

AGENDA

Regular Meeting of the

CITY COUNCIL OF THE CITY OF TROY

OCTOBER 3, 2005

CONVENING AT 7:30 P.M.

**Submitted By
The City Manager**

TO: The Honorable Mayor and City Council
Troy, Michigan

FROM: John Szerlag, City Manager

SUBJECT: Background Information and Reports

Ladies and Gentlemen:

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

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

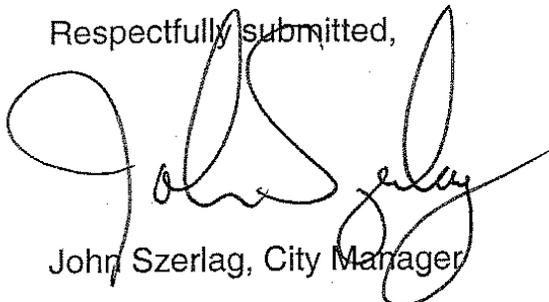
Identified below are goals for the City, which have been advanced by the governing body; and Agenda items submitted for your consideration are on course with these goals.

Goals

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

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

Respectfully submitted,



John Szerlag, City Manager



CITY COUNCIL

AGENDA

October 3, 2005 – 7:30 PM
Council Chambers
City Hall - 500 West Big Beaver
Troy, Michigan 48084
(248) 524-3317

CALL TO ORDER: 1

INVOCATION & PLEDGE OF ALLEGIANCE: Reverend Maggie Mills – Central Woodward Christian Church 1

ROLL CALL: 1

CERTIFICATES OF RECOGNITION: 1

A-1 Presentations: 1

a) Presentation by Kamal Shouhayib on Behalf of Aley, Lebanon – American Red Cross Contribution for Hurricane Katrina Relief 1

CARRYOVER ITEMS: 1

B-1 No Carryover Items 1

PUBLIC HEARINGS: 1

C-1 No Public Hearings 1

POSTPONED ITEMS: 1

D-1 No Postponed Items 1

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|------|--|----|
| J-10 | Letter from Bendzinski & Co. Municipal Financial Advisors Regarding Issues They Will Address Pertaining to the Feasibility of Modifying the Troy Downtown Development Authority (DDA) Boundaries | 15 |
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|-----|--------------------------|----|
| K-1 | No Study Items Submitted | 16 |
|-----|--------------------------|----|

PUBLIC COMMENT: Address of “K” Items **16**

CLOSED SESSION: **16**

| | | |
|-----|--|----|
| L-1 | Closed Session – No Closed Session Requested | 16 |
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| | | |
|---------------------------|----------------------------|----|
| Monday, October 17, 2005 | Regular City Council | 16 |
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| Monday, December 5, 2005 | Regular City Council | 16 |
| Monday, December 19, 2005 | Regular City Council | 16 |

CALL TO ORDER:**INVOCATION & PLEDGE OF ALLEGIANCE: Reverend Maggie Mills – Central Woodward Christian Church****ROLL CALL:**

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

CERTIFICATES OF RECOGNITION:

A-1 Presentations:

- a) Presentation by Kamal Shouhayib on Behalf of Aley, Lebanon – American Red Cross Contribution for Hurricane Katrina Relief

CARRYOVER ITEMS:

B-1 No Carryover Items

PUBLIC HEARINGS:

C-1 No Public Hearings

POSTPONED ITEMS:

D-1 No Postponed Items

CONSENT AGENDA:

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 DiscussionSuggested Resolution

Resolution #2005-10-

Moved by

Seconded by

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

Yes:

No:

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

E-2 Approval of City Council MinutesSuggested Resolution

Resolution #2005-10-

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

E-3 Proposed City of Troy Proclamations: No Proclamations Proposed

E-4 Standard Purchasing Resolutions**a) Standard Purchasing Resolution 9: Membership Renewal – Macomb County Criminal Justice Training Consortium**Suggested Resolution

Resolution #2005-10-

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

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

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

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

Suggested Resolution
Resolution #2005-10-

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

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

Suggested Resolution
Resolution #2005-10-

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

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

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

Suggested Resolution
Resolution #2005-10-

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

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

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

Suggested Resolution
Resolution #2005-10-

RESOLVED, That approval to expend funds budgeted in the 2005/2006 Fiscal Year to Common Ground to provide community service programs to the residents of the City of Troy in the amount of \$2,100.00 is hereby **APPROVED**, the Mayor and City Clerk are **AUTHORIZED**

on behalf of the City of Troy, to sign the agreement, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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

Suggested Resolution
Resolution #2005-10-

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

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

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

Suggested Resolution
Resolution #2005-10-

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

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

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

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

Suggested Resolution
Resolution #2005-10-

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

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

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

Resolution #2005-10-

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

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

Resolution #2005-10-

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

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

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

Resolution #2005-10-

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

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

Resolution #2005-10-

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

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

PUBLIC COMMENT: Limited to Items Not on the Agenda

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

REGULAR BUSINESS:

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

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

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 #2005-10-

Moved by

Seconded by

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

Advisory Committee for Persons with Disabilities

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

| | |
|--|--|
| | Term Expires 07/01/06 (Student) |
| | Unexpired Term 11/01/05 |
| | Term Expires 11/01/08 |
| | Term Expires 11/01/08 |

CURRENT MEMBERS

| NAME | TERM EXPIRES |
|--|--------------|
| Leonard G. Bertin – Resigned | 11/01/05 |
| Cynthia Buchanan | 11/01/07 |
| Susan Burt | 11/01/06 |
| Angela J. Done (Requests reappointment) | 11/01/05 |
| Adam Fuhrman (Alternate) | 11/01/06 |
| Kul B. Gauri (Would prefer to serve on a different committee) | 11/01/05 |
| Theodora House | 11/01/06 |
| Nancy Johnson (Alternate) | 11/01/06 |
| Pauline Manetta | 11/01/06 |
| Dorothy Ann Pietron | 11/01/07 |
| Mark Pritzlaff (Alternate) | 11/01/06 |
| Susan Werpetinski | 11/01/07 |
| Anbereen Wigar (Student) | 07/01/05 |

INTERESTED APPLICANTS

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

INTERESTED STUDENT APPLICANTS

| NAME | DATE APPLIED | DATE SENT TO COUNCIL |
|---------------|--------------|----------------------|
| None on file. | | |

Advisory Committee for Senior Citizens

Appointed by Council (9) – 3 years

| | |
|--|-----------------------|
| | Term Expires 04/30/08 |
|--|-----------------------|

CURRENT MEMBERS

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

INTERESTED APPLICANTS

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

Ethnic Issues Advisory Board

Appointed by Council (9) – 3 years

Term Expires 09/30/07 **OR** 09/30/08**CURRENT MEMBERS**

| NAME | TERM EXPIRES |
|---|--------------|
| Kelly Gu (Student) | 09/30/06 |
| Lulu Guo (Student) | 09/30/06 |
| Michelle Haight | 09/30/07 |
| Amin Hashmi | 09/30/08 |
| Tom Kaszubski | 09/30/07 |
| Kuppa, Padma | 09/30/08 |
| Pritzlaff, Mark | 09/30/07 |
| Samuel, Binny | 09/30/07 |
| Sarma, Malina (Melanie) | 09/30/07 |
| Oniell Shah | 09/30/08 |
| Anju Brodbine (Requests reappointment) | 09/30/05 |

INTERESTED APPLICANTS

| NAME | DATE APPLIED | DATE SENT TO COUNCIL |
|----------------------|---------------------------|----------------------|
| Margaret Apte | 01/19/05-01/2007 | 01/24/05 |
| Kathleen Ann Connor | 02/25/04-02/2006 | 03/01/04 |
| Angela Done | 08/10/05-08/2007 | 10/03/05 |
| Reuben T. Ellis | 08/17/05-08/2007 | 09/12/05 |
| Yogesh Gusani | 08/17/05-08/2007 | 09/12/05 |
| Kelly Jones | 08/16/05-08/2007 | 09/12/05 |
| Al Petrusis | 02/11/03-07/31/03-07/2005 | 02/17/03 |
| Jayshree (Gita) Shah | 04/23/04-04/2006 | 05/03/04 |
| Sushma Shrestha | 09/21/05-09/2007 | 10/03/05 |
| Remedios A. Solarte | 09/15/04-09/2006 | 09/20/04 |

INTERESTED STUDENT APPLICANTS

| NAME | DATE APPLIED | DATE SENT TO COUNCIL |
|--------------|--------------|----------------------|
| None on File | | |

Historic District Commission

Appointed by Council (7) – 3 years

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

Term expires 03/01/08

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

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

INTERESTED APPLICANTS

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

INTERESTED STUDENT APPLICANTS

| NAME | DATE APPLIED | DATE SENT TO COUNCIL |
|---------------|--------------|----------------------|
| None on file. | | |

Liquor Committee

Appointed by Council - (7) – 3 years

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

| NAME | TERM EXPIRES |
|------------------------------|--------------|
| Henry W. Allemon | 01/31/06 |
| Alex Bennett | 01/31/06 |
| Max K. Ehlert | 01/31/06 |
| W.S. Godlewski | 01/31/08 |
| Patrick C. Hall | 01/31/06 |
| James R. Peard | 01/31/06 |
| Bohdan L. Ukrainec | 01/31/08 |
| Emily Polet (Student) | 07/01/05 |
| Capt. Gary Mayer | (Ex-officio) |

INTERESTED STUDENT APPLICANTS

| NAME | DATE APPLIED | DATE SENT TO COUNCIL |
|---------------|--------------|----------------------|
| None on file. | | |

Yes:

No:

F-2 Bid Waiver – Purchase of Air CompressorSuggested Resolution

Resolution #2005-10-

Moved by

Seconded by

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

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

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

Yes:

No:

F-3 Assembly of Rouge Communities and Watershed Alliance LegislationSuggested Resolution

Resolution #2005-10-

Moved by

Seconded by

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

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

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

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

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

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

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

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

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

Yes:

No:

F-4 Bid Waiver – Informal Quotes – Election Material Printing ServicesSuggested Resolution

Resolution #2005-10-

Moved by

Seconded by

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

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

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

Yes:

No:

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

Resolution #2005-10-

Moved by

Seconded by

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

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

RESOLVED, That City Council hereby **REQUESTS** the Planning Commission to **ADOPT** a resolution recommending that City Council **ESTABLISH** a moratorium on the prohibition of child group day care homes with 7 to 12 children in R-1A through R-1E Zoning Districts in accordance with Chapter 39 , Article 10.00.00;and

BE IT FURTHER RESOLVED, That City Council hereby **REQUESTS** the Planning Commission to **ADOPT** a resolution recommending that City Council **PROVIDE** for the non-enforcement of the ordinance prohibition for existing, licensed group day care home with 7 to 12 children during the duration of the moratorium; and

BE IT FINALLY RESOLVED; That City Council hereby **SCHEDULES** a public hearing for the purpose of considering a moratorium on November 14, 2005, at 7:30 P.M. in the Council Chambers, at 500 W. Big Beaver Road, Troy, Michigan, 48084.

Yes:

No:

MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

G-1 Announcement of Public Hearings:

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

G-2 Green Memorandums:

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

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

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

Suggested Resolution

Resolution #2005-10-

Moved by

Seconded by

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

Yes:

No:

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

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

COUNCIL COMMENTS:

- I-1** No Council Comments

REPORTS:

J-1 Minutes – Boards and Committees:

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

J-2 Department Reports:

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

J-3 Letters of Appreciation:

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

J-4 Proposed Proclamations/Resolutions from Other Organizations:

J-5 Calendar

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

J-7 Achievement of Excellence in Procurement Award

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

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

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

STUDY ITEMS:

K-1 No Study Items Submitted

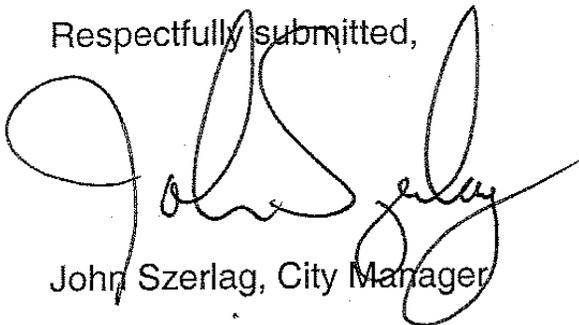
PUBLIC COMMENT: Address of “K” Items

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

CLOSED SESSION:

L-1 Closed Session – No Closed Session Requested

Respectfully submitted,



John Szerlag, City Manager

SCHEDULED CITY COUNCIL MEETINGS:

- Monday, October 17, 2005 Regular City Council
- Monday, October 24, 2005 Regular City Council
- Monday, November 14, 2005 Regular City Council
- Monday, November 21, 2005 Regular City Council
- Monday, November 28, 2005 Regular City Council
- Monday, December 5, 2005 Regular City Council
- Monday, December 19, 2005 Regular City Council

A Regular Meeting of the Troy City Council was held Monday, September 19, 2005, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the Meeting to order at 7:32 PM.

Father Jonathan Sams – St. Stephen’s Episcopal Church gave the Invocation and the Pledge of Allegiance to the Flag was given.

ROLL CALL:

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

Vote on Resolution to Excuse Council Member Beltramini

Resolution #2005-09-439
Moved by Lambert
Seconded by Howrylak

RESOLVED, That Council Member Beltramini’s absence at the Regular City Council meeting of Monday, September 19, 2005 is **EXCUSED** due to being out of the county.

Yes: All-6
No: None
Absent: Beltramini

CERTIFICATES OF RECOGNITION:

A-1 Presentations:

a) Mayor Schilling presented a proclamation on behalf of the City of Troy to Beatrice Wesson in recognition of her 100th birthday; b) Mayor Schilling presented Pam Brady a proclamation on behalf of the City of Troy in recognition of America Recycles – 2005; and c) Mayor Schilling presented Ann Comiskey a proclamation on behalf of the City of Troy in recognition of Family Day – A Day to Eat Dinner With Your Children – September 26, 2005.

CARRYOVER ITEMS:

B-1 No Carryover Items

PUBLIC HEARINGS:**C-1 Commercial Vehicle Appeal – 2256 Garry**

Resolution

Moved by Stine

Seconded by Schilling

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

- A. The occurrence of the subject commercial vehicle on the residential site involved is compelled by parties other than the owner or occupant of the subject residential site (e.g. employer).
- B. Efforts by the applicant have determined that there are no reasonable or feasible alternative locations for the parking of the subject commercial vehicle.
- C. A garage or accessory building on the subject residential site cannot accommodate, or cannot reasonably be constructed or modified to accommodate, the subject commercial vehicle.
- D. The location available on the residential site for the outdoor parking of the subject commercial vehicle is adequate to provide for such parking in a manner which will not negatively impact adjacent residential properties, and will not negatively impact pedestrian and vehicular movement along the frontage street(s)."; and

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

NOW, THEREFORE, BE IT RESOLVED, That the request from Rosita Bosco, 2256 Garry, for waiver of Chapter 39, Section 40.66.00, of the Code of the City of Troy, to permit outdoor parking of a Ford dump truck in a residential district is hereby **DENIED**.

Vote on Resolution to Amend by Substitution

Resolution #2005-09-440

Moved by Howrylak

Seconded by Eisenbacher

RESOLVED, That the Resolution to DENY the request from Rosita Bosco, 2256 Garry, for waiver of Chapter 39, Section 40.66.00, of the Code of the City of Troy, to permit outdoor parking of a Ford dump truck in a residential district be **AMENDED** by **STRIKING** it in its entirety and **SUBSTITUTED** by **INSERTING**:

"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:

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

NOW, THEREFORE, BE IT RESOLVED, That the request from Rosita Bosco, 2256 Garry, for waiver of Chapter 39, Section 40.66.00, of the Code of the City of Troy, to permit outdoor parking of a Ford dump truck in a residential district is hereby **APPROVED** for 14 days to permit the petitioner to relocate the vehicle."

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

MOTION CARRIED

Vote on Resolution as Amended by Substitution

Resolution #2005-09-441
Moved by Stine
Seconded by Schilling

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:

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

NOW, THEREFORE, BE IT RESOLVED, That the request from Rosita Bosco, 2256 Garry, for waiver of Chapter 39, Section 40.66.00, of the Code of the City of Troy, to permit outdoor parking of a Ford dump truck in a residential district is hereby **APPROVED** for 14 days to permit the petitioner to relocate the vehicle.

Yes: All-6
No: None
Absent: Beltramini

C-2 Commercial Vehicle Appeal – 2002 Atlas

Resolution #2005-09-442
Moved by Eisenbacher
Seconded by Howrylak

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:

- 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

NOW, THEREFORE, BE IT RESOLVED, That the request from John Scislowicz, 2002 Atlas, for waiver of Chapter 39, Section 40.66.00, of the Code of the City of Troy, to permit outdoor parking of a GMC truck in a residential district is hereby **APPROVED** for two years.

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

MOTION CARRIED

C-3 Parking Variance – 4550 Investment Drive

Resolution #2005-09-443
 Moved by Eisenbacher
 Seconded by Stine

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; and

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;

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

NOW, THEREFORE, BE IT RESOLVED, That the request from Debra Axelrod, of Harley Ellis Architects, representing UnaSource, for waiver of 82 additional parking spaces at the development at 4550 Investment Drive be **APPROVED** subject to the submission of an agreement to install the additional landbanked parking spaces as required by Section 24.50.06 of the Troy Zoning Ordinance.

Yes: All-6
 No: None
 Absent: Beltramini

C-4 Rezoning – Cambridge Square Office Buildings, West Side of Dequindre, North of Long Lake, Section 12 – R-1C to O-1 and E-P (Z 707)

Resolution #2005-09-444
 Moved by Stine
 Seconded by Eisenbacher

RESOLVED, That the R-1C to O-1 and E-P rezoning request, located on the west side of Dequindre, north of Long Lake, section 12, being 1.12 acres in size, is hereby **GRANTED**, as recommended by City Management and the Planning Commission.

Yes: All-6

No: None
Absent: Beltramini

POSTPONED ITEMS:

D-1 Appointments to Boards and Committees: City Council Appointments: Ethnic Issues Advisory Board

(b) City Council Appointments

Pending Resolution
Resolution
Moved by Beltramini
Seconded by Eisenbacher

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

Ethnic Issues Advisory Board

Appointed by Council (9) – 3 years

| | |
|-------------------------------|--|
| <u>Kelly Gu</u> | Term Expires 09/30/06 (Student) |
| <u>Lulu Guo</u> | Term Expires 09/30/06 (Student) |
| <u>Michelle Haight</u> | Term Expires 09/30/08 |
| <u>Amin Hashmi</u> | Term Expires 09/30/08 |
| <u>Tom Kaszubski</u> | Term Expires 09/30/08 |
| <u>Padma Kuppa</u> | Term Expires 09/30/08 |
| <u>Malina (Melanie) Sarma</u> | Term Expires 09/30/08 |
| <u>Oniell Shah</u> | Term Expires 09/30/08 |

Vote on Resolution to Amend by Substitution

Resolution #2005-09-445
Moved by Lambert
Seconded by Broomfield

RESOLVED, That the Pending Resolution for City Council appointments to the Ethnic Issues Advisory Board be **AMENDED** by **STRIKING** it in its entirety and **SUBSTITUTED** by **INSERTING:**

Ethnic Issues Advisory Board

Appointed by Council (9) – 3 years

| | |
|-------------------------------|--|
| <u>Kelly Gu</u> | Term Expires 09/30/06 (Student) |
| <u>Lulu Guo</u> | Term Expires 09/30/06 (Student) |
| <u>Michele Haight</u> | Term Expires 09/30/07 |
| <u>Amin Hashmi</u> | Term Expires 09/30/08 |
| <u>Tom Kaszubski</u> | Term Expires 09/30/07 |
| <u>Padma Kuppa</u> | Term Expires 09/30/08 |
| <u>Malina (Melanie) Sarma</u> | Term Expires 09/30/07 |
| <u>Oniell Shah</u> | Term Expires 09/30/08 |
| <u>Binny Samuel</u> | Term Expires 09/30/07 |
| <u>Mark Pritzlaff</u> | Term Expires 09/30/07 |

Yes: All-6
No: None
Absent: Beltramini

Vote on Resolution as Amended by Substitution

Resolution #2005-09-446
Moved by Beltramini
Seconded by Eisenbacher

Ethnic Issues Advisory Board

Appointed by Council (9) – 3 years

| | |
|-----------------------|--|
| <u>Kelly Gu</u> | Term Expires 09/30/06 (Student) |
| <u>Lulu Guo</u> | Term Expires 09/30/06 (Student) |
| <u>Michele Haight</u> | Term Expires 09/30/07 |
| <u>Amin Hashmi</u> | Term Expires 09/30/08 |
| <u>Tom Kaszubski</u> | Term Expires 09/30/07 |
| <u>Padma Kuppa</u> | Term Expires 09/30/08 |

| | |
|------------------------|-----------------------|
| Malina (Melanie) Sarma | Term Expires 09/30/07 |
| Oniell Shah | Term Expires 09/30/08 |
| Binny Samuel | Term Expires 09/30/07 |
| Mark Pritzlaff | Term Expires 09/30/07 |

Yes: All-6
No: None
Absent: Beltramini

CONSENT AGENDA:

E-1a Approval of “E” Items NOT Removed for Discussion

Resolution #2005-09-447
Moved by Lambert
Seconded by Stine

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

Yes: All-6
No: None
Absent: Beltramini

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

E-2 Approval of City Council Minutes

Resolution #2005-09-447-E-2

RESOLVED, That the Minutes of the Regular City Council Meeting of September 12, 2005 be **APPROVED** as corrected.

E-3 Proposed City of Troy Proclamations

Resolution #2005-09-447-E-3

- a) In Recognition of Beatrice Wesson on the Occasion of her 100th Birthday
- b) America Recycles – 2005
- c) Family Day – A Day to Eat Dinner With Your Children – September 26, 2005
- d) In Recognition of Citizenship Day and Constitution Week 2005

E-4 Standard Purchasing Resolutions**a) Standard Purchasing Resolution 1 and Informal Quote Process: Contract Award – Snow Removal Rental Equipment Including Operators**

Resolution #2005-09-447-E-4

RESOLVED, That a contract to provide seasonal requirements of snow removal rental equipment including operators with an option to renew for one (1) additional season is hereby **AWARDED** to sole bidder, Sterling Topsoil & Grading, Inc. of Sterling Heights, MI, at the hourly rates contained in the bid tabulation opened July 25, 2005, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

BE IT FURTHER RESOLVED, That Rizzo Services and Casar Management both from Warren, MI are hereby **AWARDED** contracts, utilizing the informal quote process at prices contained on their respective quotations dated August 8, 2005; and that City staff is **AUTHORIZED** to extend the hourly contract prices to other contractors, after the successful bidders have been employed, to speed the snow removal process during times of snow emergencies.

BE IT FINALLY RESOLVED, That the contracts will expire April 15, 2006, and are **CONTINGENT** upon contractors' submission of properly executed contract documents, including insurance certificates and all other specified requirements.

E-5 Private Agreement for Timbercrest Estates Site Condominiums – Project No. 04.920.3

Resolution #2005-09-447-E-5

RESOLVED, That the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and Mondrian Properties Stone Haven Development, LLC is hereby **APPROVED** for the installation of sanitary sewer, storm sewer, detention, water main, sidewalks, soil erosion, landscaping and paving on the site and in the adjacent right of way, and the Mayor and City Clerk are **AUTHORIZED** to execute the documents, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

E-6 Private Agreement for Chesapeake Grove Site Condominiums – Project No. 04.935.3

Resolution #2005-09-447-E-6

RESOLVED, That the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and Mondrain Properties Chesapeake Development, LLC is hereby **APPROVED** for the installation of sanitary sewer, storm sewer, detention, water main, sidewalks, soil erosion, landscaping and paving on the site and in the adjacent right of way, and the Mayor and City Clerk are **AUTHORIZED** to execute the documents, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

E-7 Acceptance of Two Warranty Deeds and Three Permanent Easements for Chesapeake Grove Site Condominium, Mondrian Properties Chesapeake Development, LLC – Section 1, Sidwell #88-20-01-300-010 and -011

Resolution #2005-09-447-E-7

RESOLVED, That the two Warranty Deeds for right-of-way and three Permanent Easements for landscape, storm sewer and public utilities from Mondrian Properties Chesapeake Development, LLC., owner of the property having Sidwell #88-20-01-300-010 and 011, are hereby **ACCEPTED**; and

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

The meeting **RECESSED** at 8:56 PM.

The meeting **RECONVENED** at 9:06 PM.

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: No Appointments Proposed

(a) Mayoral Appointments – No appointments scheduled

(b) City Council Appointments – No appointments proposed

F-2 Local Match for a Michigan Economic Growth Authority (MEGA) Retention Incentive Package for Systems Technology Group, Inc. (STG)

Resolution
Moved by Stine
Seconded by Broomfield

RESOLVED, That the Troy City Council **APPROVES** the Troy Downtown Development Authority commitment of the \$45,000.00 for slab replacement on Golfview or for leasehold improvements as the local match for a MEGA incentive package to retain Systems Technology Group, Inc. **CONTINGENT** upon approval by the TDDA of this expenditure from its 2005-2006 budget.

Vote on Resolution to Amend

Resolution #2005-09-448
Moved by Lambert
Seconded by Broomfield

RESOLVED, That the Resolution for the Local Match for a Michigan Economic Growth Authority (MEGA) Retention Incentive Package for Systems Technology Group, Inc. (STG) be **AMENDED** by **STRIKING** “2005-2006” and **INSERTING** “annual.”

Yes: All-6
No: None
Absent: Beltramini

Resolution to Amend

Resolution
Moved by Howrylak
Seconded by Eisenbacher

RESOLVED, That the Resolution for the Local Match for a Michigan Economic Growth Authority (MEGA) Retention Incentive Package for Systems Technology Group, Inc. (STG) be **AMENDED** by **STRIKING** “or for leasehold improvements.”

Vote on Resolution to Amend Amendment by Substitution

Resolution #2005-09-449
Moved by Eisenbacher
Seconded by Lambert

RESOLVED, That the Resolution to Amend the Resolution for the Local Match for a Michigan Economic Growth Authority (MEGA) Retention Incentive Package for Systems Technology Group, Inc. (STG) be **AMENDED** by **STRIKING** it in its entirety and **SUBSTITUTED** by **INSERTING**, “RESOLVED, That the Resolution for the Local Match for a Michigan Economic Growth Authority (MEGA) Retention Incentive Package for Systems Technology Group, Inc. (STG) be **AMENDED** by **STRIKING** it in its **ENTIRETY** and **INSERTING**, ‘RESOLVED, That Troy City Council hereby **APPROVES** the commitment of at least \$45,000.00 for slab replacement on Golfview Drive as the local match for MEGA incentive package to retain Systems Technology Group, Inc.’ “

Yes: All-6
No: None
Absent: Beltramini

Vote on Amendment as Amended by Substitution

Resolution #2005-09-450
Moved by Howrylak
Seconded by Eisenbacher

RESOLVED, That the Resolution for the Local Match for a Michigan Economic Growth Authority (MEGA) Retention Incentive Package for Systems Technology Group, Inc. (STG) be **AMENDED** by **STRIKING** it in its **ENTIRETY** and **INSERTING**, “RESOLVED, That Troy City Council hereby **APPROVES** the commitment of at least \$45,000.00 for slab replacement on Golfview Drive as the local match for MEGA incentive package to retain Systems Technology Group, Inc. “

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

MOTION CARRIED

Vote on Resolution as Amended

Resolution #2005-09-451
Moved by Stine
Seconded by Broomfield

RESOLVED, That Troy City Council hereby **APPROVES** the commitment of at least \$45,000.00 for slab replacement on Golfview Drive as the local match for MEGA incentive package to retain Systems Technology Group, Inc.

Yes: All-6
No: None
Absent: Beltramini

F-3 Final Site Condominium Review – Chesapeake Grove Site Condominium, North Side of Square Lake Road, East of John R, Section 1 – R-1D

Resolution #2005-09-452
Moved by Lambert
Seconded by Eisenbacher

RESOLVED, That the Final 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 Chesapeake Grove Site Condominium, located on the north side of Square Lake, east of John R, including 26 home sites, within the R-1D zoning district, being 8.03 acres in size, is hereby **APPROVED**.

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

MOTION CARRIED

F-4 Final Site Condominium Review – Proposed Timbercrest Estates Site Condominium, 12 Units/Lots Proposed, South Side of Wattles, West of Fernleigh, Section 24 – R-1C

Resolution #2005-09-453
 Moved by Stine
 Seconded by Eisenbacher

RESOLVED, That the Final 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 Timbercrest Estates Site Condominium, located on the south side of Wattles, west of Fernleigh, including 12 home sites, within the R-1C zoning district, being 4 acres in size, is hereby **APPROVED**.

Yes: All-6
 No: None
 Absent: Beltramini

F-5 Joint Meeting with Representatives from the Troy School District – Removed by City Administration at the Request of City Council

MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

G-1 Announcement of Public Hearings: No Announcements Submitted

G-2 Green Memorandums:

- a) City Regular General Election Informational Brochure
 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

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

Resolution #2005-09-454
 Moved by Schilling
 Seconded by Stine

RESOLVED, That City Council **SUSPEND** Rules of Procedure for the City Council, Rule #6 Order of Business, Article 15-I. Council Comments and **AUTHORIZE** City Council to discuss and take action on an agenda item not appearing on the agenda,

Yes: All-6

No: None
Absent: Beltramini

Vote on Resolution to Cancel Regular City Council Meeting Scheduled for Monday, September 26, 2005

Resolution #2005-09-455
Moved by Schilling
Seconded by Stine

RESOLVED, That Troy City Council hereby **CANCELS** the Regular City Council scheduled for Monday, September 26, 2005 due to the expected absence of City Council members and City Staff.

Yes: All-6
No: None
Absent: Beltramini

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

Resolution #2005-09-456
Moved by Eisenbacher
Seconded by Howrylak

RESOLVED, That City Council **SUSPEND** Rules of Procedure for the City Council, Rule #6 Order of Business, Article 15-I. Council Comments and **AUTHORIZE** City Council to discuss and take action on an agenda item *G-2a City Regular General Election Informational Brochure*.

Yes: All-6
No: None
Absent: Beltramini

Vote on Resolution to Take Approve Agenda Item: G-2a City Regular General Election Informational Brochure

Resolution #2005-09-457
Moved by Eisenbacher
Seconded by Stine

RESOLVED, That City Council hereby **APPROVES** the *City Regular General Election Informational Brochure* for printing as discussed and amended by City Council.

Yes: All-6
No: None
Absent: Beltramini

COUNCIL COMMENTS:

I-1 No Council Comments**REPORTS:**

J-1 Minutes – Boards and Committees:

- a) Advisory Committee for Senior Citizens/Final – June 2, 2005
 - b) Ethnic Issues Advisory Board/Final – August 2, 2005
 - c) Building Code Board of Appeals/Final – August 3, 2005
 - d) Planning Commission Regular/Draft – August 9, 2005
 - e) Planning Commission Special/Study/Draft – August 23, 2005
 - f) Advisory Committee for Senior Citizens/Draft – September 1, 2005
 - g) Ethnic Issues Advisory Board/Draft – September 6, 2005
- Noted and Filed
-

J-2 Department Reports:

- a) The Report of the Actuarial Valuation – December 31, 2004 of the City of Troy Retiree Health Care Plan
 - b) The Report of the Forty-first Annual Actuarial Valuation – December 31, 2004 of the City of Troy Employees Retirement System – Attached as a Separate Item
 - c) Building Department – Permits Issued During the Month of August, 2005
 - d) City of Troy Retirement System Summary Annual Report to Members – December 31, 2004
 - e) Police and Fire Department – Update on Hurricane Katrina Relief Efforts
 - f) Memorandum Regarding Ethnic Issues Advisory Board Appointments
- Noted and Filed
-

J-3 Letters of Appreciation:

- a) Letter of Thanks to Chief Craft from Jeffrey Werner, In Appreciation of the Assistance Provided to the Bloomfield Township Police Department on July 23, 2005 by Officer Ray Piper, Officer David Isham, and Officer Ed Klute
 - b) Letter of Thanks to the Troy Police Department from Mark Foran, Thanking the Troy Police Department and Officer Garcher for Their Assistance with the Motorcycles for Ministers Fundraiser Ride
 - c) Letter to Chief Craft from Robert Novy, Assistant Prosecuting Attorney for Oakland County, Acknowledging the Professionalism and Diligence of Sergeant Redmond and Officers Villerot, Schultz, Garcher, Owczarak, Morgan, and Stansbury
- Noted and Filed
-

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

J-5 Calendar

Noted and Filed

J-6 Troy Daze Booths

Noted and Filed

J-7 Effective Date of New Sign Ordinance
Noted and Filed

J-8 Community Center Catering
Noted and Filed

J-9 List of Study Items for Upcoming Council Meetings
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 10:29 PM.

Louise E. Schilling, Mayor

Tonni L. Bartholomew, City Clerk

September 15, 2005

TO: John Szerlag, City Manager

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

SUBJECT: **Agenda Item:** Standard Purchasing Resolution 9 - Membership
Renewal - Macomb County Criminal Justice Training Consortium

RECOMMENDATION

The Police Department recommends approval of a one-year membership renewal for the Macomb County Criminal Justice Training Consortium through Macomb Community College at an estimated cost of \$21,920.00, and use of the training services provided for in-service and specialized training.

BACKGROUND

The Troy Police Department has benefited greatly over the past three years of membership in this Training Consortium. The Consortium provides a comprehensive and cost effective training protocol, costing only \$160.00 per officer, per year. This cost allows the Police Department to send personnel to many varied training classes, which otherwise would have cost hundreds of dollars more per officer. Again, staff recommends continued re-certification of police officers in Emergency Vehicle Operations and the use of the state of art Firearms Training Simulator, commonly referred to as FATS Training, which are available to the Police Department at reduced costs as a Consortium member.

BUDGET

Funds for continuing the Police Department's Consortium membership have been budgeted in the Police Department Training Account #321.7960.

September 19, 2005

TO: John Szerlag, City Manager

FROM: John M. Lamerato, Assistant City Manager/Finance & Administration
Jeanette Bennett, Purchasing Director
Charles T. Craft, Chief of Police

SUBJECT: **Agenda Item** - Standard Purchasing Resolution 5: Approval To Expend Budgeted Funds– HAVEN Program

APPROVAL TO EXPEND FUNDS

City management requests approval to provide funding to the HAVEN Program, during the 2005/2006 fiscal year at a cost to the City of Troy of \$4,500.00, to be paid in one installment.

HISTORY

The services provided by the HAVEN Program include: the Domestic Violence Counseling Program, Sexual Assault/Child Abuse Treatment Program, Court Advocacy Counseling/First Response Team, Residential Program, and Men Exercising Non-Violent Skills Counseling Program.

BUDGET

The Police Department account #305.7802.108 has been designated for the funding of this program.

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

AGREEMENT BETWEEN THE CITY OF TROY AND HAVEN, INC.

This Agreement, by and between the City of Troy, 500 W. Big Beaver Road, Troy, Michigan 48084 (hereinafter referred to as the “CITY”), and Haven, Inc., 92 Whittemore, Pontiac, Michigan 48342, a Michigan non-profit corporation, (hereinafter referred to as “HAVEN”),

RECITALS

WHEREAS, the CITY desires to provide crisis intervention, shelter, advocacy, individual, group and family counseling for victims of domestic violence, sexual assault and child abuse; and to further provide for counseling to the perpetrators of domestic violence in an attempt to prevent further violence from occurring; and

WHEREAS, the general purpose of the HAVEN is to provide available shelter to citizens who are forced to escape from the home where violence occurs; and to provide ongoing counseling to help heal the damage caused by these terrible crimes; and

WHEREAS, HAVEN also provides a 24-hour crisis line for immediate assistance for the citizens of the City,

NOW, THEREFORE, in consideration of the above in meeting the needs of the citizens of the CITY, and in consideration of the promises and mutual covenants hereinafter contained, the parties agree as follows:

HAVENS RESPONSIBILITIES.

1. General Project Summary. A general description of the community services to be provided by HAVEN is as follows:

A. A mental health worker, a licensed social worker, psychologist, or counselor on staff at HAVEN or available for consultation to HAVEN, shall supervise all activities ongoing under the HAVEN program consisting of, but not limited to, crisis intervention, shelter, advocacy, individual, group and family counseling for victims of domestic violence, sexual assault and child abuse. HAVEN shall also maintain a 24-hour crisis line to provide immediate assistance to the citizens of the City and others who are in need of such assistance.

B. Other project responsibilities include, but are not limited to, counseling for the perpetrators of domestic violence in an attempt to prevent further violence from occurring.

C. HAVEN will continue to provide service at the current level or greater.

2. Program Description. A detailed description of each program offered will be maintained on file at HAVEN and will be available for inspection by the CITY on request.

3. Location of Facility. HAVEN shall provide an office and/or treatment facility at 92 Whittemore, Pontiac, Michigan 48342. The CITY shall be notified immediately of any relocation or planned relocation of the facility. HAVEN shall maintain “safe houses: in the area for use by its citizens and that the locations of those “safe house” shall remain confidential for the protections of the residents.

4. Service Documentation. HAVEN shall provide a quarterly report which may be in the form of minutes from monthly HAVEN Board of Directors meetings to the CITY in October, January, April and July, including but not limited to the following information:

A. Data regarding HAVEN’s operation, including but not limited to, the number of persons serviced by HAVEN programs, attendance records for counseling and programs, duration of programs, etc.

B. Types of cases treated and referral source(s).

C. All community and special projects undertaken by HAVEN.

D. Other information that the CITY may deem necessary without jeopardizing the confidentiality of the HAVEN clientele.

5. Fiscal Requirements. HAVEN shall maintain an accounting system to identify and support all expenditures, i.e., all income and expenses for which services are provided under this Agreement. The accounting system, at a minimum, shall consist of a chart of accounts, cash receipts journal, cash disbursements journal, and general ledger. All expenditures and income must be supported by vouchers and receipts that detail the reason for the transaction.

HAVEN shall submit to the CITY a copy of its annual budget for any fiscal year, which falls within the twelve-month period covered by this Agreement. These budgets shall show the HAVEN budget, total expenditures, and expenditures funded and claimed to other funding sources.

HAVEN shall provide to the CITY a quarterly financial statement which may be in the form of Monthly Treasurer Reports as submitted to the HAVEN Board of Directors in October, January, April and July, including total income and expenditures for the previous three (3) months.

HAVEN agrees to retain at its costs all books, records or other documents relevant to this Agreement for six years after final payment.

6. Review of Programs by the City. Upon request, HAVEN will review with the CITY staff the programs funded by this Agreement to determine if there are appropriate shelter and counseling activities which may be utilized by citizens.
7. Confidentiality. The use or disclosure of information concerning applicants for services or recipients of services, obtained in connection with the performance of the Agreement, shall be restricted to purposes directly connected with the administration of the programs implemented by this Agreement and must be consistent with all statutory requirements.
8. Subcontracts. HAVEN shall not assign this Agreement or enter into any subcontracts for services under this Agreement without obtaining prior written approval of the CITY.
9. Indemnify and Hold Harmless. HAVEN shall indemnify, defend, pay on behalf of save and hold harmless the CITY, its elected and appointed officials, employees, volunteers, officers, agents, and affiliated entities against and from any losses, damages, judgments, claims, demands, suits, expenses, costs, and liabilities, personal injury or death and/or property damage, including attorney fees, interest and legal expenses, which may arise from or be caused directly or indirectly by any act or omission of HAVEN or its officers, directors, employees, agents or volunteers.
10. Insurance. HAVEN shall present to the CITY documentation that is satisfactory to the CITY that indicates that HAVEN is covered under a policy of insurance or self-insurance which is satisfactory to the CITY and which names the City as an additional insured.
11. Discrimination prohibited. HAVEN shall not discriminate against any employee or applicant for employment with respect to hire, tenure, terms, conditions, or privileges of employment, on a matter directly or indirectly related to employment, because of race, color, religion, national origin, age, sex, height, weight, or marital status pursuant to the Elliot Larsen Civil Rights Act, 1976, P.A. 453. HAVEN shall comply with the provisions of the Michigan Handicappers Civil Rights Act, 1976, P.A. 220 and the Federal Rehabilitations Act of 1973, P.A. 93-112, 87 Stat. 394 , which requires that no employee or client or otherwise, qualified handicapped individual shall, solely by reason of his handicap, be excluded from participation, be denied the benefits of or be subjected to, discrimination under any program or activity receiving Federal assistance. No person shall, on the grounds of race, creed, color, sex, age, national origin, height, weight, handicap, or marital status, be excluded from participation in, be denied the proceeds of, or be subject to discrimination in the performance of this contract. HAVEN shall comply with all applicable regulations promulgated pursuant to the Civil Rights Act of 1964, as amended.

12. Prohibition of Political and Religious Activity. There shall be no religious worship, instruction, or proselytization as part of, or in connection with the performance of this Agreement. None of the funds, materials, property or services under this Agreement shall be used in the performance of services under this Agreement for any partisan political activity, including lobbying, as specified in Federal Circular A-122, Cost Principles for Non-profit Organizations – lobbying revisions, or to further the election, defeat, recall, impeachment, appointment or dismissal of any candidate for or from any public office.

CITY'S RESPONSIBILITIES

The CITY hereby agrees to pay to HAVEN an amount not to exceed \$ 4,500.00 for services performed under this Agreement. Payment will be made in one payment in the fall of 2005.

Obligations incurred by HAVEN prior to or after the period covered by this Agreement shall be excluded.

MUTUAL COVENANTS

1. Cancellation of Agreement. If the CITY determines that HAVEN fails or has failed to comply with the conditions of this Agreement, or to fulfill its responsibility as indicated in the Agreement, or the CITY determines that the methods and techniques being utilized in accomplishing the goals of this Agreement are not acceptable or compatible with the CITY's policy, then the CITY reserves the right to cancel this Agreement by giving thirty (30) days written notice to HAVEN. If HAVEN becomes defunct, HAVEN will reimburse the CITY for all pre-payments based on the date of termination.
2. Employees of HAVEN. Representatives, employees and volunteers of HAVEN shall not be deemed to be employees or agents of the CITY for any purposes solely because of their participation with HAVEN.
3. Independent Contractors. HAVEN is an independent contractor, and its agents, employees, or servants are responsible for its own conduct. This Agreement is not a joint venture for the profit of either party.
4. Compliance with Laws. HAVEN shall be responsible for compliance with all Federal, State and City laws or ordinances. Any violation of the law or ordinance results in material breach of the Agreement.
5. Notices. Whenever under this Agreement provision is made for notice of any kind, unless otherwise herein expressly provided, it shall be in writing and shall be served personally or sent by registered or certified mail with postage prepaid, to the addresses stated below, or such other address as either of the parties may

subsequently designate in writing by notice to the other party in the manner required hereunder:

Notice to City: Tonni Bartholomew
City Clerk, City of Troy
500 W. Big Beaver Road
Troy, Michigan 48084

Notice to Haven: Beth Morrison, President & CEO
HAVEN, INC.
92 Whittemore Street
Pontiac, Michigan 48342

6. Entire Agreement. This Agreement constitutes the entire Agreement between HAVEN and the CITY with respect to the subject matter hereof; and there are no other further written or oral understandings or agreements with respect hereto.

7. Modification. No variation or modification of this Agreement and no waiver of its provisions shall be valid unless in writing and signed by the parties.

8. Terms of Agreement. This Agreement shall become effective as of July 1, 2005 and shall terminate on June 30, 2006 unless terminated under the provisions set forth in this Agreement.

IN WITNESS WHEREOF, the CITY and HAVEN have caused this Agreement to be executed by their respective authorized officers.

WITNESSES:

CITY OF TROY

Louise E. Schilling, Mayor

Tonni Bartholomew, City Clerk

WITNESSES:

HAVEN, INC.

Beth Morrison, President & CEO

September 19, 2005

TO: John Szerlag, City Manager

FROM: John M. Lamerato, Assistant City Manager/Finance & Administration
Jeanette Bennett, Purchasing Director
Charles T. Craft, Chief of Police

SUBJECT: **Agenda Item** - Standard Purchasing Resolution 5: Approval To Expend Budgeted Funds– Avondale Youth Assistance

APPROVAL TO EXPEND FUNDS

City management requests approval to provide funding to the Avondale Youth Assistance during the 2005/2006 fiscal year at a cost to the City of Troy of \$2,210.00, to be paid in one installment.

