May 9, 2005 Regular Meeting)*
- DDA Budget - ***Approved***

5. BOARD OF ZONING APPEALS REPORT

Mr. Motzny reported on the April 19, 2005 Board of Zoning Appeals (BZA) meeting.

- Variance Requests (3) - ***Approved***
- Interpretation Request, George Reed, Betty Reed and Thomas Krent, 3129 Alpine, appealing the issuance of a building permit to construct a garage at 3129 Alpine – ***Motion to support Building Department's interpretation of the Zoning Ordinance failed by a 4-3 vote***

TABLED AND POSTPONED ITEMS

6. SITE PLAN REVIEW (SP 323-B) – Proposed Restaurant Addition, Northeast corner of Big Beaver and Crooks (888 W. Big Beaver), Section 21, Zoned O-S-C (Office Service Commercial) District

Mr. Miller reviewed the conditions for which the proposed restaurant addition was tabled at the April 12, 2005 Regular Meeting. Mr. Miller reported that the petitioner has submitted an updated set of plans showing the proposed parking layout and provided additional landscaping on the parcel. Mr. Miller said it is the recommendation of the Planning Department to approve the site plan as submitted with three conditions: (1) Add a 5-foot wide sidewalk on the west side of Wilshire; (2) Provide one tree for each 30 linear foot of frontage along Big Beaver, Crooks

and Wilshire; and (3) Clarify the height and species of the hedges and trees proposed for the corners of Crooks/Big Beaver and Wilshire/Big Beaver.

Mr. Savidant reviewed the proposed Resolution A that would provide 145 landbanked parking spaces and a parking reduction of 19 spaces and proposed Resolution B that would provide 174 landbanked parking spaces.

David Richards, Architect, Rossetti and Associates, Two Towne Square, Southfield, was present to represent the petitioner. Mr. Richards displayed the two sets of plans for the parking and provided a brief explanation of the revisions to the landscape plan. Mr. Richards indicated that the petitioner would be in favor of a Resolution that would provide a reduction in 19 parking spaces.

The following items were addressed with the petitioner:

- Sidewalk along Wilshire.
- Storm water runoff.
- Permanent greenbelt between Big Beaver right-of-way and off-street parking.
- Rooftop screening of mechanical equipment.
- Snow removal.
- Landscape Plan with respect to 29 ward's yews in each corner, tree count discrepancy between plan and site visit, clustering of trees, shrubbery in lieu of trees.
- Signage for handicapped parking.
- Visibility of parked trucks on site.
- Reduction of 19 parking spaces.

Resolution # PC-2005-04-059
Moved by: Schultz
Seconded by: Khan

RESOLVED, That the Planning Commission hereby approves the landbanking of 145 spaces in the parking deck. This reduction meets the standards of Article 40.20.13 and will assist Redico and Morton's Restaurant in minimizing the amount of storm water runoff on the site.

RESOLVED, That the Planning Commission hereby approves a reduction in the total number of required parking spaces of 19 spaces. This reduction meets the standards of Article 40.20.12 and will allow Redico and Morton's Restaurant to minimize the amount of storm water runoff on the site and maintain a permanent greenbelt between the Big Beaver right-of-way and the proposed off-street parking area.

RESOLVED, The 145 landbanked spaces and the 19 space reduction will reduce the number of required parking spaces on site by 164 spaces, to 1,245 spaces, when 1,245 spaces are required based on the off-street parking space requirements for restaurants and office uses, as per Article XL.

RESOLVED, That the Planning Commission has made a determination that the applicant has met the standard of Section 26.25.01 of the Zoning Ordinance, which requires that restaurants in the O-S-C be permitted "provided they are included in the office use structure or other principal structures…or are attached to such structures by means of a fully enclosed structural attachment, and therefore shall not be permitted as free-standing structures. Such secondary structures shall be designed so as to provide a logical extension of the floor plan of the principal structures, and shall utilize exterior materials similar to or harmonious with such principal structures".

BE IT FURTHER RESOLVED, That Preliminary Site Plan Approval, as requested for the Proposed Restaurant Addition, located on the northeast corner of Big Beaver and Crooks, located in Section 21, within the O-S-C zoning district, is hereby granted, subject to the following conditions:

1. Add a 5-foot wide sidewalk on the west side of Wilshire, from the entry drive north to the end of the existing sidewalk.
2. Provide one tree for each 30 linear feet of frontage along Big Beaver, Crooks and Wilshire, as per Article 39.70.02.
3. Provide 29 ward's yews planted in a hedge and one (1) tree at each corner of Big Beaver/Crooks and Big Beaver/Wilshire, as indicated on Sheet A100.
4. All roof-mounted mechanicals shall be appropriately screened with a similar material to the exterior of the principal structure.
5. That there shall be two (2) handicapped parking spaces near the entrance to the Melting Pot Restaurant where the site plan currently indicates only one (1).