HISTORY

The Avondale Youth Assistance will provide community services to Troy families residing within the Avondale School District in an effort to strengthen youth and families and reduce the incidence of delinquency, abuse and neglect.

BUDGET

The Police Department account #305.7802.104 has been designated for the funding of this program.

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

AGREEMENT BETWEEN THE CITY OF TROY AND AVONDALE YOUTH ASSISTANCE

This Agreement, by and between the City of Troy, 500 W. Big Beaver Road, Troy, Michigan 48084 (hereinafter referred to as the “CITY”), and the Avondale Youth Assistance, P.O. Box 214257, Auburn Hills, Michigan 48321, , a Michigan non-profit organization, (hereinafter referred to as “AYA”),

RECITALS

WHEREAS, the CITY desires to provide for a problem-solving service for youth and parents through individual, group, and family counseling to enable those served to cope with problems adversely affecting the ability of the youth to make optimal use of their world, i.e. social adjustment, work adjustment; and to provide free, on-site and off-site service for youth, especially those who cannot afford private services; and

WHEREAS, the CITY desires to provide youth residents of the City an opportunity to participate in the AYA program; and

WHEREAS, the general purpose of the AYA is to provide opportunities for mental, social and physical growth and development of youth; and

NOW, THEREFORE, in consideration of the above in meeting the needs of the youth of the CITY, and in consideration of the promises and mutual covenants hereinafter contained, the parties agree as follows:

AYA RESPONSIBILITIES.

1. General Project Summary. A general description of the community services to be provided by AYA is as follows:

A. A mental health worker, a licensed social worker, psychologist, or counselor, on staff at AYA shall be available to the youths of the community who are having difficulty in their personal and social adjustments. This person will work with youths, parents, schools and other community organizations, consistent with their professional training and licensing, in helping the youth grow towards a more satisfactory adjustment. The worker will act as a liaison for the youth, agencies, and family.

B. AYA shall also offer programs to resident youth which are designed to further the social and emotional needs of the youth.

C. AYA will continue to provide service at the current level or greater.

2. Program Description. A detailed description of each program offered will be provided to the CITY, will be maintained on file at AYA, and will be available for inspection by the CITY on request.

3. Location of Facility. AYA shall provide an office or treatment facility within a reasonable distance from the CITY. The CITY shall be notified immediately of any relocation or planned relocation of the facility.

4. Service Documentation. AYA shall provide a quarterly report which may be in the form of minutes from monthly AYA Board of Directors meetings to the CITY in October, January, April and July, including but not limited to the following information:

A. Data regarding AYA's operation, including but not limited to, the number of persons serviced by AYA programs, attendance records for counseling and programs, duration of programs, etc.

B. Types of cases treated and referral source(s).

C. All community and special projects undertaken by AYA.

D. Other information that the CITY may deem necessary without jeopardizing the confidentiality of the AYA clientele.

5. Fiscal Requirements. AYA shall maintain an accounting system to identify and support all expenditures, i.e., all income and expenses for which services are provided under this Agreement. The accounting system, at a minimum, shall consist of a chart of accounts, cash receipts journal, cash disbursements journal, and general ledger. All expenditures and income must be supported by vouchers and receipts that detail the reason for the transaction.

AYA shall submit to the CITY a copy of its annual budget for any fiscal year which falls within the twelve-month period covered by this Agreement. These budgets shall show the AYA budget, total expenditures, and expenditures funded and claimed to other funding sources.

AYA shall provide to the CITY a quarterly financial statement which may be in the form of Monthly Treasurer Reports as submitted to the AYA Board of Directors in October, January, April and July, including total income and expenditures for the previous three (3) months.

AYA agrees to retain at its costs all books, records or other documents relevant to this Agreement for six years after final payment.

6. Review of Programs by the City. Upon request, AYA will review with the CITY staff the programs funded by this Agreement to determine if there are

appropriate educational guidance and counseling activities which may be utilized by the youth.

7. Confidentiality. The use or disclosure of information concerning applicants for services or recipients of services, obtained in connection with the performance of the Agreement, shall be restricted to purposes directly connected with the administration of the programs implemented by this Agreement and must be consistent with all statutory requirements.

8. Subcontracts. AYA shall not assign this Agreement or enter into any subcontracts for services under this Agreement without obtaining prior written approval of the CITY.

9. Indemnify and Hold Harmless. AYA shall indemnify, save and hold harmless the CITY, its employees, officers, and agents, and affiliated entities from any losses, damages, judgments, claims, expenses, costs, and liabilities, including attorney fees, interest and legal expenses, which may arise from or be caused directly or indirectly by any act or omission of AYA or its officers, directors, employees, agents or volunteers.

10. Insurance. AYA shall present to the CITY documentation that is satisfactory to the CITY that indicates that AYA is covered under a policy of insurance or self-insurance with Oakland County, Michigan.

TROY'S RESPONSIBILITIES

The CITY hereby agrees to pay to AYA an amount not to exceed \$ 2,210.00 for services performed under this Agreement. Payment is to be made in a lump sum in July of 2005.

Obligations incurred by AYA prior to or after the period covered by this Agreement shall be excluded.

MUTUAL COVENANTS

1. Cancellation of Agreement. If the CITY determines that AYA fails to comply with the conditions of this Agreement, or to fulfill its responsibility as indicated in the Agreement, or the CITY determines that the methods and techniques being utilized in accomplishing the goals of this Agreement are not acceptable or compatible with the CITY's policy, then the CITY reserves the right to cancel this Agreement by giving thirty (30) days written notice to AYA. If AYA becomes defunct, AYA will reimburse the CITY for all pre-payments based on the date of termination.

2. Employees of AYA. Representatives, employees and volunteers of AYA shall not be deemed to be employees or agents of the CITY for any purposes solely because of their participation with AYA.

3. Independent Contractors. AYA is an independent contractor, and its agents, employees, or servants are responsible for its own conduct. This Agreement is not a joint venture for the profit of either party.

4. Compliance with Laws. AYA shall be responsible for compliance with all Federal, State and City laws or ordinances. Any violation of the law or ordinance results in material breach of the Agreement.

5. Terms of Agreement. This Agreement shall become effective as of July 1, 2005 and shall terminate on June 30, 2006 unless terminated under the provisions set forth in this Agreement.

IN WITNESS WHEREOF, the CITY and AYA have caused this Agreement to be executed by their respective authorized officers.

WITNESSES:

CITY OF TROY

 Louise Schilling, Mayor

 Tonni Bartholomew, City Clerk

WITNESSES:

AVONDALE YOUTH ASSISTANCE

 Gerald Sieh, AYA Chairperson

AGREEMENT BETWEEN THE CITY OF TROY AND TROY YOUTH ASSISTANCE

This Agreement, by and between the City of Troy, 500 W. Big Beaver Road, Troy, Michigan 48084 (hereinafter referred to as the “CITY”), and the Troy Youth Assistance, 4420 Livernois, Troy, Michigan 48098, a Michigan non-profit organization, (hereinafter referred to as “TYA”),

RECITALS

WHEREAS, the CITY desires to provide for a problem-solving service for youth and parents through individual, group, and family counseling to enable those served to cope with problems adversely affecting the ability of the youth to make optimal use of their world, i.e. social adjustment, work adjustment; and to provide free, on-site and off-site service for youth, especially those who cannot afford private services; and

WHEREAS, the CITY desires to provide youth residents of the City an opportunity to participate in the TYA program; and

WHEREAS, the general purpose of the TYA is to provide opportunities for mental, social and physical growth and development of youth; and

NOW, THEREFORE, in consideration of the above in meeting the needs of the youth of the CITY, and in consideration of the promises and mutual covenants hereinafter contained, the parties agree as follows:

TYA RESPONSIBILITIES.

1. General Project Summary. A general description of the community services to be provided by TYA is as follows:

A. A mental health worker, a licensed social worker, psychologist, or counselor, on staff at TYA shall be available to the youths of the community who are having difficulty in their personal and social adjustments. This person will work with youths, parents, schools and other community organizations, consistent with their professional training and licensing, in helping the youth grow towards a more satisfactory adjustment. The worker will act as a liaison for the youth, agencies, and family.

B. TYA shall also offer programs to resident youth which are designed to further the social and emotional needs of the youth.

C. TYA will continue to provide service at the current level or greater.

2. Program Description. A detailed description of each program offered will be provided to the CITY, will be maintained on file at TYA, and will be available for inspection by the CITY on request.

3. Location of Facility. TYA shall provide an office or treatment facility within the CITY. Currently, that facility is located at 4420 Livernois, Troy, Michigan 48098. The CITY shall be notified immediately of any relocation or planned relocation of the facility.

4. Service Documentation. TYA shall provide a quarterly report which may be in the form of minutes from monthly TYA Board of Directors meetings to the CITY in October, January, April and July, including but not limited to the following information:

A. Data regarding TYA's operation, including but not limited to, the number of persons serviced by TYA programs, attendance records for counseling and programs, duration of programs, etc.

B. Types of cases treated and referral source(s).

C. All community and special projects undertaken by TYA.

D. Other information that the CITY may deem necessary without jeopardizing the confidentiality of the TYA clientele.

5. Fiscal Requirements. TYA shall maintain an accounting system to identify and support all expenditures, i.e., all income and expenses for which services are provided under this Agreement. The accounting system, at a minimum, shall consist of a chart of accounts, cash receipts journal, cash disbursements journal, and general ledger. All expenditures and income must be supported by vouchers and receipts that detail the reason for the transaction.

TYA shall submit to the CITY a copy of its annual budget for any fiscal year which falls within the twelve-month period covered by this Agreement. These budgets shall show the TYA budget, total expenditures, and expenditures funded and claimed to other funding sources.

TYA shall provide to the CITY a quarterly financial statement which may be in the form of Monthly Treasurer Reports as submitted to the TYA Board of Directors in October, January, April and July, including total income and expenditures for the previous three (3) months.

TYA agrees to retain at its costs all books, records or other documents relevant to this Agreement for six years after final payment.

6. Review of Programs by the City. Upon request, TYA will review with the CITY staff the programs funded by this Agreement to determine if there are appropriate educational guidance and counseling activities which may be utilized by the youth.
7. Confidentiality. The use or disclosure of information concerning applicants for services or recipients of services, obtained in connection with the performance of the Agreement, shall be restricted to purposes directly connected with the administration of the programs implemented by this Agreement and must be consistent with all statutory requirements.
8. Subcontracts. TYA shall not assign this Agreement or enter into any subcontracts for services under this Agreement without obtaining prior written approval of the CITY.
9. Indemnify and Hold Harmless. TYA shall indemnify, save and hold harmless the CITY, its employees, officers, and agents, and affiliated entities from any losses, damages, judgments, claims, expenses, costs, and liabilities, including attorney fees, interest and legal expenses, which may arise from or be caused directly or indirectly by any act or omission of TYA or its officers, directors, employees, agents or volunteers.
10. Insurance. TYA shall present to the CITY documentation that is satisfactory to the CITY that indicates that TYA is covered under a policy of insurance or self-insurance with Oakland County, Michigan.

TROY'S RESPONSIBILITIES

The CITY hereby agrees to pay to TYA an amount not to exceed \$35,000.00 for services performed under this Agreement. Payments are to be made in four quarterly installments of \$8,750.00 each during the months of July and October, 2005 and January and April, 2006.

Obligations incurred by TYA prior to or after the period covered by this Agreement shall be excluded.

MUTUAL COVENANTS

1. Cancellation of Agreement. If the CITY determines that TYA fails to comply with the conditions of this Agreement, or to fulfill its responsibility as indicated in the Agreement, or the CITY determines that the methods and techniques being utilized in accomplishing the goals of this Agreement are not acceptable or compatible with the CITY's policy, then the CITY reserves the right to cancel this Agreement by giving thirty (30) days written notice to TYA. If TYA becomes defunct, TYA will reimburse the CITY for all pre-payments based on the date of termination.

2. Employees of TYA. Representatives, employees and volunteers of TYA shall not be deemed to be employees or agents of the CITY for any purposes solely because of their participation with TYA.

3. Independent Contractors. TYA is an independent contractor, and its agents, employees, or servants are responsible for its own conduct. This Agreement is not a joint venture for the profit of either party.

4. Compliance with Laws. TYA shall be responsible for compliance with all Federal, State and City laws or ordinances. Any violation of the law or ordinance results in material breach of the Agreement.

5. Terms of Agreement. This Agreement shall become effective as of July 1, 2005 and shall terminate on June 30, 2006 unless terminated under the provisions set forth in this Agreement.

IN WITNESS WHEREOF, the CITY and TYA have caused this Agreement to be executed by their respective authorized officers.

WITNESSES:

CITY OF TROY

Louise Schilling, Mayor

Tonni Bartholomew, City Clerk

WITNESSES:

TROY YOUTH ASSISTANCE

Nancy Pietrowski, Chairperson

September 19, 2005

TO: John Szerlag, City Manager

FROM: John M. Lamerato, Assistant City Manager/Finance & Administration
Jeanette Bennett, Purchasing Director
Charles T. Craft, Chief of Police

SUBJECT: **Agenda Item** - Standard Purchasing Resolution 5: Approval To Expend Budgeted Funds– Common Ground

APPROVAL TO EXPEND FUNDS

City management requests approval to provide funding to Common Ground, during the 2005/2006 fiscal year at a cost to the City of Troy of \$2,100.00, to be paid in one installment.

HISTORY

The services provided by Common Ground include: the Oakland County Crisis Response Team, Victim’s Assistance Program, Community Education and Training Programs, and a Legal Clinic.

A funding agreement was previously approved by the City Council on August 31, 1998, February 5, 2001, January 7, 2002, February 17, 2003, with resolution #98-393-C-6, #2001-02-076-E-4, #2002-01-006-E-2, #2003-02-091-E-9, and #2004-11-576-E-17 respectively.

BUDGET

The Police Department account #305.7802.107 has been designated for the funding of this program.

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

**AGREEMENT BETWEEN THE CITY OF TROY AND
COMMON GROUND SANCTUARY**

This Agreement, by and between the City of Troy, 500 W. Big Beaver Road, Troy, Michigan 48084 (hereinafter referred to as the “CITY”), and Common Ground Sanctuary, 1410 South Telegraph Road, Bloomfield Hills, Michigan 48302, a Michigan non-profit organization, (hereinafter referred to as “ Common Ground Sanctuary”),

RECITALS

WHEREAS, the CITY desires to provide for problem-solving for individuals and families in crisis, victims of crime, persons with mental illness, persons trying to cope with critical situations and runaway and homeless youths, especially those who cannot afford private services; and

WHEREAS, the general purpose of Common Ground Sanctuary is to provide opportunities for individuals and families in crisis:

NOW, THEREFORE, in consideration of the above in meeting the needs of the individual, including youth and families of the CITY, and in consideration of the promises and mutual covenants hereinafter contained, the parties agree as follows:

COMMON GROUND SANCTUARY RESPONSIBILITIES.

1. General Project Summary. A general description of the community services to be provided by Common Ground Sanctuary is as follows:

A. A mental health worker, a licensed social worker, psychologist, or counselor, on staff at Common Ground Sanctuary shall oversee programs designed to make crisis assistance available including, but not limited to, a 24-hour crisis telephone line, victim assistance programs, runaway and homeless youth shelters, street outreach programs, legal clinics and in-home counseling programs.

B. Common Ground Sanctuary shall offer these programs to individuals, including youth, and families in crisis, victims of crime, persons with mental illness, individuals trying to cope with critical situations and runaway and homeless youths, including residents of the City of Troy.

C. Common Ground Sanctuary will continue to provide service at the current level or greater.

2. Program Description. A detailed description of each program offered will be provided to the CITY, will be maintained on file at Common Ground Sanctuary, and will be available for inspection by the CITY on request.

3. Location of Facility. Common Ground Sanctuary has administrative offices at 1410 South Telegraph Road, Bloomfield Hills, Michigan 48302. The CITY shall be notified immediately of any relocation or planned relocation of the facility.

4. Service Documentation. Common Ground Sanctuary shall provide a quarterly report which may be in the form of minutes from monthly Common Ground Sanctuary Board of Directors meetings to the CITY in October, January, April and July, including but not limited to the following information:

A. Data regarding Common Ground Sanctuary's operation, including but not limited to, the number of persons serviced by Common Ground Sanctuary programs, attendance records for counseling and programs, duration of programs, etc.

B. Types of cases treated and referral source(s).

C. All community and special projects undertaken by Common Ground Sanctuary.

D. Other information that the CITY may deem necessary without jeopardizing the confidentiality of the Common Ground Sanctuary clientele.

5. Fiscal Requirements. Common Ground Sanctuary shall maintain an accounting system to identify and support all expenditures, i.e., all income and expenses for which services are provided under this Agreement. The accounting system, at a minimum, shall consist of a chart of accounts, cash receipts journal, cash disbursements journal, and general ledger. All expenditures and income must be supported by vouchers and receipts that detail the reason for the transaction.

Common Ground Sanctuary shall submit to the CITY a copy of its annual budget for any fiscal year which falls within the twelve-month period covered by this Agreement. These budgets shall show the Common Ground Sanctuary budget, total expenditures, and expenditures funded and claimed to other funding sources.

Common Ground Sanctuary shall provide to the CITY a quarterly financial statement which may be in the form of Monthly Treasurer Reports as submitted to the Common Ground Sanctuary Board of Directors in October, January, April and July, including total income and expenditures for the previous three (3) months.

Common Ground Sanctuary agrees to retain at its costs all books, records or other documents relevant to this Agreement for six years after final payment.

6. Review of Programs by the City. Upon request, Common Ground Sanctuary will review with the CITY staff the programs funded by this Agreement to

determine if there are appropriate crisis guidance programs and counseling activities which may be utilized by individuals and families.

7. Confidentiality. The use or disclosure of information concerning applicants for services or recipients of services, obtained in connection with the performance of the Agreement, shall be restricted to purposes directly connected with the administration of the programs implemented by this Agreement and must be consistent with all statutory requirements.

8. Subcontracts. Common Ground Sanctuary shall not assign this Agreement or enter into any subcontracts for services under this Agreement without obtaining prior written approval of the CITY.

9. Indemnify and Hold Harmless. Common Ground Sanctuary shall indemnify, save and hold harmless the CITY, its employees, officers, and agents, and affiliated entities from any losses, damages, judgments, claims, expenses, costs, and liabilities, including attorney fees, interest and legal expenses, which may arise from or be caused directly or indirectly by any act or omission of Common Ground Sanctuary or its officers, directors, employees, agents or volunteers.

10. Insurance. Common Ground Sanctuary shall present to the CITY documentation that is satisfactory to the CITY that indicates that Common Ground Sanctuary is covered under a policy of insurance or self-insurance with Oakland County, Michigan.

TROY'S RESPONSIBILITIES

The CITY hereby agrees to pay to Common Ground Sanctuary an amount not to exceed \$ 2,100.00 for services performed under this Agreement. Payment is to be made in one payment in the fall of 2005.

Obligations incurred by Common Ground Sanctuary prior to or after the period covered by this Agreement shall be excluded.

MUTUAL COVENANTS

1. Cancellation of Agreement. If the CITY determines that Common Ground Sanctuary fails to comply with the conditions of this Agreement, or to fulfill its responsibility as indicated in the Agreement, or the CITY determines that the methods and techniques being utilized in accomplishing the goals of this Agreement are not acceptable or compatible with the CITY's policy, then the CITY reserves the right to cancel this Agreement by giving thirty (30) days written notice to Common Ground Sanctuary, If Common Ground Sanctuary becomes defunct, Common Ground Sanctuary will reimburse the CITY for all pre-payments based on the date of termination.

2. Employees of Common Ground Sanctuary. Representatives, employees and volunteers of Common Ground Sanctuary shall not be deemed to be employees or agents of the CITY for any purposes solely because of their participation with Common Ground Sanctuary.

3. Independent Contractors. Common Ground Sanctuary is an independent contractor, and its agents, employees, or servants are responsible for its own conduct. This Agreement is not a joint venture for the profit of either party.

4. Compliance with Laws. Common Ground Sanctuary shall be responsible for compliance with all Federal, State and City laws or ordinances. Any violation of the law or ordinance results in material breach of the Agreement.

5. Terms of Agreement. This Agreement shall become effective as of July 1, 2005 and shall terminate on June 30, 2006 unless terminated under the provisions set forth in this Agreement.

IN WITNESS WHEREOF, the CITY and Common Ground Sanctuary have caused this Agreement to be executed by their respective authorized officers.

WITNESSES:

CITY OF TROY

Louise E. Schilling, Mayor

Tonni Bartholomew, City Clerk

WITNESSES:

COMMON GROUND SANCTUARY

Tony Rothschild, President and CEO

September 26, 2005

TO: John Szerlag, City Manager

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

SUBJECT: **AGENDA ITEM** - Standard Purchasing Resolution #1: Award to Low Bidder
Contract 05-6 – Livernois, Troy Court, John R and Chopin Water Main
Replacement

RECOMMENDATION

It is recommended that City Council award a contract for Livernois, Troy Court, John R. and Chopin Water Main Replacement to Troelson Excavating, 43455 Schoenherr, Suite 6, Sterling Heights, MI 48313, for their low bid of \$976,011.00 contingent upon submission of proper proposal and bid documents, including insurance certificates, bonds and all specified requirements.

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

PROJECT INFORMATION

Bids were received and publicly read on September 15, 2005. The low bidder was Troelson Excavating, as can be seen in the attached tabulation of bids.

The project includes replacement of the existing 6" water main with 12" water main on Troy Court; replacement of the existing 8" water main with 12" water main on Livernois from Telford north to Lovell; replacement of the existing 6" water main with 12" water main on Chopin and Alger from Birchwood to John R; and replacement of the existing 12" water main with 12" water main on John R from Birchwood to Larchwood. All contract work, including final restoration and cleanup, is scheduled for completion by June 15, 2006.

FUNDING

Funds for this work, in the amount of \$1.4 million, are included in the Water fund account numbers 555.7972.015025, 555.7972.015095, 555.7972.035015 and 555.7972.035025. These funds are sufficient for construction, engineering, inspection and contingency, including the aforementioned 10%.

13 - Bids Sent / 10 - Bids Rec'd

Prepared by: Gary Streight, Civil Engineer

G:\Contracts\Contracts - 2005\05-6 Troy Court, Livernois & Chopin_John R WM\Correspondence\Bid Award_R2.doc

| NO. | UNIT | QTY | PRICE | AMOUNT |
|-------------------------------|------|-----------|------------|-----------------|------------|-----------------|------------|-----------------|------------|-----------------|------------|-----------------|
| 26 | LS | 1 | 1,500.00 | 1,500.00 | 1,250.00 | 2,000.00 | 2,000.00 | 2,000.00 | 12,166.40 | 12,166.40 | | |
| 27 | LS | 1 | 2,000.00 | 2,000.00 | 500.00 | 1,000.00 | 1,000.00 | 1,000.00 | 14,062.00 | 14,062.00 | | |
| 28 | EA | 10 | 400.00 | 4,000.00 | 500.00 | 5,000.00 | 500.00 | 5,000.00 | 920.72 | 9,207.20 | | |
| 29 | EA | 4 | 600.00 | 2,400.00 | 800.00 | 3,200.00 | 800.00 | 3,200.00 | 1,354.00 | 5,416.00 | | |
| 30 | LF | 34 | 61.00 | 2,074.00 | 29.50 | 1,003.00 | 44.00 | 1,496.00 | 50.91 | 1,730.94 | | |
| 31 | LF | 41 | 69.00 | 2,829.00 | 42.00 | 1,722.00 | 58.00 | 2,378.00 | 41.16 | 1,687.56 | | |
| 32 | LF | 1145 | 73.00 | 83,585.00 | 58.59 | 67,085.55 | 51.00 | 58,395.00 | 57.41 | 65,734.45 | | |
| 33 | LF | 1452 | 81.00 | 117,612.00 | 71.09 | 103,222.68 | 64.00 | 92,928.00 | 47.66 | 69,202.32 | | |
| 34 | LF | 515 | 120.00 | 61,800.00 | 150.00 | 77,250.00 | 185.00 | 95,275.00 | 51.99 | 26,774.85 | | |
| 35 | LF | 335 | 40.00 | 13,400.00 | 65.00 | 21,775.00 | 25.00 | 8,375.00 | 99.65 | 33,382.75 | | |
| 36 | EA | 7 | 2,600.00 | 18,200.00 | 2,220.00 | 15,540.00 | 2,000.00 | 14,000.00 | 2,085.16 | 14,596.12 | | |
| 37 | EA | 1 | 2,600.00 | 2,600.00 | 2,550.00 | 2,550.00 | 2,400.00 | 2,400.00 | 2,355.96 | 2,355.96 | | |
| 38 | EA | 6 | 3,100.00 | 18,600.00 | 2,890.00 | 17,340.00 | 2,700.00 | 16,200.00 | 2,870.48 | 17,222.88 | | |
| 39 | EA | 1 | 5,000.00 | 5,000.00 | 6,560.00 | 6,560.00 | 6,700.00 | 6,700.00 | 6,174.24 | 6,174.24 | | |
| 40 | EA | 3 | 5,900.00 | 17,700.00 | 7,650.00 | 22,950.00 | 7,700.00 | 23,100.00 | 6,390.88 | 19,172.64 | | |
| 41 | EA | 10 | 200.00 | 2,000.00 | 300.00 | 3,000.00 | 150.00 | 1,500.00 | 509.10 | 5,091.00 | | |
| 42 | EA | 5 | 600.00 | 3,000.00 | 300.00 | 1,500.00 | 500.00 | 2,500.00 | 920.72 | 4,603.60 | | |
| 43 | EA | 3 | 800.00 | 2,400.00 | 400.00 | 1,200.00 | 400.00 | 1,200.00 | 947.80 | 2,843.40 | | |
| 44 | EA | 4 | 600.00 | 2,400.00 | 400.00 | 1,600.00 | 350.00 | 1,400.00 | 839.48 | 3,357.92 | | |
| 45 | EA | 9 | 1,000.00 | 9,000.00 | 400.00 | 3,600.00 | 250.00 | 2,250.00 | 1,570.64 | 14,135.76 | | |
| 46 | EA | 10 | 3,000.00 | 30,000.00 | 1,750.00 | 17,500.00 | 3,000.00 | 30,000.00 | 3,737.04 | 37,370.40 | | |
| 47 | LF | 37 | 34.00 | 1,258.00 | 25.00 | 925.00 | 34.00 | 1,258.00 | 31.41 | 1,162.17 | | |
| 48 | EA | 2 | 250.00 | 500.00 | 80.00 | 160.00 | 225.00 | 450.00 | 189.56 | 379.12 | | |
| 49 | LF | 71 | 34.00 | 2,414.00 | 45.00 | 3,195.00 | 35.00 | 2,485.00 | 35.75 | 2,538.25 | | |
| 50 | EA | 2 | 350.00 | 700.00 | 650.00 | 1,300.00 | 650.00 | 1,300.00 | 563.26 | 1,126.52 | | |
| 51 | TON | 295 | 16.00 | 4,720.00 | 15.00 | 4,425.00 | 19.00 | 5,605.00 | 17.33 | 5,112.35 | | |
| 52 | TON | 5 | 100.00 | 500.00 | 110.00 | 550.00 | 150.00 | 750.00 | 201.48 | 1,007.40 | | |
| 53 | TON | 9 | 100.00 | 900.00 | 110.00 | 990.00 | 150.00 | 1,350.00 | 159.23 | 1,433.07 | | |
| 54 | TON | 185 | 100.00 | 18,500.00 | 85.00 | 15,725.00 | 80.00 | 14,800.00 | 125.65 | 23,245.25 | | |
| 55 | SY | 49 | 32.00 | 1,568.00 | 36.00 | 1,764.00 | 36.00 | 1,764.00 | 43.33 | 2,123.17 | | |
| 56 | SY | 42 | 38.00 | 1,596.00 | 60.00 | 2,520.00 | 54.00 | 2,268.00 | 57.41 | 2,411.22 | | |
| 57 | SY | 1195 | 5.00 | 5,975.00 | 9.00 | 10,755.00 | 4.50 | 5,377.50 | 4.87 | 5,819.65 | | |
| 58 | SY | 49 | 5.00 | 245.00 | 10.00 | 490.00 | 5.00 | 245.00 | 8.12 | 397.88 | | |
| 59 | SY | 1025 | 27.00 | 27,675.00 | 34.00 | 34,850.00 | 33.00 | 33,825.00 | 34.66 | 35,526.50 | | |
| 60 | SY | 137 | 25.00 | 3,425.00 | 30.00 | 4,110.00 | 30.00 | 4,110.00 | 29.25 | 4,007.25 | | |
| 61 | LS | 1 | 250.00 | 250.00 | 400.00 | 400.00 | 1,000.00 | 1,000.00 | 2,166.40 | 2,166.40 | | |
| LIVERNOIS ROAD (CONT.) | | | | | | | | | | | | |
| ITEM NO. | UNIT | CONT. QTY | UNIT PRICE | CONTRACT AMOUNT |
| 62 | EA | 10 | 50.00 | 500.00 | 50.00 | 500.00 | 50.00 | 500.00 | 50.00 | 500.00 | 216.64 | 2,166.40 |

MAGO CONSTRUCTION

TYGER EXCAVATING

GIANETTI CONTRACTING

TROELSON EXCAVATING

| | | | | | | | | | | | | | |
|------------------------------------|--|--------------|-------|----------|-----------|-----------|-----------|-----------|-----------|---------------------|---------------------|---------------------|---------------------|
| 63 | Traffic Maintenance Control | LS | 1 | 5,000.00 | 5,000.00 | 15,000.00 | 15,000.00 | 15,000.00 | 15,000.00 | 9,748.80 | 9,748.80 | 9,748.80 | |
| 64 | Watering Sod | UNIT | 350 | 10.00 | 3,500.00 | 17,500.00 | 17,500.00 | 35.00 | 12,250.00 | 37.91 | 13,268.50 | 13,268.50 | |
| 65 | Mowing Sod | EA | 2 | 1,000.00 | 2,000.00 | 1,000.00 | 1,000.00 | 750.00 | 1,500.00 | 1,624.80 | 3,249.60 | 3,249.60 | |
| 66 | Geotextile Silt Fence for Sediment Control, Staked in Place | LF | 3335 | 2.00 | 6,670.00 | 1.00 | 3,335.00 | 2.00 | 6,670.00 | 2.17 | 7,236.95 | 7,236.95 | |
| 67 | Geotextile Fabric Under Catch Basin Covers | EA | 2 | 20.00 | 40.00 | 70.00 | 140.00 | 50.00 | 100.00 | 108.32 | 216.64 | 216.64 | |
| 68 | Construction Observation (Engineer's Estimate = 30 Days) | CREW DAYS | \$680 | 30.00 | 20,400.00 | 55.00 | 37,400.00 | 33.00 | 22,440.00 | 11.00 | 7,480.00 | 7,480.00 | |
| TOTAL AMOUNT LIVERNOIS ROAD | | | | | | | | | | \$510,436.00 | \$532,382.23 | \$506,344.50 | \$498,111.48 |

| CHOPIN - JOHN R | | | | | | | | | | | | |
|-------------------------|--|------|-----------|---------------------|-----------------|------------|----------------------|------------|-----------------|------------------|-----------------|-----------|
| ITEM NO. | DESCRIPTION | UNIT | CONT. QTY | TROELSON EXCAVATING | | | GIANETTI CONTRACTING | | | TYGER EXCAVATING | | |
| | | | | UNIT PRICE | CONTRACT AMOUNT | UNIT PRICE | CONTRACT AMOUNT | UNIT PRICE | CONTRACT AMOUNT | UNIT PRICE | CONTRACT AMOUNT | |
| 69 | Audio Video Record of Construction Area | LS | 1 | 1,500.00 | 1,500.00 | 1,000.00 | 1,000.00 | 2,000.00 | 2,000.00 | 12,058.08 | 12,058.08 | 12,058.08 |
| 70 | Clearing & Grubbing | LS | 1 | 1,500.00 | 1,500.00 | 500.00 | 500.00 | 500.00 | 500.00 | 13,574.56 | 13,574.56 | 13,574.56 |
| 71 | 6" Ductile Iron, Class 54 Water Main w/ Polywrap Trench Detail "F" | LF | 15 | 48.00 | 720.00 | 35.00 | 525.00 | 42.00 | 630.00 | 48.74 | 731.10 | 731.10 |
| 72 | 6" Ductile Iron, Class 54 Water Main w/ Polywrap Trench Detail "G" | LF | 26 | 56.00 | 1,456.00 | 47.50 | 1,235.00 | 56.00 | 1,456.00 | 39.00 | 1,014.00 | 1,014.00 |
| 73 | 12" Ductile Iron, Class 54 Water Main w/ Polywrap Trench Detail "G" | LF | 1960 | 71.00 | 139,160.00 | 61.13 | 119,814.80 | 73.00 | 143,080.00 | 47.66 | 93,413.60 | 93,413.60 |
| 74 | Boring (For 12" Ductile Iron Water Main Pipe) | LF | 40 | 80.00 | 3,200.00 | 50.00 | 2,000.00 | 185.00 | 7,400.00 | 105.07 | 4,202.80 | 4,202.80 |
| 75 | 6" Standard Hydrant & Valve Box | EA | 4 | 2,600.00 | 10,400.00 | 2,220.00 | 8,880.00 | 2,000.00 | 8,000.00 | 2,085.16 | 8,340.64 | 8,340.64 |
| 76 | 12" Gate Valve in Well | EA | 6 | 3,100.00 | 18,600.00 | 2,890.00 | 17,340.00 | 2,700.00 | 16,200.00 | 2,870.48 | 17,222.88 | 17,222.88 |
| 77 | 12" x 8" Tapping Sleeve & Well | EA | 3 | 4,300.00 | 12,900.00 | 6,240.00 | 18,720.00 | 6,600.00 | 19,800.00 | 6,499.20 | 19,497.60 | 19,497.60 |
| 78 | 2" Temporary Blowoff | EA | 9 | 200.00 | 1,800.00 | 300.00 | 2,700.00 | 150.00 | 1,350.00 | 509.10 | 4,581.90 | 4,581.90 |
| 79 | Remove Hydrant | EA | 3 | 600.00 | 1,800.00 | 300.00 | 900.00 | 500.00 | 1,500.00 | 920.72 | 2,762.16 | 2,762.16 |
| 80 | Remove Gate Valve & Well | EA | 6 | 800.00 | 4,800.00 | 400.00 | 2,400.00 | 400.00 | 2,400.00 | 947.80 | 5,686.80 | 5,686.80 |
| 81 | Cut & Cap Existing Water Main | EA | 8 | 1,000.00 | 8,000.00 | 450.00 | 3,600.00 | 250.00 | 2,000.00 | 1,570.64 | 12,565.12 | 12,565.12 |
| 82 | Connect Water Main | EA | 9 | 3,000.00 | 27,000.00 | 1,750.00 | 15,750.00 | 3,000.00 | 27,000.00 | 4,213.65 | 37,922.85 | 37,922.85 |
| 83 | 12" CSP Culvert - 14 Ga. | LF | 33 | 30.00 | 990.00 | 25.00 | 825.00 | 32.00 | 1,056.00 | 29.25 | 965.25 | 965.25 |
| 84 | 12" CSP End Section | EA | 2 | 125.00 | 250.00 | 80.00 | 160.00 | 200.00 | 400.00 | 178.73 | 357.46 | 357.46 |
| 85 | 12" RCP C-76 CL IV Storm Sewer Trench "B" | LF | 76 | 30.00 | 2,280.00 | 40.00 | 3,040.00 | 32.00 | 2,432.00 | 33.58 | 2,552.08 | 2,552.08 |
| 86 | 12" Concrete End Section | EA | 4 | 125.00 | 500.00 | 550.00 | 2,200.00 | 575.00 | 2,300.00 | 476.61 | 1,906.44 | 1,906.44 |
| 87 | Aggregate Base, 21AA - Special | TON | 230 | 16.00 | 3,680.00 | 15.00 | 3,450.00 | 18.00 | 4,140.00 | 17.33 | 3,985.90 | 3,985.90 |
| 88 | 500C 20C Bituminous Pavement | TON | 3.5 | 100.00 | 350.00 | 100.00 | 350.00 | 150.00 | 525.00 | 201.48 | 705.18 | 705.18 |
| 89 | 1100T 20AA Bituminous Pavement | TON | 2 | 100.00 | 200.00 | 110.00 | 220.00 | 150.00 | 300.00 | 159.23 | 318.46 | 318.46 |
| 90 | 1100T 36B Bituminous Pavement | TON | 11 | 100.00 | 1,100.00 | 100.00 | 1,100.00 | 150.00 | 1,650.00 | 125.65 | 1,382.15 | 1,382.15 |
| CHOPIN - JOHN R (CONT.) | | | | | | | | | | | | |
| ITEM NO. | DESCRIPTION | UNIT | CONT. QTY | TROELSON EXCAVATING | | | GIANETTI CONTRACTING | | | TYGER EXCAVATING | | |
| | | | | UNIT PRICE | CONTRACT AMOUNT | UNIT PRICE | CONTRACT AMOUNT | UNIT PRICE | CONTRACT AMOUNT | UNIT PRICE | CONTRACT AMOUNT | |
| 91 | Concrete Driveway - HE | SY | 148 | 32.00 | 4,736.00 | 36.00 | 5,328.00 | 35.00 | 5,180.00 | 43.33 | 6,412.84 | 6,412.84 |
| 92 | Concrete Roadway - HE | SY | 146 | 38.00 | 5,548.00 | 60.00 | 8,760.00 | 53.00 | 7,738.00 | 57.41 | 8,381.86 | 8,381.86 |
| 93 | Removing Pavement Driveways | SY | 378 | 5.00 | 1,890.00 | 9.00 | 3,402.00 | 4.50 | 1,701.00 | 4.87 | 1,840.86 | 1,840.86 |
| 94 | Removing Pavement Roadway | SY | 401 | 5.00 | 2,005.00 | 10.00 | 4,010.00 | 5.00 | 2,005.00 | 8.12 | 3,256.12 | 3,256.12 |

| Item No. | Description | SY | 840 | 25.00 | 21,000.00 | 34.00 | 28,560.00 | 33.00 | 27,720.00 | 34.66 | 29,114.40 |
|-----------------------------------|---|-----------|-------|----------|--------------|--------------|--------------|----------------|--------------|----------|-----------|
| 95 | Remove & Replace Concrete Sidewalk | SY | 840 | 25.00 | 21,000.00 | 34.00 | 28,560.00 | 33.00 | 27,720.00 | 34.66 | 29,114.40 |
| 96 | Remove & Reset Mailboxes | LS | 1 | 200.00 | 200.00 | 100.00 | 100.00 | 500.00 | 500.00 | 2,166.40 | 2,166.40 |
| 97 | Mailbox Posts | EA | 8 | 50.00 | 400.00 | 50.00 | 400.00 | 50.00 | 400.00 | 216.64 | 1,733.12 |
| 98 | Traffic Maintenance Control | LS | 1 | 4,000.00 | 4,000.00 | 2,500.00 | 2,500.00 | 12,500.00 | 12,500.00 | 9,748.80 | 9,748.80 |
| 99 | Watering Sod | UNIT | 250 | 10.00 | 2,500.00 | 50.00 | 12,500.00 | 35.00 | 8,750.00 | 46.58 | 11,645.00 |
| 100 | Mowing Sod | EA | 2 | 300.00 | 600.00 | 300.00 | 600.00 | 500.00 | 1,000.00 | 1,624.80 | 3,249.60 |
| 101 | Geotextile Silt Fence for Sediment Control, Staked in Place | LF | 1910 | 2.00 | 3,820.00 | 1.00 | 1,910.00 | 2.00 | 3,820.00 | 2.17 | 4,144.70 |
| 102 | Geotextile Fabric Under Catch Basin Covers | EA | 6 | 20.00 | 120.00 | 70.00 | 420.00 | 50.00 | 300.00 | 108.32 | 649.92 |
| 103 | Construction Observation (Engineer's Estimate = 20 Days) | CREW DAYS | \$680 | 20 | 13,600.00 | 25 | 17,000.00 | 22.00 | 14,960.00 | 21.00 | 14,280.00 |
| TOTAL AMOUNT CHOPIN-JOHN R | | | | | \$302,605.00 | \$292,199.80 | \$332,693.00 | \$1,011,198.00 | \$342,370.63 | | |

| *AS NEEDED* | ITEM NO. | Description | UNIT | CONT. QTY | TROELSON EXCAVATING | | | GIANETTI CONTRACTING | | | TYGER EXCAVATING | | | MAGO CONSTRUCTION | | |
|--------------------------------------|----------|--|------|-----------|---------------------|-----------------|------------|----------------------|------------|-----------------|------------------|-----------------|------------|-------------------|--|--|
| | | | | | UNIT PRICE | CONTRACT AMOUNT | UNIT PRICE | CONTRACT AMOUNT | UNIT PRICE | CONTRACT AMOUNT | UNIT PRICE | CONTRACT AMOUNT | UNIT PRICE | CONTRACT AMOUNT | | |
| | 104 | Sod Replacement "As Required" | SY | 350 | 4.00 | 1,400.00 | 6.00 | 2,100.00 | 5.75 | 2,012.50 | 6.50 | 2,275.00 | | | | |
| | 105 | Weed Control "As Required" | SY | 3500 | 0.50 | 1,750.00 | 0.10 | 350.00 | 0.50 | 1,750.00 | 1.08 | 3,780.00 | | | | |
| | 106 | Sylvax Cold Patch Material "As Needed" | TON | 200 | 75.00 | 15,000.00 | 85.00 | 17,000.00 | 50.00 | 10,000.00 | 71.49 | 14,298.00 | | | | |
| | 107 | 6" Ductile Iron, Class 54 Water Main w/ Polywrap Trench Detail "F" - As Needed | LF | 25 | 50.00 | 1,250.00 | 40.00 | 1,000.00 | 47.00 | 1,175.00 | 41.16 | 1,029.00 | | | | |
| | 108 | 6" Diameter Sanitary Sewer Lead "As Needed" | LF | 100 | 50.00 | 5,000.00 | 30.00 | 3,000.00 | 50.00 | 5,000.00 | 50.00 | 5,000.00 | | | | |
| TOTAL AMOUNT OF ALL BID ITEMS | | | | | | \$976,011.00 | | \$987,818.63 | | \$1,011,198.00 | * | \$1,042,055.09 | | | | |

ENGINEER'S ESTIMATE \$944,571.50

OTHER BIDDERS

- * VIL CONSTRUCTION \$1,048,652.50
- * MACOMB PIPELINE \$1,123,473.00
- TONY ANTHONY \$1,169,465.55
- SIX S \$1,196,036.35
- * BRICCO EXCAVATING \$1,249,275.00
- PAMAR \$1,467,469.50

*Bids corrected by Engineer

September 27, 2005

To: John Szerlag, City Manager

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

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

RECOMMENDATION

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

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

BACKGROUND

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

BUDGET IMPACT

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

San Marino Club

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

August 23, 2005

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

Attn: Cindy Stewart
Community Affairs Director

Dear Cindy,

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

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

Thank you,



Ron Vendittelli
General Manager

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

Resolution #2002-10-570-E-8

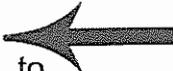
RESOLVED, That the permanent watermain easements from the following listed properties are hereby **ACCEPTED**:

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

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

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

Resolution #2002-10-570-E-9

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

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

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

Resolution #2002-10-570-E-10

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

October 14, 2002

TO: Honorable Mayor and City Council

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

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

RECOMMENDATION

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

SELECTION PROCESS

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

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

SUMMARY

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

BUDGET

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

10 Proposals Sent
2 Proposal Responses Received

**EXECUTIVE SUMMARY
BANQUET SERVICES**

STATISTICS:

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

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

| COMPANY | SCORE |
|-----------------|--------------|
| San Marino Club | 100 |
| Petruzzello’s | 80 |

SITE VISIT EVALUATION - SCORE:

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

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

CITY OF TROY
 BID TABULATION
 RFP FOR HALL/BANQUET SERVICES

RFP 02-32

FIRM NAME:

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

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

ATTEST:

MaryAnn Hays
Cindy Stewart
Linda Bockstanz

 Jeanette Bennett
 Purchasing Director

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

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

RATINGS: 25 = MAXIMUM; 0 = LOW **PERFECT SCORE: 100 POINTS** **G:/RatingForm – Banquet Services 07-02.doc**

AMERICAN POLISH CULTURAL CENTER
2975 E MAPLE
TROY MI 48083

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

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

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

PETRUZELLOS
6950 ROCHESTER
TROY MI 48085

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

SKATE WORLD OF TROY
2825 E MAPLE
TROY MI 48083

SOMERSET INN
2601 WEST BIG BEAVER ROAD
TROY MI 48084

TROY MARRIOTT
200 W BIG BEAVER
TROY MI 48084

WALSH COLLEGE
3838 LIVERNOIS
TROY MI 48083

September 22, 2005

TO: John Szerlag, City Manager

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

RE: AGENDA ITEM – Request for Acceptance of Permanent Easement for Sanitary Sewer, First American Title Insurance Company – Sidwell #88-20-20-476-054

In conjunction with a new retail development at the southwest corner of Crooks and Wilshire, the Real Estate & Development Department has received an easement for sanitary sewer from the property owners, First American Title Insurance Company. The consideration on this document is \$1.00.

Management recommends that City Council accept the attached easement.

PERMANENT EASEMENT

Sidwell #88-20-20-476-054

First American Title Insurance Company, a California Corporation, Grantors, whose address is 1 First American Way, Santa Ana, CA 92707 for and in consideration of the sum of: One and no/100 Dollar (\$1.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, grants to the Grantee the right to construct, operate, maintain, repair and/or replace sanitary sewer, said easement for land situated in the City of Troy, Oakland County, Michigan described as:

SEE ATTACHED EXHIBIT "A" for Parent Parcel description & easement description

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

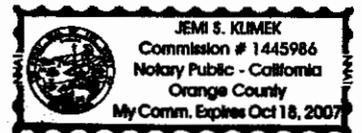
The premises so disturbed by the exercise of any of the foregoing powers shall be reasonably restored to its original condition by the Grantee.

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

IN WITNESS WHEREOF, the undersigned hereunto affixed her signature(s) this 19th day of September A.D. 2005

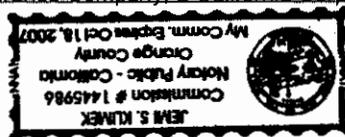
First American Title Insurance Company, a California Corporation

By Anne Nelson Lamphar (L.S.)
*Anne Nelson Lamphar
Its: Vice President/Associate Senior Underwriter



STATE OF CALIFORNIA)
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this 19th day of SEPTEMBER, 2005, by Anne Nelson Lamphar, Vice President/Associate Senior Underwriter of First American Title Insurance Company, a California Corporation.



Jemi S. Klimek
Notary Public, ORANGE County, California
My Commission Expires OCT 18, 2007

Prepared by: Patricia A. Petitto
City of Troy
500 W. Big Beaver Road
Troy, MI 48084

Return to: City Clerk
City of Troy
500 W. Big Beaver Road
Troy, MI 48084

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

PARCEL 'A' (Parent Parcel)

A PARCEL OF LAND BEING A PART OF THE SOUTHEAST 1/4 OF SECTION 20, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, BEING MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 20, TOWN 2 NORTH, RANGE 11 EAST; THENCE WEST ALONG THE SOUTH LINE OF SAID SECTION 20, TOWN 2 NORTH, RANGE 11 EAST, A DISTANCE OF 297.00 FEET; THENCE NORTH 00 DEGREES 44 MINUTES 29 SECONDS EAST 102.01 FEET TO A POINT ON THE NORTHERLY LINE OF BIG BEAVER ROAD (204.00 FEET WIDE); THENCE WEST ALONG THE NORTHERLY LINE OF BIG BEAVER ROAD (204.00 FEET WIDE) 433.76 FEET; THENCE NORTH 00 DEGREES 02 MINUTES 02 SECONDS EAST 509.26 FEET TO THE POINT OF BEGINNING; THENCE NORTH 00 DEGREES 02 MINUTES 02 SECONDS EAST 193.07 FEET; THENCE SOUTH 89 DEGREES 01 MINUTES 24 SECONDS EAST 739.41 FEET; THENCE SOUTH 00 DEGREES 44 MINUTES 37 SECONDS WEST ALONG THE EAST LINE OF SECTION 20, 179.80 FEET; THENCE SOUTH 89 DEGREES 56 MINUTES 47 SECONDS WEST 737.08 FEET TO THE POINT OF BEGINNING. EXCEPT THE EAST 60 FEET FOR HIGHWAY.

SUBJECT TO AN EASEMENT FOR SANITARY SEWER PURPOSED BEING DESCRIBED AS:

A TWENTY (20) FEET WIDE SANITARY SEWER EASEMENT LYING TEN (10) FEET ON BOTH SIDE OF, PARALLEL WITH AND ADJACENT TO THE FOLLOWING DESCRIBED CENTERLINE:

PART OF THE SOUTHEAST 1/4 OF SECTION 20, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, BEING MORE PARTICULARLY DESCRIBED AS : COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 20, TOWN 2 NORTH, RANGE 11 EAST; THENCE DUE WEST ALONG THE SOUTH LINE OF SAID SECTION 20, TOWN 2 NORTH, RANGE 11 EAST, A DISTANCE OF 297.00 FEET; THENCE NORTH 00 DEGREES 44 MINUTES 29 SECONDS EAST, 102.01 FEET TO A POINT ON THE NORTHERLY LINE OF BIG BEAVER ROAD (204.00 FEET WIDE); THENCE DUE WEST ALONG THE NORTHERLY LINE OF BIG BEAVER ROAD, 433.76 FEET; THENCE NORTH 00 DEGREES 02 MINUTES 02 SECONDS EAST, 509.26 FEET; THENCE NORTH 89 DEGREES 56 MINUTES 47 SECONDS EAST TO A POINT ON THE WESTERLY LINE OF CROOKS ROAD (120') A DISTANCE OF 677.08 FEET; THENCE ALONG SAID WESTERLY LINE OF CROOKS ROAD NORTH 00 DEGREES 44 MINUTES 37 SECONDS EAST A DISTANCE OF 173.05 FEET TO THE POINT OF BEGINNING; THENCE FROM SAID POINT OF BEGINNING NORTH 78 DEGREES 30 MINUTES 27 SECONDS WEST A DISTANCE OF 24.86 FEET; THENCE NORTH 89 DEGREES 15 MINUTES 31 SECONDS WEST A DISTANCE OF 324.55 FEET TO THE POINT OF ENDING.

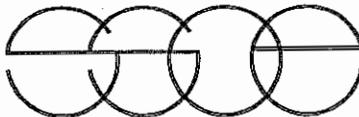
JOB NO.: 05-2005-10

DATE: APRIL 4, 2005

SCALE: 1"=100'

SHEET NO.: 2 OF 2

SANITARY SEWER EASEMENT



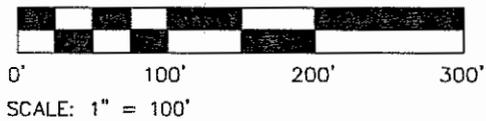
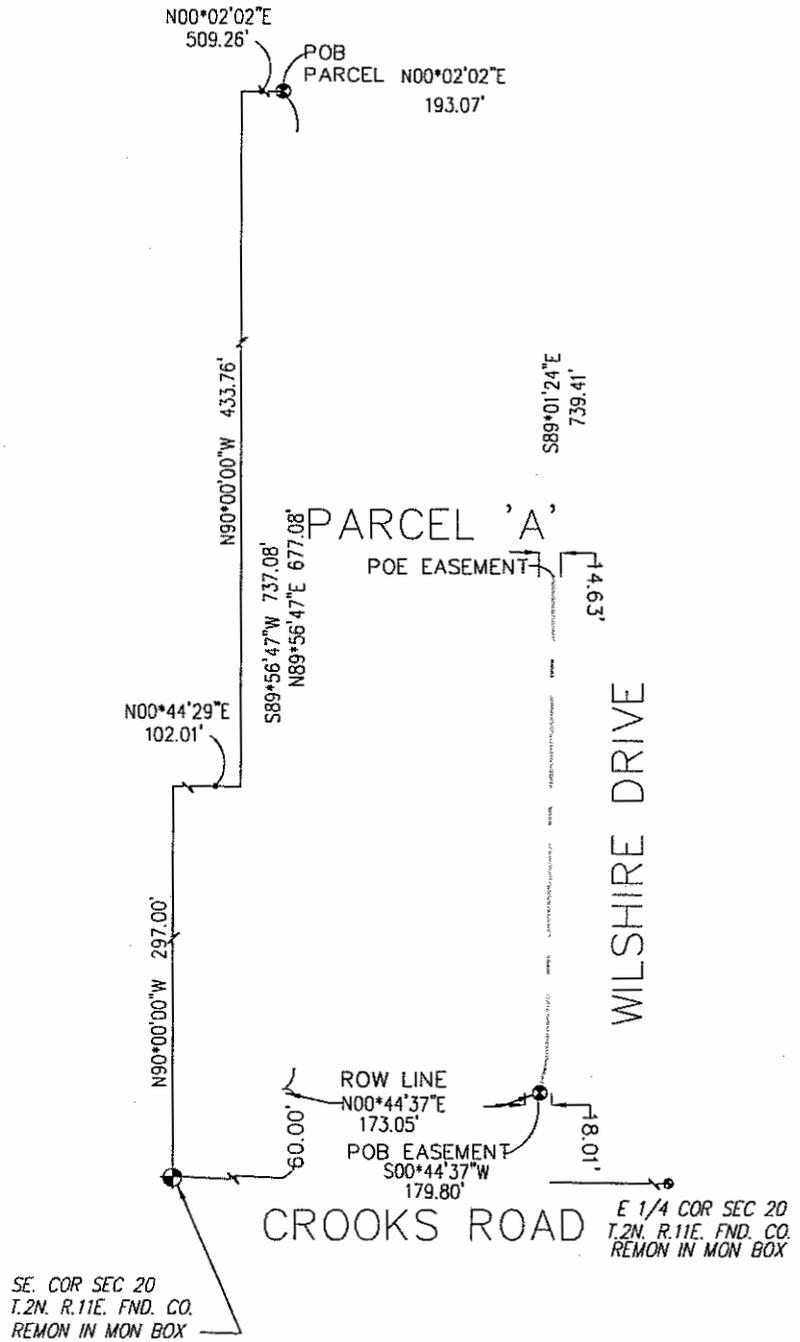
SSOE, INC.

ARCHITECTS ENGINEERS PLANNERS

1050 WILSHIRE DR. - SUITE #260

TROY, MICHIGAN 48084

TEL. 248-643-6222



05-2005-10

APRIL 4, 2005

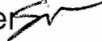
1"=100'

1 OF 2

SANITARY SEWER EASEMENT

September 26, 2005

TO: John Szerlag, City Manager

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

SUBJECT: Agenda Item - Private Agreement for Marathon Gas Station
Project No. 04.924.3

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

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

Approval is recommended.

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

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

G:\Projects\Projects – 04.924.3 Marathon\Private Agreement Cover Letter.doc

Enclosed Private Agreement, Detailed Summary, Sketch

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

PROJECT NO. 04.924.3

PROJECT LOCATION: 5991 Livernois

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 Mike Elias whose address is 5991 Livernois, Troy, MI 48098 and whose telephone number is 586-634-5487 hereinafter referred to as "Owners".

WITNESSETH, FIRST: That the City agrees to allow the installation of paving, storm sewer and sidewalk in accordance with plans prepared by Aid Engineering whose address is 4155 Lindow Dr., Sterling Heights, MI 48310 and whose telephone number is 248-423-1788, and approved BY THE City of Troy Engineering Department.

SECOND: That the Owners agree to contribute the approximate contract price of \$17,000.00. 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 after final inspection and approval by the City of Troy Engineering Department. In addition, the owners agree to contribute the following cash fees:

| | | |
|---|-----------|-------------------|
| * Plan Review and Construction Inspection Fee (Public Improvements) | \$ | 1,377.00 |
| Engineering Review Fee (Private Improvements) (PA1) | \$ | 642.00 |
| Water Main Testing Fee (PA2) | \$ | |
| Street Cleaning/Road Maintenance (Refundable) | \$ | 5,000.00 |
| TOTAL: | \$ | \$7,019.00 |

* 8.1% (.081) of approximate contract price

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

PROJECT NO. 04.924.3

PROJECT LOCATION:

5991 Livernois

RESOLUTION NO.

DATE OF COUNCIL APPROVAL:

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

FOURTH: Owners hereby acknowledge the benefit to their property conferred by the construction of the aforementioned and agree and consent to pay the total sum of \$ 24,019.00 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, including, but not limited to, field changes or specification changes as required by the City, the total cost of completion of such improvement shall exceed the sum deposited with the City in accordance with Paragraph SECOND hereof, that Owners will immediately remit such additional amount to the City upon request and the City will disburse such additional amounts in accordance with Paragraph SECOND hereof.

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

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

PROJECT NO. 04.924.3

PROJECT LOCATION:

5991 Livernois

RESOLUTION NO.

DATE OF COUNCIL APPROVAL:

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

OWNERS

CITY OF TROY

By: 

By:

MAJIDY ELIAS

Please Print or Type

Louise E. Schilling, Mayor

Please Print or Type

Tonni Bartholomew, City Clerk

STATE OF MICHIGAN, COUNTY OF OAKLAND

On this _____ day of _____, A.D.20_____, before me personally appeared _____ known by me to be the same person(s) who executed this instrument and who acknowledged this to be his/her/their free act and deed.

NOTARY PUBLIC, Oakland County, Michigan

My commission expires: _____

DETAILED SUMMARY OF REQUIRED ESCROW DEPOSITS AND CASH FEES
PRIVATE AGREEMENT FOR MARATHON GAS STATION
PROJECT NO. 04.924.3

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

Escrow Deposits:

| | |
|-------------|-----------|
| paving | 10,000.00 |
| storm sewer | 1,000.00 |
| sidewalk | 6,000.00 |

Total Escrow Deposits: (check) **\$ 17,000.00**

Cash Fees:

| | |
|----------------------------------|-----------------|
| Review & Inspection | \$1,377.00 |
| Engineering Review | 642.00 |
| Water Main Testing Fee | |
| Street Cleaning/Road Maintenance | <u>5,000.00</u> |

Total Cash Fees: (check) **\$ 7,019.00**

DATE: September 12, 2005

TO: John Szerlag, City Manager

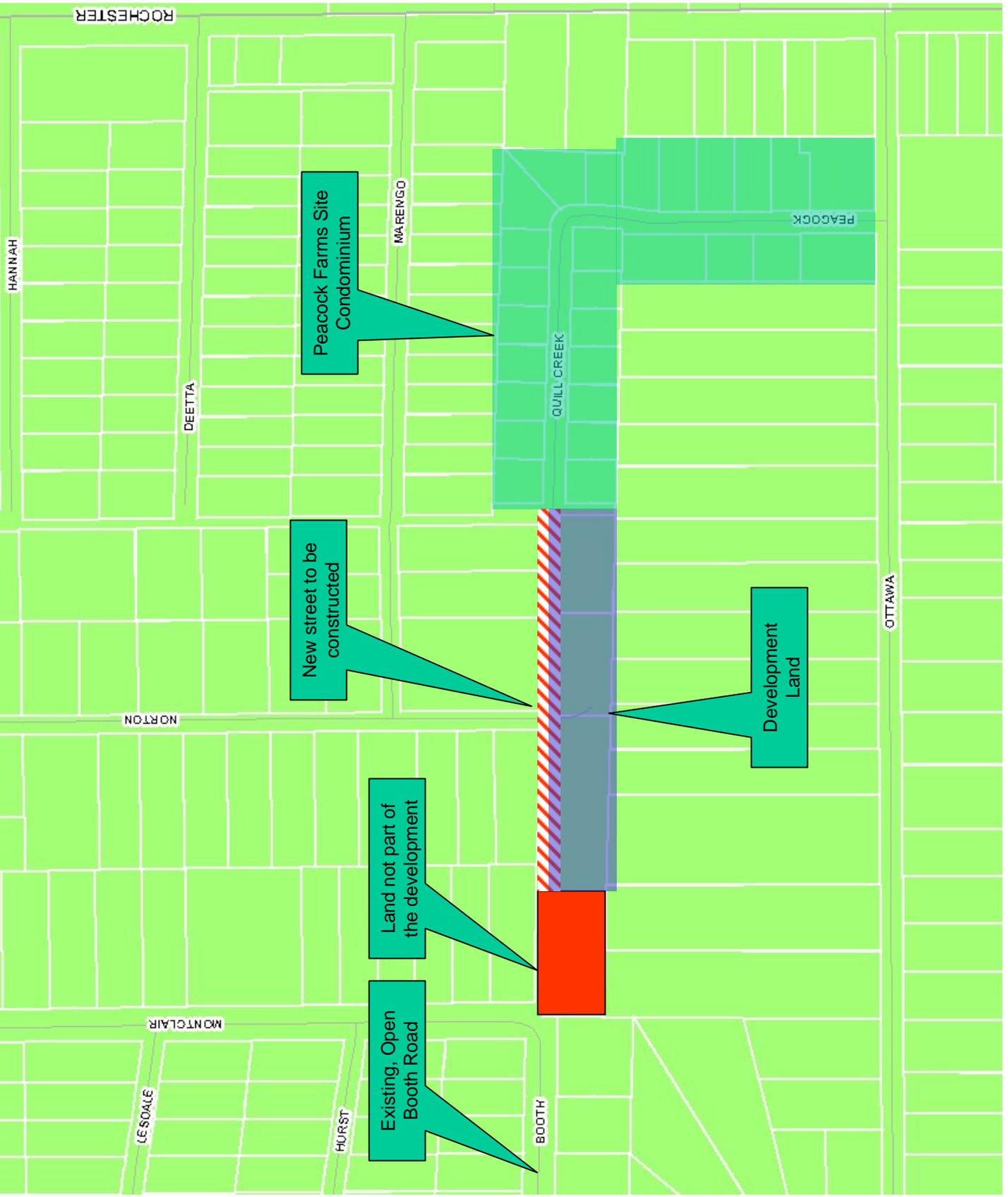
FROM: Brian P. Murphy, Assistant City Manager/Services
Mark Stimac, Director of Building and Zoning

SUBJECT: Agenda Item
Change of Street Name – Portion of Booth to Quill Creek

Milano Building Company is in the process of developing some residential land in Section 3 of the city. This development includes the dedication of additional right of way and construction of a new public street. The street in question was originally platted as a 25 foot wide “half-street” in 1925 as part of the Bassett and Smith Flowing Spring Acres Subdivision. That street, shown on the plat as Booth Road, was never developed and opened as a public street. The developer is now dedicating the additional 35 feet of right of way and constructing the street.

This development does not, however, include the western approximately 330 feet of this platted street where it connects with the currently open portion of Booth Road. It does, however, connect with a new street called Quill Creek that was developed as part of the Peacock Farms Condominium project to the east. Since the street will not connect with the other portions of Booth Road but will align and connect with the new street Quill Creek, Staff recommends that City Council rename that portion of Booth Road platted with the Bassett and Smith Flowing Spring Acres to Quill Creek Drive.

Prepared by: Mark Stimac, Director of Building and Zoning



Peacock Farms Site Condominium

New street to be constructed

Development Land

Land not part of the development

Existing, Open Booth Road

ROCHESTER

HANNAH

DEETTA

MARENGO

QUILL CREEK

PEACOCK

NORTON

OTTAWA

MONTCLAIR

LESDALE

HURST

BOOTH

September 1, 2005

TO: John Szerlag, City Manager

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

SUBJECT: Agenda Item - Private Agreement for Quill Creek Property Splits
Project No. 05.901.3

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

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

Approval is recommended.

CC: Tonni Bartholomew, City Clerk (Original Agreement)
James Nash, Financial Services Director
Carol Anderson, Director of Parks and Recreation
Mark Miller, Planning Director
Nino Licari, City Assessor
Timothy Richnak, Director of Public Works
Milano Building Co.

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

Enclosed Private Agreement, Detailed Summary, Sketch and Suggested Resolution

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

PROJECT NO. 05.901.3

PROJECT LOCATION:

NE 1/4 Sec. 3

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 MILANO BUILDING Co., INC. whose address is 47858 Van Dyke, Suite 410, Shelby Twp., MI and whose telephone number is 586-726-1231 hereinafter referred to as "Owners".

WITNESSETH, FIRST: That the City agrees to allow the installation of Sanitary sewer, storm sewer, water main, detention, paving and soil erosion in accordance with plans prepared by Apex Engineering Group Inc. whose address is 47745 Van Dyke Ave., Shelby Twp., MI 48317 and whose telephone number is 586-739-5200 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 \$ 109,588.00. 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 deposit and contribute \$26,335.00 cash fee per the attached **Detailed Summary of Required Escrow Deposits Cash Deposits and Cash Fees.**

CONTRACT FOR INSTALLATION OF MUNICIPAL IMPROVEMENTS
(PRIVATE AGREEMENT)

PROJECT NO. 05.901.3

PROJECT LOCATION:

NE 1/4 Sec. 3

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 \$135,923.00 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. 05.901.3

PROJECT LOCATION:

NE 1/4 Sec. 3

RESOLUTION NO.

DATE OF COUNCIL APPROVAL:

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

OWNERS

CITY OF TROY

By:

By:


FRANCO C. MANCINI
Please Print or Type

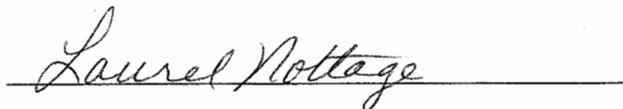
Louise E. Schilling, Mayor

Please Print or Type

Tonni Bartholomew, City Clerk

STATE OF MICHIGAN, COUNTY OF OAKLAND

On this 19th day of August, A.D. 2005, before me personally appeared Franco Mancini known by me to be the same person(s) who executed this instrument and who acknowledged this to be his/her/their free act and deed.



NOTARY PUBLIC, Oakland County, Michigan



My commission expires: 10-12-2011

Detailed Summary of Required Escrow Deposits, Cash Fees & Deposits
 Quill Creek Extension - Project No. 05.901.3
 3 Units - Section 3

ESCROW DEPOSITS:

| | |
|---|----------|
| Sanitary Sewers | \$990 |
| Water Mains | \$7,720 |
| Storm Sewers | \$19,088 |
| Rear Yard Drains | \$13,980 |
| Pavement - ASPHALT | \$50,850 |
| Grading | \$1,000 |
| Detention Basin | \$5,000 |
| Soil Erosion Control Measures | \$2,000 |
| Monuments and Lot Corner Irons | \$305 |
| Sidewalks - ON SITE - Lot No.1 & Detention | \$2,655 |
| Deposit for the Repair of Damage to Existing Public Streets Used for Access | \$6,000 |

TOTAL ESCROW DEPOSITS (REFUNDABLE): \$109,588

(Circle One)

CASH FEES (NON-REFUNDABLE):

| | |
|---|---------|
| Water Main Testing and Chlorination (PA2) | \$650 |
| Street Name and Traffic Signs (SUB 4) | \$167 |
| Maintenance of Detention Basin (20 year) | \$2,200 |
| Soil Erosion and Sedimentation Control Permits (SUB 10) | \$274 |
| Testing Services (SUB 11) | \$1,644 |
| Engineering Review and Inspection (PA 1) | \$8,789 |

(PA 3) TOTAL CASH FEES (NON-REFUNDABLE): \$13,724

CASH DEPOSITS (REFUNDABLE):

| | |
|--|---------|
| Sidewalk Closures | \$0 |
| Split Rail Fence | \$3,000 |
| Wetland Mitigation | \$0 |
| Deposit for Maintenance & Cleaning of Ex. Public Streets Used for Access | \$2,000 |
| Landscape Deposit | \$3,630 |
| Punchlist & Restoration Deposit | \$3,981 |

(PA 3) TOTAL CASH DEPOSITS (REFUNDABLE): \$12,611

Stormwater detention for this development will be provided by: A new detention pond onsite.

Engineer: Apex Engineering Group

Developer: Franco Mancini

September 27, 2005

TO: John Szerlag, City Manager

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

RE: AGENDA ITEM – Request for Acceptance of Warranty
Deeds and Permanent Easements for Booth (Quill Creek)
Parcel Split, Terry L. Stamper – Sidwell #88-20-03-401-002

In conjunction with the development of property on the south side of Booth Road (Quill Creek) in the southeast ¼ of Section 3, the Real Estate & Development Department has received the following documents from the property owner, Terry L. Stamper:

- Warranty Deed for Roadway Dedication
- Permanent Easement for Roadway Purposes
- Permanent Easement for Sidewalk & Public Utilities
- Permanent Easement for Storm Sewer
- Permanent Easement for Storm Sewer, Surface Drainage & Public Utilities
- Permanent Easement for Storm Sewer, Surface Drainage & Grading

Management recommends that City Council accept the attached deed and easements.

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

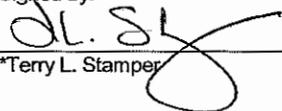
WARRANTY DEED

The Grantor(s), Terry L. Stamper, a single man
whose address is 6399 Norton, Troy, MI 48098
convey(s) and warrant(s) to The City of Troy, a Michigan Municipal Corporation, Grantee
whose address is 500 West Big Beaver Road, Troy, MI 48084
the following described premises situated in the City of Troy, County of Oakland and State of Michigan:

SEE ATTACHED EXHIBIT "A" FOR PARENT PARCEL DESCRIPTION AND
ROADWAY AREA BEING CONVEYED

For the sum of One and no/100 Dollars (\$1.00)
subject to easements and building and use restrictions of record and further subject to

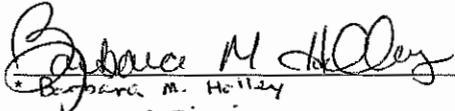
Dated this 1st day of August, 2005

Signed by:

*Terry L. Stamper

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 1st day of August, 2005,
by Terry L. Stamper, a single man.

BARBARA M. HOLLEY
NOTARY PUBLIC
MACOMB CTY., MI
MY COMMISSION EXPIRES
AUG. 13, 2010


*Barbara M. Holley
Acting in
Notary Public, Oakland County, Michigan
My commission expires: _____

| | | | |
|--|--|--|--|
| County Treasurer's Certificate | | City Treasurer's Certificate | |
| When recorded return to: City Clerk, City of Troy 500 West Big Beaver Road Troy, MI 48084 | Send subsequent tax bills to: Grantee | Drafted by: Patricia A. Petitto 500 West Big Beaver Road Troy, MI 48084 | |

Tax Parcel #20-03-401-002 Recording Fee Transfer Tax

*TYPE OR PRINT NAMES IN BLACK INK UNDER SIGNATURES

EXHIBIT "A"

PAGE 1 OF 2

NORTH LINE OF "GOLF ESTATES"
SUBDIVISION, L.58 P.23, O.C.R.

S 89°20'30" E (PLAT)
S 89°39'08" E (M)
299.57'

CENTERPOST
SEC. 3, T.2N., R.11E.,
CITY OF TROY,
OAKLAND CO.

N 00°56'26" W 160.94' (M)

EAST-WEST 1/4 LINE SECTION
3 & S. LINE "BASSETT &
SMITH FLOWING SPRING ACRES"
L. 37, PAGE 9, O.C.R.



N 89°36'33" W 506.92' (M)
N 89°23'00" W (R)
(N 89°12'20" W PLAT)

**#6399 NORTON RD.
#88-20-03-401-002**

QUILL CREEK

S 89°20'30" E (PLAT)
S 89°39'08" E 504.99' (M)

L=35.72'
R=257.00'
Δ=07°57'51"
BRG=S 86°21'56" W
C LEN=35.70'

L=33.92'
R=244.00'
Δ=07°57'51"
BRG=S 86°21'56" W
C LEN=33.89'

S 82°23'00" W 50.74'
L=13.76'
R=99.00'
Δ=07°57'51"
BRG=S 86°21'56" W
C LEN=13.75'

S 82°23'00" W E 19.10'
N 89°39'08" W E 147.42'
N 89°39'08" W E 94.52'

N 89°39'08" W 47.92'
5.00'
2.54'

EASEMENT FOR
ROADWAY (0.013 Ac.)

S 01°37'20" E 161.38' (M)
S 01°31'00" E 161.05' (R)

P.O.B. PROPERTY DESCRIPTION
& ROADWAY DEDICATION

NORTON ST.

P.O.B. EASEMENT
FOR SIDEWALK &
PUBLIC UTILITIES

N 89°39'08" W 1875.71'
EAST-WEST 1/4 LINE SECTION 3

P.O.B. EASEMENT FOR ROADWAY

EAST 1/4 CORNER
SEC. 3, T.2N., R.11E.,
CITY OF TROY,
OAKLAND CO.
L.17277, P.651, O.C.R.

APEX
ENGINEERING GROUP INC.
CIVIL ENGINEERING & LAND PLANNING CONSULTANTS
47745 VAN DYKE AVENUE
SHELBY TOWNSHIP, MI 48317

PROJECT:
**EASEMENTS FOR
"QUILL CREEK
PARCEL SPLITS"**

CLIENT:
MR. FRANCO C. MANCINI
ABBOTSFORD DEV. CO.
47855 VAN DYKE AVE., STE. 410
SHELBY TWP., MI 48317
(586) 728-1231

JOB NO: 04-034
DATE: 4/27/05
DRAWN BY: N.P.R.
CHECKED BY: N.P.R.

PT. OF THE S.E. 1/4 OF SEC. 3, T.2N., R.11E.,
CITY OF TROY, OAKLAND CO., MICHIGAN

EXHIBIT "A"

PAGE 2 OF 2

PROPERTY DESCRIPTION – PARENT PARCEL

A PARCEL OF LAND IN THE SOUTHEAST ¼ OF SECTION 3, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE EAST ¼ CORNER OF SAID SECTION 3; THENCE N.89°39'08"W. ALONG THE EAST-WEST ¼ LINE OF SAID SECTION 3, 1875.71 FT. TO THE POINT OF BEGINNING; THENCE S 01°37'20"E., 161.38 FT. (PREVIOUSLY DESCRIBED AS S.01°31'00"E. 161.05 FT.) TO A POINT ON THE NORTH LINE OF "GOLF ESTATES" A SUBDIVISION AS RECORDED IN LIBER 58 OF PLATS, PAGE 23, OAKLAND COUNTY RECORDS; THENCE N.89°36'33"W. ALONG THE NORTH LINE OF SAID "GOLF ESTATES", 506.92 FT. (PREVIOUSLY DESCRIBED AS N.89°23'00"W.); THENCE N.00°56'26"W., 160.94 FT. TO A POINT ON THE EAST-WEST ¼ LINE OF SAID SECTION 3 ALSO BEING THE SOUTH LINE OF "BASSETT & SMITH FLOWING SPRING ACRES" A SUBDIVISION AS RECORDED IN LIBER 37 OF PLATS, PAGE 9, OAKLAND COUNTY RECORDS; THENCE S.89°39'08"E., 504.99 FT. (RECORDED ON PLAT AS S.89°20'30"E.) ALONG THE EAST-WEST ¼ LINE OF SAID SECTION 3, TO THE POINT OF BEGINNING AND CONTAINING 1.871 AC. OF LAND.

ROADWAY DEDICATION

PART OF THE SOUTHEAST 1/4 OF SECTION 3, T.2N., R.11E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE EAST 1/4 CORNER OF SAID SECTION 3; THENCE N.89°39'08"W., 1875.71 FEET ALONG THE EAST-WEST 1/4 LINE OF SAID SECTION 3 TO THE POINT OF BEGINNING; THENCE S.01°37'20"E., 25.01 FEET; THENCE N.89°39'08"W., 94.52 FEET; THENCE S.82°23'00"W., 19.10 FEET; THENCE 33.92 FEET ALONG A CURVE CONCAVE TO THE NORTH OF RADIUS 244.00 FEET, WHOSE CHORD BEARS S.86°21'56"W., 33.89 FEET; THENCE N.89°39'08"W., 357.93 FEET; THENCE N.00°56'26"W., 30.01 FEET TO A POINT ON THE EAST-WEST 1/4 LINE OF SAID SECTION 3, ALSO BEING THE SOUTH LINE OF "BASSETT & SMITH FLOWING SPRING ACRES" A SUBDIVISION AS RECORDED IN LIBER 37 OF PLATS, PAGE 9, OAKLAND COUNTY RECORDS; THENCE S.89°39'08"E., 504.99 FEET (RECORDED ON PLAT AS S.89°20'30"E.) ALONG THE EAST-WEST 1/4 LINE OF SAID SECTION 3 TO THE POINT OF BEGINNING. CONTAINING 0.335 ACRES LAND.

PERMANENT EASEMENT
ROADWAY

Sidwell #88-20-03-401-002

Terry L. Stamper, a single man, Grantor, whose address is 6399 Norton, Troy, MI 48098 for and in consideration of the sum of: One and no/100 Dollar (\$1.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, grants to the Grantee the right to construct, operate, maintain, repair and/or replace roadway, ~~and~~ said easement for land situated in the City of Troy, Oakland County, Michigan described as:

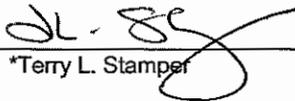
SEE ATTACHED EXHIBIT "A"

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

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

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

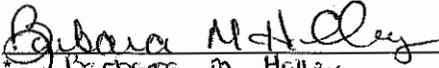
IN WITNESS WHEREOF, the undersigned hereunto affixed his signature(s) this 1st day of August A.D. 2005

 (L.S.)
*Terry L. Stamper

STATE OF MICHIGAN)
COUNTY OF _____)

The foregoing instrument was acknowledged before me this 1st day of August, 2005 by Terry L. Stamper.

BARBARA M. HOLLEY
NOTARY PUBLIC
MACOMB CTY., MI
MY COMMISSION EXPIRES
AUG. 13, 2010


*Barbara M. Holley
Notary Public, Macomb County, Michigan
My Commission Expires 8-13-2010

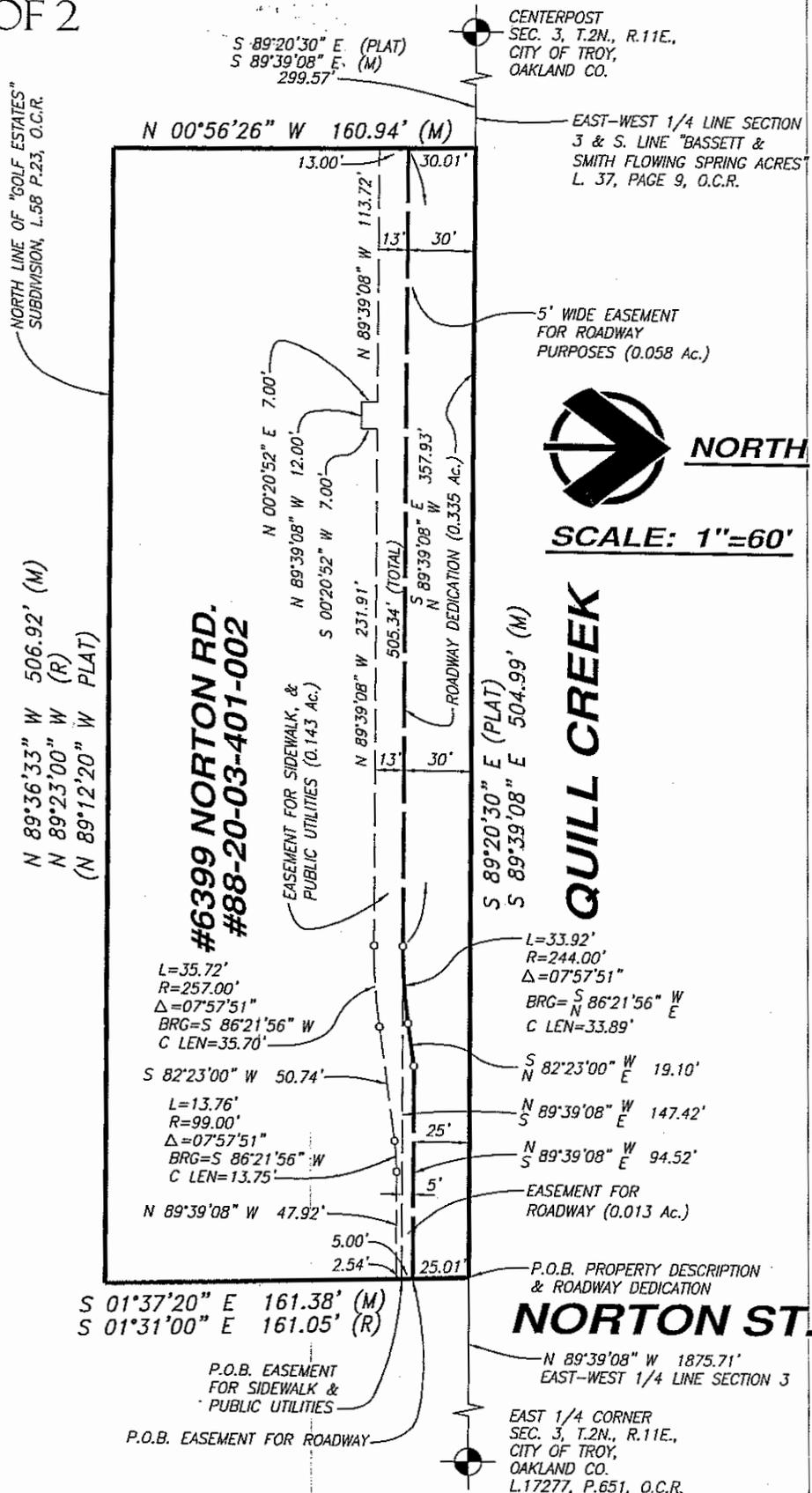
Prepared by: Patricia A. Pelitto
City of Troy
500 W. Big Beaver Road
Troy, MI 48084

Return to: City Clerk
City of Troy
500 W. Big Beaver Road
Troy, MI 48084

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

EXHIBIT "A"

PAGE 1 OF 2



APEX
ENGINEERING GROUP INC.
CIVIL ENGINEERING & LAND PLANNING CONSULTANTS

PROJECT:
EASEMENTS FOR
"QUILL CREEK
PARCEL SPLITS"

CLIENT:
MR. FRANCO C. MANCINI
ABBOTSFORD DEV. CO.
4785B VAN DYKE AVE, STE. 410
SHELBY TWP, MI 48317
(596) 726-1231

JOB NO: 04-034
DATE: 4/27/05

47745 VAN DYKE AVENUE

PHONE: 586-739-5200

PT. OF THE S.E. 1/4 OF SEC. 3, T.2N. R.11E.

EXHIBIT "A"

PAGE 2 OF 2

PROPERTY DESCRIPTION – PARENT PARCEL

A PARCEL OF LAND IN THE SOUTHEAST ¼ OF SECTION 3, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE EAST ¼ CORNER OF SAID SECTION 3; THENCE N.89°39'08"W. ALONG THE EAST-WEST ¼ LINE OF SAID SECTION 3, 1875.71 FT. TO THE POINT OF BEGINNING; THENCE S 01°37'20"E., 161.38 FT. (PREVIOUSLY DESCRIBED AS S.01°31'00"E. 161.05 FT.) TO A POINT ON THE NORTH LINE OF "GOLF ESTATES" A SUBDIVISION AS RECORDED IN LIBER 58 OF PLATS, PAGE 23, OAKLAND COUNTY RECORDS; THENCE N.89°36'33"W. ALONG THE NORTH LINE OF SAID "GOLF ESTATES", 506.92 FT. (PREVIOUSLY DESCRIBED AS N.89°23'00"W.); THENCE N.00°56'26"W., 160.94 FT. TO A POINT ON THE EAST-WEST ¼ LINE OF SAID SECTION 3 ALSO BEING THE SOUTH LINE OF "BASSETT & SMITH FLOWING SPRING ACRES" A SUBDIVISION AS RECORDED IN LIBER 37 OF PLATS, PAGE 9, OAKLAND COUNTY RECORDS; THENCE S.89°39'08"E., 504.99 FT. (RECORDED ON PLAT AS S.89°20'30"E.) ALONG THE EAST-WEST ¼ LINE OF SAID SECTION 3, TO THE POINT OF BEGINNING AND CONTAINING 1.871 AC. OF LAND.

EASEMENT FOR ROADWAY PURPOSES

AN EASEMENT FOR ROADWAY PURPOSES, PART OF THE SOUTHEAST 1/4 OF SECTION 3, T.2N., R.11E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE EAST 1/4 CORNER OF SAID SECTION 3; THENCE N.89°39'08"W., 1875.71 FEET ALONG THE EAST-WEST 1/4 LINE OF SAID SECTION 3; THENCE S.01°37'20"E., 25.01 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING S.01°37'20"E., 5.00 FEET; THENCE N.89°39'08"W., 147.42 FEET; THENCE 33.92 FEET ALONG A CURVE CONCAVE TO THE NORTH OF RADIUS 244.00 FEET, WHOSE CHORD BEARS N.86°21'56"E., 33.89 FEET; THENCE N.82°23'00"E., 19.10 FEET; THENCE S.89°39'08"E., 94.52 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.013 ACRES OF LAND.

**PERMANENT EASEMENT
SIDEWALK AND PUBLIC UTILITIES**

Sidwell #88-20-03-401-002

Terry L. Stamper, a single man, Grantor, whose address is 6399 Norton, Troy, MI 48098 for and in consideration of the sum of: One and no/100 Dollar (\$1.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, grants to the Grantee the right to construct, operate, maintain, repair and/or replace sidewalk and public utilities said easement for land situated in the City of Troy, Oakland County, Michigan described as:

SEE ATTACHED EXHIBIT "A"

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

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

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

IN WITNESS WHEREOF, the undersigned hereunto affixed his signature(s) this 1st day of August A.D. 2005

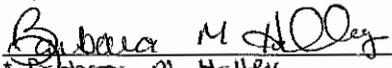


*Terry L. Stamper (L.S.)

STATE OF MICHIGAN)
COUNTY OF _____)

The foregoing instrument was acknowledged before me this 1st day of August, 2005, by Terry L. Stamper.