Yes: All present (8)
No: None
Absent: Wright

MOTION CARRIED

7. PROPOSED PLANNED UNIT DEVELOPMENT (PUD 5) – Maple Forest Crossing – East side of Rochester Road, South of South Boulevard, R-1D, B-3 and P-1, Section 2

Mr. Miller provided a brief review of the proposed PUD and introduced Joe Paluzzi, Gary Abitheira, and Brad Byarski, representatives of Michigan Home Builders. Mr. Miller said the intent of the presentation is to provide the petitioner an opportunity to present their conceptual plan and receive feedback and direction from the members.

Mr. Carlisle commented on the exterior features of the location. He said conceptually it is a good use of a PUD because of the need for flexibility to accommodate the exterior factors. Mr. Carlisle said the project has the most mixed uses than any other project that has come before the Planning Commission. Mr. Carlisle said the transition between the frontage property and the proposed residential was discussed at great length with the petitioners. He addressed the proposed building elevations, orientation of garage doors and green space.

Mr. Paluzzi addressed the environmental design techniques; i.e., retention pond, water discharge.

Mr. Byarski gave a brief presentation of the conceptual plan with the use of visual boards. He provided a brief history of the conception of the project. Mr. Byarski reported that 95% of property ownership is theirs. It is their intention to get feedback and favorable approval of the conceptual plan and to move forward with the project.

It was a general consensus of the members that the proposed PUD is a well-conceived conceptual plan for the location. Items addressed were:

- Density
- Green space
- Parking layout/design; i.e., shared parking bank/banquet facility, parallel, guest
- Garage door orientation/design
- Entrance to project as relates to traffic in general area
- Sidewalks; i.e., width, location
- Construction entrance
- PUD vs development achieved through rezonings
- Building material

Mr. Smith spoke favorably of the conceptual plan with respect to the responsiveness of the petitioners and the good integration of mixed uses. He said the PUD is a powerful tool that would make the proposed plan a financially feasible product. Mr. Smith complimented the petitioners on the plan.

Chair Strat requested a recess at 8:55 p.m.

The meeting reconvened at 9:05 p.m.

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8. PLANNED UNIT DEVELOPMENT (PUD 4) – Proposed The Monarch Private Residences, 209 units, 11,166 S.F. retail space and structured parking, North side of Big Beaver Road between Alpine and McClure, Section 20 – O-1 (Low Rise Office), P-1 (Vehicular Parking) and R-1B (One Family Residential Districts

Mr. Miller said the purpose of tonight's meeting is to discuss: (1) public benefit; (2) the buffer area between the townhouses and the existing single family residential; and (3) the relationship of the townhouses to single family residential. Mr. Miller briefly addressed the landscape plan, communication from the petitioner with respect to public benefit, and the history and evolution of the project.

Mr. Carlisle briefly addressed the evolution of the design layout in relation to the transition to single family residential.

Jennifer Mooney, Bob Dudick, Tom Kafkes and John Bender of Joseph Freed and Associates were present. Also present were Gary Jonna of Whitehall Real Estate and Ron Phillips of Tadian Homes. Ms. Mooney introduced the Landscape Architect Randy Metz of Grissim Metz Andriese Associates and Architect David Donnellon of Design Resources.

Design Layout / Transition Buffer

Mr. Metz presented in detail the significant features of the overall plan inclusive of the landscaping and introduced the lighting plan, with the use of various visual aids.

Discussion followed. Comments were taken from around the table.

Public Benefit

Ms. Mooney addressed the following public benefits:

(1) $1.9 million expected tax revenue annually
(2) Enhancement to Big Beaver corridor; i.e., pedestrian traffic, retailers, restaurants, etc., that will generate sales and additional tax revenue
(3) Off-site landscaping and lighting program along Alpine and McClure
(4) Off site landscape in front of DADA parking lot and auto dealership
(5) Pocket parks
(6) New product line to the market
(7) Underground detention
(8) Parking structure
(9) Improvement to pedestrian friendly environment

Ms. Mooney asked the City to consider the merits of an additional public benefit -- a "Neighborhood Improvement Fund" – in which a contribution would be made to fund a specific area chosen by the neighborhood; i.e., streetscape enhancement, landscape enhancement, neighborhood park, etc.

Mr. Carlisle suggested that the contribution be earmarked for specific purposes.

Discussion followed. Comments were taken from around the table.

Ms. Mooney summarized the meeting with the Road Commission for Oakland County and the City's Traffic Engineer with respect to a pedestrian crosswalk across Big Beaver Road.

Mr. Chamberlain commented on the presentation given by the Road Commission for Oakland County (RCOC) at the April 20, 2005 Downtown Development Authority (DDA) meeting, and the DDA's resolution in support of the funding needs for the County road infrastructure.

Chair Strat requested a recess at 10:35 p.m.

The meeting reconvened at 10:40 p.m.

Layout/Design of The Villas (Townhouses)

Comments were taken from around the table.

By a show of hands, the majority of members agreed that the petitioner should further address the following items:

- Snow removal
- Distance to walk from guest parking to the most northerly units
- Parking (emergency vehicle access; distance between units)
- Preliminary conceptual drainage plan
- Preliminary conceptual grading plan

By a show of hands, a majority vote was not reached on the following items:

- Reduction in density
- 16-foot setback along Alpine and McClure

Mr. Miller requested the petitioner to provide complete updated booklets and full size prints in a timely manner for review by staff, the Planning Consultant and the Planning Commission.