BARBARA M. HOLLEY
NOTARY PUBLIC
MACOMB CTY., MI
MY COMMISSION EXPIRES
AUG. 13, 2010



*Barbara M. Holley
Notary Public, Macomb County, Michigan
My Commission Expires 8-13-2010

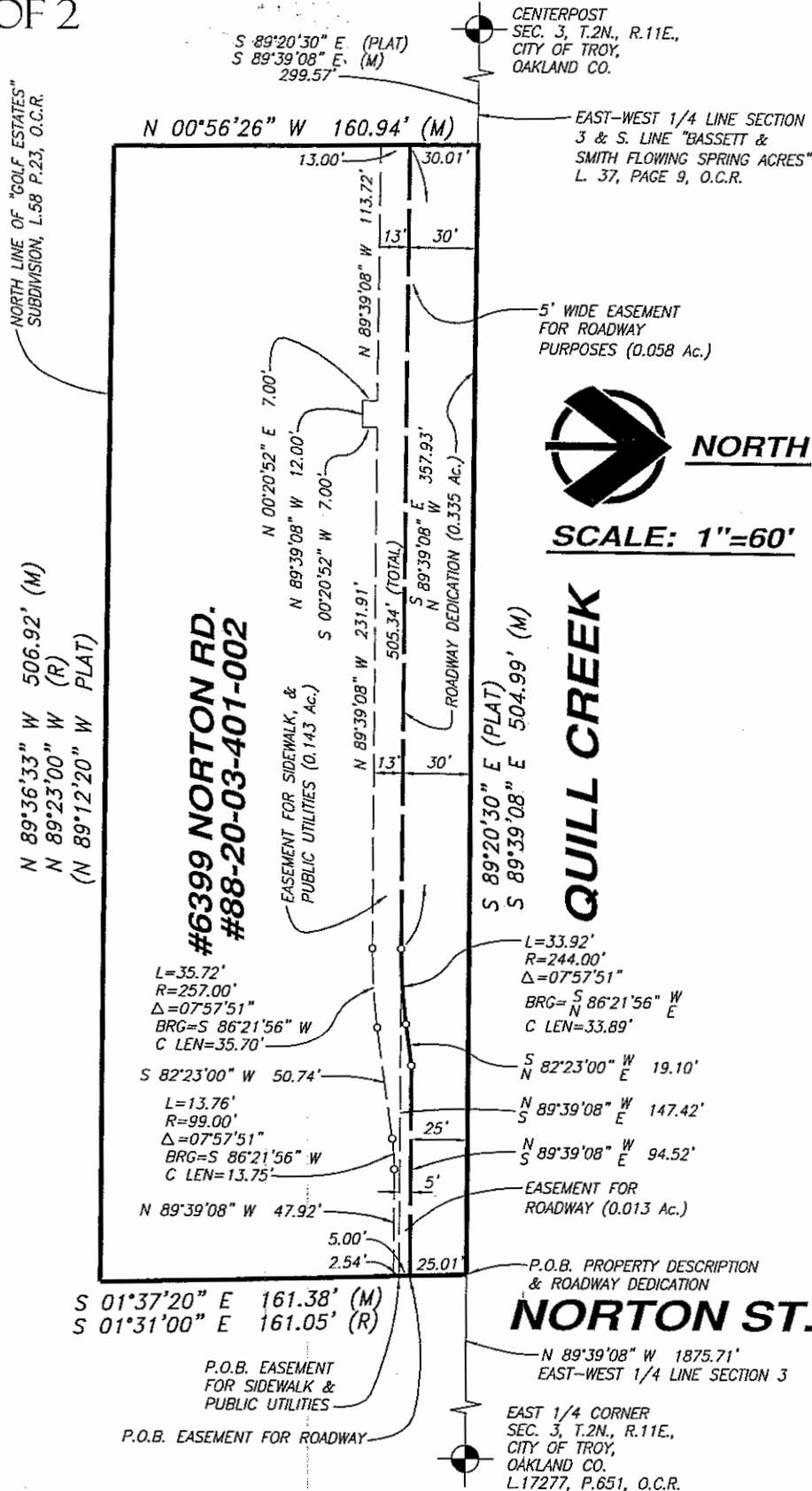
Prepared by: Patricia A. Petitto
City of Troy
500 W. Big Beaver Road
Troy, MI 48084

Return to: City Clerk
City of Troy
500 W. Big Beaver Road
Troy, MI 48084

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

EXHIBIT "A"

PAGE 1 OF 2



APEX

ENGINEERING GROUP INC.
CIVIL ENGINEERING & LAND PLANNING CONSULTANTS

47745 VAN DYKE AVENUE

PHONE: 586 730 5300

PROJECT:
EASEMENTS FOR
"QUILL CREEK
PARCEL SPLITS"

CLIENT:
MR. FRANCO C. MANCINI
ABBOTSFORD DEV. CO.
47858 VAN DYKE AVE., STE. 410
SHELBY TWP., MI 48317
(588) 726-1231

JOB NO: 04-034
DATE: 4/27/05

EXHIBIT "A"

PAGE 2 OF 2

PROPERTY DESCRIPTION – PARENT PARCEL

A PARCEL OF LAND IN THE SOUTHEAST ¼ OF SECTION 3, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE EAST ¼ CORNER OF SAID SECTION 3; THENCE N.89°39'08"W. ALONG THE EAST-WEST ¼ LINE OF SAID SECTION 3, 1875.71 FT. TO THE POINT OF BEGINNING; THENCE S 01°37'20"E., 161.38 FT. (PREVIOUSLY DESCRIBED AS S.01°31'00"E. 161.05 FT.) TO A POINT ON THE NORTH LINE OF "GOLF ESTATES" A SUBDIVISION AS RECORDED IN LIBER 58 OF PLATS, PAGE 23, OAKLAND COUNTY RECORDS; THENCE N.89°36'33"W. ALONG THE NORTH LINE OF SAID "GOLF ESTATES", 506.92 FT. (PREVIOUSLY DESCRIBED AS N.89°23'00"W.); THENCE N.00°56'26"W., 160.94 FT. TO A POINT ON THE EAST-WEST ¼ LINE OF SAID SECTION 3 ALSO BEING THE SOUTH LINE OF "BASSETT & SMITH FLOWING SPRING ACRES" A SUBDIVISION AS RECORDED IN LIBER 37 OF PLATS, PAGE 9, OAKLAND COUNTY RECORDS; THENCE S.89°39'08"E., 504.99 FT. (RECORDED ON PLAT AS S.89°20'30"E.) ALONG THE EAST-WEST ¼ LINE OF SAID SECTION 3, TO THE POINT OF BEGINNING AND CONTAINING 1.871 AC. OF LAND.

EASEMENT FOR SIDEWALK & PUBLIC UTILITIES

AN EASEMENT FOR SIDEWALK & PUBLIC UTILITIES, PART OF THE SOUTHEAST 1/4 OF SECTION 3, T.2N., R.11E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE EAST 1/4 CORNER OF SAID SECTION 3; THENCE N.89°39'08"W. ALONG THE EAST-WEST 1/4 LINE OF SAID SECTION 3, 1875.71 FT.; THENCE S.01°37'20"E., 30.02 FEET TO THE POINT OF BEGINNING; THENCE S.01°37'20"E., 2.54 FEET; THENCE N.89°39'08"W., 47.92 FEET; THENCE 13.76 FEET ALONG A CURVE CONCAVE TO THE SOUTH OF RADIUS 99.00 FEET, WHOSE CHORD BEARS S.86°21'56"W., 13.75 FEET; THENCE S.82°23'00"W., 50.74 FEET; THENCE 35.72 FEET ALONG A CURVE CONCAVE TO THE NORTH OF RADIUS 257.00 FEET, WHOSE CHORD BEARS S.86°21'56"W., 35.70 FEET; THENCE N.89°39'08"W., 231.91 FEET; THENCE S.00°20'52"W., 7.00 FEET; THENCE N.89°39'08"W., 12.00 FEET; THENCE N.00°20'52"E., 7.00 FEET; THENCE N.89°39'08"W., 113.72 FEET; THENCE N.00°56'26"W., 13.00 FEET; THENCE S.89°39'08"E., 505.34 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.143 ACRES OF LAND.

PERMANENT EASEMENT
STORM SEWER

Sidwell #88-20-03-401-002

Terry L. Stamper, a single man, Grantor, whose address is 6399 Norton, Troy, MI 48098 for and in consideration of the sum of: One and no/100 Dollar (\$1.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, grants to the Grantee the right to construct, operate, maintain, repair and/or replace storm sewer, said easement for land situated in the City of Troy, Oakland County, Michigan described as:

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Terry L. Stamper (L.S.)
*Terry L. Stamper

STATE OF MICHIGAN)
COUNTY OF _____)

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BARBARA M. HOLLEY
NOTARY PUBLIC
MACOMB CTY., MI
MY COMMISSION EXPIRES
AUG. 13, 2010

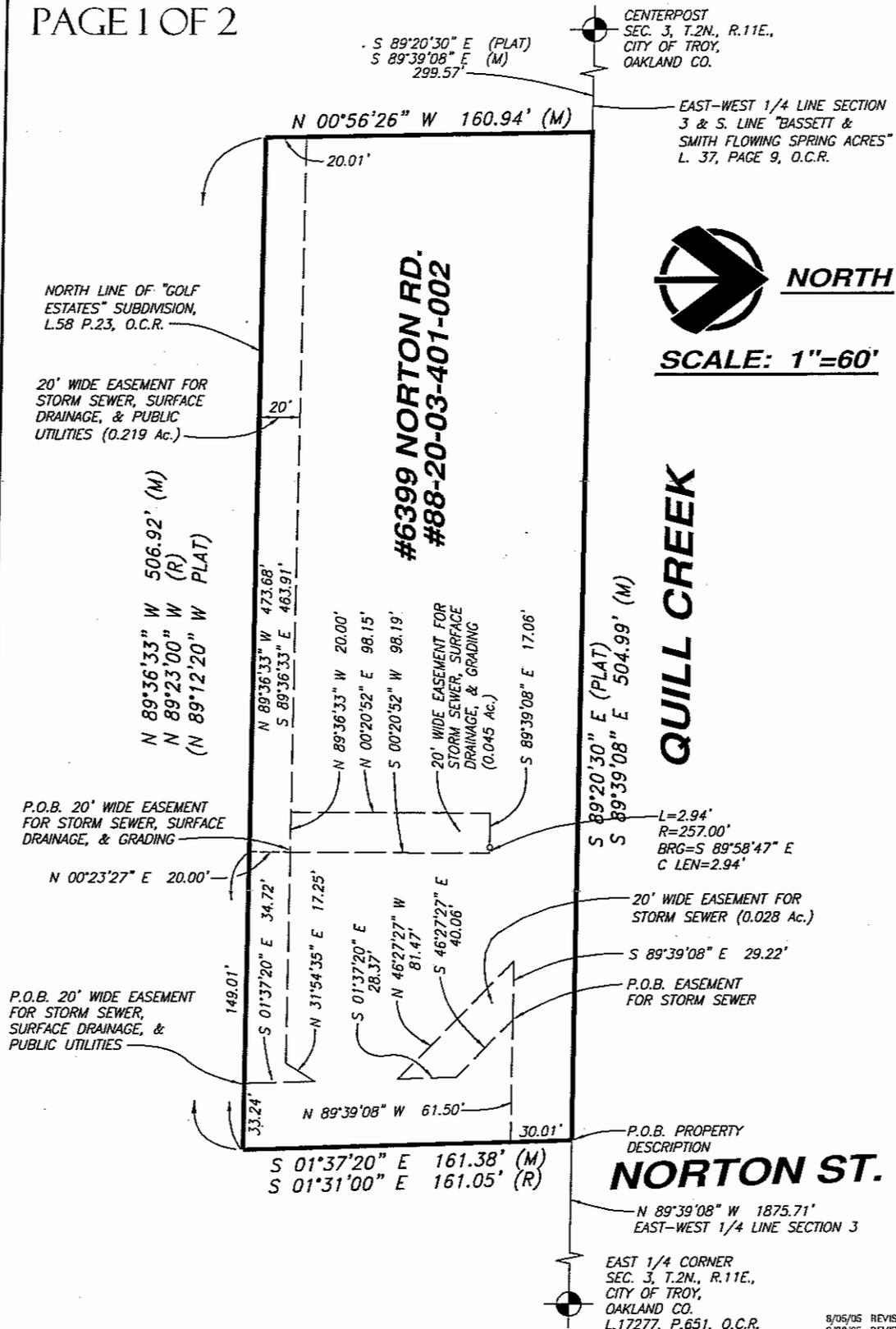
Barbara M. Holley
Barbara M. Holley
Notary Public, Macomb County, Michigan
My Commission Expires 8-13-2010

Prepared by: Patricia A. Petitto
City of Troy
500 W. Big Beaver Road
Troy, MI 48084

Return to: City Clerk
City of Troy
500 W. Big Beaver Road
Troy, MI 48084

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EXHIBIT "A"
PAGE 1 OF 2



APEX
ENGINEERING GROUP INC.
CIVIL ENGINEERING & LAND PLANNING CONSULTANTS

PROJECT:
EASEMENTS FOR
"QUILL CREEK
PARCEL SPLITS"

CLIENT:
MR. FRANCO C. MANCINI
ABBOTSFORD DEV. CO.
47858 VAN DYKE AVE., STE. 410
SHELBY TWP., MI 48317
(586) 726-1231

JOB NO: 04-034
DATE: 4/27/05
DRAWN BY: N.P.R.

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PERMANENT EASEMENT
STORM SEWER, SURFACE DRAINAGE AND PUBLIC UTILITIES

Sidwell #88-20-03-401-002

Terry L. Stamper, a single man, Grantor, whose address is 6399 Norton, Troy, MI 48098 for and in consideration of the sum of: One and no/100 Dollar (\$1.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, grants to the Grantee the right to construct, operate, maintain, repair and/or replace storm sewer and surface drainage, said easement for land situated in the City of Troy, Oakland County, Michigan described as:
and public utilities

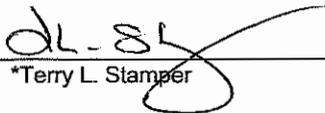
SEE ATTACHED EXHIBIT "A"

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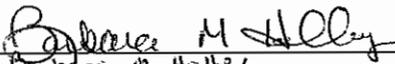


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STATE OF MICHIGAN)
COUNTY OF _____)

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BARBARA M. HOLLEY
NOTARY PUBLIC
MACOMB CTY., MI
MY COMMISSION EXPIRES
AUG. 13, 2010



*Barbara M. Holley
Notary Public, Macomb County, Michigan
My Commission Expires 8-13-2010

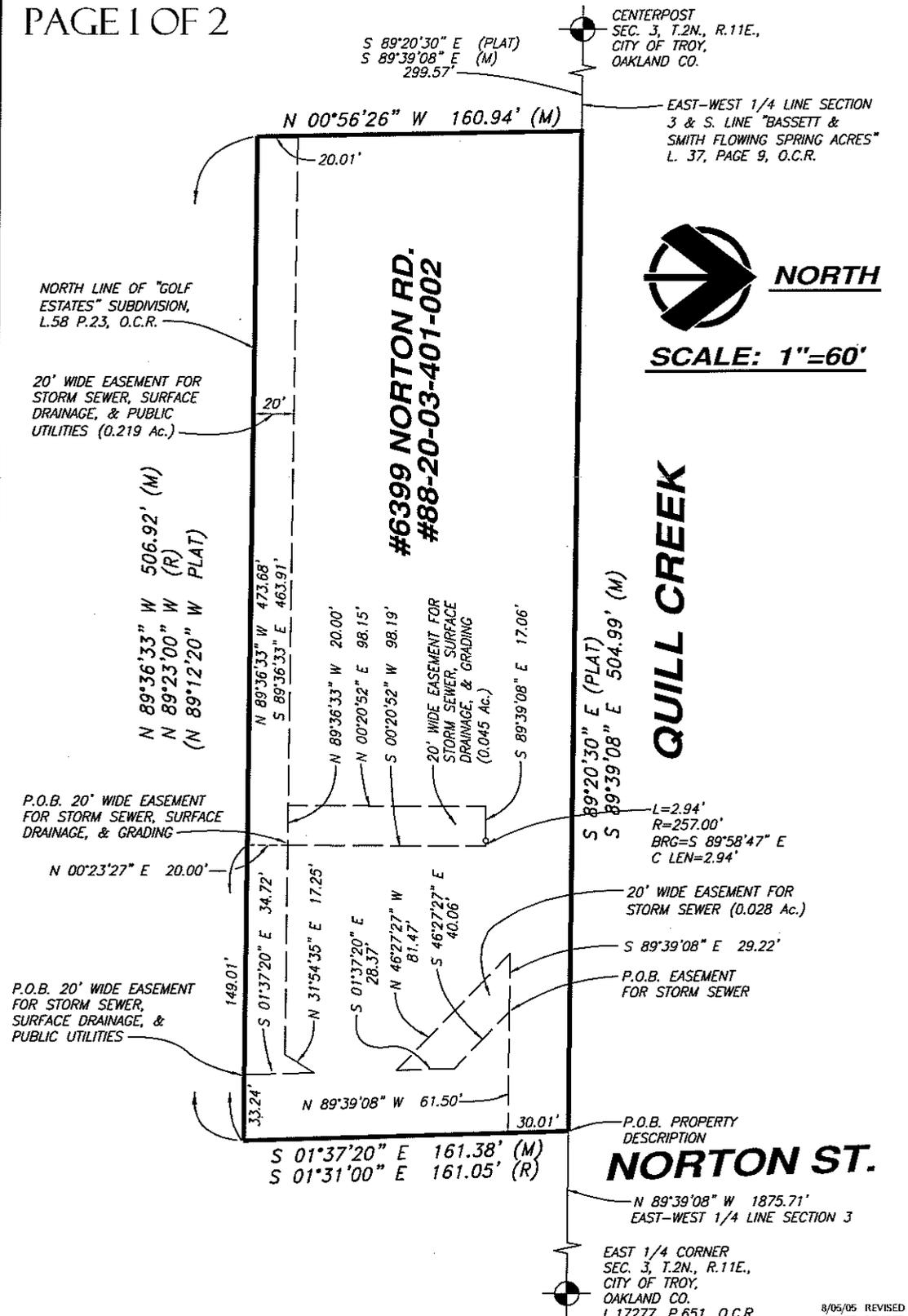
Prepared by: Patricia A. Petitto
City of Troy
500 W. Big Beaver Road
Troy, MI 48084

Return to: City Clerk
City of Troy
500 W. Big Beaver Road
Troy, MI 48084

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

EXHIBIT "A"

PAGE 1 OF 2



NORTH

SCALE: 1"=60'

CENTERPOST
SEC. 3, T.2N., R.11E.,
CITY OF TROY,
OAKLAND CO.
S 89°20'30" E (PLAT)
S 89°39'08" E (M)
299.57'

EAST-WEST 1/4 LINE SECTION
3 & S. LINE "BASSETT &
SMITH FLOWING SPRING ACRES"
L. 37, PAGE 9, O.C.R.

NORTH LINE OF "GOLF
ESTATES" SUBDIVISION,
L.58 P.23, O.C.R.

20' WIDE EASEMENT FOR
STORM SEWER, SURFACE
DRAINAGE, & PUBLIC
UTILITIES (0.219 Ac.)

N 89°36'33" W 506.92' (M)
N 89°23'00" W (R)
(N 89°12'20" W PLAT)

**#6399 NORTON RD.
#88-20-03-401-002**

QUILL CREEK

P.O.B. 20' WIDE EASEMENT
FOR STORM SEWER, SURFACE
DRAINAGE, & GRADING

P.O.B. 20' WIDE EASEMENT
FOR STORM SEWER,
SURFACE DRAINAGE, &
PUBLIC UTILITIES

S 89°20'30" E (PLAT)
S 89°39'08" E 504.99' (M)
L=2.94'
R=257.00'
BRG=S 89°58'47" E
C LEN=2.94'

20' WIDE EASEMENT FOR
STORM SEWER (0.028 Ac.)

S 89°39'08" E 29.22'

P.O.B. EASEMENT
FOR STORM SEWER

P.O.B. PROPERTY
DESCRIPTION
NORTON ST.

N 89°39'08" W 1875.71'
EAST-WEST 1/4 LINE SECTION 3

EAST 1/4 CORNER
SEC. 3, T.2N., R.11E.,
CITY OF TROY,
OAKLAND CO.
L.17277, P.651, O.C.R.

8/05/05 REVISED
6/22/05 REVISED

APEX
ENGINEERING GROUP INC.
CIVIL ENGINEERING & LAND PLANNING CONSULTANTS

47745 VAN DYKE AVENUE
SHELBY TOWNSHIP, MI 48317

PHONE: 586-739-5200
FAX: 586-254-5314

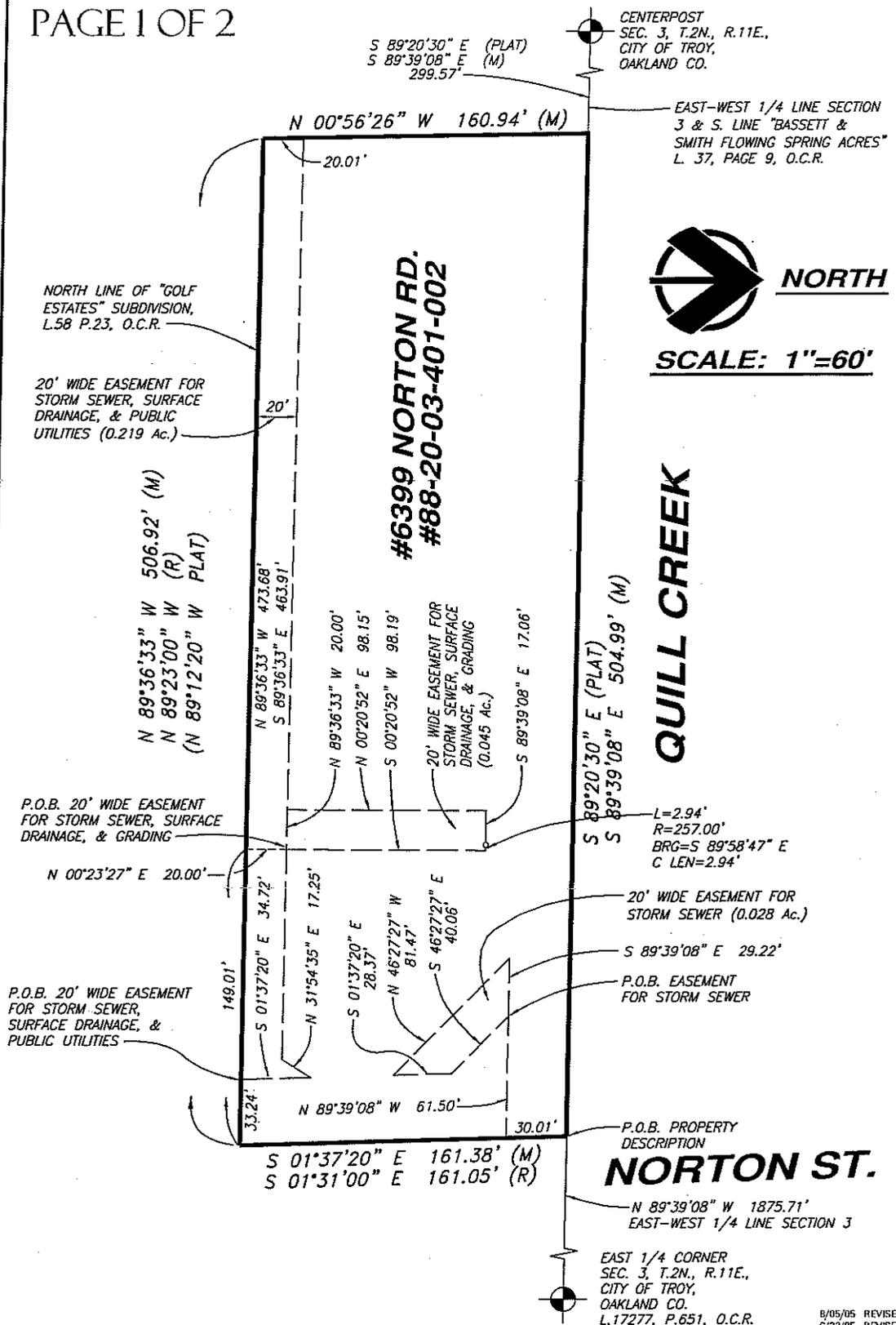
PROJECT:
**EASEMENTS FOR
"QUILL CREEK
PARCEL SPLITS"**

PT. OF THE S.E. 1/4 OF SEC. 3, T.2N., R.11E.,
CITY OF TROY, OAKLAND CO., MICHIGAN

CLIENT:
MR. FRANCO C. MANCINI
ABINGTOWN DIV. CO.
47858 VAN DYKE AVE., STE. 410
SHELBY TWP., MI 48317
(586) 726-1231

JOB NO: 04-034
DATE: 4/27/05
DRAWN BY: N.P.R.
CHECKED BY: N.P.R.

EXHIBIT "A"
PAGE 1 OF 2



NORTH
SCALE: 1"=60'

NORTON ST.

PERMANENT EASEMENT
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Sidwell #88-20-03-401-002

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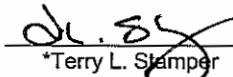
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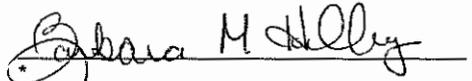
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 (L.S.)
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STATE OF MICHIGAN)
COUNTY OF OAKLAND)

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NOTARY PUBLIC
MACOMB CTY., MI
MY COMMISSION EXPIRES
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*Notary Public, Macomb County, Michigan
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PAGE 1 OF 2

S 89°20'30" E (PLAT)
S 89°39'08" E (M)
299.57'

CENTERPOST
SEC. 3, T.2N., R.11E.,
CITY OF TROY,
OAKLAND CO.

EAST-WEST 1/4 LINE SECTION
3 & S. LINE "BASSETT &
SMITH FLOWING SPRING ACRES"
L. 37, PAGE 9, O.C.R.

N 00°56'26" W 160.94' (M)

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20' WIDE EASEMENT FOR
STORM SEWER, SURFACE
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UTILITIES (0.219 Ac.)

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N 89°23'00" W (R)
(N 89°12'20" W PLAT)

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QUILL CREEK

P.O.B. 20' WIDE EASEMENT
FOR STORM SEWER, SURFACE
DRAINAGE, & GRADING

N 00°23'27" E 20.00'

P.O.B. 20' WIDE EASEMENT
FOR STORM SEWER,
SURFACE DRAINAGE, &
PUBLIC UTILITIES

N 89°36'33" W 20.00'
N 00°20'52" E 98.15'
S 00°20'52" W 98.19'
20' WIDE EASEMENT FOR
STORM SEWER, SURFACE
DRAINAGE, & GRADING
(0.045 Ac.)
S 89°39'08" E 17.06'

S 89°20'30" E (PLAT)
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L=2.94'
R=257.00'
BRG=S 89°58'47" E
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20' WIDE EASEMENT FOR
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FOR STORM SEWER

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S 01°31'00" E 161.05' (R)

P.O.B. PROPERTY
DESCRIPTION

NORTON ST.

N 89°39'08" W 1875.71'
EAST-WEST 1/4 LINE SECTION 3

EAST 1/4 CORNER
SEC. 3, T.2N., R.11E.,
CITY OF TROY,
OAKLAND CO.
L.17277, P.651, O.C.R.

8/05/05 REVISED
6/22/05 REVISED

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PHONE: 586-739-5200

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PT. OF THE S.E. 1/4 OF SEC. 3, T.2N., R.11E.,

CLIENT:
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ABBOTSFORD DEV. CO.
47850 VAN DYKE AVE., STE. 410
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September 12, 2005

To: John Szerlag, City Manager

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

Subject: **Agenda Item** - Bid Waiver – Purchase of Air Compressor

RECOMMENDATION

On May 9, 2005, Troy City Council approved a contract to purchase two (2) high pressure Air Compressors for the Fire Department from the low bidder, Douglass Safety Systems of Rhodes, MI. (Resolution #2005-05-219-E4b) Douglass Safety Systems has agreed to provide the Fire Department with one (1) additional air compressor, at the original bid price of \$16,900.00, plus \$200.00 for freight.

City management is recommending that the standard bidding process be waived and City Council give approval for the purchase of one (1) high-pressure air compressor for the Fire Department.

BACKGROUND

The department presently utilizes stationary high-pressure air compressors at each of the stations. These compressors provide 6000-psi breathing air for our self-contained breathing apparatus. We are in the third year of replacing units that are well over 15 years old. The older units have become a maintenance problem, and are too small to provide adequate capacity. With this purchase, we will have replaced four (4) of the units. The new unit will be placed at Fire Station Six.

BUDGET

Funds are budgeted for one (1) additional air compressor from Fire Operations Equipment Account #338.7740.115



Douglass Safety Systems, LLC*
 4018 Estey Road
 Rhodes, MI 48652-9763
 800-316-3255
 Fax: 989-879-7405

Quotation

Quote Number:
13628

Quote Date:
Sep 15, 2005

Customer ID
T019

Quoted to:

TROY FIRE DEPT.
ATTN: ACCTS PAYABLE
500 W. BIG BEAVER ROAD
TROY, MI 48084

| Shipping Terms | Quote Good Thru | Payment Terms | Sales Rep |
|----------------|-----------------|---------------|-----------|
| DELIVERED | 10/15/05 | Net 30 Days | SN001-SR |

| Quantity | Item | Description | Unit Price | Extension |
|----------|------|---|------------|-----------|
| 1.00 | | #HP-6000-NA6-E3 - Hypres Compressor, 6000psi, 3phase, 208 Volt, Horizontal. | 16,900.00 | 16,900.00 |

Turnout Gear Oversize Charges:

COAT PANT
 10% 54-56 XXL 48-50XXL
 15% 58-60 XXXL 52-54 XXXL
 20% 62-66 XXXXL 56-58 XXXXL
 10% Inseams over 32"

Page:

1

| | |
|------------------|---------------------|
| Subtotal | \$ 16,900.00 |
| Sales Tax | |
| Freight/Handling | \$ 200.00 |
| Total | \$ 17,100.00 |

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:

| <u>BIDDERS</u> | <u>ITEMS</u> |
|--|---|
| 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

Opening Date -- 3-23-05
 Date Prepared -- 4/19/05

CITY OF TROY
 BID TABULATION
 AIR COMPRESSORS

VENDOR NAME:

| | | |
|----------------|------------|---------------|
| * DOUGLASS | WEST SHORE | BREATHING AIR |
| SAFETY SYSTEMS | FIRE INC | SYSTEMS |
| LLC | | |

PROPOSAL: Furnish & Install two (2) Air Compressors for the Troy Fire Department- Stations #4 & #5

| QTY | DESCRIPTION | | | |
|------|---|------------------|----------------|------------------|
| 1 ea | Furnish & Install one Air Compressor for Station #4 in accordance with the Specifications. COMPLETE FOR THE SUM OF: | \$ 16,900.00 | \$ 20,427.00 | \$ 20,821.00 |
| 1 ea | Furnish & Install one Air Compressor for Station #5 in accordance with the Specifications. COMPLETE FOR THE SUM OF: | \$ 16,900.00 | \$ 20,427.00 | \$ 20,821.00 |
| | Quoting on Model: | HP-6000-NA6-E3 | T21OF | H13E3-LS |
| | Manufactured By: | Hypres Equipment | Eagle Air Comp | Bauer Comp |
| | GRAND TOTAL: | \$ 33,800.00 | \$ 40,854.00 | \$ 41,642.00 |
| | INSURANCE: Can meet Cannot Meet | XX | XX | XX |
| | TERMS: | NET 30 DAYS | NET 30 DAYS | NET 30 DAYS |
| | WARRANTY: | 2Yr on Pump | 1 Year | 2 Years |
| | DELIVERY DATE(S) | 3 WEEKS | 8-10 WEEKS ARO | 120-180 DAYS ARO |
| | EXCEPTIONS: | BLANK | BLANK | NONE |
| | ACKNOWLEDGEMENT: Completed - Y or N | YES | YES | YES |
| | AMENDMENT 1: Y or N | YES | YES | YES |

ATTEST:

M. Aileen Bittner
Richard Sinclair
Linda Bockstanz

* DENOTES LOW BIDDER

 Jeanette Bennett
 Purchasing Director

Opening Date -- 3-23-05
 Date Prepared -- 4/19/05

CITY OF TROY
 BID TABULATION
 AIR COMPRESSORS

ITB-COT 05-11
 Pg 2 of 3

VENDOR NAME:

| | | |
|------------------|-------------|-----------------|
| AIR TECHNOLOGIES | APOLLO FIRE | PNEU-MATIC |
| | APPARATUS | ENGINEERING INC |
| | REPAIR INC | |

PROPOSAL: Furnish & Install two (2) Air Compressors for the Troy Fire Department- Stations #4 & #5

| QTY | DESCRIPTION | | | |
|------|---|----------------|-----------------|---------------------|
| 1 ea | Furnish & Install one Air Compressor for Station #4 in accordance with the Specifications. COMPLETE FOR THE SUM OF: | \$ 20,882.00 | \$ 21,720.00 | \$ 22,675.00 |
| 1 ea | Furnish & Install one Air Compressor for Station #5 in accordance with the Specifications. COMPLETE FOR THE SUM OF: | \$ 20,882.00 | \$ 21,720.00 | \$ 22,675.00 |
| | Quoting on Model: | S3-6K13E3-OV | H13E3-LS | W4-7-408-FPGM |
| | Manufactured By: | Bauer | Bauer | Alkin |
| | GRAND TOTAL: | \$ 41,764.00 | \$ 43,440.00 | \$ 45,350.00 |
| | INSURANCE: Can meet Cannot Meet | XX | XX | XX |
| | TERMS: | NET 10 | NET 30 | NET 30 DAYS |
| | WARRANTY: | 1 Year | 1 Year | 1 Year |
| | DELIVERY DATE(S) | 5-6 Months ARO | FOB Destination | Included - 6/1/2005 |
| | EXCEPTIONS: | BLANK | NONE | BLANK |
| | ACKNOWLEDGEMENT: Completed - Y or N | YES | YES | YES |
| | AMENDMENT 1: Y or N | NO | NO | NO |

NO BIDS:

- Argus Supply
- Burke Equipment Co
- Cannon Equipment
- Central Air Compressor
- Detroit Air Compressor
- Engineered Comfort Systems

Opening Date -- 3-23-05
 Date Prepared -- 4/19/05

CITY OF TROY
 BID TABULATION
 AIR COMPRESSORS

ITB-COT 05-11
 Pg 3 of 3

VENDOR NAME:

| | | |
|----------------|--|--|
| PRESSURE | | |
| VESSEL TESTING | | |
| | | |

PROPOSAL: Furnish & Install two (2) Air Compressors for the Troy Fire Department- Stations #4 & #5

| QTY | DESCRIPTION | | |
|------|---|----------------------------|--|
| 1 ea | Furnish & Install one Air Compressor for Station #4 in accordance with the Specifications. COMPLETE FOR THE SUM OF: | \$ 25,699.00 | |
| 1 ea | Furnish & Install one Air Compressor for Station #5 in accordance with the Specifications. COMPLETE FOR THE SUM OF: | \$ 25,699.00 | |
| | Quoting on Model: | Bauer 13 cfm | |
| | Manufactured By: | Bauer | |
| | GRAND TOTAL: | \$ 51,398.00 | |
| | INSURANCE: Can meet Cannot Meet | XX | |
| | TERMS: | NET 30 | |
| | WARRANTY: | 1 Yr Parts / 6months Labor | |
| | DELIVERY DATE(S) | 30-60 Days | |
| | EXCEPTIONS: | N/A | |
| | ACKNOWLEDGEMENT: Completed - Y or N | YES | |
| | AMENDMENT 1: Y or N | NO | |

September 22, 2005

TO: John Szerlag, City Manager

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

SUBJECT: **AGENDA ITEM-** Assembly of Rouge Communities and Watershed Alliance
Legislation

RECOMMENDATION

It is recommended that the City of Troy become a member of the Alliance of Rouge Communities (ARC) by supporting and endorsing the new Bylaws and passing the attached Resolution. These bylaws establish a framework for a formal watershed organization to replace the transitional Assembly of Rouge Communities (Assembly) organization that has been in place since 2003. This organization will continue to work with all of the participating Rouge River Watershed communities by providing services to help meet the Federal Phase II Storm Water Permit requirements along with the on-going restoration efforts for the Rouge River. Attached to this memo is a copy of the letter from the Chair of the Assembly and the final bylaws to create the Alliance of the Rouge Communities.

HISTORY

In 2002, representatives from Oakland County Drain Commissioner's Office, Wayne County, Washtenaw County, Farmington Hills, Dearborn Heights, and Plymouth Township gathered to discuss the continuing efforts to restore the Rouge River. These community representatives looked to the future and planned for the eventual farewell of the Rouge Program Office and the federal grant money that funded a majority of stormwater projects in the Rouge River Watershed. These community representatives developed a plan for a formally organized group that will oversee and ensure that the efforts in the Rouge River Watershed are continued. The plan was to create a formal watershed organization with representatives from all the communities and counties in the Rouge River Watershed. The ultimate goal was the creation of a Rouge River Watershed Local Management Assembly to take over the responsibilities of the Rouge River National Wet Weather Demonstration Project once the federal grant money was no longer available.

The Assembly of Rouge Communities (Assembly) was created in 2003 as a transitional organization and was funded through membership dues from the participating communities and federal grant funding from the Rouge River National Wet Weather Demonstration Project. The Assembly is a watershed organization that assists the member communities in the Rouge River Watershed with meeting the requirements of the federally mandated Storm Water Permit, including water quality monitoring and public education activities. The Assembly relied upon voluntary participation from its member communities in the form of membership dues. These dues are based on population and land area in the Rouge River Watershed. The City of Troy has been a member of the Assembly of Rouge Communities since March 17, 2003 when City Council passed a resolution to join the Rouge River Watershed Local Management Assembly as it was known at that time.

Upon the creation of the Assembly, representatives from various communities and agencies developed a Memorandum of Agreement for the Rouge River Watershed Local Management Assembly. All of these communities were required to sign the Memorandum of Agreement for the Rouge River Watershed Local Management Assembly, have voting rights and pay dues.

Since the inception of the transition Assembly, the member communities of the Assembly worked to draft the formal bylaws for the proposed Alliance of Rouge Communities (ARC.) The proposed ARC is a watershed organization that will continue to assist the member communities in the Rouge River Watershed with meeting the requirements of the federally mandated Storm Water Permit. The ARC has no punitive function, nor methods of governing above or beyond local governmental control. The ARC will continue to rely upon voluntary participation from its member communities in the form of membership dues. Additionally, the ARC will be able to receive grant funding to assist with various storm water permit requirements including water quality monitoring, public education material development, and illicit discharge elimination programs.

FUNDING

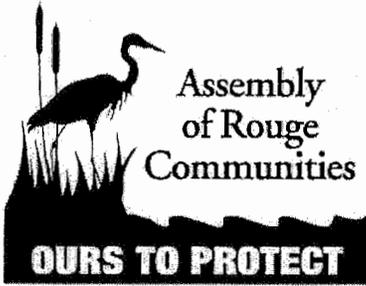
In July 2004, the City of Troy paid membership dues of \$4,443.00.

The payment for 2005 will be \$4,445.00, due upon completion and adoption of the by-laws.

Dues will be paid for out of the Capital Drains Account #410516.7989.1000.

Approved as to form: _____
Lori Grigg Bluhm, City Attorney

Prepared by Jennifer Lawson, Environmental Specialist



Working together, restoring the river

*Robert Beckley, Chair
Assembly of Rouge Communities
Department of Public Works, City of Livonia
12973 Farmington Rd
Livonia, MI 48150-4202*

July 6, 2005

Dear Assembly Member and
Eligible Members of the Alliance of Rouge Communities:

I am pleased to attach a copy of the final bylaws to create the Alliance of Rouge Communities. The attached bylaws are those recommended for approval by the Assembly of Rouge Communities at its June 9, 2005, meeting in Farmington Hills. The Preamble has been revised as suggested at the meeting to indicate the date steps were taken to develop the bylaws. In addition, as recommended at the June 9, 2005, meeting, a new Article has been added that provides for indemnification of Alliance officers and committee chairs while acting on behalf of the Alliance. All other provisions of the bylaws are identical to those presented and approved at the Assembly meeting.

I have also attached for your information a copy of Act 517 Public Acts of 2004 signed by the Governor with immediate effect on January 3, 2004, that was drafted and supported by the communities within the Rouge River watershed.

Consistent with the statutory requirements, the attached bylaws must be approved by the governing bodies of the watershed public agencies that voluntarily agree to membership in the Alliance. Under the attached Preamble to the Alliance of Rouge Communities bylaws, the Assembly of Rouge Communities established by the 2003 Memorandum of Agreement will be dissolved and the Alliance of Rouge Communities created in its place once the governing bodies of at least twenty (20) of the eligible cities, villages, townships or counties adopt the attached Alliance bylaws. The Assembly will continue to function as it has for the past two and half years until the Alliance is formed.

Our goal is to have the Alliance established by the end of September 2005, in time to develop the budget for 2006. Wayne County has indicated that there are sufficient federal funds remaining from the Rouge River National Wet Weather Demonstration Project to again provide a fifty percent match to assist the Alliance in its first year of operation.

I urge you to present the attached bylaws to your governing body (or appropriate elected official) for formal adoption as soon as practical. The bylaws are modeled

Allen Park
Auburn Hills
Beverly Hills
Bingham Farms
Birmingham
Bloomfield Hills
Bloomfield Twp.
Canton Twp.
Commerce Twp.
Dearborn
Dearborn Heights
Farmington
Farmington Hills
Franklin
Garden City
Inkster
Lathrup Village
Livonia
Melvindale
Northville
Northville Twp.
Novi
Oakland County
Plymouth
Plymouth Twp.
Pontiac
Redford Twp.
Rochester Hills
Romulus
Southfield
Superior Twp.
Troy
Van Buren Twp.
Walled Lake
Washtenaw County
Wayne
Wayne County
West Bloomfield Twp.
Westland
Wixom
Ypsilanti Twp.

after the 2003 Memorandum of Agreement that has served the Rouge watershed communities and three counties well over the past two and a half years. It will authorize the members of the Alliance to continue the successful cooperative efforts to more effectively and efficiently meet state storm water discharge permit requirements, satisfy the U.S. District Court's concerns, and improve the management of the river to benefit all our residents.

If you have questions about the formation of the Alliance or the bylaws, please contact me or the other current officers of the Assembly of Rouge Communities.

Robert Beckley (Livonia), ARC Chair

Voice (734)-466-2606; email rbeckley@ci.livonia.mi.us

Wayne Domine (Bloomfield Township), ARC Vice Chair

Voice (248)-433-7731, email wdomine@bloomfieldtp.org

Kurt Giberson (Dearborn) ARC Treasurer

Voice (313) 943-2075; email kgiberso@ci.dearborn.mi.us

Please advise me when your governing body has taken action on the bylaws and forward a copy of the official action as indicated in the Model resolution attached as an appendix to the bylaws.

Sincerely,

Robert Beckley, Chair
Assembly of Rouge Communities

PREAMBLE

ROUGE RIVER ASSEMBLY OF LOCAL GOVERNMENTS (ASSEMBLY) TRANSITION TO THE ALLIANCE OF ROUGE COMMUNITIES (ARC)

The Rouge River watershed, located in southeast Michigan, runs through the most densely populated and urbanized land area in the state. The watershed is approximately 438 square miles in size and includes all or part of 48 municipalities in three counties, with a population of over 1.4 million. The industrial growth of the lower Rouge River in the first half of the twentieth century and the rapid residential and commercial growth in the last half of the century in the upper portions of the watershed created serious pollution problems. Despite pollution control efforts as early as the 1940s, when the Detroit wastewater treatment facility was built to serve southeast Michigan including many of the Rouge River watershed communities, pollution problems have increased in the river. It has only been in the last decade that significant restoration of water quality has begun to be documented as a result of over one billion dollars of investments by area residents for pollution control.

In 1985, at the urging of local citizens and organizations the State of Michigan adopted the Rouge River Basin Strategy. In 1987, the International Joint Commission designated the Rouge River as one of the 43 most polluted areas in the Great Lakes. In 1989, the original Rouge River Remedial Action Plan (RAP) was completed and endorsed by a majority of the watershed communities. This original RAP called for an ambitious twenty-year plan to address pollution problems. The progress in achieving restoration has been documented in Rouge River RAP 2004 Revision (Available at <http://www.rouge.com/geninfo/remaction.html>). In the early 1990s, the United States District Court, at the urging of local communities, facilitated a phased process for correcting combined sewer overflows (CSOs) affecting the river. In 1992, with the bipartisan assistance of the Michigan congressional delegation representing the watershed, Wayne County received the first U.S. Environmental Protection Agency grant for the Rouge River National Wet Weather Demonstration Project (Rouge Project).

The U.S. District Court, as part of its oversight responsibilities for pollution control on the Detroit River stemming from a court case filed in the 1970's and its role in facilitating the CSO resolution (i.e., the "Bulkley Settlement"), has maintained a continuing interest in the results of the Rouge Project. In the mid-1990s, the U.S. District Court strongly urged the 48 local public agencies within the Rouge River watershed to adopt a more comprehensive approach to control pollution from sources other than CSOs. The U.S. District Court proposed a watershed-wide authority under the Michigan Drain Code to manage water issues within the Rouge River watershed. At the same time, the U.S. EPA was required by a

Federal Court consent judgment to adopt regulations to control storm water discharges under the Federal Clean Water Act.

As an alternative to the Drain Code authority proposed by the U.S. District Court, and to comply with the pending U.S. EPA storm water regulations, a group of local agencies and communities within the Rouge River watershed proposed a watershed-based approach to the control of pollution sources related to storm water discharges. In 1997, the MDEQ adopted this unique watershed approach developed by local agencies under the Rouge Project. Subsequently, 41 public agencies with storm water responsibilities within the Rouge River watershed entered into this voluntary general storm water permit which was later endorsed by the United States Environmental Protection Agency (U.S. EPA) as meeting Phase II federal storm water discharge regulation requirements that became mandatory for urbanized communities in 2003.