Ms. Mooney stated their objective for requesting a Public Hearing at the May 10, 2005 Regular Meeting.

9. PUBLIC COMMENTS

Mike Baxter of 3141 McClure, Troy, was present to speak on The Monarch PUD. Mr. Baxter is an adjoining property owner to the project. He spoke at a previous meeting in which concerns relating to privacy, setbacks and density were voiced. Mr. Baxter said written communication in which those concerns were detailed was sent to the Planning Commission members and developer, and he would like to confirm that the communication was received and that the concerns are on record.

GOOD OF THE ORDER

Mr. Miller confirmed that all public comment relating to the The Monarch project would be attached and made a part of the Planning Department report.

Mr. Waller said the members have a right to ask a petitioner to consider making changes, but the petitioner has a right to not accept those suggestions.

Mr. Vleck agreed with Mr. Waller's comments. He addressed Mr. Chamberlain's comments relating to the Road Commission's request for support from the DDA on RCOC projects.

Mr. Khan agreed that a petitioner has the right to do what he wants, but he as a commissioner has the right to not vote for a project should he not like it.

Mr. Chamberlain suggested that the members watch the presentation given by the Road Commission at the Downtown Development Authority meeting. He said the formal presentation was approximately 45 minutes and a variety of taxes and specific amounts of money were discussed.

Mr. Motzny invited everyone to join the Legal Department for Law Day on Wednesday, May 4. The official theme for this year's Law Day is "The American Jury; We the People in Action".

Mr. Carlisle addressed The Monarch project. He said that 99% of the comments made by the members involve approximately 10% of the project. He hopes all the project team members heard the comments and suggestions of the Planning Commission.

Mr. Miller said consideration was given to having the Road Commission give the same presentation to the Planning Commission as it did to the DDA on April 20, 2005.

Mr. Schultz asked if the Road Commission recognized the millions of dollars that the City of Troy has already contributed to the expansion of Big Beaver Road.

ADJOURN

The Special/Study Meeting of the Planning Commission adjourned at 11:15 p.m.

Respectfully submitted,

_____

Thomas Strat, Chair

_____

Kathy L. Czarnecki, Recording Secretary

G:\Planning Commission Minutes\2005 PC Minutes\Draft\04-26-05 Special Study Meeting_Draft.doc

A meeting of the **Troy Youth Council (TYC)** was held on April 27, 2005 at 7:00 PM at City Hall in the Lower Level Conference Room, 500 West Big Beaver Road. Catherine Herzog and Manessa Shaw called the meeting to order at 7:05 p.m.

MEMBERS PRESENT: Alexandra (Sasha) Bozimowski
Juliana D'Amico
Catherine Herzog (co-chair)
Maniesh Joshi
Jessica Kraft
Manessa Shaw (co-chair)
Nicole Vitale
Karen Wullaert

MEMBERS ABSENT: Min Chong
Rishi Joshi (excused)
Andrew Kalinowski (excused)
Monika Raj
YuJing Wang (excused)

ALSO PRESENT: Laura Fitzpatrick, Assistant to the City Manager
17 Candidates to be Interviewed for Recommendation for Appointment to the TYC (see list in minutes)

1. Roll Call

2. Approval of Minutes

Resolution # TY-2005-04-11
Moved by Bozimowski
Seconded by Vitale
RESOLVED, That the minutes of 3/23/05 be approved
Yes: All - 8
No: None
Absent: 5 – Chong, Joshi, Kalinowski, Raj, Wang
MOTION CARRIED

3. **Attendance Report:** To note and file

4. Interviews to Recommend Candidate for Appointment to the TYC

17 candidates were interviewed. 21 applicants were on file. All applicants were considered, including those who were not present at the interviews. Interviews lasted approximately three minutes each. The list of applicants is below. Highlighted names were not present at the interviews. The TYC voted on 8 candidates. The remainder of the candidates will be referred to other City Boards, Teens Taking Action (Troy Community Coalition) and other volunteer opportunities with the City.

*Highlighted names denote absence from the interviews.

Last Name	First Name	Current Grade	High School (Fall 2005)
Chen	Nancy	8	Troy High
Corey	Andrew	10	Troy High
D'Amico	Maxine	9	Christian Leadership Academy
Desai	Nikita	9	Troy High
Hacker	Elizabeth	9	Athens High
Hepner	Josh	9	Troy High
Horvath	Zack	9	Troy High
Luo	Lisa (Jia)	11	Troy High
Marsh	Chelsey	10	Avondale High
Natarajan	Aswrin	8	Troy High
Niemic	Joseph	8	Troy High
Pochodylo	Amy	8	Troy High
Prasad	Anupama	9	Athens High
Qiu	Anna	10	Troy High
Randall	Kristin	9	Athens High
Reimann	Carolyn	8	Troy High
Schramm	Alyson	10	International Academy
Shaw	Neil	8	Troy High
Subramanian	Shruthi	9	Troy High
Thoenes	Katie	9	Troy High
Yang	Helen	9	Troy High

Resolution # TY-2005-04-12

Moved by Shaw
Seconded by Bozimowski

RESOLVED, That Andrew Corey, Maxine D'Amico, Lisa (Jia) Luo, Aswrin Natarajan, Anupama Prasad, Kristin Randall, Neil Shaw, and Katie Thoenes are recommended for appointment to the Troy Youth Council.

Yes: All - 8
No: None
Absent: 5 – Chong, Joshi, Kalinowski, Raj, Wang
MOTION CARRIED

Resolution # TY-2005-04-13

Moved by Shaw
Seconded by Bozimowski

RESOLVED, That Patrick Niemic, Chelsey Marsh, and Carolyn Reimann are recommended as alternates (in that order) for appointment to the Troy Youth Council. Alternates will be recommended if any of the eight candidates recommended in the previous resolution decline appointment.

Yes: All - 8
No: None
Absent: 5 – Chong, Joshi, Kalinowski, Raj, Wang
MOTION CARRIED

5. Troy Daze Festival Update: Youth Council Involvement Entertainment Event

- Awaiting direction from event co-chairs; TYC members are interested in helping out and Fitzpatrick has conveyed that to the co-chairs

***6.* Motion to Excuse Absent Members Who Have Provided Advance Notification**

Resolution # TY-2005-04-14

Moved by M Joshi
Seconded by Wang

RESOLVED, That members Joshi, Kalinowski and Wang are excused.

Yes: All - 8
No: None
Absent: 5 – Chong, Joshi, Kalinowski, Raj, Wang
MOTION CARRIED

Youth Council Comments
PUBLIC COMMENT

Reminder Next Meeting: Wed, May 18, 2005

The meeting adjourned at 8:34 P.M.

_____
Manessa Shaw, Co-chair

_____
Laura A. Fitzpatrick, Assistant to the City Manager

Advisory Committee for Senior Citizens

The regular meeting of the Advisory Committee for Senior Citizens for May 5, 2005 was cancelled at 10:05 A.M. The five members present unanimously agreed to cancel as they wished to postpone the new business until more members were present.

Present: Jo Rhoads, Member
James Berar, Member
David Ogg, Member
Bud Black, Member
Merrill Dixon, Member
Carla Vaughan, Staff

Absent: JoAnn Thompson, Chair – excused
Pauline Noce, Member – excused
Marie Hoag, Member - excused

Visitors: None

DATE: May 3, 2005
TO: John Szerlag, City Manager
FROM: Mark Stimac, Director of Building & Zoning
SUBJECT: Permits issued during the Month of April 2005

	NO.	VALUATION	PERMIT FEE
INDUSTRIAL			
Add/Alter	5	$1,230,500.00	$6,585.00
Sub Total	**5**	**$1,230,500.00**	**$6,585.00**
COMMERCIAL			
Tenant Completion	2	$140,000.00	$920.00
Accessory Structure	1	$5,000.00	$85.00
Add/Alter	21	$1,528,490.00	$9,955.00
Sub Total	**24**	**$1,673,490.00**	**$10,960.00**
RESIDENTIAL			
New	53	$10,640,090.00	$59,115.00
Add/Alter	50	$771,980.00	$7,805.00
Garage/Acc. Structure	3	$3,550.00	$105.00
Pool/Spa/Hot Tub	9	$118,990.00	$1,275.00
Repair	2	$68,603.00	$530.00
Fire Repair	2	$350,000.00	$1,970.00
Sub Total	**119**	**$11,953,213.00**	**$70,800.00**
TOWN HOUSE/CONDO			
Add/Alter	6	$31,736.00	$425.00
Sub Total	**6**	**$31,736.00**	**$425.00**
MULTIPLE			
Add/Alter	2	$16,000.00	$260.00
Sub Total	**2**	**$16,000.00**	**$260.00**
INSTITUTIONAL/HOSPITAL			
Add/Alter	3	$1,084,960.00	$5,755.00
Sub Total	**3**	**$1,084,960.00**	**$5,755.00**
MISCELLANEOUS			
Satellite/Antennas	10	$50,000.00	$850.00
Signs	40	$0.00	$4,800.00
Fences	25	$0.00	$395.00
Sub Total	**75**	**$50,000.00**	**$6,045.00**
TOTAL	**234**	**$16,039,899.00**	**$100,830.00**