The watershed-based storm water permit approach, developed with assistance from the Rouge Project, has become a national model. There are now seven cooperatively developed subwatershed water management plans in place for the Rouge River. Each local agency has prepared and submitted a Storm Water Pollution Prevention Initiative Plan (SWPPI) to the MDEQ that identifies their commitments to implement their part of each of the plans. However, the federal funds from the Rouge Project that initially provided the basic monetary support for this joint effort were being substantially reduced and alternative means to continue this cooperative effort was needed as the federal funding was being phased down.

As an interim arrangement in 2003, 38 cities, townships and villages and 3 counties within the Rouge River watershed formed a partnership to address their storm water permit requirements. After successfully operating since August of 2003 under a Memorandum of Agreement establishing the Rouge River Watershed Assembly of Local Governments (hereinafter, Assembly), the Rouge River watershed communities supported the passage of state legislation that would authorize local governments to form watershed alliances. That legislation, Public Act 517 of the Public Laws of 2004, (herein after Watershed Alliance legislation), was signed by the governor on January 3, 2005 with immediate effect. The following outlines the process for transitioning from the informal Assembly to the adoption of the required bylaws to form the new Alliance of Rouge Communities (hereinafter ARC) under this new state law.

Transition from Assembly to ARC

Thirty-eight cities, villages and townships and three counties signed an August 15, 2003, Memorandum of Agreement (herein after, MOA) establishing the Rouge River Watershed Assembly of Local Governments (hereinafter, Assembly). The 2005 Budget, the officers, policies, procedures and assessments to members adopted under the August 15, 2003 MOA will remain in effect until

the formal establishment of the ARC under the proposed attached Bylaws. The Officers elected for the 2005 calendar year under the August 15, 2003, MOA formally noticed all communities, counties and public agencies eligible for membership in the Alliance of Rouge Communities of an organizational meeting hosted by Canton Township on February 22, 2005. At this first meeting, the signatories to the August 15, 2003, MOA determined that there was broad interest in forming a permanent Rouge River watershed organization under the new Watershed Alliance legislation. A transition committee composed of members of the Assembly began drafting the bylaws to form an Alliance of Rouge Communities as required under the new statute. A draft set of bylaws was presented to and modified by the Executive Committee of the Assembly at its April 20, 2005, meeting in Farmington Hills and subsequently provided all prospective members of the proposed Alliance. The Assembly formally recommended that the Bylaws as presented at the June 9, 2005, meeting of the Assembly in Farmington Hills Library be presented to the respective governing bodies for adoption. All members present and voting at the meeting approved the Bylaws with one member abstaining. One additional article, indemnification of officers and certain other members for activities conducted on behalf of the Alliance, was added following the meeting with the approval of the three Assembly Officers and the co-chairs of the Organization Committee as authorized by the Assembly members.

Establishing Alliance of Rouge Communities (ARC)

The formal Alliance of Rouge Communities (hereinafter ARC) shall be established following the adoption of the attached Bylaws by the governing bodies of at least twenty (20) of the eligible cities, villages, townships or counties. A certified resolution of the governing body of the prospective member approving membership under the Bylaws, or the payment of the 2005 assessment will be used to establish those communities with voting privileges for actions taken by the ARC prior to September 30, 2005. After September 30, 2005, a certified resolution accepting membership by the appropriate governing body, designation of a voting representative and alternate representative, and payment of any assessment shall be required for continuing membership and the exercise of voting privileges. Once the ARC is established, the Rouge River Assembly of Local Governments (Assembly) established under the August 15, 2003, MOA shall be dissolved, and all its responsibilities including its oversight in the expenditure of assessments provided by Assembly members shall be transferred to the ARC.

BYLAWS ALLIANCE OF ROUGE COMMUNITIES

*Adopted pursuant to
Part 312, Watershed Alliances,
Michigan Natural Resources and Environmental Protection Act
as amended by Public Act 517 of 2004*

ARTICLE I. PURPOSE

It is the purpose of these Bylaws to set forth the composition, duties, and responsibilities of the watershed Alliance of Rouge Communities (hereinafter the ARC) formed under the provisions of Part 312 Watershed Alliances, Natural Resources and Environmental Protection Act as amended by Public Act 517, 2004. Local public agencies and communities within the Rouge River watershed believe there are substantial benefits that can be derived under this Watershed Alliance through cooperative management of the Rouge River and in providing mutual assistance in meeting state water discharge permit requirements to the Rouge River. The Appendices attached and referred to in these Bylaws are provided for informational purposes only and are not a part of the Bylaws. The Appendices will be periodically updated to reflect the actual boundaries of the ARC based upon the number of eligible public entities which formally accept membership, as well as the annual budget, allocation of assessments, and voting shares in subsequent years.

ARTICLE II. Description, Structure, Decision Making and Operations of ARC

A. Geographic Boundaries

The proposed geographic boundary encompasses the land area within the Rouge River watershed located in portions of Wayne, Oakland and Washtenaw counties in southeastern Michigan shown in the informational map attached as Appendix A to these Bylaws. Under state law the boundaries of the ARC are limited to the jurisdictional boundaries of its members. Appendix A will be updated periodically to show the jurisdictional boundaries of those cities, townships, and villages that have adopted the Bylaws and formally accepted membership. In the event that some eligible Rouge River watershed communities (cities, townships, or villages) do not become members, county members may: 1) include all of their county political boundary within the Rouge River watershed where they intend to exercise their independent water management responsibilities; or 2) include only that portion of the county within the Rouge River watershed where communities have accepted membership in the ARC.

B. Membership of the ARC

1. Membership

a. Primary Members

The Primary Members of the ARC shall consist of a representative, or designated alternate of each township, city, village and county (or county agency) whose legal jurisdiction incorporates areas wholly or partially within geographic boundaries identified in Appendix A and whose governing body by resolution, voluntarily adopts these Bylaws. The eligible Primary Members are listed in Appendix B.

b. Associate Members

The Associate Members of the ARC shall consist of a representative, or designated alternate of a public school district, public college or university, or any other local or regional public agency that has been issued a state permit for a water discharge into the Rouge River and whose governing body by resolution, voluntarily adopts these Bylaws.

2. Cooperating Partners

The ARC encourages the involvement of non-profit organizations, other public agencies or entities, businesses, and residents who share a common interest in protection and restoration of the Rouge River. Those who provide their time, services, expertise or other resources toward the common goal of protection and restoration of the river will be recognized as non-voting, *Cooperating Partners*.

C. Structure of the ARC

1. Election of Officers

The ARC shall elect for a two-year term, from among its members, a Chair, Vice-Chair and Treasurer. The three ARC officers shall be limited to an elected or appointed official, or employee of a *Primary Member* of the ARC as defined in these Bylaws. Officers shall be elected to two year terms at a regularly scheduled ARC meeting through a formal action as described under Article II. D. of these Bylaws. The Chair, Vice Chair and Treasurer of the Assembly shall serve until replaced by a majority vote of the members. The elected Vice Chair, or the elected Treasurer in the event the Vice Chair is unavailable, shall assume the duties of the Chair if the Chair is unavailable. Newly elected officers will assume their duties at the conclusion of business of the meeting at which those officers were elected.

2. Executive Committee

The ARC Executive Committee shall have 14 voting members consisting of

- (3) The elected Chair, Vice-Chair, Treasurer of the ARC,
- (3) One representative or alternate from each member county,
- (7) One representative or alternate from each of the seven Subwatershed Advisory Groups, herein after SWAGS, established under the State of

Michigan, watershed-based, general storm water permit as implemented by communities within the Rouge River watershed, and

- (1) The immediate past Chair, past Vice Chair, or past Treasurer of the ARC shall serve as a member or alternate member with preference given first to the past Chair, then the past Vice Chair, and then the past Treasurer.

The meetings of the Executive Committee shall be chaired by one of the three elected officers. The elected Chair of the ARC shall chair the Executive Committee, with the responsibility succeeding to the elected Vice Chair if the elected Chair is unavailable. If neither the elected Chair nor the elected Vice Chair is present at an Executive Committee meeting, the elected Treasurer shall serve as chair for the meeting. The elected officers of the ARC shall not have alternates serve or vote on their behalf on the Executive Committee.

The three counties and the seven SWAGs shall appoint their respective representatives and alternates to the Executive Committee. Representatives and alternates serving on the Executive Committee, including those appointed by a SWAG, shall be limited to those individuals representing a member public agency that HAS adopted these Bylaws and has paid its membership assessment. In an effort to assure the broadest participation by ARC members, a SWAG appointment to the Executive Committee shall be neither a county representative nor a representative from the same city, township or village as those represented by any current or past ARC officer serving on the Executive Committee. Every reasonable effort will be made to assure that no one community has more than one representative on the Executive Committee.

The Executive Committee will seek consensus on all issues brought before it. In the absence of consensus, the Executive Committee will adopt motions only when a majority of its members (8) vote in favor of a motion. Each member will have one vote including the elected officers of the ARC. A county or SWAG may designate an alternate to serve and vote on behalf of their appointed representative to the Executive Committee.

3. *Meetings*

The ARC shall meet at least twice each calendar year at a designated time and location established by its Executive Committee. Agendas for ARC meetings will be distributed and circulated to all members at least two weeks in advance of all meetings. All official actions of the ARC including the election of officers, adoption of budgets, assessment of costs to members, and all other matters not otherwise specifically delegated to the elected officers, committees or executive director shall be by the full ARC at a regular meeting consistent with the voting procedures in Article II. D. of these Bylaws. The ARC Executive Committee will meet at least four times each year at the call of the Chair. All meetings of the ARC Executive Committee, standing

committees or special committees established under the ARC shall operate under the Robert's Rules of Order unless modified by a majority vote of the ARC members. The meetings of the ARC shall be rotated to locations throughout the Rouge River watershed allowing any member community or agency to host a meeting.

D. ARC Decision Making

The ARC shall take all formal actions, by a simple majority vote of all eligible *Primary* and *Associate Members* at a meeting at which a quorum is present. A quorum shall consist of one more than fifty percent (50%) of all members, eligible to vote and present. Voting shall be limited to members or their designated alternates who are physically present at an ARC meeting. Eligible members are those appointed by an appropriate governing authority that has adopted these Bylaws by resolution and that has paid its assessment. Provided, however, any eligible *Primary Member* may request that formal actions on a specific action item be subject to a voting of shares, and, if supported by at least four other *Primary Members*, the formal decision of the ARC will be based on voting shares. The elected officers may not vote on any issue before the ARC unless they are also serving as the designated ARC representative of their respective public agency. If a voting of shares is requested and supported by a total of five members, adoption of formal actions shall require a simple majority of the voting shares of a quorum based upon the following allocation:

1. Primary Members

The voting shares for city, township and village members shall be based upon the financial contribution of each based upon the approved ARC annual budget and assessment of costs to members. The specific voting shares will be proportional to the annual assessments to each city, township and village as determined under Article III. A. of these Bylaws with one voting share based upon the annual assessment for each divided by \$750 rounded to the nearest whole number. If an assessment is less than \$750, one voting share shall be provided.

The combined voting shares the three counties and county agencies combined shall be limited to twelve percent (12%) of total voting shares and the allocation of voting shares between the three counties shall be determined by the proportional amount of land in each county within the Rouge River watershed. For the purposes of these Bylaws, counties are defined as the appointed/elected Road Commission, the elected County Drain Commissioner, the elected County Executive, or the elected County Commission. Provided, however, only one member or designated alternative shall represent each county.

2. Associate Members

The specific voting shares will be proportional to the annual assessments to each with one voting share based upon the annual assessment for each

divided by \$750 rounded to the nearest whole number. If an assessment is less than \$750, one voting share shall be provided.

3. *Cooperating Partners*

Cooperating Partners shall not have voting privileges, but shall be invited to participate in meetings of standing committees and noticed of all meetings of the ARC and its Executive Committee.

E. ARC Duties

1. *Budget and Assessments*

After the first year, the ARC shall adopt an annual, fiscal year budget for the period from January 1 through December 31 on or before December 15, of each year for the following calendar year. In the first year, the 2005 fiscal year budget of the ARC is attached as Appendix C along with the assessment to members as Appendix B to these Bylaws. Assessments for members will be set at the time each budget is adopted. Modifications to the budget may be adopted at any regularly scheduled ARC meeting, provided however, that assessments, once established for any member, shall not be increased during the calendar year for which they were established. Notwithstanding this provision restricting mid-year changes in assessments, members may voluntarily agree to increase their payments for special services provided by the ARC.

2. *Standing Committees*

The ARC shall establish and outline a purpose for three standing committees on technical issues (Technical Committee), financial management (Finance Committee), and public involvement and education (PIE Committee). The Treasurer shall chair the Finance Committee, and the officers shall appoint the chairs of the Technical and PIE committees from members of the Executive Committee. The standing committee chairs may appoint vice chairs of their respective committees provided such vice chairs represent members. Any member, designated alternate or other representative of a member may serve on any standing committee. Cooperating partners, or other members of the public may be invited to participate in a standing committee, but all official actions of a standing committee shall be limited to participation by those on the committee representing ARC members.

3. *Special Committees*

From time to time, the ARC may choose to establish special committees to consider specific issues or questions. The Chair or Co-Chairs of any special committee established shall be appointed by the ARC, or, by delegation of the ARC, by the Chair. The special

committee Chair(s) and Co-Chair(s) appointed shall be representatives of members of the ARC.

4. *Organization Committee*

The ARC shall establish a committee (Organization Committee) to consider changes to its Bylaws and new members, and to make recommendations to the ARC. The ARC shall appoint members and the Chair or Co-chairs of the Organization Committee that reflect the broad diversity of the ARC membership with respect to geographic location, land area and population within the watershed, and type of public agency.

5. *Other Duties*

The ARC shall:

- Maintain official written record of meetings that includes attendance, issues discussed, and official actions taken.
- Recommend to members any subsequent changes needed to these Bylaws.
- Take other actions required, including delegation of responsibilities to the elected Chair or Executive Committee to carry out the purposes and conduct the business of the ARC including, but not limited to, directing the activities of any committees established under the Bylaws.
- Encourage and promote public involvement in actions and activities of the ARC and of committees established by the ARC, and assure compliance with Open Meetings and Freedom of Information state statutory requirements.
- Develop policies and procedures related to official actions of the ARC, including but not limited to contracting for services, disbursement of funds, and related fiduciary responsibilities.
- Prepare an annual report on the goals and accomplishments of the ARC together with a comprehensive audit report on the expenditures and revenues.

F. ARC Executive Committee

1. The Executive Committee shall:

- With the advice of the standing committees, provide oversight of the expenditure of ARC monies consistent with the approved annual budget by reviewing quarterly financial status reports prepared by the Finance Committee.
- Take those steps required to acquire the services of an ARC Executive Director, including approval of a compensation package consistent with annual budget of the ARC, other

specific terms of employment, and a description of duties and responsibilities.

- Make provisions for other ARC support services consistent with the annual budget.
- Provide fiduciary services for the ARC including preparation of financial reports required by state law.
- Provide a forum for discussion and, if appropriate, make recommendations to resolve issues related to the management of the ARC brought to its attention by any member of the ARC.
- Assist the standing committees, the Organization Committee and any other special committees of the ARC in meeting their respective responsibilities.
- Maintain a written record of each Executive Committee meeting including, as a minimum, attendance, list of issues, and a record of decisions and recommendations.
- Take other actions that are consistent with the provisions of these Bylaws and direction provided by the ARC.

G. ARC Executive Director

1. Any Executive Director selected by the Executive Committee under the provisions of Article II. F. of these Bylaws shall:

- Exercise his or her duties and responsibilities under the day-to-day direction of the ARC Chair or other ARC officer designated by the Chair.
- Not be a voting member of the ARC or any ARC committees, but will be encouraged to participate in meetings of the ARC, ARC officers or ARC committees, and to provide supporting information and recommendations.

ARTICLE III. ASSESSMENT OF COSTS TO MEMBERS

A. Primary Members

1. *City, Village and Township Members*

The assessments to cities, villages and townships will be determined by subtracting the amount of dollar contributions from the approved budget to be provided by counties, Associate Members, and from grants, money gifts, and other income including any balances from prior year ARC budgets. The amount remaining after subtracting these other sources of revenue will be prorated and assessed to each city, village and township primary members based upon equal weight to the population of the unit of government within the watershed according to the most recent United States census, and the land area within the watershed as shown as a part of Appendix B. Provided, however, that maximum assessment to any member shall be limited to no

more than 15% of the total assessments for all other Primary Members in any fiscal year.

2. *County Members*

- a). Based upon the in-kind contributions currently provided by Wayne, Washtenaw, and Oakland counties, the three counties will not be assessed to support the budget of the ARC for fiscal years 2006 and 2007. By August 15, 2007, the ARC will determine whether or not assessments will be made to the counties taking into consideration the level of contribution of in-kind services for ARC related activities each county will provide during 2008 ARC fiscal year. Assessments to counties, if any, for each ARC fiscal year after 2008 will be determined by August 15 of year preceding the fiscal year for which any such county assessment is included in the ARC annual budget using the same criteria.
- b.) The maximum assessment total in any year to all member counties shall not exceed 12% of the combined total assessment for the same fiscal year for all other *Primary Members*. The 12% assessment limitation will be determined based upon the total amount assessed other primary members in the adopted annual ARC budget for a given fiscal year and not the subsequent actual assessments paid. In the event that the total assessments to counties determined on or before August of any given year for the following fiscal year exceeds 12% of the total for all other primary members subsequently approved in the ARC budget for the same fiscal year, the total amount assessed to the counties will be reduced such that the total does not exceed 12% of that assessed all other primary members.

B. Associate Members

The ARC shall assess *Associate Members* at the time they become a member based upon a dollar amount approved by the ARC and agreed upon by the *Associate Member*. The assessment shall reflect the ARC membership benefits provided each *Associate Member*, and any other contributions made by the *Associate Member* to the ARC. The annual assessment to an *Associate Member*, however, shall not be less than the lowest amount assessed any *Primary Member* or \$750 whichever is greater, nor more than \$30,000 or the highest amount assessed any *Primary Member* whichever is greater

C. Adjustment of Assessments

Once adopted as part of a given fiscal year budget, the annual assessments to primary members shall not be lowered based upon the addition of new members or any other additions to income not considered as part of the approved annual budget for that year. *Primary Members* joining after the adoption of the fiscal

year budget shall be assessed as if they were members for the entire fiscal year using the same formula as was applied to other primary members.

ARTICLE IV. RESOLUTION

The eligible members adopting these Bylaws shall do so by the passage of a formal resolution, an example of which is attached as Appendix E, and the exercise of existing authority that includes the ability to commit to the annual payment of assessments for support of ARC as identified in the annual ARC budget. Once a resolution is passed and a certified copy forwarded to the ARC, the public entity will remain a member so long as its assessments are paid in a timely manner. A member may terminate its membership at any time. Provided, however, there shall be no refund of any assessment already paid to the ARC. Services provided through the ARC and any grant funding it receives shall be, to the extent practical, limited to Primary and Associate Members that have adopted the Bylaws and met their respective assessed financial obligations established consistent with the Bylaws

ARTICLE V. INDEMNIFICATION

To the extent permitted by law, the ARC may hold any officer, committee chair, executive director, agent or employee and their respective designees harmless from personal liability for claims made or civil actions commenced against the officer, committee chair, executive director, agent, employee or designee; when acting in good faith within the scope of his/her authority; while discharging his/her official duties on behalf of the ARC; for acts in or not opposed to the best interest of the ARC; or on account of liability of the ARC; only if their actions do not amount to gross negligence and are not contrary to the law. The ARC, pursuant to bylaw or resolution of its board, may obligate itself in advance to defend and hold harmless persons.

The ARC may purchase and maintain insurance on behalf of any officer, committee chair, executive director, agent or employee and their designees against any liability asserted against the person and incurred by the person in any capacity or arising out of the status of the person as an officer, committee chair, executive director, agent or employee of the ARC.

The amount of fees and costs which the ARC shall pay for on behalf of the any officer, committee chair, executive director, agent, employee or designee's defense shall be limited to and shall not exceed insurance limits of the policy, if any, covering the claim or action.

The decision to defend and represent any individual, officer, committee chair, executive director, agent, employee or designee will be made in the sole discretion of the ARC; acting on advice from its legal counsel as to whether said individual, officer, committee chair, executive director, agent, employee or designee was acting while in the scope of

his/her authority, was discharging his/her official duties on behalf of the ARC and if the acts were in or not opposed to the best interest of the ARC.

ARTICLE VI. FIDUCIARY SERVICES

A. Interim Fiduciary Agreement

The Wayne County Department of Environment (hereinafter WCDOE) has agreed to provide fiduciary services for the collection and expenditure of member assessments paid for fiscal year 2005. Under the Fiduciary Agreement with Wayne County, the member assessments paid shall be used only for the services identified in the 2005 Budget attached as Appendix C. It is further understood under the terms of the Fiduciary Agreement with WCDOE that the assessments paid by members may be used to provide the required local match for grant dollars used to support the 2005 budget.

B. Expenditure Controls and Auditing

WCDOE has agreed to provide the Executive Committee full and complete access to records concerning the use of the funds collected from the members so that all expenditures of monies collected through assessments to members can be audited through a process determined to be appropriate by the Finance Committee. WCDOE has further agreed to provide a financial accounting of all funds collected and expended to the Finance Committee by April 1, 2006. The Finance Committee will provide oversight of all expenditures of member assessments and report the status of income and expenditures at each meeting of the Executive Committee. It is understood that the existing provider arrangements for some of the services identified in the 2005 budget may be most efficiently and cost effectively managed in the transition period through the existing Rouge Project contracts administered by WCDOE, or by Wayne County staff currently assigned these responsibilities.

C. Long Term Fiduciary Services

Before December 1, 2005, the ARC will determine how fiduciary responsibilities will be managed beginning on January 1, 2006. It is envisioned that the ARC shall provide its own fiduciary services in the future either through its own staff or through contracted services.

ARTICLE VII. DISSOLUTION OF THE ARC

In the event that its members dissolve the ARC, any unused balances of membership assessments at the time of dissolution not needed to meet ARC obligations shall be redistributed back to the ARC members prorated on the basis of the total ARC assessment paid by each member during the immediately preceding fiscal year. Similarly, uncommitted balances from other sources of revenue (e.g. grants, gifts, contributions, etc) remaining at the time of dissolution of the ARC shall be returned to

the original provider or, if directed by the provider, transferred to a 501c3 organization or public agency that is willing and able to expend the funds for the originally intended purposes.

ARTICLE VIII. AMENDMENTS TO BYLAWS

Any amendments proposed to these Bylaws shall be first reviewed by the Organization Committee who shall, after consideration of proposed amendments, make recommendations to the ARC. The ARC shall not take an action to formally recommend any changes to the Bylaws except at its annual meeting at which the budget for the next fiscal year is presented for approval. To be formally recommended any amendment(s) to the Bylaws shall be: 1) formally noticed to all members at least 30 days prior to the ARC meeting at which they are to be voted upon; and, 2) approved by at least two thirds of all members (or two thirds of all member shares if a voting of shares is requested). Any amendments formally recommended by the ARC shall be sent to all members along with their annual ARC assessment for review and approval by the member's respective governing bodies as the basis for continuing membership. The members shall have five (5) months following the date of the ARC action formally recommending Bylaw amendment(s) to approve the amendment(s). The amended Bylaws shall become effective when at least half of the governing bodies of members approve the amended Bylaws within the specified time limitation.

INFORMATIONAL APPENDICES TO THE BYLAWS

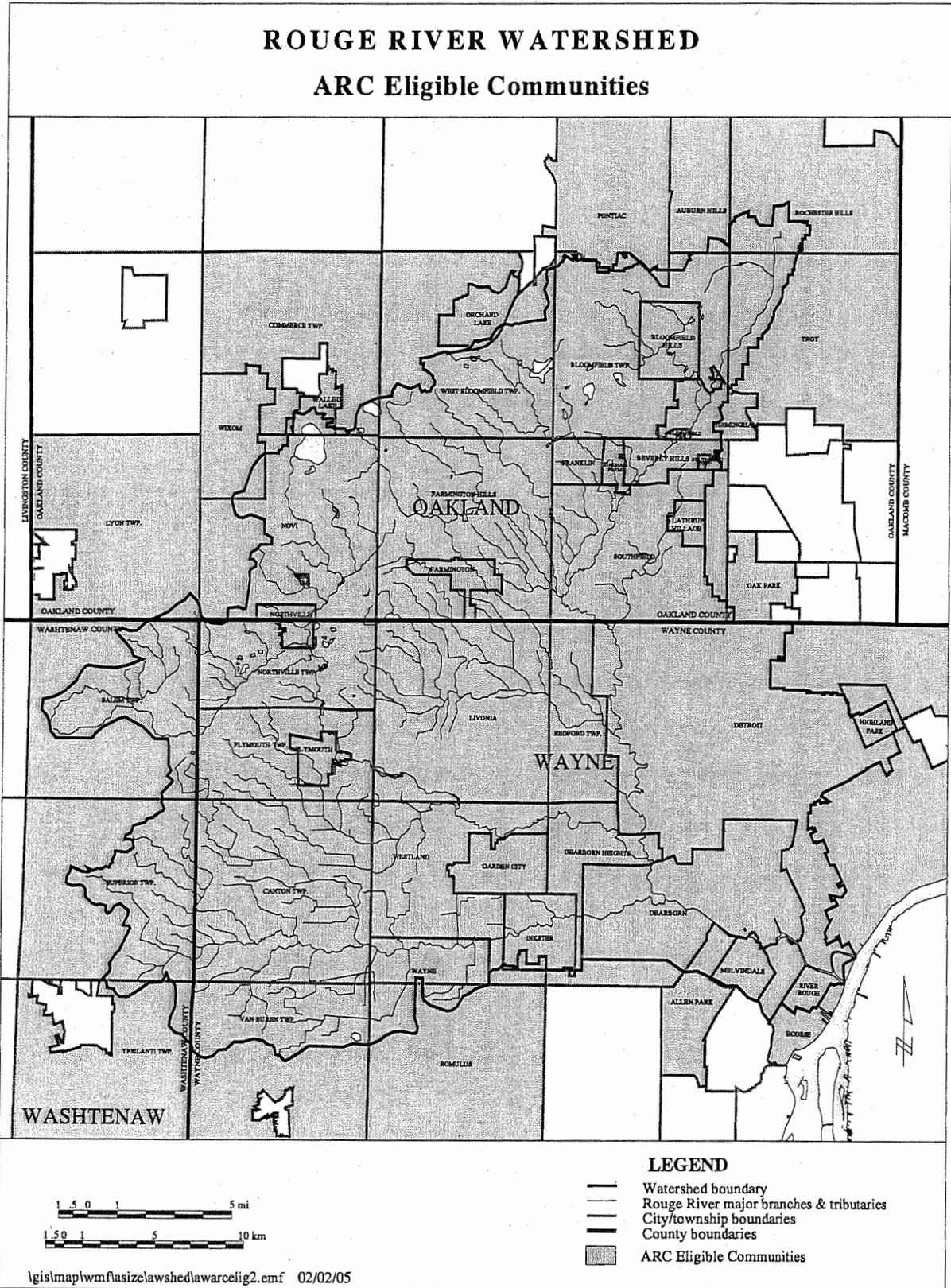
APPENDIX A – Proposed Geographic Boundaries of the Rouge River Watershed including the identification of the political boundaries of eligible primary members

APPENDIX B – Allocation of Costs and Voting Shares that includes: a list of eligible members that are currently members of the Assembly; their respective land area and 2000-census population within the Rouge River watershed, their proportional allocation of costs for support of the 2005 ARC budget based upon equal weight given to land area and population within the watershed, and the voting shares of each. Eligible members that did not participate in the 2003 MOA are listed separately since they have not yet agreed to membership and were not considered in allocating the assessments and voting shares for 2005.

APPENDIX C – 2005 ARC Budget that includes a list of storm water management services and costs, and sources of funding for calendar year 2005.

APPENDIX D – Model Resolution adopting the Bylaws, accepting membership, and committing to payment of 2005 assessment.

APPENDIX A (Page 1 of 1)



Informational attachment to July 2005, Alliance of Rouge Communities Bylaws submitted for adoption by member governing bodies.

APPENDIX B (Page 1 of 2)

Eligible Primary Members of Proposed Alliance of Rouge Communities

| Current Assembly Eligible Members -- Watershed Acres/Population, and Allocation of Costs and Voting Shares for 2005 Fiscal Year | | | | | | | | | | |
|---|-------------------------------|-----------------------------|-------------------------|-------------------------------|---------------------------------------|--------------------------------|---------------------------------|------------------------------------|--|--|
| Community/County [1] | Watershed Area (Acres) [2] | Watershed Population [3] | % Watershed Area [4] | % Watershed Population [5] | Weighted % Area & % Population [6] | Cost/\$297,503 Weighted [7] | Member Voting Shares [8] [9] | Co. Watershed Area (Acres) [12] | | |
| 1 Allen Park* | 892 | 1,490 | 0.36% | 0.15% | 0.26% | \$768 | 1 | | | |
| 2 Canton Twp. | 23,123 | 76,366 | 9.39% | 7.90% | 8.65% | \$25,722 | 34 | | | |
| 3 Dearborn | 15,659 | 97,627 | 6.36% | 10.11% | 8.23% | \$24,488 | 33 | | | |
| 4 Dearborn Heights* | 5,301 | 37,740 | 2.15% | 3.91% | 3.03% | \$9,012 | 12 | | | |
| 5 Garden City | 3,752 | 30,047 | 1.52% | 3.11% | 2.32% | \$6,892 | 9 | | | |
| 6 Inkster* | 3,696 | 27,987 | 1.50% | 2.90% | 2.20% | \$6,541 | 9 | | | |
| 7 Livonia | 22,952 | 100,545 | 9.32% | 10.41% | 9.86% | \$29,342 | 39 | | | |
| 8 Melvindale* | 1,726 | 10,541 | 0.70% | 1.09% | 0.90% | \$2,565 | 4 | | | |
| 9 Northville | 1,298 | 6,458 | 0.53% | 0.67% | 0.60% | \$1,778 | 2 | | | |
| 10 Northville Twp.* | 10,603 | 20,990 | 4.30% | 2.17% | 3.24% | \$9,635 | 13 | | | |
| 11 Plymouth | 1,410 | 8,987 | 0.57% | 0.93% | 0.75% | \$2,235 | 3 | | | |
| 12 Plymouth Twp. | 10,251 | 27,833 | 4.16% | 2.88% | 3.52% | \$10,476 | 14 | | | |
| 13 Redford Twp. | 7,215 | 51,622 | 2.93% | 5.34% | 4.14% | \$12,306 | 16 | | | |
| 14 Romulus* | 2,458 | 3,994 | 1.00% | 0.41% | 0.71% | \$2,099 | 3 | | | |
| 15 Van Buren Twp.* | 8,421 | 8,535 | 3.42% | 0.88% | 2.15% | \$6,399 | 9 | | | |
| 16 Wayne* | 3,829 | 18,830 | 1.55% | 1.95% | 1.75% | \$5,212 | 7 | | | |
| 17 Westland* | 12,457 | 84,177 | 5.06% | 8.71% | 6.89% | \$20,484 | 27 | | | |
| 18 Wayne County | | | | | | | 32 | 176,099 | | |
| 19 Auburn Hills* | 191 | 935 | 0.08% | 0.10% | 0.09% | \$260 | 1 | | | |
| 20 Beverly Hills* | 2,382 | 9,488 | 0.97% | 0.98% | 0.97% | \$2,899 | 4 | | | |
| 21 Bingham Farms | 783 | 1,030 | 0.32% | 0.11% | 0.21% | \$632 | 1 | | | |
| 22 Birmingham* | 1,978 | 12,243 | 0.80% | 1.27% | 1.04% | \$3,080 | 4 | | | |
| 23 Bloomfield Hills | 3,219 | 3,940 | 1.31% | 0.41% | 0.86% | \$2,551 | 3 | | | |
| 24 Bloomfield Twp.* | 16,303 | 41,204 | 6.62% | 4.27% | 5.44% | \$16,190 | 22 | | | |
| 25 Commerce Twp.* | 606 | 1,054 | 0.25% | 0.11% | 0.18% | \$528 | 1 | | | |
| 26 Farmington | 1,706 | 10,423 | 0.69% | 1.08% | 0.89% | \$2,635 | 4 | | | |
| 27 Farmington Hills | 21,311 | 82,112 | 8.65% | 8.50% | 8.58% | \$25,513 | 34 | | | |
| 28 Franklin | 1,680 | 2,958 | 0.68% | 0.31% | 0.49% | \$1,470 | 2 | | | |
| 29 Lathrup Village | 963 | 4,236 | 0.39% | 0.44% | 0.41% | \$1,234 | 2 | | | |
| 30 Novi* | 15,231 | 42,927 | 6.18% | 4.44% | 5.31% | \$15,807 | 21 | | | |
| 31 Pontiac* | 450 | 1,576 | 0.18% | 0.16% | 0.17% | \$514 | 1 | | | |
| 32 Rochester Hills* | 1,977 | 4,562 | 0.80% | 0.47% | 0.64% | \$1,896 | 3 | | | |
| 33 Southfield* | 14,982 | 64,683 | 6.08% | 6.70% | 6.39% | \$19,007 | 25 | | | |
| 34 Troy* | 3,835 | 13,826 | 1.56% | 1.43% | 1.49% | \$4,445 | 6 | | | |
| 35 West Bloomfield Twp.* | 11,081 | 40,956 | 4.50% | 4.24% | 4.37% | \$12,998 | 17 | | | |
| 36 Walled Lake* | 585 | 2,547 | 0.24% | 0.26% | 0.25% | \$745 | 1 | | | |
| 37 Wixom* | 548 | 1,319 | 0.22% | 0.14% | 0.18% | \$534 | 1 | | | |
| 38 Oakland County | | | | | | | 18 | 100,052 | | |
| 39 Superior Twp.* | 10,371 | 7,668 | 4.21% | 0.79% | 2.50% | \$7,444 | 10 | | | |
| 40 Ypsilanti Twp.* | 1,097 | 2,624 | 0.45% | 0.27% | 0.36% | \$1,066 | 1 | | | |
| 41 Washtenaw County | | | | | | | 4 | 22,275 | | |
| All Assembly Members | 246,321 | 966,080 | 100% | 100% | 100% | \$297,503 | 451 | 298,426 | | |

APPENDIX B (Page 2 of 2)
Eligible Primary Members of Proposed Alliance of Rouge Communities

| Community/County [10] | Watershed Area (Acres) [2] | Watershed Population [3] | % Watershed Area [4] | % Watershed Population [5] | Weighted % Area & % Population [6] | Cost/\$297,503 Weighted [7] | Adjusted Limit [11] | Member Voting Shares [8] |
|----------------------------------|----------------------------------|--------------------------------|----------------------------|----------------------------------|--|-----------------------------------|---------------------------|--------------------------------|
| 42 Detroit* | 38,779 | 444,102 | 13.60% | 31.49% | 22.55% | \$67,079 | \$44,625 | 60 |
| 43 Ecorse* | 5 | 51 | 0.002% | 0.01% | 0.004% | \$11 | \$11 | 1 |
| 44 Highland Park* | 902 | 9,201 | 0.36% | 0.94% | 0.65% | \$1,946 | \$1,946 | 3 |
| 45 Lyon Twp.* | 468 | 243 | 0.19% | 0.03% | 0.11% | \$319 | \$319 | 1 |
| 46 Oak Park* | 82 | 689 | 0.03% | 0.07% | 0.05% | \$155 | \$155 | 1 |
| 47 Orchard Lake* | 159 | 125 | 0.06% | 0.01% | 0.04% | \$115 | \$115 | 1 |
| 48 River Rouge* | 1,370 | 9,731 | 0.55% | 1.00% | 0.78% | \$2,306 | \$2,306 | 3 |
| 49 Salem Twp.* | 10,339 | 2,389 | 4.03% | 0.25% | 2.14% | \$6,359 | \$6,359 | 8 |
| Potential Total Additions | 52,103 | 466,531 | | | | | \$55,837 | 78 |

Key to Notations for APPENDIX B Tables

- [1] Communes/Countries that Signed August 2003 Memorandum of Agreement forming the Rouge River Watershed Local Management Assembly (Rouge Assembly)
- [2] Community Acres within Rouge River Watershed, RPO Data Base
- [3] Community Population within Rouge River Watershed, 2000 Census Data (SEMCOG/RPO)
- [4] Percent Land Area within Rouge River Watershed Compared to Total within Watershed
- [5] Percent of Population within Watershed Compared to Total Population within Watershed
- [6] Percent Land Area Plus Percent Population Divided by Two (i.e., equal weight to each factor)
- [7] Total \$297,503 Assessed - Equal Weight Given to Population and Land Area Within Watershed
- [8] Community Shares = Assessment Divided by \$750 Rounded to the Nearest Whole Number
- [9] County Shares = 12% of Total Shares -- Allocated Based on % County Land Area in Watershed
- [10] Rouge Watershed Communities Who Did Not Sign August 2003 Memorandum of Agreement forming the Rouge river Watershed Local Management Assembly (Rouge Assembly)
- [11] Limited to No More Than 15% of Total Assessment of All Other Primary Members
- [12] Includes All County Land Area Within the Watershed - Community Total Membership Land Area in County May Be Less
- * Indicates Communities with Some Portion of Land Area Outside of the Rouge River Watershed

Informational attachment to July 2005, Alliance of Rouge Communities Bylaws submitted for adoption by member governing bodies.

APPENDIX C (Page 1 of 1)

Assembly of Rouge Communities Budget Adopted November 17, 2004, for 2005 Fiscal Year (January 1, 2005 through December 31, 2005)

| Alliance 2005 Budget Items | Recommended 2005 Budget | Source of Service |
|---|----------------------------|---------------------|
| Staff Support for Alliance and SWAGs | | |
| OC1 Administration Services (9 months) | \$ 62,000 | To be hired by ARC |
| OC2 Staff Support (3 months) | \$ 18,000 | RPO* |
| OC3 Subwatershed Advisory Group Facilitation | \$ 81,000 | RPO* |
| <i>Staff Support Total</i> | <i>\$ 161,000</i> | |
| Public Involvement and Education | | |
| PIE1 Public Education Committee Support | \$ 30,000 | RPO* |
| PIE2 Assembly Newsletter | \$ 5,000 | RPO* |
| PIE3 Coordination with SEMCOG | \$ 8,000 | RPO or SEMCOG* |
| PIE4 Assembly PIE Subgrant | \$ 72,690 | Variable |
| <i>Public Involvement and Education Total</i> | <i>\$ 115,690</i> | |
| Technical Support | | |
| TC1 Baseline Sampling Program | \$ 314,000 | RPO* |
| TC2 Rouge Data Dissemination | \$ 19,000 | RPO* |
| TC3 Lab Services | \$ 12,000 | Contracted Service* |
| TC5 Continuous Monitoring | \$ 136,840 | USGS* |
| <i>Technical Support Total</i> | <i>\$ 481,840</i> | |
| Total Budget Approved | \$ 758,530 | |

* Firms or Agencies under contract with WCDOE

Required Change in Assessments Compared to 2004 0%

| Source of funds (assumed) for 2005 budget: | | |
|--|-----------|-------------------|
| 2005 Alliance Assessments (Based on 2004 Assembly Members) | \$ | 297,503.00 |
| Matching Rouge Project Federal Funds | \$ | 297,503.00 |
| Carryover Funds from 2004 Assembly Member Assessments | \$ | 163,524.00 |
| Total Budget | \$ | 758,530.00 |

Informational attachment to July 2005, Alliance of Rouge Communities Bylaws submitted for adoption by member governing bodies.

September 27, 2005

To: John Szerlag, City Manager

From: John M. Lamerato, Assistant City Manager/Finance and Administration
Jeanette Bennett, Purchasing Director
Tonni L. Bartholomew, City Clerk

Subject: **Agenda Item:** Bid Waiver- Informal Quotes – Election Material Printing Services

RECOMMENDATION

City management is requesting to waive the formal bid process for the printing of election supplies and that the printing be awarded to PSI, Printing Systems, Inc., 12680 Delta Drive, Taylor, MI 48180 in an estimated amount of \$11,426.00.

BACKGROUND

The City Clerk's Office, as a matter of procedure, has secured quotes from three vendors specializing in election materials in the State of Michigan. The purchases in past years have regularly fallen below the threshold for obtaining formal bids. Due to the enactment of Election Consolidation with the City overseeing school elections and an increase in the number of absentee ballots, election supply usage have increased over past election cycles. In the process of preparing for the City Regular General Election, it was discovered, that election-printing orders potentially will cross the minimum bid amount. Quotes have been secured from at least three vendors. The lowest quote was selected and products ordered for initial printing supplies. Due to the lateness of this discovery and an urgent need to proceed with the ballot printing, a bid waiver is requested for the ballot purchase. The lowest qualified printer is selected to receive the quote. Printing will begin immediately upon award. The lowest quote submitted involved the usage of a non-State of Michigan approved printer and therefore the quote was not selected. Copies of the State of Michigan approved M-100 ballot printers and the responses we received to our request for quotes are attached.

BUDGET

Funds for these purchases are available in the City Clerk's Election account 192.7901.