PERMITS ISSUED DURING THE MONTH OF APRIL 2005

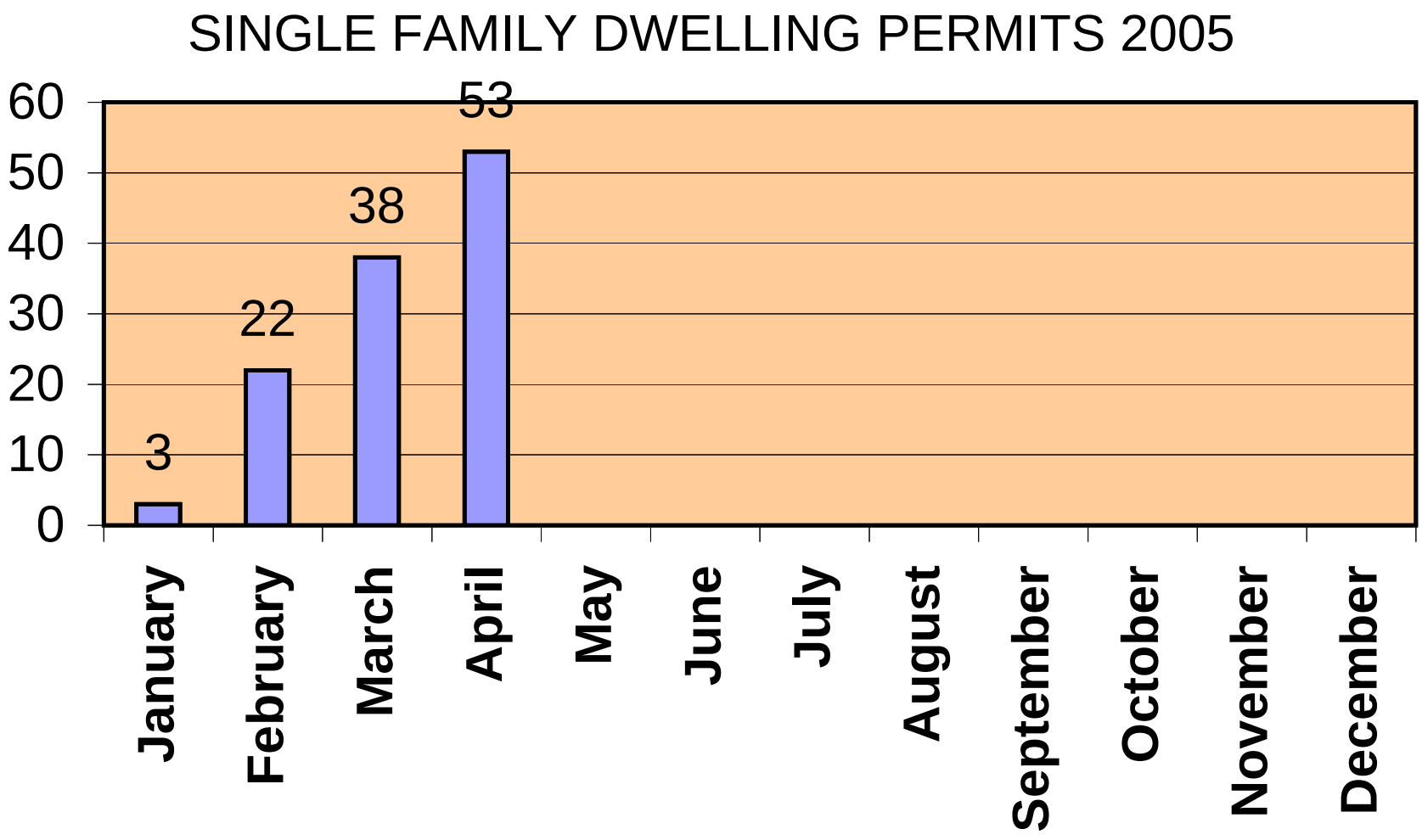
	NO.	PERMIT FEE
Mul. Dwel. Insp.	12	$120.00
Cert. of Occupancy	84	$4,115.25
Plan Review	157	$7,776.00
Microfilm	43	$357.00
Building Permits	234	$100,830.00
Electrical Permits	186	$13,301.00
Heating Permits	143	$7,905.00
Air Cond. Permits	71	$2,880.00
Refrigeration Permits	1	$30.00
Plumbing Permits	117	$9,779.00
Storm Sewer Permits	41	$715.00
Sanitary Sewer Permits	41	$1,411.00
Sewer Taps	56	$11,212.00
TOTAL	**1186**	**$160,431.25**

LICENSES & REGISTRATIONS ISSUED DURING THE MONTH OF APRIL 2005

	NO.	LICENSE FEE
Mech. Contr.-Reg.	17	$85.00
Elec. Contr.-Reg.	39	$585.00
Master Plmb.-Reg.	37	$37.00
Sewer Inst.-Reg.	13	$650.00
Sign Inst. - Reg.	14	$140.00
E. Sign Contr-Reg.	3	$45.00
Fence Inst.-Reg.	1	$10.00
Bldg. Contr.-Reg.	19	$190.00
F.Alarm Contr.-Reg.	2	$30.00
TOTAL	**145**	**$1,772.00**

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	0	$0.00
JUNE	232	$16,224,865.00	0	$0.00
JULY	178	$19,788,711.00	0	$0.00
AUGUST	224	$11,179,780.00	0	$0.00
SEPTEMBER	198	$13,582,037.00	0	$0.00
OCTOBER	197	$11,540,976.00	0	$0.00
NOVEMBER	161	$6,232,506.00	0	$0.00
DECEMBER	148	$7,316,487.00	0	$0.00
TOTAL	**2136**	**$147,497,452.00**	**603**	**$50,649,672.00**


SINGLE FAMILY DWELLING PERMITS 2005
60
50
40
30
20
10
0
3
22
38
53
January
February
March
April
May
June
July
August
September
October
November
December

BRIEF BREAKDOWN OF NON-RESIDENTIAL BUILDING PERMITS ISSUED DURING THE MONTH OF APRIL 2005

Type of Construction	Builder or Company	Address of Job	Valuation
Commercial, Add/Alter	ROBERT WALDRON	3785 ROCHESTER	125,000.00
Commercial, Add/Alter	VENTURE CONTRACTING & DEV	1937 W MAPLE	130,000.00
Commercial, Add/Alter	GALE CONSTRUCTION CO.	700 TOWER 610	130,000.00
Commercial, Add/Alter	WOODLAKE CONSTRUCTION	725 E BIG BEAVER	125,000.00
Commercial, Add/Alter	GALE CONSTRUCTION CO.	800 TOWER 1ST LB	150,000.00
Commercial, Add/Alter	THOMAS BUCHANAN	44199 DEQUINDRE 407	200,000.00
Commercial, Add/Alter	CHRISTOPHER MICHAEL D'ANGELO	901 WILSHIRE 210	200,000.00
Total Commercial, Add/Alter			1,060,000.00
Commercial, Tenant Completion	FERLITO CONSTRUCTION INC	3144 JOHN R	120,000.00
Total Commercial, Tenant Completion			120,000.00
Industrial, Add/Alter	EDGE CONTRACTING	2400 MEIJER	400,000.00
Industrial, Add/Alter	EDGE CONTRACTING	2500 MEIJER	725,000.00
Total Industrial, Add/Alter			1,125,000.00
Inst./Hosp., Add/Alter	SCOTT KREUTZER	44201 DEQUINDRE 2ND W	200,000.00
Inst./Hosp., Add/Alter	SCOTT KREUTZER	44201 DEQUINDRE LAB	800,000.00
Total Inst./Hosp., Add/Alter			1,000,000.00

Records 13

Total Valuation: 3,305,000.00

C: BRIAN MURPHY

J-03a

Institute of Transportation Engineers Inc.

1099 14th Street, NW • Suite 300 West • Washington, DC 20005-3438 USA • Tel: +1 202-289-0222 • Fax: +1 202-289-7722 • www.ite.org

April 28, 2005

John K. Abraham
Traffic Engineer
City of Troy
Transportation Department
500 W. Big Beaver Rd.
Troy, MI 48084

Dear John,

I would like to express the Institute's appreciation for your contribution as a committee member toward the development of the ITE Informational Report, "Benefits of Retiming Traffic Signals." This publication is now available for purchase through the ITE Bookstore at http://www.ite.org/bookstore.

Your service to ITE on this report was critical in preparing this document. We appreciate your input, as we believe this publication will be a great contribution to the transportation profession.

Thank you again for your efforts. Please find enclosed, a complimentary copy of this report and accompanying brochure.

Sincerely,

Lisa Petty

Lisa Petty
Technical Projects Associate

An ITE Informational Report

Benefits of Retiming Traffic Signals

A Reference for Practitioners and Decision-Makers About the Benefits of Traffic Signal Retiming

Institute of Transportation Engineers

Acknowledgements

ITE would like to acknowledge the Traffic Engineering Council committee members (TENC 101-02) that prepared this report.

Srinivasa R. Sunkari (M), Chair

John K. Abraham (M)

Donald R. Bennett II (M)

Bryan Haigh (M)

James T. Harris (M)

Jim Poston (F)

Carol Jones

William C. Kloos (F)

Susan M. Langdon (M)

Steven P. Venglar (A)

Paul F. Vetter (A)

Peter J. Yauch (F)

ITE also acknowledges members of the review panel that participated in the review of this report.

Bruce E. Friedman (F)

Lynn A. LaMunyon (M)

Barbara J. Hoage (M)

Philip J. Tarnoff (F)

W. Scott Wainwright (F)

(Letters in parenthesis indicate ITE member grade: A-Associate, M-Member, F-Fellow)

J-03b

Morel East Homeowners Association
46875 Garfield Rd.
Macomb, MI 48044
(586) 286-4068

April 13, 2005

City of Troy Police Department
ATTN: Lieutenant Scott McWilliams
500 West Big Beaver
Troy, MI 48084

Dear Lt. McWilliams,

I am writing on behalf of the Morel East Subdivision to thank all of you for all of your help during this past Easter holiday weekend. During the past eleven years this was the first time we had such a wonderful turn out of support from the city Police department helping out our subdivision with this parking issue that we have been dealing with. I want to personally thank you for the wonderful service to our community! So many of the neighbors came to me and were extremely happy with the turn out from the police department.

We hope to receive your continued support in the future to help watch the area during the holidays for extreme parking and the speeders that come through during the summer.

Again, we thank you all for your help and support!

Sincerely,

Sam Daya
Morel East Homeowners Association
President

Cc: City Mgr.
Chief Nelson/FD
Capt. Murphy
BB

J-03c

April 11, 2005

C. Craft
Chief of Police
Troy Police Department
500 West Big Beaver
Troy, MI

Dear Mr. Craft,

My name is Susan Cannon and I am currently a Boy Scout Leader for Den 4, Schroeder Elementary School. On April 4, 2005, the Troy Police K-9 Unit hosted by Officer Cloof and Officer Mark had spoken to our whole Pack 1010. Parents were present as well as a few siblings.