Prepared by: Tonni Bartholomew, City Clerk

G:/Purchasing Resolutions/Bid Waiver – Election Printing Services.05.10.doc

CITY OF TROY
 CITY CLERK
 CONTACT: Barbara Holmes
 PHONE: (248) 524-3316
 FAX: (248) 524-1770

ELECTION SUPPLY QUOTES-SUMMARY

| VENDOR | | | | TOTAL PRINTING COSTS |
|---|---------------|------------|--------------------------------|----------------------|
| PRINTING SYSTEMS, INC.: | | | | |
| | AV/Inside | AV/Outside | Ballots | |
| QTY: | 30,000 | 25,000 | QTY: 35,440 | |
| | | \$86.00/M | 0.175/each | \$6,202.00 |
| | \$77.00/M | | Folding of 10,300 AV Ballots | \$309.00 |
| Estimated Shipping: | \$120.00 | \$110.00 | Estimated Shipping: | \$225.00 |
| ESTIMATED TOTAL: | \$2,430.00 | \$2,260.00 | \$6,736.00 | \$11,426.00 |
| ELECTION SYSTEMS & SOFTWARE: | | | | |
| | AV/Inside | AV/Outside | Ballots | |
| QTY: | 30,000 | 25,000 | QTY: 35,400 | |
| | | \$210.00/M | 0.22/each | \$7,796.80 |
| | \$200.00/M | | Folding of 10,300 AV Ballots | 0.00 |
| Estimated Shipping: | \$120.00 | \$110.00 | Included as per State Contract | \$0.00 |
| ESTIMATED TOTAL: | \$6,120.00 | \$5,360.00 | \$7,796.80 | \$19,276.80 |
| FIDLAR ELECTION COMPANY: | | | | |
| ITEMS | | | | |
| | AV/Inside | AV/Outside | Ballots | |
| QTY: | 30,000 | 25,000 | 35,400 | |
| | NO BID | | NO BID | |
| | | | | \$0.00 |
| MILLER CONSULTATIONS & ELECTIONS, INC.: | | | | |
| | AV/Inside | AV/Outside | Ballots | |
| QTY: | 30,000 | 25,000 | QTY: 35,400 | |
| VENDOR NOT CERTIFIED IN STATE CONTRACT FOR BALLOT PRINTING | | \$135.50/M | 0.14/each | \$4,961.60 |
| | \$143.36/M | | Folding of 10,300 AV Ballots | 0.00 |
| Estimated Shipping: | \$120.00 | \$110.00 | Estimated Shipping: | \$225.00 |
| ESTIMATED TOTAL: | \$4,420.80 | \$3,497.50 | \$5,186.60 | \$13,104.90 |

CITY OF TROY
 CITY CLERK
 CONTACT: Barbara Holmes
 PHONE: (248) 524-3316
 FAX: (248) 524-1770

ELECTION SUPPLY QUOTES-AV Envelopes: Inside Outside

| VENDOR | AV ENVELOPES OUTSIDE & INSIDE IMPRINTED | | | | | | | | |
|--|--|--------------------------------|---------------|------------|------------|------------|------------|------------|--|
| | ELECTIONS: NOVEMBER 8, 2005 & MAY 2, 2006 | | | | | | | | |
| | Self-sealing gummed envelopes for outside envelopes. | | | | | | | | |
| 120026 | PRINTING SYSTEMS, INC.: | ITEMS | | | | | | | |
| 12680 Delta Dr. | QUANTITY: | | 30,000 | 25,000 | 20,000 | 15,000 | 10,000 | 5,000 | |
| Taylor, MI 48180 | | AV Imprinted Outside Envelopes | \$85.00/M | \$86.00/M | \$87.75/M | \$90.50/M | \$93.50/M | \$103.50/M | |
| 800-95-12345 ext. 226 | | AV Imprinted Inside Envelopes | \$77.00/M | \$78.50/M | \$80.50/M | \$82.50/M | \$85.50/M | \$98.50/M | |
| Fax: 734-946-1115 | | Estimated Shipping: | \$120.00 | \$110.00 | | | | | |
| Ed Stevens | | ESTIMATED TOTAL: | \$2,430.00 | \$2,260.00 | | | | | |
| ed@printingsystems.us | | | | | | | | | |
| 106111 | ELECTION SYSTEMS & SOFTWARE: | ITEMS | | | | | | | |
| 11208 John Galt Blvd. | QUANTITY: | | 30,000 | 25,000 | 20,000 | 15,000 | 10,000 | 5,000 | |
| Omaha, NE 68137 | | AV Imprinted Outside Envelopes | \$210.00/M | \$210.00/M | \$210.00/M | \$210.00/M | \$210.00/M | \$210.00/M | |
| 1-877-377-8683 | | AV Imprinted Inside Envelopes | \$200.00/M | \$200.00/M | \$200.00/M | \$200.00/M | \$200.00/M | \$200.00/M | |
| Fax: 402-970-1285 | | Estimated Shipping: | \$120.00 | \$110.00 | | | | | |
| Bridget Sheehan | | ESTIMATED TOTAL: | \$6,120.00 | \$5,360.00 | | | | | |
| besheehan@essvote.com | | | | | | | | | |
| 100303 | FIDLAR ELECTION COMPANY: | ITEMS | | | | | | | |
| 6255 Technology Ave. | QUANTITY: | | 30,000 | 25,000 | 20,000 | 15,000 | 10,000 | 5,000 | |
| Kalamazoo, MI 49009-8143 | | AV Imprinted Outside Envelopes | NO BID | | | | | | |
| 269-544-3600 | | AV Imprinted Inside Envelopes | | | | | | | |
| Fax: 800-884-9258 Dottie/Tim | | | | | | | | | |
| Allshouse | | | | | | | | | |
| Cell: 517-403-0088 (Tim) | | | | | | | | | |
| 131641 | MILLER CONSULTATIONS & ELECTIONS, INC.: | ITEMS | | | | | | | |
| | QUANTITY: | | 30,000 | 25,000 | 20,000 | 15,000 | 10,000 | 5,000 | |
| | | AV Imprinted Outside Envelopes | \$134.89/M | \$135.50/M | \$145.35/M | \$146.70/M | \$174.94/M | \$231.52/M | |
| 231-869-4349 | | AV Imprinted Inside Envelopes | \$143.36/M | \$144.54/M | \$154.30/M | \$156.38/M | \$176.40/M | \$233.10/M | |
| Fax: 231-869-5091 | | Estimated Shipping: | \$120.00 | \$110.00 | | | | | |
| Barry Miller | | ESTIMATED TOTAL: | \$4,420.80 | \$3,497.50 | | | | | |
| bmillerMCE@Charter.net | | | | | | | | | |

CITY OF TROY
 CITY CLERK
 CONTACT: Barbara Holmes
 PHONE: (248) 524-3316
 FAX: (248) 524-1770

ELECTION SUPPLY QUOTES-BALLOTS

| VENDOR | BALLOTS | | |
|--|--|-----------------------------------|--|
| | ELECTION: NOVEMBER 8, 2005 | | |
| | M-100 Ballots-Top Stub | | |
| | 8 ballot styles, 18" - 2-sided | | |
| | Camera Ready - 80 lb. Opaque | | |
| | Zero Dirt Content | | |
| 120026 | PRINTING SYSTEMS, INC.: | QUANTITY | COST |
| 12680 Delta Dr. | BALLOT QUANTITY-Precincts: | 32,700 @ 0.175/each | \$5,722.50 |
| Taylor, MI 48180 | BALLOT FOLDING for AV Ballots: | Folding of 10,300 AV Ballots | \$309.00 |
| 800-95-12345 ext. 226 | SAMPLE Ballots: | 640 Sample Ballots @ 0.175/each | \$112.00 |
| Fax: 734-946-1115 | TESTING & CODING Ballots: | 2,100 Test Ballots @ 0.175/each | \$367.50 |
| Ed Stevens | SHIPPING: | Estimated UPS delivery | \$225.00 |
| ed@printingsystems.us | | ESTIMATED TOTAL: | \$6,736.00 |
| 106111 | ELECTION SYSTEMS & SOFTWARE: | QUANTITY | COST |
| 11208 John Galt Blvd. | BALLOT QUANTITY-Precincts: | 32,700 @ 0.22/each | \$7,194.00 |
| Omaha, NE 68137 | BALLOT FOLDING for AV Ballots: | Folding of 10,300 AV Ballots | \$0.00 |
| 1-877-377-8683 | SAMPLE Ballots: | 640 Sample Ballots @ 0.22/each | \$140.80 |
| Fax: 402-970-1285 | TESTING & CODING Ballots: | 2,100 Test Ballots @ 0.22/each | \$462.00 |
| Bridget Sheehan | SHIPPING: | Included as per Michigan contract | \$0.00 |
| besheehan@essvote.com | | ESTIMATED TOTAL: | \$7,796.80 |
| 100303 | FIDLAR ELECTION COMPANY: | QUANTITY | COST |
| 6255 Technology Ave. | BALLOT QUANTITY-Precincts: | 32,700 | NO BID PER PHONE CONVERSATION W/TIM ALLSHOUSE |
| Kalamazoo, MI 49009-8143 | BALLOT FOLDING for AV Ballots: | Folding of 10,300 AV Ballots | |
| 269-544-3600 | SAMPLE Ballots: | 640 Sample @ 0.xx/each | |
| Fax: 800-884-9258 | TESTING & CODING Ballots: | 2,100 Test Ballots @ 0.xx/each | |
| Dottie/Tim Allshouse | SHIPPING: | Estimated UPS delivery | |
| Cell: 517-403-0088 (Tim) | | | |
| 131641 | MILLER CONSULTATIONS & ELECTIONS, INC.: | QUANTITY | COST |
| | BALLOT QUANTITY-Precincts: | 32,700 @ 0.14/each | \$4,578.00 |
| 231-869-4349 | BALLOT FOLDING for AV Ballots: | Folding of 10,300 AV Ballots | \$0.00 |
| Fax: 231-869-5091 | SAMPLE Ballots: | 640 Sample Ballots @ 0.14/each | \$89.60 |
| Barry Miller | TESTING & CODING Ballots: | 2,100 Test Ballots @ 0.14/each | \$294.00 |
| bmillerMCE@Charter.net | SHIPPING: | Estimated UPS delivery | \$225.00 |
| | NOTE: Vendor not certified per State contract | ESTIMATED TOTAL: | \$5,186.60 |

September 29, 2005

TO: The Honorable Mayor and City Council Members

FROM: John Szerlag, City Manager 

SUBJECT: Update and Recommendation Re: Child Group Daycare Homes in the R1-A through R1-E Zoning Districts

On September 12, 2005 City Council passed a resolution advising the Planning Commission to advance a recommendation to the Council regarding child daycare group homes in the R1-A through R1-E zoning districts. Further, Council expected the Planning Commission to make its recommendation after conclusion of their public hearing. On September 27 the Planning Commission conducted the public hearing and approximately 60 people were in attendance. And although the Commission had previously discussed this issue eleven times before, they indicated that more time was required to consider this matter. As such, they postponed final action or recommendation to their December Planning Commission meeting. The Commission also indicated that a recommendation from them would come in advance of their December meeting so that concerned individuals would have a chance to react to the Planning Commission's recommendation.

As you know, our current ordinance precludes child daycare group homes from seven to twelve children in the R1-A through R1-E zoning districts. Although I have indicated no enforcement action will be taken, I cannot take a non-enforcement stance indefinitely. And being told that a solution is on the horizon does not provide me with a comfort level, because a horizon is an imaginary line that recedes as you approach it.

Since the Planning Commission did not adhere to your resolution, my preferred solution would be to have Council schedule a public hearing on this matter to either ratify or modify our existing ordinance relative to child daycare group homes. However, I have been advised by the City Attorney's Office that City Council is not allowed to schedule a public hearing on zoning issues until a recommendation is received by the Planning Commission, regardless of the number of times the Planning Commission has studied the issue.

This leaves as your best option advancing a final resolution to the Planning Commission instructing that a Planning Commission public hearing will be scheduled on October 25, 2005. The purpose of the public hearing will be consideration of a moratorium on the prohibition of child group daycare homes with seven to twelve children in the R1-A to R1-E zoning districts in accordance with Chapter 39, Article 10.00.00. This means I can continue the non-enforcement of our ordinance prohibiting existing, licensed child group daycare homes with seven to twelve children during the duration of this moratorium.

I have attached the following documents for your review should you wish to delve further into this matter.

- Planning Commission – Agenda Item
- Planning Commission – Draft minutes (September 27, 2005)

c: Tonni Bartholomew, City Clerk
Lori Bluhm, City Attorney
John Lamerato, Assistant City Manager/Finance & Administration
Susan Lancaster, Assistant City Attorney
Mark Miller, Planning Director
Brian Murphy, Assistant City Manager/Services
Doug Smith, Real Estate & Development Director
Planning Commission

JS/mr\AGENDA ITEMS\2005\10.03.05 – Update and Recommendation Re: Child Group Daycare Homes in the R1-A through R1-E Zoning Classifications

Date: September 19, 2005
To: Planning Commission
From: Mark Miller, Planning Director *MFM/rbs*
Brent Savidant, Principal Planner *RBS*
Subject: PUBLIC HEARING - ZONING ORDINANCE TEXT AMENDMENT (ZOTA 214) – Article XXVIII, Group Day Care Homes in the R-1A through R-1E Districts

State Representative Kevin Elsenheimer, a sponsor of the Bill, provided a memorandum on the working draft of HB 4398, which consolidates the zoning enabling acts for counties, townships, cities and villages. The working draft proposes that cities would continue to have jurisdiction over whether or not to permit Group Day Care Homes (in-home daycare for between 7 to 12 children).

Currently the City of Troy Zoning Ordinance does not permit Group Day Care Homes in the One Family Zoning District. While the State of Michigan issues licenses for Group Day Care Homes, they do not require applicants to meet local zoning as a condition of license approval. There are presently 20 licensed Group Day Care Homes in Troy that are in violation of the Zoning Ordinance. Note that the Zoning Ordinance permits Family Day Care Homes (in-home day care for up to 6 children) as a Special Condition Use in all one-family residential zoning districts. Commercial Child Care Centers are permitted uses in many districts in Troy.

A Zoning Ordinance Text Amendment Public Hearing is scheduled on this item for the September 27, 2005 Planning Commission meeting. All licensed Group Day Care Home providers were mailed notice of the public hearing, as were all residents within 300 feet of the 20 licensed Group Day Care Homes in Troy.

At their September 12, 2005 meeting, City Council passed a resolution requesting that the Planning Commission forward a recommendation to City Council on September 27, 2005, following the scheduled public hearing.

The Planning Commission has four (4) options available in terms of a Group Day Care Home recommendation:

Option 1: Status Quo

Following final action by City Council, if no changes are made to the Zoning Ordinance, the 20 existing licensed Group Day Care Home would no longer be held in abeyance and would be considered in violation of the Zoning Ordinance. City Management would have to enforce the Zoning Ordinance.

Option 2: Permit by Right – State License Only

This option would permit Group Day Care Homes by right in any residential district, provided the applicant receives a State Group Day Care Home license.

#7

Option 3: Special Use Approval "Light" – Proposed ZOTA 214

The Planning Department prepared draft language for Group Day Care Homes at the request of the Planning Commission (see attached). The language permits Group Day Care Homes by Special Use Approval in the R-1A through R-1E districts, provided the applicant meets a set of standards. The Planning Commission has had limited discussion on the draft text and to date has not agreed on a final draft for ZOTA 214. Note that Article IV of ZOTA 214 has been modified from the version dated 08/02/05, to make the existing definition of "Family Day Care Homes" consistent with the definition used by the State of Michigan.

Option 4: Special Use Approval "Heavy" – Major Thoroughfares Only

This option would limit the location of Group Day Care Homes to major thoroughfares only. This requirement would be consistent with requirements for day care centers in the R-1A through R-1E districts and would not exacerbate traffic on residential streets.

Other Issues

1. Grandfathering of Existing Licensed Group Day Care Homes

If Option 2, 3 or 4 above is selected, the Planning Commission will need to consider the status of the 20 existing licensed Group Day Care Homes. These Group Day Care Homes have never received approval since they are presently not permitted uses. The Planning Commission has two options available to them regarding the continuation of an existing licensed Group Day Care Home:

1. All licensed Group Day Care Homes in existence on a specific date (for example, the date the ZOTA is approved by City Council) shall be "grandfathered" and permitted to exist, or
2. Existing licensed Group Day Care Homes will be required to go through the same approval process as a proposed Group Day Care Home.

2. Expiration of Approval

Since one of the proposed standards of Special Use Approval is that the applicant must have a valid State Group Day Care Home license, it is reasonable to require that Special Use Approval shall expire upon license expiration. This issue needs to be considered by the Planning Commission.

3. Michigan Building Code Issues

The City of Troy enforces the State of Michigan Building Code. There are provisions in the code that are in direct conflict with Family and Group Day Care Homes operating in the City, and have a significant impact on the ability of these operations to comply with the requirements. The Director of Building and Zoning for the City of Troy has prepared a memo dated January 25, 2005, which outlines this issue (see attached). Regardless of the Planning Commission recommendation relating to Group Day Care Homes, the State of Michigan Building Code creates a dilemma for any Family Day Care Home or Group Day Care Home caring for 5 or more children.

There is a Public Hearing scheduled for September 27, 2005, for the consideration of ZOTA 214. The Planning Commission has the authority to make a recommendation to City Council.

Attachments:

1. Email prepared by State Representative Kevin Elsenheimer, sent to City of Troy Planning Department on September 20, 2005.
2. Planning Commission Options, dated 09/19/05.
3. Draft ZOTA 214, dated 09/19/05.
4. Memo prepared by Mark Stimac, dated 01/25/05.
5. Planning Commission Actions (Table).
6. Resolution from September 12, 2005 City Council Meeting.

cc: File/ZOTA 214
Sharon Schafer

G:\ZOTAs\ZOTA 214 Group Day Care Homes\Group Day Care Homes CC Memo 09 14 05.doc

Mark F Miller

From: Brian Mills [BMILLS@house.mi.gov]
Sent: Tuesday, September 20, 2005 10:48 AM
To: Mark F Miller
Cc: aweinfeld@mml.org; jfivas@mml.org
Subject: Daycare Zoning

Mark,

Thanks for your call this morning - here is a sample letter we have been sending out on the issue. Hope this helps, please call me if you need something further.

Brian Mills

To whom it may concern,

Thank you for taking the time to express your position with regard to section 206 of House Bill 4398. Your comments and sentiments are welcome.

The intent of House Bill 4398 is to consolidate the various municipal zoning acts. As you may be aware, under Michigan compiled law, there are three acts which govern the process by which municipalities zone their respective communities. These acts are the City & Village Zoning Act of 1921, the County Zoning Act of 1943 and the Township Zoning Act of 1943. All of these acts all contain sections of law which govern the process by which communities can enact, modify and repeal zoning ordinances.

House Bill 4398 as passed by the Michigan House contains language which would subject cities and villages to specific regulations for permitting group day care homes in zoned communities. This language, specifically, subsection (4) of section 206 was made applicable to cities and village inadvertently in order to make the section uniform with County and Township Zoning Acts. However, considering that the language is contrary to the current laws that cities and village must adhere to and knowing that this change doesn't honor the intent of the bill as introduced, it is my intent to recommend the removal this language in a substitute version of the bill when it is considered by the Senate Natural Resources Committee.

I appreciate your comments about this matter and hope you understand my rationale for making this decision.

Sincerely,

Kevin A. Elsenheimer

Brian Mills
Chief of Staff
State Representative Kevin A. Elsenheimer's Office
P.O. Box 30014
Lansing, MI 48909
Phone: (517) 373-8764
Fax: (517) 373-1841
E-Mail: bmills@house.mi.gov

**GROUP DAY CARE HOMES
PLANNING COMMISSION OPTIONS**

(Note: Underlining, except for major section titles, denotes changes.)

ARTICLE IV DEFINITIONS

THE FOLLOWING CHANGES ARE APPROPRIATE FOR ALL OPTIONS

04.20.60 FAMILY DAY CARE HOME: ~~A private residence in which one (1) to six (6) children under the age of eighteen (18) are received for care and supervision from other than a parent or legal guardian for periods of less than twenty-four (24) hours a day, in addition to children related to an adult member of the family by blood, marriage or adoption. Family Day Care Home includes a home that gives care to such unrelated children for more than a total of thirty (30) days during a calendar year.~~ A private residence that the child care provider lives in and cares for up to six unrelated children for more than 4 weeks in a year when the children's parents/guardians are not immediately available.

04.20.689 GRADE: the term "grade" shall mean a ground elevation established for the purpose of regulating the number of stories and the height of the building. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building.

04.20.69 GROUP DAY CARE HOME: A private residence that the child care provider lives in and cares for up to 12 unrelated children for more than 4 weeks in a year when the children's parents/guardians are not immediately available.

ARTICLE X R-1A THROUGH R-1E ONE FAMILY RESIDENTIAL DISTRICTS

OPTION 1: STATUS QUO

No changes to Article X proposed.

OPTION 2: PERMIT BY RIGHT (SUBJECT TO SPECIAL CONDITIONS)

10.25.05 Group Day Care Homes, as defined in Section 04.20.69, subject to the following conditions:

- A) The number of children so cared for who are not a part of the family residing in the subject dwelling unit shall not exceed twelve (12).

- B) For each child on the premises a minimum of four hundred (400) square feet of outdoor play area shall be provided, in the rear or side yards of the subject dwelling unit.
- C) The conditions applicable to Home Occupations, as defined in Section 04.20.71 and as listed in Section 10.25.01 shall not apply to Group Day Care Homes.
- D) The resident-operator of the Group Day Care Home shall be licensed in accordance with applicable State Law.

OPTION 3: SPECIAL USE APPROVAL "LIGHT"

10.30.10 Group day care homes, subject to the following conditions:

- A. The resident-operator of the Group Day Care Home shall be licensed in accordance with applicable State Law. Expiration of the group day care license shall constitute expiration of Special Use Approval.
- B. There shall be no dropping off of children between the hours of 10:00PM and 6:00AM.
- C. No structural changes or exterior alterations shall be made which would alter the residential character of the dwelling except as required by the State of Michigan licensing rules.
- D. No sign shall be used on the premises.
- E. The conditions applicable to Home Occupations, as defined in Section 04.20.71 and as listed in Section 10.25.01 shall not apply to Group Day Care Homes.
- F. The Planning Commission shall ensure that the parking and drop-off areas are designed for safety and convenience.
- G. The Planning Director may waive any required site plan information provided it can be determined that the application meets the requirements of Section 10.30.10 and Section 03.31.05.
- H. Licensed group day care homes in operation as of the effective date of this provision shall not be required to receive Special Use Approval, provided the group day care license does not expire.

OPTION 4 – SPECIAL USE APPROVAL “HEAVY”

10.30.10 Group day care homes, subject to the following conditions:

- A. The group day care home shall be licensed with the Office of Children and Adult Licensing or the appropriate licensing agency, should the licensing duties be provided by another organization in the future. Expiration of the group day care license shall constitute expiration of Special Use Approval.
- B. There shall be no dropping off of children between the hours of 10:00PM and 6:00AM.
- C. No structural changes or exterior alterations shall be made which would alter the residential character of the dwelling except as required by the State of Michigan licensing rules.
- D. No sign shall be used on the premises.
- E. The conditions applicable to Home Occupations, as defined in Section 04.20.71 and as listed in Section 10.25.01 shall not apply to Group Day Care Homes.
- F. The Planning Commission shall ensure that the parking and drop-off areas are designed for safety and convenience.
- G. The Planning Director may waive any required site plan information provided it can be determined that the application meets the requirements of Section 10.30.10 and Section 03.31.05.
- H. The group day care home shall have frontage on a major thoroughfare, as defined by the City of Troy Transportation Plan.

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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 X of Chapter 39

Article IV Definitions is amended to provide definitions for family day care homes and group day care homes. Article X of Chapter 39 of the Code of the City of Troy is amended to permit group day care homes by special use permit in the R-1A through R-1E One Family Residential Districts subject to specific standards.

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

04.20.60 FAMILY DAY CARE HOME: ~~A private residence in which one (1) to six (6) children under the age of eighteen (18) are received for care and supervision from other than a parent or legal guardian for periods of less than twenty-four (24) hours a day, in addition to children related to an adult member of the family by blood, marriage or adoption. Family Day Care Home includes a home that gives care to such unrelated children for more than a total of thirty (30) days during a calendar year.~~ A private residence that the child care provider lives in and cares for up to six unrelated children for more than 4 weeks in a year when the children's parents/guardians are not immediately available.

04.20.689 GRADE: the term "grade" shall mean a ground elevation established for the purpose of regulating the number of stories and the height of the building. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building.

04.20.69 GROUP DAY CARE HOME: A private residence that the child care provider lives in and cares for up to 12 unrelated children for more than 4 weeks in a year when the children's parents/guardians are not immediately available.

10.30.10 Group day care homes, subject to the following conditions:

- A. The resident-operator of the Group Day Care Home shall be licensed in accordance with applicable State Law. Expiration of the group day care license shall constitute expiration of Special Use Approval.
- B. There shall be no dropping off of children between the hours of 10:00PM and 6:00AM.
- C. No structural changes or exterior alterations shall be made which would alter the residential character of the dwelling except as required by the State of Michigan licensing rules.
- D. No sign shall be used on the premises.
- E. The conditions applicable to Home Occupations, as defined in Section 04.20.71 and as listed in Section 10.25.01 shall not apply to Group Day Care Homes.
- F. The Planning Commission shall ensure that the parking and drop-off areas are designed for safety and convenience.
- G. The Planning Director may waive any required site plan information provided it can be determined that the application meets the requirements of Section 10.30.10 and Section 03.31.05.

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 _____, 2005.

Louise Schilling, Mayor

Tonni Bartholomew, City Clerk

G:\ZOTAs\ZOTA 214 Group Day Care Homes\Draft 09 19 05.doc

DATE: January 25, 2005

TO: Mark Miller, Planning Director

FROM: Mark Stimac, Director of Building and Zoning 

SUBJECT: Potential Building Code Issues
In-Home Day Care Facilities for 6 to 12 Children

The current provisions of the Troy Zoning Ordinance, in Section 10.25.02, regarding provisions for Family Day Care Homes in the R-1A through R-1E Zoning Districts, limits the number of children cared for in such a facility to not more than six. It is my understanding that the Planning Commission is considering a possible text amendment that would modify this restriction so that as many as twelve children could be cared for in such a facility. As background information I want you and the Commission Members to be aware of the possible building code issues that such a facility would be subject to.

The City of Troy, as well as the entire State of Michigan, enforces the State of Michigan Building Code. This is based upon the provisions of Public Act 230 of 1972, as amended. The current edition of the Michigan Building Code is the 2003 Edition. That code has as one of its basic principals that different uses are divided up into "Occupancy Group Classifications" so that the appropriate code requirements can be applied based upon the potential hazards of the differing uses. Per those provisions a detached single family home is an R-3 (Residential) Occupancy Classification. However, when such a structure is used for a day care facility for between six and twelve children the Use Group Classification changes to an E (Educational) Occupancy Group.

Section 305.2 of the Michigan Building Code states: "*The use of a building or structure, or portion thereof, for educational, supervision or personal care services for more than five children older than 2 ½ years of age, shall be classified as a Group E occupancy*".

This change of Occupancy Classification has significant implications on the ability of the structure to comply with the code requirements. There is nothing within the child care licensing laws that exempts these facilities from the building code provisions. Below are some of the more significant additional requirements:

- 1) Buildings of wood frame construction are limited to not more than one story unless provided with an automatic fire sprinkler system.
- 2) Basements are required to be provided with an automatic fire sprinkler system.
- 3) Stairways are required to comply with the tread/riser dimensional requirements for commercial buildings.
- 4) The building must comply with the Michigan Barrier Free Design requirements.
- 5) The building is also subject to the requirements of the Americans with Disability Act.

Based upon my knowledge and experience I do not believe that there are any single family residential homes in Troy that would be able to comply with the code requirements for an educational occupancy classification without significant modifications to the existing structure. It is for this reason, in part, that the limitation of six children is currently utilized in the Troy Zoning Ordinance. Actions of the State to license these facilities in single family homes is being done in conflict with the Michigan Building Code requirements. Modifications of the Zoning Ordinance to allow for these types of larger facilities in Troy will only shift the violation from a zoning compliance problem to a building code compliance problem.

It is my recommendation that the provisions regarding the Zoning Ordinance limiting the number of children permitted to be cared for not be revised from the current limit of six.

Prepared by: Mark Stimac, Director of Building and Zoning

**Planning Commission Actions on
ZOTA 214 Group Daycare Homes
in the R-1 Residential Zoning Districts**

| MEETING DATE | TYPE OF MEETING | ACTION |
|---------------------|------------------------|--|
| April 27, 2004 | Study Meeting | Potential Ordinance Revision Discussion and Presentation by Ms. Schafer |
| May 4, 2004 | Study Meeting | Potential Ordinance Revision Discussion followed by Resolution #PC-2004-05-052 - Request for written confirmation that the Building Dept. violation at 5593 Mandale be held in abeyance while PC attempts to move forward with ZOTA, MOTION APPROVED |
| July 27, 2004 | Study Meeting | Potential Ordinance Revision Discussion |
| Sept. 28, 2004 | Study Meeting | Potential Ordinance Revision Discussion |
| March 1, 2005 | Study Meeting | Brief Discussion after Planning & Zoning Report |
| June 7, 2005 | Study Meeting | Zoning Ordinance Text Amendment Discussion followed by Resolution #PC-2005-06-094, directing the Planning Dept. not to extend any more effort on ZOTA 214, and to look into applicability of the State Building Code for family daycare homes to see if anything should be done in the City Ordinances to clear up potential legalities, MOTION FAILED |
| June 28, 2005 | Study Meeting | Zoning Ordinance Text Amendment Discussion followed by Resolution #PC-2005-06-108, that a Public Hearing on ZOTA 214 be scheduled for August 9, 2005 and notices be sent to residents within 300 ft. of the existing 19 group daycare homes and that City Management provide a memo outlining pros and cons on the matter and that additional Special Use criteria be developed, MOTION APPROVED |
| July 12, 2005 | Regular Meeting | During Good of the Order comments, Mr. Motzney provided an explanation to his memo addressing the Public Hearing for ZOTA 214 |
| August 2, 2005 | Study Meeting | Discussion of House Bill 4398 including Sec. 206 (4) the requirement to permit conditionally group day care homes in residential districts |
| August 9, 2005 | Regular Meeting | Public Hearing, followed by Resolution #PC-2005-08-131, Planning Commission shall take no further action related to group day care homes until State Legislature and Governor have taken final action on House Bill 4398, MOTION APPROVED |
| August 23, 2005 | Study Meeting | During Good of the Order comments, Chair Strat notified members that the State legislature is not going forward with modifications regarding group day care homes in House Bill 4398 and that City Management requested they resume action on ZOTA 214 |

MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

G-1 Announcement of Public Hearings:

- a) Commercial Vehicle Appeal – 2256 Garry – September 19, 2005
 - b) Commercial Vehicle Appeal – 2002 Atlas – September 19, 2005
 - c) Parking Variance – 4550 Investment Drive – September 19, 2005
 - d) Rezoning Application – Cambridge Square Office Buildings, West Side of Dequindre, North of Long Lake, Section 12 – R-1C to O-1 and E-P (Z 707) – September 19, 2005
Noted and Filed
-

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 Councilwoman Broomfield has requested a resolution advising the Planning Commission to make a recommendation to City Council regarding child daycare group homes. This recommendation would be advanced by the Planning Commission after conclusion of their public hearing which is going to be held on September 27, 2005. Please refer to the attached memorandum from the City Manager for further information.**

Resolution #2005-09-432

Moved by Broomfield

Seconded by Howrylak

RESOLVED, That the Planning Commission is **ADVISED TO ADVANCE** a recommendation to the Troy City Council regarding child daycare group homes in the R-1A through R-1E zoning classifications; and

BE IT FURTHER RESOLVED, That the Planning Commission's recommendation **IS EXPECTED** to be formulated after conclusion of the public hearing on this matter at the Planning Commission meeting of September 27, 2005

Yes: All-7

- H-2 Council Member Howrylak has requested that City Council set a public hearing to consider geographically modifying the Downtown Development Authority (DDA) district. Please know that statutory procedure requires the governing body to make a determination that an amendment to the district is in the best interest of the public. Attached is a staff memo indicating minimum statutory timeframes required to modify the DDA district.**

Resolution

Moved by Howrylak

Seconded by Eisenbacher

Resolution # PC-2005-09-152

Moved by: Vleck
Seconded by: Wright

WHEREAS, The State of Michigan as provided in Public Act 207 of 1921 and Public Act 285 of 1931 and subsequent changes thereto provides for city planning and authorizes Planning Commissions and their powers; and

WHEREAS, The City of Troy Planning Commission is empowered by the City of Troy Zoning Ordinance to approve matters coming before it and recommend to City Council, where City Council holds that approval power for themselves.

THEREFORE BE IT RESOLVED, To table the Public Hearing for ZOTA 214 until the Planning Commission Regular Meeting in December and to expedite necessary actions to study this item in the next Planning Commission Study Session in October due to the following reasons:

WHEREAS, This Public Hearing was not initiated by the Planning Commission.

WHEREAS, This Planning Commission is not ready to send any recommendations to the City Council regarding ZOTA 214.

WHEREAS, Staff prepared the verbiage for the proposed ZOTA and the Planning Commission has had very limited discussion on the verbiage of the proposed ZOTA and a consensus as to any necessary changes to the ordinance language has not yet been reached by the Planning Commission.

WHEREAS, Although there may be intent, the status of House Bill No. 4398 has not changed.

WHEREAS, The previous Public Hearing held for by this Body was to get public information from both group day care operations and the neighbors within 300 feet from the existing group day care homes and use that information to help in the formation of any proposed ZOTA language.

WHEREAS, According to the City of Troy Assistant Attorney, Allan Motzny, City of Troy Director of Building and Zoning, Mark Stimac, and the State of Michigan Construction Codes and Fire Safety Department, any building or structure or portion thereof that is used for education, supervision or personal care services for more than five children older than 2-1/2 years of age would be classified as a Group E occupancy and would require the inspection by a State or City Building Inspector before that building could be used for that purpose.

WHEREAS, There is nothing within the child care licensing law that exempts these facilities from the Michigan Building Code provisions.

AND WHEREAS, we would request that the Building Department will hold in abeyance any enforcement of the zoning laws regarding the existence of the group day care homes that are currently licensed and operating in the City until this matter has been resolved by the Planning Commission and the City Council.

Discussion on the motion on the floor.

Mr. Waller stated for clarification that the Public Hearing in December would be a new Public Hearing because the Chair tonight officially closed the Public Hearing.

Chair Strat said the intent of the Public Hearing would be to get public input on detailed items relating to the proposed language.

Mr. Waller said the publication of the notice of the new Public Hearing should carry with it all the language that has been developed to that point by the Planning Commission in their study sessions.

Vote on the motion on the floor.

| | |
|---------|-----------------|
| Yes: | All present (8) |
| No: | None |
| Absent: | Littman |

MOTION CARRIED

September 26, 2005

TO: John Szerlag, City Manager

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

SUBJECT: AGENDA ITEM – ANNOUNCEMENT OF PUBLIC HEARING (OCTOBER 17, 2005) – ZONING ORDINANCE TEXT AMENDMENT (ZOTA 216) – Additional Retail Along Major Thoroughfares in the M-1 (Light Industrial) Zoning District

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

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

The Planning Commission held a public hearing on this item on July 12, 2005 and recommended approval of Version A. City Management recommends approval of Version B. A Public Hearing has been scheduled for the October 17, 2005, City Council Meeting.

Attachments:

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

Prepared by RBS, MFM

cc: File/ ZOTA 216

PREPARED BY RBS, MFM

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

The City of Troy ordains:

Section 1. Short Title

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

Section 2 – Amendment to Article III of Chapter 39

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

28.30.09 Retail uses, subject to the following:

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

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

Section 3. Savings

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

Section 4. Severability Clause

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

Section 5. Effective Date

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

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

Louise Schilling, Mayor

Tonni Bartholomew, City Clerk

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

The City of Troy ordains:

Section 1. Short Title

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

Section 2 – Amendment to Article III of Chapter 39

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

28.30.09 Retail uses, subject to the following:

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

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

Section 3. Savings

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

Section 4. Severability Clause

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

Section 5. Effective Date

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

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

Louise Schilling, Mayor

Tonni Bartholomew, City Clerk

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

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

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

PUBLIC HEARING OPENED

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

PUBLIC HEARING CLOSED

Resolution # PC-2005-07-122

Moved by: Schultz

Seconded by: Wright

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

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

No: Drake-Batts

Absent: Vleck, Waller

MOTION CARRIED

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

September 26, 2005

TO: John Szerlag, City Manager

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

SUBJECT: ANNOUNCEMENT OF PUBLIC HEARING (OCTOBER 17, 2005) –
Rezoning Application – North side of Maple Road, West of Blaney, Section
29 – M-1 to B-3 (Z 708)

RECOMMENDATION

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

GENERAL INFORMATION

Name of Owner / Applicant:

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

Location of Subject Property:

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

Size of Subject Parcel:

The parcel is approximately 1.7 acres in area.

Current Use of Subject Property:

There is a vacant building on the property.

Current Zoning Classification:

M-1 Light Industrial District.

Proposed Zoning of Subject Parcel:

B-3 General Business.

Proposed Uses and Buildings on Subject Parcel:

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

Current Use of Adjacent Parcels:

North: Industrial.

South: Industrial.

East: Automobile repair/service and industrial.

West: Automobile repair/service.

Zoning Classification of Adjacent Parcels:

North: M-1 Light Industrial.

South: M-1 Light Industrial.

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

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

ANALYSIS

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

PRINCIPAL USES PERMITTED:

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

Mortuary establishments.

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

Parking garages and off-street parking areas.

Sales, showrooms, and incidental repair of recreational vehicles.

New and used car salesroom, showroom, or office.

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

Other uses similar to the above uses.

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

USES PERMITTED SUBJECT TO SPECIAL CONDITIONS:

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

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

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

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

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

USES PERMITTED SUBJECT TO SPECIAL USE APPROVAL

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

Motel or Hotel.

Veterinary hospitals or clinics.

Commercial Kennels.

Automobile repair garages.

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

Vehicular and Non-motorized Access:

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

Potential Storm Water and Utility Issues:

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

Natural Features and Floodplains:

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

Compliance with Future Land Use Plan:

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

Compliance with Location Standards:

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

Attachments:

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

Prepared by RBS, MFM

cc: Applicant
File (Z 708)

G:\REZONING REQUESTS\Z-708 Proposed Gymnastics Center Sec 29\Announce CC PH Z 708 10 03 05.doc

CITY OF TROY



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



REZONING REQUEST
FROM M-1 TO B-3

0 100 200 400 Feet





ROAD

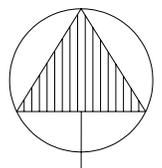
REZONING REQUEST
From M-1 To B-3

CJ-#29

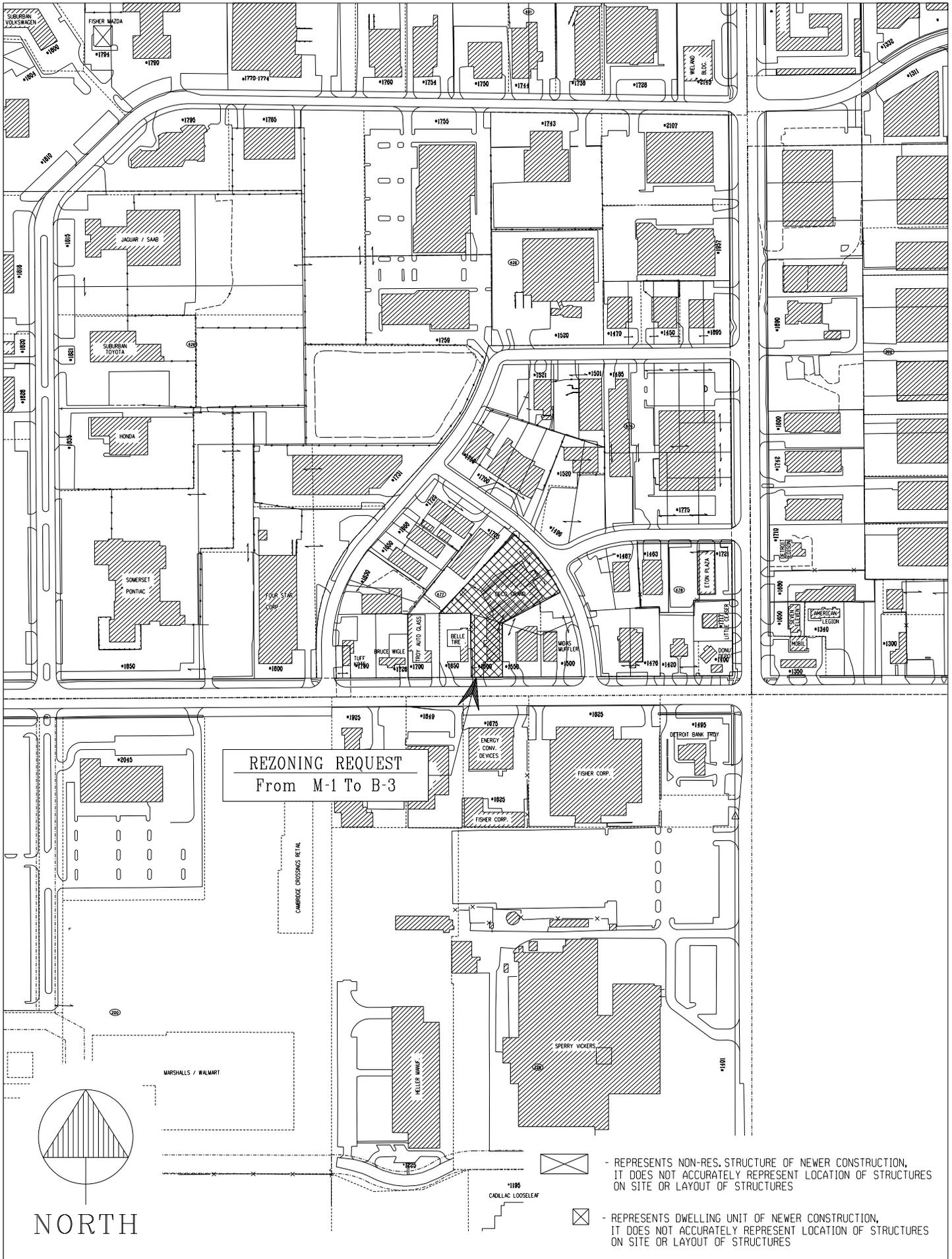


EASEMENT FOR PVT. RD. & UTL.

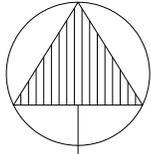
OOKS ROAD



NORTH



REZONING REQUEST
From M-1 To B-3



NORTH

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

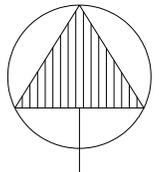
⊠ - REPRESENTS DWELLING UNIT OF NEWER CONSTRUCTION,
IT DOES NOT ACCURATELY REPRESENT LOCATION OF STRUCTURES
ON SITE OR LAYOUT OF STRUCTURES

PLANNED AUTO CENTER

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REZONING REQUEST
From M-1 To B-3



NORTH

City of Troy Rezoning Request

REC'D

AUG 12 2005

PLANNING DEPT.

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

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

Thanks for your consideration.



Toby Buechner

REZONING REQUEST

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

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

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

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2005-09-145

Moved by: Chamberlain

Seconded by: Wright

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

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

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

Yes: All present (8)

No: None

Absent: Khan

MOTION CARRIED

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

September 26, 2005

TO: John Szerlag, City Manager

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

SUBJECT: ANNOUNCEMENT OF PUBLIC HEARING (OCTOBER 17, 2005) –
Rezoning Application – South side of Woodslee Street, East of Rochester
Road, Section 27 – M-1 to R-2 (Z 709)

RECOMMENDATION

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

GENERAL INFORMATION

Name of Owner / Applicant:

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

Location of Subject Property:

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

Size of Subject Parcel:

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

Current Use of Subject Property:

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

Current Zoning Classification:

M-1 Light Industrial District.

Proposed Zoning of Subject Parcel:

R-2 Two Family Residential District.

Proposed Uses and Buildings on Subject Parcel:

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

Current Use of Adjacent Parcels:

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

Zoning Classification of Adjacent Parcels:

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

ANALYSIS

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

PRINCIPAL USES PERMITTED:

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

Two Family dwellings as defined in Section 04.20.45.

Accessory buildings, subject to the controls of Section 40.55.00.

USES PERMITTED SUBJECT TO SPECIAL CONDITIONS:

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

USES PERMITTED SUBJECT TO SPECIAL USE APPROVAL:

Schools.

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

Churches and other facilities normally incidental thereto.