I would just like to express my gratitude for allowing these fine officers to speak to the children. They did an excellent job. The children were so immersed in their conversations that they actual behaved quite well. Usually they are up and down in their sits and are noisy but not that day. I was amazed.

The children loved seeing the dogs in action as well. This meeting was quite a treat for them. It is very nice to see how efforts are maintained by this community to bring such services to the children.

These officers definitely helped to shape their little minds in a positive way. I hope continued efforts are made by the Troy Police Department to involve themselves with the youth of this community. You really do make a difference in their lives.

Thank you again for everything. You have very knowledgeable and friendly officers who really seem to care about people.

Sincerely,

Susan M. Cannon

Susan M. Cannon
3339 Medford
Troy, MI 48180

CC: City Mgr
Capt Murphy
Officers Kurte/Cole
Dept Files
BB

RECEIVED
Chief of Police
4/15/05 CRC

J-04a

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

* * * * *

NOTICE OF HEARING
FOR THE CUSTOMERS OF
THE DETROIT EDISON COMPANY
CASE NO. U-14474
CASE NO. U-13808-R

- The Detroit Edison Company is proposing to reconcile its power supply cost recovery plan for the 12-month period ending December 31, 2004 (which the Company concludes requires a refund of approximately $8.1 million) as well as implement the Commission's final order in Detroit Edison's main electric rate case (Case No. U-13808) concerning, among other things, the Company's 2004 net stranded costs (which the Company concludes are $99 million) while continuing existing production fixed cost net stranded cost surcharges during the pendency of the proceedings. The Company also proposes to defer reconciliation of the Pension Equalization Mechanism for the period November 24 through December 31, 2004 until the 2005 reconciliation.

- The information below describes how a person may participate in this case.

- You may call or write The Detroit Edison Company, 2000 Second Avenue, Detroit, Michigan 48226-1279, (313) 235-7706 for a free copy of its application. Any person may review the application at the offices of The Detroit Edison Company.

- The first public hearing in these cases will be held:

DATE:	May 17, 2005 This hearing will be a prehearing conference to set future hearing dates and decide other procedural matters.
TIME:	9:00 a.m.
PRESIDING OFFICER:	Administrative Law Judge Daniel E. Nickerson, Jr.
LOCATION:	Michigan Public Service Commission 6545 Mercantile Way, Suite 7 Lansing, Michigan
PARTICIPATION:	Any interested person may attend and participate. The hearing site is accessible, including handicapped parking. Individuals attending the hearing are requested to refrain from using heavily scented personal care products in order to enhance accessibility for everyone. Persons with disabilities needing help to participate, should call the Commission's Executive Secretary at (517) 241-6160 a week in advance to request mobility, visual, hearing or other assistance.

The Michigan Public Service Commission (Commission) will hold public hearings to consider approval of the March 31, 2005 application of The Detroit Edison Company (Detroit Edison) to reconcile its power supply cost recovery plan for the 12-month period ending December 31, 2004 (which the Company concludes requires a refund of approximately $8.1 million) as well as implement the Commission's final order in Detroit Edison's main electric rate case (Case No. U-13808) concerning, among other things, the Company's 2004 net stranded costs (which the Company concludes are $99 million) and deferral of the 2004 Pension Equalization Mechanism, while continuing existing production fixed cost net stranded cost surcharges during the pendency of the proceeding.

The Commission has selected these cases for participation in its Electronic Filings Pilot program. The Commission recognizes that some residential customers may not have the computer equipment or access to the Internet necessary to submit documents electronically. Therefore, residential customers may submit an original and four paper copies to the: Executive Secretary, Michigan Public Service Commission, 6545 Mercantile Way, P.O. Box 30221, Lansing, Michigan 48909. Requirements for filing electronic documents can be found in the Electronic Filings User Manual at: http://efile.mpsc.cis.state.mi.us/efile/usersmanual.pdf. The application for account and letter of assurance are located at http://efile.mpsc.cis.state.mi.us/efile/help. You may contact Commission Staff at (517) 241-6170 or by e-mail at mpscefilecases@michigan.gov with questions and to obtain access privileges prior to filing.

Any person wishing to intervene and become a party to the cases shall file an original and four paper copies of a petition to intervene and an electronic PDF copy with this Commission by May 10, 2005. (Residential customers may file petitions to intervene using the traditional paper format.) The proof of service shall indicate service upon Detroit Edison's attorney, Jon P. Christinidis, 2000 Second Avenue, Detroit, Michigan 48226-1279.

A member of the public, who wishes to make a statement of position without becoming a party to the cases, may participate by filing an appearance. To file the appearance, the individual must attend the hearing and advise the presiding administrative law judge of his/her wish to make a statement of position.