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

Vehicular and Non-motorized Access:

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

Potential Storm Water and Utility Issues:

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

Natural Features and Floodplains:

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

Compliance with Future Land Use Plan:

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

Compliance with Location Standards:

13.40.00

LOCATION STANDARDS:

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

13.40.01

LOCATION:

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

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

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

Attachments:

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

Prepared by RBS, MFM

cc: Applicant
File (Z 709)

G:\REZONING REQUESTS\Z-709 Single Family Home Sec 27\Announce CC PH Z 709 10 03 05.doc

CITY OF TROY



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

REZONING REQUEST
FROM M-1 TO R-2



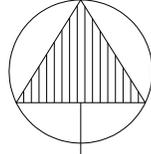
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REZONING REQUEST
From M-1 To R-2



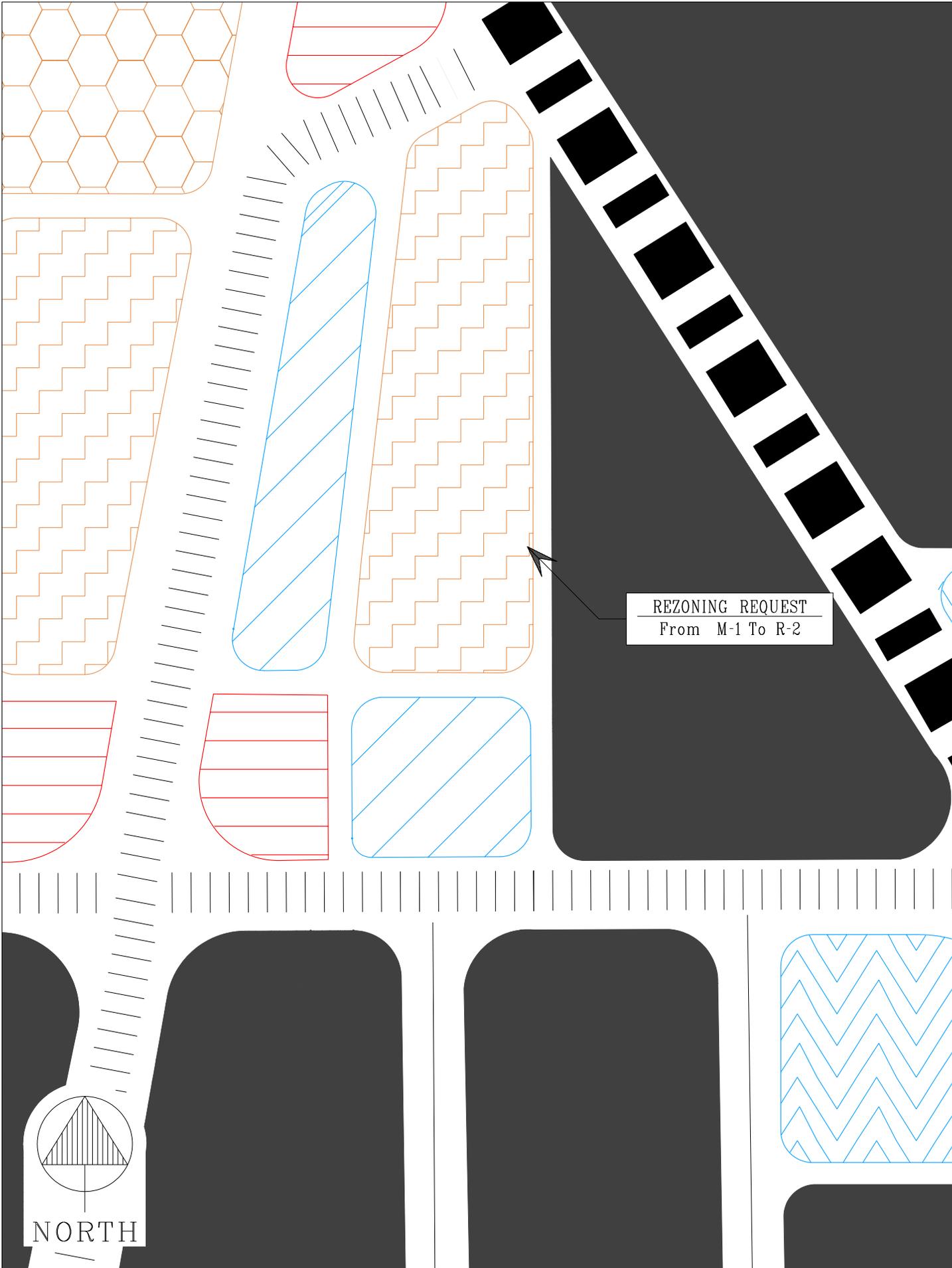
NORTH



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



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



REZONING REQUEST
From M-1 To R-2



To The City of Troy,

Planning Dept.

1150 Woodilee

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

Thank you,

Mike Agnetti

REC'D

AUG 18 2005

PLANNING DEPT.

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

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

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

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

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

PUBLIC HEARING OPENED

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

PUBLIC HEARING CLOSED

Resolution # PC-2005-09-141

Moved by: Littman

Seconded by: Wright

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

Yes: All present (8)

No: None

Absent: Khan

MOTION CARRIED



City of Troy

G-02a

Date: September 26, 2005
To: John Szerlag, City Manager
From: Peggy E. Clifton, Human Resources Director
Re: Tentative Agreement Between Troy Police Officers Association (TPOA) and City of Troy

On August 31, 2005 the City and TPOA bargaining committees reached a tentative agreement for a three-year collective bargaining agreement. This agreement would replace the contract that expired June 30, 2005. The TPOA membership ratified the tentative agreement on September 22, 2005.

This agreement is the 8th collective bargaining agreement to be achieved using the Interest-Based Bargaining method. This is the technique in which both sides discuss possible solutions to “issues” rather than holding to “positions” or “demands”.

This tentative agreement provides a mutually satisfactory solution to the issues raised by both parties in negotiations, and serves to bring more consistency in benefits among employee groups, including implementation of cost-saving measures, consistent with our stated goals. We have succeeded in adopting some significant cost savings in pension and health insurance areas. And, while it includes relatively modest increases in some areas, these are in keeping with maintaining a competitive position with our comparable communities, as well as contributing toward our achieving our goal in other areas. A summary of the tentative agreement is attached for your review.

We support and recommend approval of this tentative agreement at the next regular session of Council, and of course are available to discuss or provide any additional information you may require.

PEC/bjm

Attachment

TENTATIVE AGREEMENT SUMMARY
City of Troy and TPOA
2005-2008 Collective Bargaining Agreement

| <u>ISSUE</u> | <u>SOLUTION</u> |
|--------------------------------|---|
| Wages | 3% per year, 3 year contract |
| Pension | <ol style="list-style-type: none">a. Defined Contribution Plan: For new hires, reduced employer contribution by 1% (from 11% to 10%), and increased employee contribution by 1% (from 5% to 6%).b. The Association agreed to consider participation in an early out pension option that City management may advance as a cost savings measure. |
| Hospitalization/Medical Insur. | <ol style="list-style-type: none">a. The cash-in-lieu amount currently paid to employees who opt out of health insurance will be frozen at the current level. Employees who decide to opt out after ratification date will receive \$250 (reduced from approximately \$390).b. \$5/\$10 drug rider replaces \$5 for all employees.c. Maximum orthodontic benefit increased to \$2000 from \$1200, consistent with other employee groups.d. Eliminated dual coverage for employees who are married to each other. |
| Retiree Medical Insur. | <ol style="list-style-type: none">a. For employees retiring after ratification date, \$5/\$10 drug rider replaces \$5 drug rider.b. Clarified eligibility for retiree health insurance and definition of "two person coverage" |
| Clothing & Cleaning Allowance | Amount of additional clothing allowance allotted for transfers in/out of non-uniform divisions increased from \$75 to \$150; in the event of a mandatory change in uniforms, the amount over \$75 not deducted from the officer's clothing allowance is "per item" instead of "per year". |
| Shift Bonus | Increased shift bonus to \$.60 per hour for afternoons and \$.80 per hour for midnights (from \$.25 and \$.35 respectively), effective on ratification date. |
| Tuition Reimbursement | Annual maximum reduced to \$2500 from \$4000. |

Overtime

Overtime hours worked on a designated holiday to be paid at the rate of two times the hourly rate (increased from 1.5 times the hourly rate, and consistent with the provision in the command officers' contract).

Language Revisions

1. Discipline: If it is decided that an oral or written reprimand will not be removed from a personnel file, the future date established to review the matter will be in 6 months.
2. Promotions: The employer and the Association will jointly institute a professional development program to assist officers interested in promoting.
3. Vacation: Redefined criteria for use of vacation on a one-day-at-a-time basis, established a mandatory minimum annual usage, prohibited carryover to the next year except under exigent circumstances.
4. Overtime: Established a quarterly maximum accumulation of comp time, eliminating any rollover effect; "extra shift" defined as "full ten hour shift" consistent with earlier arbitration ruling.
5. Physical and Psychological Exams: Clarified that the facility for conducting biennial exams will be selected by the fitness committee (consistent with arbitrator's award), rather than stipulating to specific facility in the contract.
6. Association Business: Permits Association President (or designee) to attend TPOA related arbitration hearings; such time does not count toward the 100 hour cap which applies to attending conferences or other matters.
7. Grievance Procedure: Meetings at the Step 1 or Step 2 level will be held within one hour of the start or end of the officer's shift whenever possible.
8. Arbitration: Grievances not settled at step 3 may be filed with the American Arbitration Assoc. (instead of with the Federal Mediation & Conciliation Service).
9. Court Time: Added language addressing how overtime applies if two court appearances are scheduled for the same day.
10. Sick Leave: Requires officers to call in not less than one hour before the start of the shift and daily thereafter, and to state the reason for the use of sick leave.
11. Funeral Leave: Added that funeral leave may be used for bereavement; added 'stepchild' to definition of family.
12. Vehicle Safety: Maximum mileage that patrol vehicles may be driven increased to 90,000 from 70,000.

September 29, 2005

TO: The Honorable Mayor and City Council Members

FROM: John Szerlag, City Manager

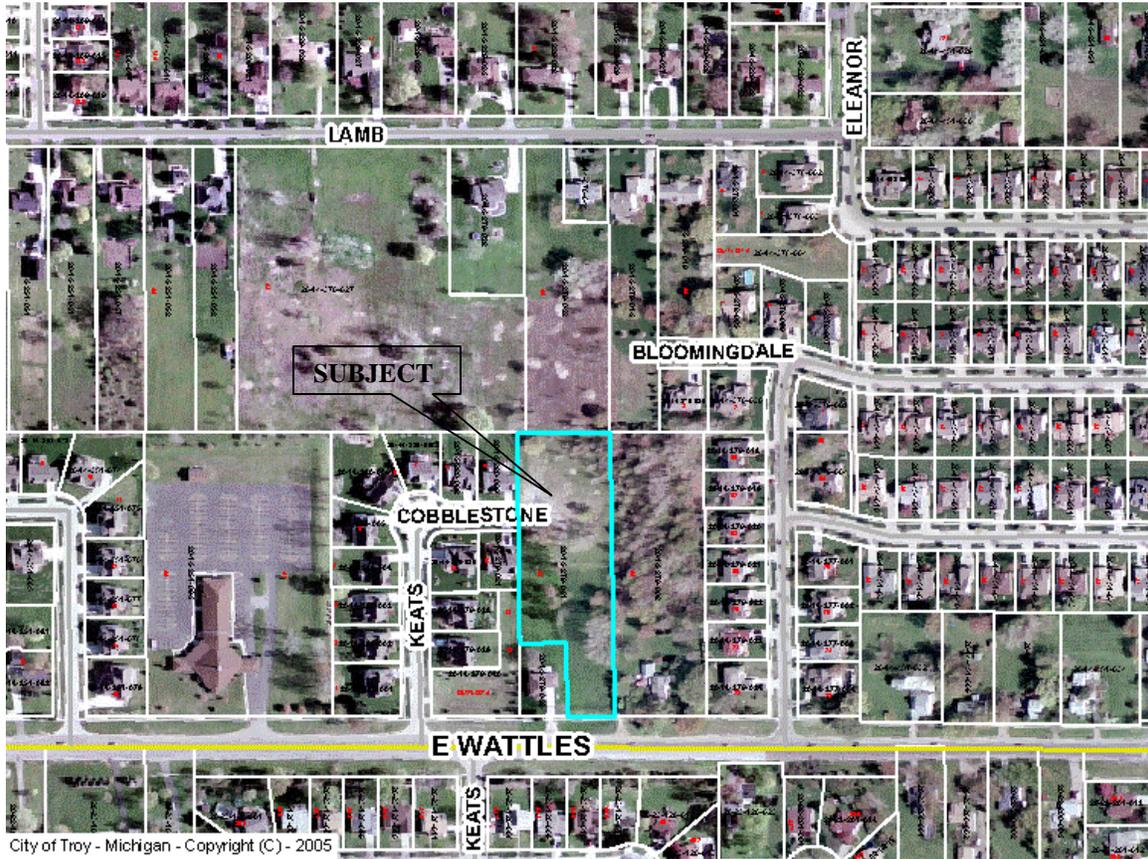
SUBJECT: Proposed Property Donation from Mr. Patrick E. Piscopo;
Brookstone Manor Outlots and Detention Basin –
Southwest ¼ of Section 14, 1369 E. Wattles Road

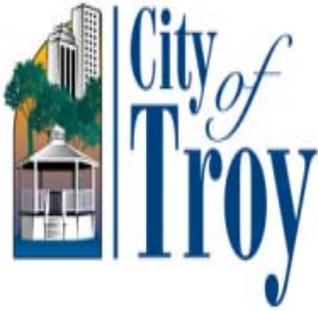
The attached aerial delineates approximately two acres of property which Mr. Patrick E. Piscopo wishes to donate to the City of Troy for parkland or open space. Please know that I've instructed staff to work with Mr. Piscopo in terms of drafting an acquisition document for this property.

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

c: John M. Lamerato, Assistant City Manager/Finance & Administration
Brian P. Murphy, Assistant City Manager/Services
Patrick E. Piscopo, 1369 E. Wattles, Troy, MI 48085
Douglas J. Smith, Real Estate & Development Director

PISCOPO PROPERTY





Memorandum

To: John Szerlag, City Manager
From: John M. Lamerato, Assistant City Manager/Finance and Administration
Tonni L. Bartholomew, City Clerk
Date: September 28, 2005
Subject: Possible Recall Election Cost Estimate

In response to Council Member Broomfield's request and as indicated in our earlier conversation, election costs associated with the possible Recall Election would be substantially higher than \$50,000.00. The \$50,000.00 figure is the estimated billable figure utilized for the May 3, 2005 School Elections. This figure did not include permanent staff costs, costs associated with the canvass of the election and those costs directly related to the recall process.

Attached to this memorandum is a cost sheet, which has an estimate of full-time staff expenses and other related expenses.

Due to the unknown impact of this election the Clerk's Office is proposing, at this time, that this election not be run with consolidated precincts. Consolidation of precincts will be reanalyzed as the election date draws nearer and a true impact is measurable.

It should be noted that should the Recall Election be successful, the follow-up election might fall on the May election date, which would coincide with the School Elections. Should this election occur, the City of Troy would be fully responsible for the costs of the May election with the exception of those expenses that are related solely to school districts. Those fees would be minimal.

| | |
|----------|--|
| \$30.00 | Clerk's Trips to Oakland County for hearings. 15.15 x 4 x .40¢ |
| 4,000.00 | Receive Recall Petitions-Verify signatures approximately 15,000: Estimate 4 full-time staff members 40 hours each (Clerks Office) |
| 410.00 | Review and Confirm Petitions, Notify County and prepare certificate: Estimate 4 hours each (Clerk and Deputy) |
| 120.00 | Transfer Supply Tubs from Wattles to City Hall: Estimate 2 hours each (2 Building Operations Employees) |
| 120.00 | Transfer Display Boards from Wattles to City Hall: Estimate 2 hours each (2 Building Operations Employees) |
| 170.00 | Election Supply Inventory and Quotes: 8 hours (Clerks Office) |
| 480.00 | Supply Tubs-36 tubs restock and verify supplies: Estimate 2 part-time employees 24 hours each (Clerks Office) |
| 160.00 | Update Precinct Display Boards (62): Estimate 1 part-time employee 16 hours (Clerks Office) |
| 240.00 | Deliver and Return Precinct Display Boards: Estimate 2 Building Operation Workers 4 hours |
| 120.00 | Return Supply Tubs to Wattles from City Hall: Estimate 2 hours each (2 Building Operations Employees) |
| 120.00 | Return Display Boards to Wattles from City Hall: Estimate 2 hours each (2 Building Operations Employees) |
| 40.00 | Close of Registration Notices Preparation & Posting: Estimate 1 hour (Deputy) |
| 40.00 | Election Notices Preparation & Posting: Estimate 1 hour (Deputy) |
| 1,200.00 | Preparation of 14,000 Absent Voter Ballot Envelopes, stuff outside envelopes with pencil, secrecy sleeve with instructions: Estimate 3 part-time employees 40 hours each |
| 720.00 | Preparation of 14,000 Absent Voter Applications, attach label and sort into zip code order: Estimate 3 part-time employees 24 hours each |
| 80.00 | Process Absent Voter Applications for delivery to Post Office, Count and Label Trays: Estimate 2 part-time employee 4 hours |
| 60.00 | Deliver to Post Office: Estimate 2 Building Operations Workers: 1 hour |
| 5,220.00 | Receive Absent Voter Applications: Review, date, enter into Qualified Voter File (QVF) file: Estimate 2 full-time employees 120 hours each (Clerks Office) |
| 1,200.00 | Compare voter signature on AV Application against the Voter Master file: Estimate 1 part-time employee 120 hours |
| 810.00 | Prepare ballot wording, receive quotes for ballot, process order, review proof: Estimate 2 full-time employees 8 hours (Clerk and Deputy) |
| 340.00 | Assign Absent Voter Ballot numbers: Estimate 2 full-time employees 16 hours each (Clerks Office) |
| 1,430.00 | Print and attach Absent Voter Labels to inside AV envelope, match with ballot: Estimate 3 full-time employees 24 hours each (Clerks Office) |
| 170.00 | Sort Absent Voter Ballots by Zip Code, Count, label trays, attach election tag, insert into sleeves: Estimate 2 full-time employees 4 hours each (Clerks Office) |
| 3,200.00 | Receive Absent Voter Ballots, review, date and enter into QVF, file ballots in ballot number order: Estimate 1 full-time and 1 part-time employee 120 hours. (Clerks Office) |
| 120.00 | Deliver Absent Voter Ballots to Post Office: Estimate 2 Building Operations Workers 2 hours each |
| 40.00 | Public Accuracy Notices Preparation & Posting: Estimate 1 hour Deputy |
| 80.00 | Prepare Test Deck: Estimate 2 hours Deputy Clerk |
| 810.00 | Mark Test Decks (32): Estimate 2 full-time employees 8 hours each (Clerk and Deputy) |
| 940.00 | Run Test Decks Preliminary Accuracy Test (State Law): Estimate 2 full time employees 16 hours each (2 Building Operations workers) |
| 110.00 | Run Test Decks Public Test (State Law): Estimate 2 full-time employees 1 hour each (Clerk and Deputy) |
| 610.00 | Receive ballots, confirm shipment, proof ballots: Estimate 2 full-time employees 6 hours each (Clerk and Deputy) |
| 120.00 | Transfer ballots to Wattles: Estimate 2 full-time employees 2 hours each (2 Building Operations workers) |

| | |
|----------|---|
| 480.00 | Pack Ballot Transfer Cans-31 cans, seal, and certify: Estimate 4 hours full-time employee (Building Operations worker) |
| 470.00 | Check and prepare Poll Booths, 268 booths-confirm that they are clean and that the lights and pens are in working order for election day: Estimate 2 full-time employees 8 hours each (2 Building Operations workers) |
| 170.00 | Contact voters who inadvertently did not sign their AV Application and/or Ballot: Estimate 1 full-time employee 30 minutes every day for 4 weeks (10 hours) (Clerks Office) |
| 340.00 | Process Candidate Requests: Estimate 1 hour/day 3 weeks (15 hours) 1 full-time employee (Clerks Office) |
| 80.00 | Initial contact to polling locations advising them of an upcoming election-18 locations: Estimate 2 hours full-time employee (Deputy) |
| 360.00 | Initial contact to Precinct Inspectors (approximately 300 inspectors and chairs) advising them of and upcoming election and asking their availability: Estimate 16 hours by full-time employee (Clerks Office) |
| 890.00 | Receive and enter Inspector responses and prepare workers assignments: Estimate 40 hours full-time employee (Clerks Office) |
| 70.00 | Schedule Election Commission Meeting Prepare Agenda Packet: Estimate 1 hour (Clerk) |
| 160.00 | Election Commission Meeting: Estimate 1 hour (Clerk and Deputy) + Compensation Time |
| 900.00 | Confirm receipt or acknowledgement from Inspectors of Assignments and schedule training: Estimate 40 hours full-time employee (Clerks Office) this step involves dozens of phone calls to and from inspectors |
| 900.00 | Prepare training manuals and materials, including PowerPoint presentation: Estimate 8 hours 2 full-time employees (Clerk and Deputy) |
| 40.00 | Duplicate training materials: Estimate 1 full-time employee 2 hours (Clerks Office) |
| 2,200.00 | Conduct Training Classes approximately 7 classes - 2 hours each: Estimate 21 hours 2 full-time employees (Clerk and Deputy) |
| 130.00 | Prepare Election Day Precinct Notices and "Last Minute Instructions": Estimate 2 hours (Clerk) |
| 330.00 | Prepare Precinct Supply Kits (32 Kits) - Prepare Poll Books, Hourly Vote Count Sheets, Optical Scan Statement of Vote Sheets, Ballot Number Sheets, envelopes, etc. with precinct numbers, dates and etc. confirm contents: Estimate 4 hours Clerk and 8 hours 1 part-timer - |
| 70.00 | Meet with Public Information regarding Cable Casting Results and Projecting Results onto PC in Council Chambers: Estimate 2 full-time employees 30 minutes (Clerk and Community Affairs Director) |
| 40.00 | Letter to Senior Facilities regarding Registering to Vote: Estimate 1 hour Deputy |
| 80.00 | Letter to Churches to put Election Notice in their News Bulletins 2 hours Deputy |
| 20.00 | Program Election: Estimate 30 minutes Deputy |
| 40.00 | Contact and instruct Police regarding election and election night delivery of election results: Estimate 30 min Clerk |
| 50.00 | Schedule the set-up of tables, large coffee pots, etc. for AV Board, Order lunch for AV Counting Board and Office Staff restricted to building on election day: Estimate 1 hour full-time employee (Clerks Office) |
| 220.00 | Print Computer Voter Registration lists for precinct notebooks: Estimate 8 hours full-time employee (Clerks Office) and 4 hours part-time employee |
| 250.00 | Prepare office staff instructions Receiving and Certifying Team Instructions and staff assignments including Oaths of Office: Estimate 2 hours each Clerk and Deputy |
| 1,700.00 | Saturday prior to election: Estimate 6 full-time employees 6 hours each (All full-time staff members plus overtime) |
| 1,400.00 | Monday prior to election, delivery of supplies to Chairmen and reconciliation of Absent Voter Ballots: Estimate 6 full-time 5 hours each |
| 1,900.00 | Delivery of election equipment: Estimate 4 full-time Building Operations 16 hours each |
| 1,900.00 | Pick-up of election equipment post election: Estimate 4 full-time Building Operations 16 hours each |
| 1,500.00 | Election Day 6 full-time Clerk's Office Employees 8 hours |

| | |
|---------------------|---|
| 2,710.00 | Election Day 6 full-time Clerk's Office Employees 10 over-time hours |
| 540.00 | Election Day 3 part-time Clerk's Office Employees 16 hours each |
| 1,000.00 | Election Day 4 full time Building Operations Workers 8 hours |
| 1,760.00 | Election Day 4 full time Building Operations Workers 10 over-time hours |
| 240.00 | Election Day 1 full time Information Technology full-time staff member: Estimate 5 hours + overtime |
| 60.00 | Deliver Election Results to Oakland County for Canvass: Estimate 2 hours full-time staff member (Police) |
| 140.00 | Election Inspector Payroll and Thank You notes to Precinct Workers: Estimate 1 full-time staff member 6 hours (Clerks Office) |
| 500.00 | Update Election History: Estimate 1 full-time employee 24 hours (Clerks Office) |
| 80.00 | Send Thank You letters to voting facilities: Estimate 2 hours Deputy |
| 80.00 | Prepare original file, File canvass copy in canvass book, secure all election records: Estimate 2 hours Deputy |
| 90.00 | After election released, bag & seal or box items according to retention schedule: Estimate 3 hours (Building Operations) |
| 90.00 | Prepare for the destruction of election material as provided for by law: Estimate 3 hours (Building Operations) |
| 200.00 | Canvass: Estimate 3 hours (Clerk) |
| 40.00 | Provide AV Application on Web Page: Estimate 1 hour - (Deputy) |
| 40.00 | Provide Sample Ballots on Web Page: Estimate 1 hour Deputy |
| 120.00 | Update Election Results on Web Page on Election Night: Estimate 3 hours Deputy |
| 1,000.00 | Clean-up and organize materials delivered election night: Estimate 8 hours 3 full-time (Clerks Office) |
| 235.00 | Deliver election materials from City Hall to Wattles: Estimate 4 hours 2 Building Operations Workers |
| 1,085.00 | Precinct Kits 31 Kits @ \$35.00 each |
| 20.00 | AV Kits |
| 700.00 | Canvass Expense |
| 11,340.00 | Ballots |
| 750.00 | AV Ballot Folding |
| 1,000.00 | Coding |
| 120.00 | Areo Coding Testing: Estimate 3 hours by Deputy |
| 400.00 | Publications |
| 8,000.00 | Absent Voter Supplies |
| 1,200.00 | Precinct Supplies |
| 33,100.00 | Precinct Inspector Wages Based on August 2004 |
| | |
| \$106,640.00 | TOTAL |

A meeting of the Troy Election Commission was held Tuesday, April 12, 2005, at City Hall, 500 W. Big Beaver Road. City Clerk Bartholomew called the Meeting to order at 7:30 P.M.

ROLL CALL:

PRESENT: Timothy Dewan, City Clerk Tonni Bartholomew
ABSENT: David Anderson
ALSO PRESENT: Deputy City Clerk Barbara Holmes

Minutes: Regular Meeting of February 23, 2005**Resolution #EC-2005-04-06**

Motion by Dewan
Seconded by Bartholomew

RESOLVED, That the Minutes of February 23, 2005 are approved as submitted.

Yes: Bartholomew, Dewan
No: None
Absent: Anderson

Approval of Precinct Inspector Appointments**Resolution #EC-2005-04-07**

Motion by Bartholomew
Seconded by Dewan

City Clerk Bartholomew presented the proposed listing of Election Inspectors for appointment for the Election of Tuesday, May 3, 2005.

Resolution #EC-2005-04-08

Motion by Bartholomew
Seconded by Anderson

RESOLVED, That Election Inspectors be appointed for the Tuesday, May 3, 2005 Election, as presented by the City Clerk, is hereby **APPROVED**.

Yes: Bartholomew, Dewan
No: None
Absent: Anderson

Adjournment:

The meeting was adjourned at 7:34 P.M.

Tonni L. Bartholomew, MMC
City Clerk

DOWNTOWN DEVELOPMENT AUTHORITY MINUTES

MAY 18, 2005

A meeting of the Downtown Development Authority was held on Wednesday, May 18, 2005 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: Michael Culpepper
Michele Hodges
William Kennis
Daniel MacLeish
Carol Price (arrived 7:38)
Ernest Reschke
G. Thomas York
Louise Schilling

ABSENT: Stuart Frankel
David Hay
Alan Kiriluk
Douglas Schroeder
Harvey Weiss

ALSO PRESENT: John Szerlag
Lori Bluhm
John M. Lamerato
Brian Murphy
Mark Miller
Doug Smith
Carol Anderson
Jeff Biegler
Laura Fitzpatrick

APPROVAL OF MINUTES

Resolution: DD-05-09
Moved by: Kennis
Seconded by: Schilling

RESOLVED, That the minutes of the April 20, 2005 regular meeting be approved, with the addition of Long Lake Road to Resolution DD-05-07.

Yeas: All (7)
Absent: Frankel, Hay, Kiriluk, Price, Schroeder, Weiss

OLD BUSINESS

A. Beaver Tales

Dave Waller gave a brief presentation on the Beaver Tales Project. The Board decided to make contributions on an individual voluntary basis.

B. Monarch Project – Developer Presentation

Representatives from the Freed Group made a presentation to the Board on the status as well as a time frame for the proposed development.

Resolution: DD-05-10
Moved by: Hodges
Seconded by: MacLeish

RESOLVED, That the Downtown Development Authority Board supports the Monarch Project and recommends that the Planning Commission approve the plan.

Yeas: All (8)
Absent: Frankel, Hay, Kiriluk, Schroeder, Weiss

C. Update on Big Beaver Landscaping

Carol Anderson and Jeff Biegler gave the Board an update on the condition and plans for the Big Beaver median landscaping.

D. Corridor Study Update

John Szerlag and Doug Smith gave a brief update on the Corridor Study.

PUBLIC COMMENT

One member in attendance addressed the Board.

EXCUSE ABSENT MEMBERS

Resolution: DD-05-11
Moved by: Schilling
Seconded by: MacLeish

RESOLVED, That Frankel, Hay, Kiriluk, Schroeder and Weiss be excused.

Yeas: All (8)
Absent: Frankel, Hay, Kiriluk, Schroeder, Weiss

The meeting was adjourned at 8:24 a.m.

**Next Meeting: June 15, 2005 @ 7:30 a.m. @ Troy City Hall, Lower Level
Conference Room**

G. Thomas York, Vice Chairman

John M. Lamerato, Secretary/Treasurer

JL/pg

A meeting of the ~~Employees' Retirement System~~ Retiree Health Care Benefits Plan & Trust Board of Trustees was held on Wednesday, July 13, 2005, at Troy City Hall, 500 W. Big Beaver Rd., Troy, MI. The meeting was called to order at 1:50 p.m.

TRUSTEES PRESENT: Mark Calice
 Michael Geise
 Thomas Houghton, Chair
 John M. Lamerato
 William R. Need
 Steven A. Pallotta
 Louise E. Schilling
 John Szerlag

ABSENT:

ALSO PRESENT: Laura Fitzpatrick

OTHER BUSINESS – ELECTION OF CHAIRPERSON AND VICE CHAIRPERSON

Resolution # RH – 2005 – 07 - 001

Moved by Lamerato
Seconded by Szerlag

RESOLVED, That the Board elect Thomas Houghton as Chairperson and Steven A. Pallotta as Vice Chairperson.

Yeas: All 7
Absent:

OTHER BUSINESS – 2005 MEETING SCHEDULE

Resolution # RH – 2005 – 07 - 002

Moved by Houghton
Seconded by Pallotta

RESOLVED, That the Board will meet on September 14, 2005 and December 14, 2005 at 1:00 p.m.

Yeas: All 7
Absent:

The next meeting is September 14, 2005 at 1:00 p.m. at City Hall, Conference Room C, 500 W Big Beaver, Troy, MI.

The meeting adjourned at 1:58 p.m.

Thomas Houghton, Chairman

John M. Lamerato, Secretary

JML/bt\Retirement Board\Retiree Health Care Benefits Plan & Trust\2005\7-13-05 Minutes_Amended Final.doc

ADVISORY COMMITTEE FOR PERSONS WITH DISABILITIES – FINAL – AUGUST 3, 2005

A Regular Meeting of the Troy Advisory Committee for Persons with Disabilities was held Wednesday, August 3, 2005, at the lower level conference room at City Hall. Angela Done called the Meeting to order at 7:05 P.M.

Present: S. Burt, member A. Done, member
 A. Fuhrman, alternate T. House, member
 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
 N. Johnson, alternate EA

ITEM B – APPROVAL OF MINUTES OF MEETING OF June 1, 2005

House made a motion that the minutes of June 1, 2005 be approved. Supported by Pietron. All voted in favor.

ITEM C – VISITORS, DELEGATIONS AND GENERAL PUBLIC

Lieutenant Tonya Perry, Fire Dept., Lieutenant Don Mouch, Fire Dept., and Sergeant Don Ostrowski, Police Dept., were in attendance to discuss the City Emergency Preparedness Plan. Since their last visit, Ostrowski and Mouch reported that the City continues to prepare and train staff for emergency situations. The City Emergency Preparedness Response Team works closely with surrounding communities, the Oakland County Emergency Response Team and Homeland Security. Plans are in place for all conceived emergencies.

Perry explained the importance for citizens to have a fire prevention plan for their households. This should include an escape plan, neighbors' awareness of the number of people residing in your house and a regular maintenance check on smoke detectors. She also mentioned the Fire Dept. would provide smoke detectors for low income households.

ITEM D – NEW BUSINESS

Burt made a motion to table the appointment of a new Chair for the Committee until the September meeting; House seconded the motion. Done will chair the meeting until a new appointment is made. Burt and Buchanan are interested in co-chairing the Committee. Done will contact Robin Beltramini to inform her of this.

Nancy Johnson's daughter has reported that Nancy, due to illness, will not be returning. Burt made a motion to request City Council to honorably discharge Nancy as an alternate member to the Committee. Gauri seconded the motion. We would like to

ADVISORY COMMITTEE FOR PERSONS WITH DISABILITIES – FINAL – AUGUST 3, 2005

recognize and thank Nancy for her many years of service and dedication to this Committee. Burt will draft a letter to be sent to Nancy's daughter to accompany the Certificate of Appreciation. The Committee respectfully requests City Council to replace Nancy's vacancy with a new alternate member, as well as appointing two additional vacant positions open on our Committee; a student and a regular member.

ITEM E – REGULAR BUSINESS

Manetta will attend the City Council meeting on 8/15/05.

ITEM F – OLD BUSINESS

Barbara Holmes met with Werpetinski to discuss voting precinct accessibility issues. Werpetinski reported that the training manuals used by voting precinct workers did not have the disability guidelines included in the index. Holmes agreed to include these guidelines in the manuals prior to the next election.

ITEM G - INFORMATIONAL ITEMS

Werpetinski volunteered to contact Done and Pietron by telephone when necessary since they do not have e-mail available.

ITEM H – ADJOURN

Burt made a motion to adjourn at 9:17 which was seconded by House.

Angie Done, Acting-Chairperson

Kathy Jearls, Recording Secretary

The Regular Meeting of the Troy City Planning Commission was called to order by Chair Strat at 7:30 p.m. on August 9, 2005, in the Council Chambers of the Troy City Hall.

1. ROLL CALL

Present:

Gary Chamberlain
Lynn Drake-Batts
Fazal Khan (7:33 p.m.)
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
Christopher Kulesza, Student Representative
Kathy Czarnecki, Recording Secretary

2. MINUTES

Resolution # PC-2005-08-127

Moved by: Schultz
Seconded by: Wright

RESOLVED, To approve the July 12, 2005 Regular Meeting minutes and the July 26, 2005 Special/Study Meeting minutes as published.

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

MOTION CARRIED

3. PUBLIC COMMENT

There was no one present who wished to speak.

SITE PLAN REVIEWS

4. **SITE PLAN REVIEW (SP 920)** – Proposed Troy Retail Center (formerly Cranbrook Plaza), North side of Maple, West side of Dequindre, Section 25 – B-2

Mr. Savidant presented a summary of the Planning Department report for the proposed Troy Retail Center. Mr. Savidant reported that it is the recommendation of City Management to approve the site plan as submitted subject to: (1) relocating the dumpster to the southwest corner of the parcel; (2) eliminating the proposed sidewalk connecting to the south and providing a sidewalk connection to Dequindre to the east; and (3) approving a reduction of 39 off-street parking spaces, per Article 40.20.12.

Mr. Chamberlain asked if a cross access easement would be a consideration on leased property.

Mr. Savidant replied a cross access easement was discussed and determined unnecessary for the proposed development.

Mr. Schultz asked if the development would have an impact on the required parking for the Cultural Center.

Mr. Savidant replied that parking for the Cultural Center would not be impacted.

The petitioner, Jeff Frederick of Stucky+Vitale Architects, 27172 Woodward Avenue, Royal Oak, was present. Mr. Frederick addressed the conditions recommended by staff for site plan approval. He said a catch basin exists on the southwest corner of the parcel in which staff is recommending to place the dumpster. With respect to the parking deficiency, Mr. Frederick said there would be minimal overlapping hours between the Cultural Center and retail uses, indicating the retail would primarily be day hours and the Cultural Center would be evening and weekend hours. Mr. Frederick said it would be preferable to connect the sidewalk to the south for two reasons. It would be necessary to rip up existing landscaping to provide a sidewalk connection to the east, and the owner is confident that a cross access agreement could be obtained with the bank property owner.

Mr. Schultz said there is no cross access agreement on file, and asked the petitioner if he would rather provide the sidewalk connection to the east or have the item tabled.

Mr. Frederick replied that a tabling action would be preferable.

Mr. Miller recommended site plan approval contingent upon securing a cross access easement in the future.

Mr. Waller thought further consideration should be given to the sidewalk location and dumpster location.

Resolution # PC-2005-08-128

Moved by: Waller

Seconded by: Khan

RESOLVED, That Preliminary Site Plan Approval, as requested for the proposed Troy Retail Center, located on the north side of Maple and west of Dequindre, located in Section 25, on approximately 7.25 acres, within the B-2 zoning district, is tabled to the September 13, 2005 Regular Meeting, to provide opportunity to the petitioner, owners and the City to make valid judgments.

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

No: Drake-Batts, Vleck

MOTION CARRIED

Ms. Drake-Batts said there is not enough parking. She voiced concern that a change in property ownership in the future might result in a vacant strip center with no parking.

Mr. Vleck said he would have liked to see the site plan approved tonight, contingent upon the conditions.

5. **SITE PLAN REVIEW (SP 621-B)** – Proposed Bank One/Chase with Drive Up Addition, North side of Big Beaver, West of John R, Section 23 – O-1

Mr. Savidant presented a summary of the Planning Department report for the proposed Bank One/Chase Bank. Mr. Savidant reported that it is the recommendation of City Management to approve the site plan as submitted with the conditions that the petitioner provide: (1) a joint parking agreement in a form acceptable to the City Attorney and executed and recorded by the parties sharing the parking prior to Final Site Plan Approval; (2) a cross access easement to connect to the property to the north as indicated in the letter from the petitioner prior to Final Site Plan Approval; and (3) a direct sidewalk along the north property line abutting the shared parking spaces to the north and east entrances of the building for Preliminary Site Plan Approval.

Mr. Waller asked if the sidewalk would be wrapped around the back side of the building and if any drawings have been submitted.

Mr. Savidant confirmed the sidewalk would wrap around the back side. He said no drawing has been submitted. Mr. Savidant assured the members the applicant has more than enough required parking.

Mr. Littman asked if the property in which the applicant is entering into a joint parking agreement has any other joint parking agreements.

Mr. Miller said there are no other joint parking agreements associated with the subject property.

Chair Strat asked what portion of the building the bank would occupy, and the occupancy of the remaining building.

Mr. Savidant said the bank would occupy approximately one-half of the building. He indicated the petitioner might know if the remaining portion of the building is vacant or occupied.

Mr. Schultz noted the sidewalk layout might eliminate two parking spaces and a barrier-free access to the sidewalks might be possible.

Mr. Savidant said the sidewalk design could have an impact on one parking space.

Mr. Miller pointed out that the existing driveway into the site could potentially cause a traffic bottleneck.

The petitioner, Kelly House-Seaman of Nudell Architects of 31690 W. Twelve Mile Road, Farmington Hills, was present. Ms. House-Seaman indicated they are in agreement with the recommendations of staff.

Kenneth Enghauser of JPMorganChase, 1111 Polaris Parkway, Columbus, Ohio, was present. Mr. Enghauser noted the peak bank hours would be 9 a.m. to 5 p.m., and the peak Troy Sports Center hours are 5 p.m. to 11 p.m.

Resolution # PC-2005-08-129

Moved by: Schultz

Seconded by: Wright

RESOLVED, That Preliminary Site Plan Approval, as requested for the Proposed Bank One/JP Morgan Chase office and drive-thru addition, located on the north side of Big Beaver and west of John R, located in Section 23, on approximately 1.23 acres, within the O-1 zoning district, is hereby granted, subject to the following conditions:

1. A joint parking agreement in a form acceptable to the City Attorney is executed and recorded by the parties sharing the parking, prior to Final Site Plan Approval, as per Article 40.20.03 of the City of Troy Zoning Ordinance.
2. Provide a cross-access easement as shown on the site plan, prior to Final Site Plan Approval.
3. Provide a direct sidewalk along the north property line abutting the shared parking spaces to the north and east entrances of the building, for Preliminary Site Plan Approval.

Yes: All present (9)
No: None

MOTION CARRIED

6. SITE PLAN REVIEW (SP 812-B) – Proposed Chuck E. Cheese Restaurant, North side of Elliott, East side of John R, Section 36 – B-3

Mr. Savidant presented a summary of the Planning Department report for the proposed Chuck E. Cheese restaurant. He noted access is only on Elliott, and not both Elliott and John R as incorrectly stated in the Planning Department report. Mr. Savidant reported that it is the recommendation of City Management to approve the site plan and deviation from the parking standards as submitted with the condition that all angled parking spaces and aisle widths meet the minimum zoning requirements prior to Final Site Plan Approval.

Mr. Schultz asked if the seating capacity problem, as noted by the Building Department, would be alleviated if the Planning Commission takes action on the parking.

Mr. Savidant replied in the affirmative.

The petitioner, Douglas Mossman of Oakland Square Limited Partnership, 412 W. 14 Mile Road, Troy, was present. He reported that the executed lease agreement between Oakland Square Limited Partnership and Chuck E. Cheese stipulates an agreement that the vacant space [approximately 6,000 square feet] cannot be leased for restaurant use. Mr. Mossman said it is his understanding that the City has given credence to the fact that the proposed use is a family-type restaurant that does not have a high need for parking. He noted the adjacent Oakland Square Shopping Center could accommodate excess parking should the need arise.

Resolution # PC-2005-08-130

Moved by: Littman
Seconded by: Wright

WHEREAS, Article 40.20.12 permits the Planning Commission to deviate the parking requirements based upon the specific standards set forth in the Article. The applicant has provided a letter providing justification for the reduced number of parking spaces.

RESOLVED, The Planning Commission hereby approves the reduction of 46 parking spaces to 162 spaces, when 208 spaces are required, as per Article 40.20.12.

BE IT FURTHER RESOLVED, That Preliminary Site Plan Approval, as requested for the proposed Chuck E. Cheese Restaurant, located on the north side of Elliott and east side of John R, located in Section 36, on approximately 3.14 acres, within the B-3 zoning district, is hereby approved, subject to the following condition:

1. All angled parking spaces and aisles shall meet the minimum requirements of the City of Troy Zoning Ordinance, prior to Final Site Plan Approval.

Yes: All present (9)

No: None

MOTION CARRIED

Chair Strat requested a recess at 8:08 p.m.

The meeting reconvened at 8:18 p.m.

ZONING ORDINANCE TEXT AMENDMENT

7. **PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT (ZOTA 214) – Article XXVIII, Group Day Care Homes in the R-1A through R-1E Districts**

Mr. Miller outlined the material provided to the members in addition to their regular meeting packet information.

Chair Strat stated the intent of the Public Hearing and reported that notices of the Public Hearing were sent to residents within 300 feet of group day care home locations. Chair Strat announced guidelines that would be utilized for the Public Hearing due to the size of the audience and the possible number of people who might wish to speak: a time limit of 3 minutes would be set for each person who wishes to speak, repetitive comments would be discouraged, and no clapping. Chair Strat designated Vice Chair Schultz as the timekeeper.

Chair Strat asked the members for a vote of confidence on the guidelines established for the Public Hearing.

Roll Call

Yes: All present (9)

No: None

Mr. Khan provided an explanation and apologized for his lateness to the meeting. Mr. Khan said one of the purposes of the Public Hearing is to receive comments from neighbors of the existing 19 group day care homes to determine the impact, whether negative or positive, the homes might have on the neighbors.

PUBLIC HEARING OPENED

Nichol Childs of 1931 Atlas Court, Troy, was present. She said the issue is heartfelt because it is about our children. Ms. Childs is a group day care home provider and a parent of 3 small children under the age of 6. She said she is sad to see the "City of Tomorrow Today" taking a stance of not recommending such an important issue. She addressed the service provided and said it is from their hearts and not a money-making standpoint. She said child care providers must be patient, loving and kind and are tested on a daily basis. Providers must enjoy what they are doing. Ms. Childs has a degree in early childhood development. She said she called the City of Troy before opening her day care. The Zoning Department informed her that the City allows what the State requires. Ms. Childs said that either people in the office should have the knowledge to give correct information, or should be held accountable for information provided. Ms. Childs addressed the charts provided by the Planning Department that were included in their notebook under tab 2. The charts list which cities permit and do not permit group day care homes. Ms. Childs said she personally called the cities and received contrary information. She said there are 8 cities that allow group day care homes. Ms. Childs said group day care home providers have been in Troy for 32 years, and the City has yet to formulate a real problem associated with the homes. She said she has a problem with members of the commission who appear not to be open-minded and have their minds made up. Ms. Childs referenced a conversation with Mr. Miller in which he said the City does not need to provide a service such as day care homes just because there is a need for it. Ms. Childs said children are not commodities, such as oil refineries to which Mr. Miller said would not be permitted in back yards should there be a need for them.

Don Dandenbergh of 4856 Kings Row, Shelby, was present. Mr. Dandenbergh, principal of Wass Elementary School, said he sees a need for more home care for children in the neighborhood because in this day and age both parents work outside of the home. Mr. Dandenbergh personally knows Sharon Schafer, a group day care home provider, and said she provides an excellent service. He asked the members to consider the needs of children and their parents, and to vote from their hearts in order to provide what is best for the children.

Ken Shepherd of 45538 Sterritt, Utica, was present. Mr. Shepherd is a former Council person and mayoral candidate for the City of Utica and an ordained minister. Mr. Shepherd's two children attend Sharon Schafer's day care home. He said they receive the best of care and learn more than they would if they were to attend a licensed day care facility that can care for more than 12 children. Mr. Shepherd said he and his wife looked very hard to find the best day care provider for their children. Mr. Shepherd said he understood the difficult choices the

Planning Commission members face. He referenced a particular challenge that the City of Utica faced as relates to the safety of children. Mr. Shepherd asked that the members consider what is best for the both the children and the city.