A copy of Detroit Edison's request may be reviewed on the Commission's Web site at **http://efile.mpsc.cis.state.mi.us/efile**, or at the office of the Commission's Executive Secretary, 6545 Mercantile Way, Suite 7, Lansing, MI, and at the office of The Detroit Edison Company, 2000 Second Avenue, Detroit, Michigan. For more information on how to participate in the cases, you may contact the Commission at the above address or by telephone at (517) 241-6170.

The Utility Consumer Representation Fund has been created for the purpose of aiding in the representation of residential utility customers in 1982 P.A. 304 proceedings. Contact the Chairperson, Utility Consumer Participation Board, Department of Labor & Economic Growth, P.O. Box 30004, Lansing, Michigan 48909, for more information.

Jurisdiction is pursuant to 1909 PA 106, as amended, MCL 460.551 et seq.; 1919 PA 419, as amended, MCL 460.51 et seq.; 1939 PA 3, as amended, MCL 460.1 et seq.; 1982 PA 304, as amended, MCL 460.6h et seq.; 2000 PA 141, as amended, MCL 460.10 et seq.; 1969 PA 306, as amended, MCL 24.201 et seq.; and the Commission's Rules of Practice and Procedure, as amended, 1999 AC, R 460.17101 et seq.

THE DETROIT EDISON COMPANY HAS REQUESTED TO RECONCILE ITS POWER SUPPLY COST RECOVERY PLAN FOR THE 12-MONTH PERIOD ENDING DECEMBER 31, 2004 AND IMPLEMENT THE COMMISSION'S FINAL ORDER IN CASE NO. U-13808 CONCERNING, AMONG OTHER THINGS, THE COMPANY'S 2004 NET STRANDED COSTS AND 2004 PENSION EQUALIZATION MECHANISM WHILE MAINTAINING THE EXISTING PRODUCTION FIXED COST NET STRANDED COST SURCHARGES DURING THE PENDENCY OF THE PROCEEDING, AS DESCRIBED IN THIS NOTICE. THE MICHIGAN PUBLIC SERVICE COMMISSION MAY APPROVE, REJECT OR AMEND DETROIT EDISON'S REQUEST.

April 20, 2005
Lansing, Michigan

J-05

May 2005

May 2005

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

June 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		

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
					May 1
2 6:30pm City Council-Special/Study (Council Boardroom)	3 7:30pm Updated: Planning Commission-Study (Council Boardroom)	4 8:30am BUILDING CODE BOARD OF APPEALS (Conference Room L 7:00pm ADVISORY COMMITTEE FOR	5	6	7 9:00am Updated: CANCELLED-City 8
9 7:30pm City Council-Regular (Council Chambers)	10 7:30pm Planning Commission-Regular (Council Chambers) 7:30pm City Council-Special/Study	11	12 10:00am Senior Advisory Board meeting (Comm Ctr conf rm) 7:30pm Park Board meeting (Comm Ctr conf rm)	13	14 15
16 7:30pm City Council-Regular (Council Chambers)	17 7:30pm BZA (Chambers) 7:30pm Historic District Commission (Conference Room C)	18 7:30am DDA Meeting (Conference Room Lower Level) 7:00pm Updated: Troy Youth Council (Council Boar	19	20	21 22
23 7:30pm City Council-Regular (Council Chambers)	24 7:30pm Planning Commission-Study (Council Boardroom)	25	26	27	28 29
30	31				

PH 6/6 Acc./Edward Byrne Mem. Justice Ass. Grant
PH 6/16 SAD Olympia Sec 28
PH 6/16 SAD Tacoma Sec 28

June 2005

June 2005

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July 2005

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Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
		June 1 8:30am BUILDING CODE BOARD OF APPEALS (Conference Room L 7:00pm ADVISORY COMMITTEE FOR PERSONS WITH	2 10:00am Senior Advisory Board meeting (Comm Ctr conf rm)	3	4 5
6 7:30pm City Council-Regular (Council Chambers)	7 7:30pm Updated: Planning Commission-Study (Council Boardroom)	8	9 7:30pm Park Board meeting (Comm Ctr conf rm)	10	11 12
13	14 7:30pm Planning Commission-Regular (Council Chambers)	15 7:30am DDA Meeting (Conference Room Lower Level)	16	17	18 19
20 7:30pm City Council-Regular (Council Chambers)	21 7:30pm BZA (Chambers) 7:30pm Historic District Commission (Conference Room C)	22	23	24	25 26
27	28 7:30pm Planning Commission-Study (Council Boardroom)	29	30		

July 2005

July 2005

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August 2005

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Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
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4	5	6 8:30am BUILDING CODE BOARD OF APPEALS (Conference Room L 7:00pm ADVISORY COMMITTEE FOR PERSONS WITH	7	8	9 10
11 7:30pm City Council-Regular (Council Chambers)	12 7:30pm Planning Commission-Regular (Council Chambers)	13	14	15	16 17
18 7:30pm City Council-Regular (Council Chambers)	19 12:00pm Updated: Assessing Board of Review (Conference Room D) 7:30pm BZA (Chambers) 7:30pm Historic District Commission (C	20 7:30am DDA Meeting (Conference Room Lower Level)	21	22	23 24
25	26 7:30pm Planning Commission-Study (Council Boardroom)	27	28	29	30 31