Sharon Manning of 2651 E. Square Lake Road, Troy, was present. Ms. Manning has been a child care provider in the City of Troy for 12 years. She indicated Ms. Drake-Batts has been to her child group day care home. Ms. Manning addressed personal property taxes, and asked why the City would collect personal property taxes on her group child care home if they were opposed to the home-based business. Ms. Manning believes child care service should be grandfathered into the City ordinance. She said a child care provider service is no different than those services that sell computer services, hair services, flower services, lawn services, vehicle garage repairs, in-home maid services, etc. She asked if those services have a special ordinance and are monitored. She asked if the City collects personal property taxes on other home-based businesses. Ms. Manning said child care providers are in compliance, audited, monitored and licensed by the State of Michigan, as well as monitored and audited by Oakland County Child Care Association. She said additional taxes in a single dealt service would be additionally burdensome whereby the reduction to a family size home would substantially reduce and even eliminate some livelihoods, to a point where child care could not be provided. Ms. Manning asked the City to stand by their motto and not increase unemployment, or reduce or eliminate quality educational child care for Troy's pre-schoolers and elementary age students after school.

Michael Upton of 1267 Hartland, Troy, was present. Mr. Upton addressed changing society and the economy with respect to working parents. He said the City would lose valuable, non-replaceable workers, business owners and residents by denying or limiting working parents' options for child care. Mr. Upton said group day care homes provide personalized child care that offers unmatched attention to a child's needs, individual stimulation, education and development. He said they offer more structured and disciplined programs and more flexibility for working parents (i.e., drop off/pick up times, special parental requests and special children needs). Mr. Upton said home child care providers have little or no staff changes and are able to bond with children on a consistent basis. Mr. Upton said home child care providers offer lower child care rates and focus more on the development of a child, instead of the physical care such as feeding, diaper changing, or sanitation. Mr. Upton said no one could replace the love he has for his daughter, and asked that the option be his to choose a day care provider that gives his daughter the next best thing, and that is his group day care home provider.

Jill Gelder of 152 MacLynn, Troy, was present. Ms. Gelder is a 15-year resident of Troy who worked at Honeybee Child Care for 7 years. She addressed the changing society and the closeness that is established in a group day care home for both children and parents. Ms. Gelder said she still talks to the parents and children that she cared for 7 years ago. Ms. Gelder said child care centers are sterile, cold and impersonal. She said group day care homes accommodate expectant mothers. She addressed pick-up/drop off times and noted the standard hours between 7:30

and 9:30 a.m. generate little traffic. Ms. Gelder said she loved working at Honeybee Child Care, she loved the parents and children, and asked the members to reconsider its decision.

F. M. Sheridan, M.D., of 1930 Atlas Court, Troy, was present. Dr. Sheridan is a retired Emeritus pediatrician on the staff of Beaumont Hospital. Dr. Sheridan lives across the street from Nichol Childs, a group day care provider. He said he knows Ms. Childs personally and knows the place she runs. Dr. Sheridan thinks it is great. He said he has dealt with kids for 45 years; he knows mothers and kids, and said group child care providers are a needed service.

Syed Mohiuddin of 6150 Country Ridge, Troy, was present. Mr. Mohiuddin and his wife operate a group day care center from their home. Mr. Mohiuddin submitted a petition of 22 neighbors in the Crescent Ridge West subdivision who attested they are aware of and are not adversely or negatively affected by the day care center at 6150 Country Ridge.

Angela Andrews of 13133 Concord, Sterling Heights, was present. Ms. Andrews stated that the group day care center operated by herself and her mother in Sterling Heights received approval by the City's zoning board on June 3, 2004. She said the city recognizes its obligation to protect the availability of day care openings because of the increase in the number of families seeking day care. Ms. Andrews said they had no opposition from their neighbors, and indicated one neighbor considers it as a neighborhood watch. Ms. Andrews said the hours of operation at their day care are as early as 4:30 a.m. for parents working at factory positions, and later evening hours than provided at commercial centers to accommodate parents when necessary.

Bernie LaBute of 636 Vanderpool, Troy, was present. Mr. LaBute addressed the special needs of his daughter. He chose to move to Troy from Ohio because of the excellent school system and child care providers. He said after a short period of time at Mrs. Kay's child care facility, his daughter's skills improved. His daughter is able to sign several sentences, her wants and needs, and is a happier child. Mr. LaBute said his daughter has reached levels of development that were once thought unapproachable, and he attributes it to the warm and caring environment of the child care provider.

Shannon Hougenid of 1715 Gardenia, Royal Oak, was present. Ms. Hougenid is a child care provider and the daughter of a child care provider. Ms. Hougenid's mother stayed home during her father's illness to help put her and her sister through school, as well as provide care for 12 children. Ms. Hougenid said home day centers provide good values and morals to children of dual income parents and separated families. Ms. Hougenid said employees at corporate day care centers are not allowed to hug children under their care. She addressed the delight that many neighbors experience with children in the neighborhood; i.e., Halloween parade, dandelion bouquets, etc.

Kathleen Peterson of 1175 Garwood, Troy, was present. Ms. Peterson has been a group day care provider for over 12 years and a family day care provider for 6 years. She said the difference between group day care and family day care is phenomenal. Ms. Peterson said there is a waiting list for parents seeking home child day care because providers have a proven track record, are licensed by the State and are competitive with commercial providers. She cited businesses such as Ford, Visteon, and EDS who utilize their services. Ms. Peterson referenced an e-mail message she received from a parent voicing the negative impact should the City not allow group child care providers. Ms. Peterson said she has lived in three different homes in Troy and has never had any complaint from a neighbor.

Kevin Brown of 1079 Rochelle Park, Rochester, was present. Mr. Brown works in Troy. He addressed commercial day care centers with respect to the inconsistency of care, employee turnover, and violations. He encouraged the members to compare the violations cited against commercial day care providers and group and family day care providers. Mr. Brown said home day care providers accommodate the siblings; commercial day care does not. He said Ms. Duford of Honeybee Child Care creates and maintains a file on each child in terms of development, interaction with other children, following directions, etc.; commercial day care do no child evaluations.

Amanda Sanday of 51472 Merowske, Shelby Twp, was present. Ms. Sanday has been a group day care employee in Troy for approximately three years. She said the low employee turnover rate of group day care homes provide a comfort to the children. The kids come in every morning and know Ms. Amanda, Ms. Nicole and Mr. Curtis are there to take care of them. Ms. Sanday said child care homes are the eyes and ears of the neighbors who are at work and, in essence, provide a neighborhood watch. Ms. Sanday asked what the members would tell the 100 plus families should day care homes not be permitted, and where would the families go for child care.

Hung Dam of 4104 Livernois, Troy, was present. Mr. Dam is currently a group day care provider in Centerline and would like to open a group day care home in Troy. The home would specialize in the care of children who cannot speak English.

Roberta Rapp of 930 John R, Troy, was present. Ms. Rapp addressed the change in society and her reaction to news stories of children who are unsupervised and uncared for. Ms. Rapp said day care providers who are willing to give children the type of care similar to what they receive at home should be supported. She is very much in favor of group day care homes.

Karen M. Kriscovich-Mukalla of 3784 Forge Drive, Troy, was present. Ms. Kriscovich-Mukalla operates Mrs. Kay's group day care home and has been in business for 26 years. She asked the record to reflect that she never had a complaint from any of her neighbors; neighbors located on either side of her, older neighbors, or newer neighbors. Ms. Kriscovich-Mukalla said the operative word in day care is "care" and asked the City to look at the real issue -- the care of our

children. She asked the rationale in not permitting group day care homes because of one complaint related to traffic, whereas a biting dog is given three chances before action is taken. Ms. Kriscovich-Mukalla said child care providers answer to parents and must always put forth their best. She said good care cannot be faked, and if a provider were not good at what he/she does, then parents would opt to go elsewhere, or the State would close down the home.

Lenique Gibson of 685 E. Maple, Troy, was present. Ms. Gibson operates God's Precious Creations group day care. She is married with 5 children, and has been in business for approximately one year. Ms. Gibson says she provides child care because that is where her heart is, and not for the money. Ms. Gibson relayed a story of a client whose child suffers epileptic seizures triggered from stress. The child's parent has seen an improvement in the child's behavior and amount of seizures. Ms. Gibson said the children of today are going to be sitting in the seats of the members in a few years. She fully supports group day care and asked the members to allow it.

Suzanne and Chris DeNeen of 3639 Coseyburn, Waterford, were present. A Troy group day care provider cares for Mr. and Mrs. DeNeen's son. Mrs. DeNeen asked if an actual study has been undertaken on traffic in areas where there are group day care homes. Mr. DeNeen said he drops off and picks up his son and has never experienced any problems relating to parking or traffic. Mr. DeNeen is a teacher in Troy, and Mrs. DeNeen is a General Motors employee. Mrs. DeNeen said they do their jobs well because their son is in a good day care home.

Chair Strat asked the audience, by a show of hands, (1) how many people in the audience would approach the podium with similar comments as those that have been heard so far; (2) how many in attendance live in Troy; and (3) how many in attendance do not live in Troy. Chair Strat said the Planning Commissioners recognize the value and importance of day care whether it is limited to 6 children or 12 children.

Curtis Childs of 1931 Atlas Court, Troy, was present. Mr. Childs addressed the "cons" of group day care that were identified by City Management, as follows: (1) Additional Neighborhood Traffic - There might be an increase in traffic but it is a public road, and the public has a right to use those roads. (2) Potential Parking Problems - There has been one parking complaint, the one that started this issue. (3) Increase in Non-residential Activity in Neighborhoods - What is more residential than caring for children? (4) Potential Increase in Traffic on Major Thoroughfares - Public roads cannot be regulated and the public has the right to use them. (5) Result from Freedom of Information Act (FOIA) Request related to 19 Group Day Care Homes - One barking dog complaint, which could apply to any house.

Mr. Childs addressed the City of Troy's Vision and Value Statement, as follows: (1) "Externally focused on customers" - Child care providers are your customers. (2) "Aggressive in our efforts to improve service delivery by using the best means available" - Group day care is one of the best means available. (3) "We value

honesty, courtesy, responsiveness, diversity, lifelong learning, ethical behavior, quality, cooperation, accessibility, dedication, loyalty and excellence.” Individual terms addressed were: “Honesty” – Ms. Childs called Troy and was told group day care was permitted. “Diversity” – Group day care is an option. “Lifelong Learning” – Starts in a home and continues in group day care. “Accessibility” – If you eliminate group day care as an option, you are not providing access. “Dedication”, “Loyalty”, and “Excellence” – Each child care provider here tonight is dedicated and loyal to the families and children and provides an excellent service.

Mr. Childs said the Michigan Municipal League (MML) strongly supports House Bill 4398, and provided a list of communities and contact persons from communities that permit group day home providers. Mr. Childs believes that incorrect information was provided to the members on both respects. Mr. Childs said the members should consider the needs of the City and the residents, and the issue should not be a personal preference.

Sharon Schafer of 5593 Mandale, Troy, was present. Ms. Schafer said group day care homes are not usually full and that gives flexibility to family day care providers should a mother become pregnant. Ms. Schafer clarified that she did not knowingly or intentionally open her group day care home without contacting the City. In 1990, when she applied for her license, the State did not say anything about making contact with the municipality, and Internet access was not available at that time. Ms. Schafer referenced an acceptance speech given by President Bush in New York City on September 2, 2004, and quoted a phrase made in the statement: “To build a more hopeful America, we must help our children as far as their vision and character can take them.” Ms. Schafer said she believes the service provided to working families by day care homes helps the children and their parents reach as far as their vision and character can take them. She asked for support of group day care in the “City of Tomorrow Today”. She asked that Troy give working families all the options available so children of today will have a sound foundation to build a better tomorrow for Troy. Ms. Schafer said a copy of the book prepared by child day care providers and distributed to Planning Commissioners would be available in the City library.

Walter Ladouceur of 3376 Alpine Drive, of Troy, was present. Mr. Ladouceur is a parent of three children and his wife is a day care home provider. Mr. Ladouceur addressed the concerns of parking and traffic. He noted that Alpine is used for easier egress around Somerset Collection, and curious people are attracted to the monster garage site. The people have free access to “his” street and there is nothing he can do to stop it. Mr. Ladouceur encouraged members to visit a day care home provider. An employee of his wife’s child care home, and one of three teenagers in her family, said there is constant activity at her house with cars pulling in and out and parking on site. Mr. Ladouceur asked the members to balance traffic and parking from child care home providers with other home-based activities, such as prayer groups, bible studies, accountants, and monster garages.

Michelle Sinutko of 2331 Cumberland Drive, Troy, was present. Ms. Sinutko is a licensed family day care home provider. She is the parent of three children under the age of 7 and occasionally cares for her two nieces and nephew. Ms. Sinutko brought to the attention of the members that, according to State law and licensing rules, she could have a total of 9 children under her care. The State does not include in their total count children under the age of 7 who are related to the family day care home provider. Ms. Sinutko also addressed traffic with respect to the location of the day care home provider.

Deborah Reynolds of 1285 W. Wattles, Troy, was present. Ms. Reynolds was a group day home provider in Troy for over 20 years. She believes group day care homes are the best option for children outside of the home. Ms. Reynolds completed her Master's Degree in Special Education at Wayne State University and is pursuing a specialty in early childhood autism. She offered her professional perspective on the positives of group day care home providers and cited several quotes. Ms. Reynolds concluded that a move to prohibit group day care homes in the City would violate the expressed mission of the City and its dedication and commitment to children and their families.

Michelle Lambert of 1903 Alexander Drive, Troy, was present. Ms. Lambert is a stay-at-home mom who uses a group day care home. She lives within 300 feet of the group day care home operated by Nicole Childs. Ms. Lambert said she was not aware of Ms. Childs' group day care home until after one year of living in the neighborhood. She did not notice any extra traffic as a result of the home, and said she is outside with her two children most of the day.

George Porretta of 3583 Bellows Court, Troy, was present. Mr. Porretta's two children attended group day care homes for a combined 8 years. He addressed the members as a businessman, not a child care home provider or resident living within 300 feet of one. Mr. Porretta said the Troy School District does an outstanding job in promoting its schools, and attracting and retaining new families to Troy. Mr. Porretta said Troy's population and tax base would be affected should group day care homes be prohibited, and asked the members to do what is right for the children and future citizens of Troy.

Mary Ellen Ladouceur of 3376 Alpine Drive, Troy, was present. Ms. Ladouceur has been a family care provider for 4 years. She has a Master's Degree in early childhood education. Ms. Ladouceur challenged the members to read 300 to 400 pages of research on early childhood, brain development, attachment issues, and the higher occurrence of autism in children who are warehoused versus children who are cared for in homes. She said State law requires her to have an assistant because 100% of the children she cares for are under the age of 2. Ms. Ladouceur said they are minutes away from foreclosure if they do not provide care for children in their home. Ms. Ladouceur's credits the training and education of her 12-year old daughter to the family environment provided her by Honeybee Child Care. Ms. Ladouceur is a convert from commercial child care providers to the family environment provided by home child care providers. She considers the parking

concern is a non-issue. Ms. Ladouceur said her staff takes early childhood classes at Athens High School, and have indicated a preference to send their children to home day care providers.

Ms. Kriscovich-Mukalla addressed the City Management's "con" that group day care homes result in an increased use of emergency services. She cited one incident in which she used emergency services.

Kim Duford of 3141 McClure, Troy, was present. Ms. Duford has operated Honeybee Child Care for 13 years and has lived on McClure for 22 years. She has the sponsorship of Ford Motor Company, an accreditation received by meeting a standard of excellence in providing care to children. Ms. Duford stated that Oakland County is the third highest county in Michigan for the number of parents in the work force, and Troy is the largest city in Oakland County with an employment population of approximately 100,000 people. Ms. Duford said Troy is out of date with its child care choices, noting that parents of young children need to have more than two options for child care. Studies have proven that the first five years of a child's life are the most important years. She quoted a statement made by Mark Sullivan, Executive Director of the Michigan Child Care Council: "When parents can't find child care, they can't work." Ms. Duford referenced a common phrase: Michigan works when child care works. Ms. Duford cited an article published in the summer 2004 edition of the Planning Commission Journal that addressed child care solutions for a growing city and family child care homes as a key element in strengthening a neighborhood. Ms. Duford said locating child care homes near areas of high employment centers could contribute to reduce commutes and cross town traffic. Ms. Duford cited the growing numbers of best companies to work for that offer in-house child care (statistics obtained from Fortune Magazine). She asked that the Planning Department be creative in providing day care options as it has been in providing the City with housing, restaurants, places to worship, shopping and education. In conclusion, she said there would not be a traffic problem if the City would stop taking away lots that formerly housed single family residences and putting up developments that house 500 people.

Tony Anderanin of 3777 Root, Troy, was present. Mr. Anderanin asked the members' consideration in allowing group day care homes. He and his wife both work, and said it was difficult to find a child care provider who provides the love that he cannot give while he is at work. He said it is not fair to not have an opportunity to choose. Mr. Anderanin addressed neighborhood security and the open door policy of a child care home provider.

Jacqueline Taliaferro of 2714 Dover Drive, Troy, was present. Ms. Taliaferro's three grandchildren are cared for in a group day care home. Ms. Taliaferro said her grandchildren receive quality individual care, and languages and computer skills are among many subjects taught. She said it is her children's prerogative to place their children in a group environment. Ms. Taliaferro said her lifestyle would change should group day care homes not be permitted. She has worked hard all of her life and raised her children and now wants to live her own life.

Chris Thornton of 2978 Wessels, Troy, was present. Mr. Thornton formerly lived at 1590 Crestline and 1821 Flemington. He said that a visit to a group day care center would let one see that it provides the best of both worlds. They provide structure and consistency in its employees. Mr. Thornton encouraged members to look at every option. He said every child and every parent who has a child attending group day care would inevitably be ousted should the homes not be permitted,

Barbara Webb of 787 Marengo Drive, Troy, was present. Ms. Webb, a recent retiree from the Troy School District, has a degree in elementary education with a specialty in early childhood. Ms. Webb asked that group day care homes be allowed to exist in Troy. She said that would allow the professionally trained people who love to care for children the opportunity to do so. Ms. Webb said she would be pleased if someone bought the house that is for sale next to her and opened a child care home. She would rather have the traffic and noise that would be generated from the day care home as opposed to the semi's and trucks that currently go up and down her street – the street that she and her neighbors paid to have paved 15 years ago.

Justina Dixon of 4791 Liberty Court, Sterling Heights, was present. Ms. Dixon was a group day care provider for 13 years. Ms. Dixon indicated she started as a family day care provider until the number of children increased with the care of siblings. Ms. Dixon currently works for the food program that monitors and regulates the food provided in day care homes. As coordinator from Macomb County Child Care Providers Association, Ms. Dixon was present to show support to the Troy group. She commented that Mr. Chamberlain has been sleeping and should be paying more attention, and corrected the reference to “centers” as opposed to child care home providers. Ms. Dixon indicated that the State of Michigan recognizes family and group day care homes as residential use of property. She noted that there are several agency representatives present should the members have any questions of them.

David Schafer of 5593 Mandale, Troy, was present. Mr. Schafer addressed the “cons” listed by City Management; i.e., traffic, noisy children, increase need for emergency services, and called them a red herring. Mr. Schafer noted that there have been group day care homes in Troy for decades, and the number of family and group day care homes and the number of commercial day care centers has each been determined by the marketing dynamics of supply and demand. He said to suggest there is a pent-up demand for more of any one of the kinds of day care and that traffic and noise would increase is not logical. He said their research disclosed that there were no noise or traffic complaints of any kind. Mr. Schafer said it is logical that there would be fewer calls from day care homes for emergency services because of the State requirements; smoke detectors, fire extinguishers, fire drills, first aid and CPR training. Mr. Schafer said the real question is whether or not the members support the children of Troy. Mr. Schafer said that tonight's comments exhibited facts, emotion, persuasion and personal experiences and he believes that any of the commissioners listening tonight with an honest open mind

would feel that approval of the Zoning Ordinance text amendment is right for the City of Troy.

Chair Strat requested a recess at 10:00 p.m.

The meeting reconvened at 10:08 p.m.

Sue O'Connor of 2104 Lakeside Drive, Troy, was present. Ms. O'Connor said there would be no place to care for mentally disabled children should child day care homes not be permitted. She stated commercial day care centers do not accommodate the mentally disabled. Ms. O'Connor said Sharon Schafer cared for her daughter two days a week so she could work.

Mark Swolem of 23832 Palace, Hazel Park, was present. He said the next best thing to being cared for by mom and dad is being cared for by a child care home provider. He said the City has a jewel and he cannot imagine why the City would think of taking it away.

PUBLIC HEARING CLOSED

Mr. Schultz offered the following resolution based upon the pending House Bill 4398 and the volume and input, both fact and opinion, provided by the public this evening and in the past. Mr. Schultz said he felt it would be premature and inappropriate to put a recommendation forward to City Council at this time.

Resolution # PC-2005-08-131

Moved by: Schultz

Seconded by: Wright

RESOLVED, That the City of Troy Planning Commission shall take no further action related to group day care homes until such time as both houses of the State legislature and the Governor's office has taken final action on House Bill 4398, or its corresponding Senate Bill.

Discussion on the motion on the floor.

Ms. Drake-Batts addressed concern in taking no action should the passage of the House Bill be detained. She asked if day care providers would be allowed to continue in the interim. Ms. Drake-Batts suggested that the Resolution be tabled to a certain date so the item could come back to the Commission should the House Bill be delayed or not passed.

Mr. Khan suggested the 19 group day care home providers currently operating in the City should maintain status quo but no new group day care providers should be permitted.

Chair Strat said it is his understanding that the existing day care home providers have been notified that it is a status quo situation.

Mr. Miller confirmed that the Building Department sent notifications to the existing group day care homes informing them of the current situation and that active enforcement would not be occurring. Mr. Miller provided clarification of the Zoning Ordinance with respect to family day care homes and group day care homes. He noted that group day care homes are not being withdrawn from the ordinance, but they have never been included in the ordinance and therefore not permitted. Mr. Miller said a newly initiated group day care home provider would not be in compliance with the current Zoning Ordinance.

A brief discussion followed on the closing of current, existing child day care homes.

Mr. Miller said it is his understanding that City Management would not be providing full enforcement. He said, however, that he does not make the enforcement decision, so he would have to clarify City Management's position at a later date.

Mr. Littman explained the procedure followed for proposed zoning ordinance text amendments. City Council would have final approval, at which time the public would have another opportunity to speak. Mr. Littman said there has been no proposed language drafted for a vote at this time. He noted that should the proposed zoning ordinance text amendment go before City Council, a recommendation from City Management would accommodate the City Council report. Mr. Littman said it is on record that City Management is opposed to any text change. Mr. Littman expects the House Bill to pass and he feels it would be advantageous for the City to be prepared for it.

Mr. Khan said approximately 36 people spoke tonight in favor of group day homes. He said there appears to be a misconception that the members are trying to close group day care homes. Mr. Khan said from the onset of Ms. Schafer's approach, the Planning Commission requested additional information before taking any action. He said he does not remember anyone on the board requesting to close group day care homes.

Mr. Wright questioned the inconsistencies between the two lists provided by the Planning Department as relates to the regulations of group day care homes in neighboring communities. He asked for a definitive resolution on the lists.

Mr. Miller explained that the most recent list comprises the research and actual reading of ordinance language from neighboring communities. The first list comprised of information received over the phone.

Vote on the motion on the floor.

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

MOTION CARRIED

Ms. Drake-Batts said she has publicly supported group day care homes. She said she would have preferred a date on the Resolution to protect the group day care home providers. She said if the State does not pass the Bill, or the Bill gets stuck some place, then group day care homes would be in limbo. Ms. Drake-Batts said it is important to start working on the language now.

Mr. Littman said his previous comments expressed why he voted no on the Resolution. He stated that City Manager and staff work for City Council.

Chair Strat provided an explanation of the Resolution passed this evening. He said nothing would happen to existing day care home providers but new day care home providers would have to adhere by the current Zoning Ordinance; in essence not be permitted. Chair Strat said that Ms. Schafer would be okay.

Ms. Schafer said she would like to hear from Mark Miller that she would not be cited with another violation until passage of the Bill. Ms. Schafer noted that there are members on the Planning Commission who said they were dead set against group day care homes.

Mr. Miller said he unfortunately could not give Ms. Schafer the assurance for which she is asking because the Planning Department does not have jurisdiction on enforcement issues. He said he would guarantee to get an opinion and direction from City Management based upon tonight's decision. Mr. Miller provided clarification with respect to a City Council action relating to day care centers in the O-S-C, R-C and O-M districts.

8. PUBLIC COMMENT

David Schafer of 5593 Mandale, Troy, applauded the members for the decision to table the ZOTA because of pending legislation. He offered his services as chairperson for a committee to work on zoning ordinance language as relates to day care home providers. He suggested that a dialogue be established in an informal setting to arrive at language that would be acceptable to all.

Sharon Schafer of 5593 Mandale, Troy, said she was confused because she was positive the Planning Department drafted proposed language.

Chair Strat said language might have been prepared, but the point is the item has been postponed until action is taken by the State.

Mr. Schultz said the Public Hearing notice contained no proposed language; therefore no language could be voted on tonight. He said the Public Hearing was to seek public input, not to pass ordinance language.

Chair Strat stated the members wanted everyone to have an opportunity to speak on group day care homes, including everyone who lives within 300 feet of child care home providers.

Ms. Schafer asked when she would know that Mr. Miller has spoken with City Management.

Chair Strat assured Ms. Schafer that the City would be cooperative and Mr. Miller would keep in contact with her.

Mr. Schafer asked if he understood correctly that another Public Hearing would be scheduled if zoning ordinance language were proposed in the future.

Chair Strat replied that Mr. Schafer understood correctly.

GOOD OF THE ORDER

Mr. Motzny said it is his understanding that a summary of the proposed zoning ordinance text amendment was published in the notice of tonight's Public Hearing. It is his opinion that tonight's meeting was an official Public Hearing on a proposed zoning ordinance text amendment.

Mr. Miller said language was published and that the Public Hearing was official and noticed appropriately by State law. Mr. Miller said it was clear that the intent of the Planning Commission was to gain input from the Public Hearing.

Mr. Chamberlain stated that, contrary to public belief, he was not sleeping. He provided an explanation for his "Points of Order" in requesting speakers to identify themselves and state their addresses. Mr. Chamberlain tracked statistics on the Public Hearing speakers: 13 Troy residents who use day care in Troy, 16 providers of day care in Troy, 3 providers of day care in other cities, and 4 neighboring residents who use day care in Troy. Mr. Chamberlain said he is upset that he was accused of sleeping when he takes pride in paying attention.

Mr. Waller extended appreciation to everyone who invested in tonight's Public Hearing. He said the comments were a help to him and he feels it is a very important subject for all of southeast Michigan. Mr. Waller said we do not live in a vacuum and obviously cannot make decisions in a vacuum.

Chair Strat shared results of his research on group day care homes of other communities. Group day care homes of many communities exist but are illegal as it relates to their particular ordinances. It is his understanding that other communities are watching Troy and other neighboring communities to see what actions are taken.

Ms. Drake-Batts thanked everyone for coming to the Public Hearing. She acknowledged the time spent on research and books. She said it was good to hear and good to see the community come out for something positive. Ms. Drake-Batts encouraged the community to request City Council that the item come back for a resolution should the House Bill not be passed by the 1st of the year.

Mr. Littman said he is confused and thought there was no proposed language agreed on by the members to have published in the Public Hearing notice. Mr. Littman asked what action would be taken should proposed language that is different than what has been published be drafted.

Mr. Motzny stated that the statute provides that any zoning ordinance text amendment requires a report and at least one Public Hearing. He said there is no limitation on the number of Public Hearings and if an amendment is prepared that is substantially different than what was published, the Planning Commission has authority to have an additional Public Hearing should it see fit.

Mr. Schultz commented on tonight's Public Hearing. He said the Public Hearing was official and the members agreed to table the item. He said he is confident there will be additional advertising and an additional Public Hearing should a proposed zoning ordinance text amendment be drafted in the future. Mr. Schultz said the Public Hearing started this evening with a comment that the City has not formulated a problem. Mr. Schultz said, in his view, the Planning Commission is not debating whether to close group day care homes, but debating whether to allow businesses with employees to proliferate in residential neighborhoods. He said it is a very weighty subject that has a great impact on the 80,000+ people who live in the City's residential neighborhoods. Mr. Schultz said home businesses such as accountants and photographers are one-man operations with no employees.

Mr. Schultz distributed copies of the current Planning Commission bylaws, and asked the members to review the bylaws and provide corrections and/or revisions at the next scheduled study session.

Chair Strat agreed to put the bylaws on the next agenda.

Mr. Kulesza thanked everyone for attending the Public Hearing. He reviewed his research on House Bill 4398. It is understood that the Bill will be under full consideration by the Senate most likely in October, and it appears to have a lot of support from the Senate. Mr. Kulesza said he would continue his research and report to the Board.

Mr. Savidant provided a clarification on the two tables prepared by the Planning Department on group day care homes in surrounding communities. The table dated April 30, 2004 encompassed research from zoning ordinances on file or available on-line. The June 17, 2005 table encompassed basically the same research but was followed up with phone calls. The June 17, 2005 table is more accurate.

The Regular Meeting of the Planning Commission was adjourned at 10:45 p.m.

Respectfully submitted,

Thomas Strat, Chair

Kathy L. Czarnecki, Recording Secretary

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A meeting of the Employees' Retirement System Board of Trustees was held on Wednesday, August 10, 2005, at Troy City Hall, 500 W. Big Beaver Rd., Troy, MI. The meeting was called to order at 12:15 p.m.

TRUSTEES PRESENT: Mark Calice
 Thomas Houghton, Chair
 John M. Lamerato
 William R. Need
 Steven A. Pallotta
 Louise E. Schilling
 John Szerlag

ABSENT: Michael Geise

EXCUSE ABSENT MEMBERS

Resolution # ER – 2005 – 08 - 028

Moved by Schilling
Seconded by Pallotta

RESOLVED, That Michael Geise be excused.

Yeas: All 6
Absent: Geise

MINUTES

Resolution # ER – 2005 – 08 - 029

Moved by Pallotta
Seconded by Schilling

RESOLVED, That the minutes of the July 13, 2005 meeting be approved.

Yeas: All 6
Absent: Geise

RETIREMENT REQUESTS

Resolution # ER – 2005 – 08 - 030

Moved by Lamerato

Seconded by Houghton

RESOLVED, That the retirement requests of the following employee be approved:
James B. Kauffman, DC, 8/13/05, 34 years, 9 months

Yeas: All 6

Absent: Geise

OTHER BUSINESS –FORD & EARL PROPERTY UPDATE

Resolution # ER – 2005 – 08 - 031

Moved by Pallotta

Seconded by Calice

RESOLVED, That the Board retain the Friedman Real Estate Group to lease or sell the Ford & Earl property according to the provisions of the attached proposal and John M. Lamerato is authorized to sign the agreement on behalf of the board.

Yeas: All 6

Absent: Geise

INVESTMENTS

Resolution # ER – 2005 – 08- 032

Moved by Lamerato

Seconded by Pallotta

RESOLVED, That the following investments be purchased:

Purchase:

\$1,000,000 HSBC Finance, 4.4% due 8/15/07; 5,000 shares TEVA Pharmaceutical; 5,000 shares TransOcean Sedco and 5,000 shares Kinder Morgan.

Yeas: All 6

Absent: Geise

The next meeting is September 14, 2005 at 12:00 p.m. at City Hall, Conference Room C, 500 W Big Beaver, Troy, MI.

The meeting adjourned at 1:01 p.m.

Thomas Houghton, Chairman

John M. Lamerato, Secretary

JML/bt\Retirement Board\2005\8-10-05 Minutes_Final.doc

The Chairman, Christopher Fejes, called the meeting of the Board of Zoning Appeals to order at 7:30 P.M., on Tuesday, August 16, 2005 in Council Chambers of the Troy City Council.

PRESENT: Kenneth Courtney
Christopher Fejes
Marcia Gies
Michael Hutson
Matthew Kovacs
Mark Maxwell
Wayne Wright

ALSO PRESENT: Mark Stimac, Director of Building & Zoning
Susan Lancaster, Assistant City Attorney
Pamela Pasternak, Recording Secretary

ITEM #1 – APPROVAL OF MINUTES – MEETING OF JULY 19, 2005

Motion by Wright
Supported by Gies

MOVED, to approve the minutes of the meeting of July 19, 2005 with the following corrections:

- Page 2 – Duplicate paragraph under Item #4 indicating Mr. Stimac’s explanation, to be removed.
- Page 13 – Address listed as 4392 Beach to be changed to 4342 Beach.

Yeas: 6 – Gies, Hutson, Kovacs, Maxwell, Wright, Courtney
Abstain: 1 – Fejes

MOTION TO APPROVE MINUTES WITH CORRECTIONS CARRIED

ITEM #2 – APPROVAL OF ITEMS #3 THROUGH ITEM #8

Motion by Courtney
Supported by Gies

MOVED, to approve a three (3)-year renewal of Items #3 through #5 and Items #7 and #8 as suggested in the Agenda Explanation; and also, MOVED, to postpone Item #6 to allow the Building Department the opportunity to publish a Public Hearing to consider the possibility of granting a permanent variance.

Yeas: All – 7

ITEM #3 – RENEWAL REQUESTED. PSI HOLDINGS, 2525 CROOKS, for relief of the 6' high masonry-screening wall required along the west and south property lines where this property abuts residential zoned property.

Mr. Stimac explained that the petitioner is requesting renewal of relief granted by this Board to have a six-foot high wood fence along the west and south property line where it abuts residential zoned property. This relief was originally granted in 1983, primarily because there already was a six-foot high wood fence along the property line and the petitioner would have to remove a number of established trees in order to install the wall. This item last appeared before this Board in August 2002 and was granted a three (3) year renewal at that time. Conditions remain the same and we have no objections or complaints on file.

MOVED, to grant PSI Holdings, Inc. 2525 Crooks Road, a three (3) year renewal of their variance for relief of the 6' high masonry-screening wall required along the west and south property line where it abuts residential zoned property.

- There is an existing 6' high fence at this location.
- Conditions remain the same.
- There are no complaints or objections on file.

ITEM #4 – RENEWAL REQUESTED. MG ACQUISITIONS, 2555 CROOKS, for relief of the 6' high masonry-screening wall required along the west property line where this property abuts residential zoned property.

Mr. Stimac explained that the petitioner is requesting renewal of a variance granted by this Board for relief of the 6' high masonry screening-wall required along the west property line of their site that abuts residential property. This relief was originally granted in 1984 based on the fact that a wood fence from the Somerset Apartment complex currently screens the property. This item last appeared before this Board in August 2002 and was granted a three (3) year renewal at that time. Conditions remain the same and we have no objections or complaints on file.

MOVED, to grant MG Acquisitions, 2555 Crooks a three (3) year renewal of relief of the 6' high masonry-screening wall required along the west property line where this property abuts residential zoned property.

- There is an existing 6' high fence at this location.
- Conditions remain the same.
- There are no complaints or objections on file.

ITEM #5 – RENEWAL REQUESTED. CROOKS OFFICE LLC, 2585 CROOKS, for relief to maintain a 6' high stockade fence in lieu of the decorative masonry screening-wall required along the west property line of this site where it abuts residential zoned property.

ITEM #5 – con't.

MOVED, to grant the Crooks Office L.L.C., 2585 Crooks Road, a three (3) year renewal of relief granted by this Board to maintain a 6' high stockade fence in lieu of the decorative masonry screening-wall required along the west property line of their site that abuts residential zoned property.

- There is an existing 6' high fence at this location.
- Conditions remain the same.
- There are no complaints or objections on file.

ITEM #6 – RENEWAL REQUESTED. OAK MANOR, INC., 2316 JOHN R., for relief of the required 4'-6" high masonry screening-wall along the east and south areas of your parking lot where it abuts residential zoned property.

Mr. Stimac explained that the petitioner is requesting renewal of relief granted by this Board of the requirement for a 4'-6" high masonry screening-wall along the east and south areas of their parking lot where they are adjacent to residential zoned property. This relief was originally granted in September 1985 based on the fact that the wall would serve no useful purpose in this area. The property to the east is an apartment complex and the property to the south is a church. This item last appeared before this Board in August 2002 and was granted a three (3) year renewal at that time. Conditions remain the same and we have no objections or complaints on file.

MOVED, to postpone the request of Oak Manor, Inc., 2316 John R., for relief of the required 4'-6" high masonry screening-wall along the east and south areas of the parking lot where it abuts residential zoned property until the meeting of September 20, 2005.

- To allow the Building Department to publish a Public Hearing in order to consider a permanent variance.

ITEM #7 – RENEWAL REQUESTED. ANDREW MANNING, OF THE DETROIT EDISON COMPANY, 3080 JOHN R., for renewal of relief of the landscaped berms required along the north, east and west property lines.

Mr. Stimac explained that the petitioner is requesting renewal of a three (3) year variance for relief of the landscaped berms required along the north, west and east property lines. This variance was originally granted in September 1992, based on the fact that a number of mature established trees that currently provide adequate screening would have to be removed in order to install the berm. This item last appeared before this Board in August 2002 and was granted a three (3) year renewal at that time. The southern portion of the property has now been sold, rezoned to the P-1

ITEM #7 – con't.

(Vehicular Parking) zoning classification, and is being developed in conjunction with the adjacent day care facility. Other than that, the conditions remain the same and we have no objections or complaints on file.

MOVED, to grant Andrew Manning, Detroit Edison, 3080 John R., a three (3) year renewal for relief of the landscaped berms required along the north, west and east property lines.

- There are several mature trees providing screening.
- Conditions remain the same.
- There are no complaints or objections on file.

ITEM #8 – RENEWAL REQUESTED. VERSATUBE CORPORATION, 4755 ROCHESTER, for relief of the 6' high masonry-screening wall required along the north and west property lines where the property abuts residentially zoned property.

Mr. Stimac explained that the petitioner is requesting renewal of relief granted by this Board in regard to a 6' high masonry screening wall required along the north and west property lines of their site that abuts residential zoning. The Zoning Ordinance requires that a 6' high masonry-screening wall be provided at the zoning boundary. This Board has granted this relief since 1985. The Board granted relief allowing the petitioner to install an 8' high steel fence in lieu of the wall based on the fact that the fence suits the needs probably as well as, if not better, than the masonry wall. This item last appeared before this Board in July 2002 and was granted a three-year renewal. The property to the north is now zoned R1-T (One Family Attached) but remains vacant. Other than that, conditions remain the same and we have no complaints or objections on file.

MOVED, to grant Versatube Corporation, 4755 Rochester a three (3) year renewal of relief of the 6' high masonry-screening wall required along the north and west property lines where the property abuts residentially zoned property.

- Conditions remain the same.
- There are no complaints or objections on file.

ITEM #9 – VARIANCE REQUESTED. INDEPENDENT BANK, 5950 ROCHESTER, for relief of the required 6' high masonry screening wall required along the south and east property lines where this property abuts residentially zoned property.

Mr. Stimac explained that the petitioner is requesting of relief of the 6' high masonry-screening wall required along the south and east property lines where it abuts residentially zoned property. These property lines abut a multiple-family residential development and relief was originally granted in 1977 based on the fact that a drain surrounded the area and there was a substantial brush growth that adequately screens the abutting residential land. This item last appeared before this Board in July 2005 and

ITEM #9 – con't.

was postponed to allow the Building Department the opportunity to publish a Public Hearing to consider this a permanent variance. That notice has been completed and the Public Hearing scheduled for this meeting.

Mr. Scott Whitford of Independent Bank was present and stated that he had nothing further to add.

The Chairman opened the Public Hearing. No one wished to speak and the Public Hearing was closed.

There are no written approvals or objections on file.

Mr. Kovacs said that he was concerned that if this property was altered in the future, the vegetation may be removed. Mr. Whitford said that they have no future plans for expansion and they would not be able to move the building farther back because of the existing creek.

Motion by Courtney
Supported by Wright

MOVED, to grant Independent Bank, 5950 Rochester, relief of the required 6' high masonry-screening wall required along the eastern property line where this property abuts residentially zoned property.

- Existing vegetation along east property line must remain, even if this property is developed further.
- A wall would be an eyesore to the surrounding property and would be difficult to install because of the creek on the property.

Yeas: All – 7

MOTION TO GRANT VARIANCE CARRIED

ITEM #10 – VARIANCE REQUESTED. OSPREY, LTD, 2701 TROY CENTER, for relief of the 6' high masonry screening wall required along the north property line where this property abuts residentially zoned property.

Mr. Stimac explained that the petitioner is requesting relief of the 6' high masonry-screening wall required along the north property line where it abuts residentially zoned property. This variance was originally granted based on the fact that the petitioner would install 280' of decorative metal fencing and landscaping along this north property line that abuts a residential apartment complex. This item last appeared before this Board in July 2005 and was postponed to allow the Building Department the opportunity to publish a Public Hearing to consider this a permanent variance. That notice has

ITEM #10 – con't.

been completed and the Public hearing has been scheduled for this meeting. This entire area was planned for multiple family dwelling, however, did not materialize beyond the first building that was constructed there and the remaining sites around this property were developed in the office classification. The Zoning Ordinance does require that a 6' high masonry screen wall be provided between the Office Zoning classification and the residential property to the north.

Mr. Roger O'Toole was present and stated that the cement wall is currently in place along most of the northern property line. The principal beneficiaries are the inhabitants of the Village Green Apartments. There is a section along the tennis courts on the northern property and the cement wall is not in this area. Mr. O'Toole believes that the intent of the Ordinance has been met and only a small portion of the tennis courts is visible from the office building.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are no written objections or approvals on file.

Motion by Courtney
Supported by Gies

MOVED, to grant Osprey, LTD, 2701 Troy Center, relief of the 6' high masonry-screening wall required along the north property line where this property abuts residentially zoned property.

- Variance is not contrary to public interest.
- Variance would not have an adverse effect to surrounding property.

Yeas: All – 7

MOTION TO GRANT VARIANCE CARRIED

ITEM #11 – VARIANCE REQUESTED. DAVID DONNELLON OF THE CHOICE GROUP, 4254 BEACH, for relief of the Ordinance to split an existing parcel from its Beach Road frontage.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to split an existing parcel from its Beach Road frontage. The site plan submitted indicates a split of this property from its Beach Road frontage and creating access to the property from the western end of the stub street Prestwick. This would result in the only street frontage for this property being the 55 feet at the end of Prestwick Drive. Section 30.10.02 requires that properties in the R-1B Zoning District have a minimum of 100' of frontage on a public street.

ITEM #11 – con't.

This item first appeared before this Board at the meeting of July 19, 2005 and was postponed at the request of the petitioner to allow him the opportunity to discuss other options with his client.

The Building Department has received a request from the petitioner to postpone this item until the meeting of October 18, 2005.

Motion by Wright
Supported by Hutson

MOVED, to postpone the request of David Donnellon of the Choice Group, 4254 Beach, for relief of the Ordinance to split an existing parcel from its Beach Road frontage until the meeting of October 18, 2005.

- Per the request of the petitioner.

Yeas: All – 7

MOTION TO POSTPONE THIS REQUEST UNTIL OCTOBER 18, 2005 CARRIED

ITEM #12 – VARIANCE REQUESTED. LISA HIGH OF CDPA ARCHITECTS, 1639 E. BIG BEAVER (PROPOSED ADDRESS), for relief of the Ordinance to construct a new building for the Suma Medical Center that will result in only 9,176 square feet of landscaping, where Section 39.70.02 and Section 39.70.04 require 14,738 square feet of landscaping.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to construct a new building for the Suma Medical Center. Section 39.70.04 requires that ten (10) percent of the net site area be developed as landscaped open space. This landscaping must be located in the front or side yard and must be in addition to the 10' green belt required by Section 39.70.02. The required landscaping for a site this size is 14,738 square feet. The site plan submitted indicates that only 9,176 square feet of landscaping is provided, making the site deficient 5, 562 square feet.

This item first appeared before this Board at the meeting of July 19, 2005 and was postponed to allow the petitioner the opportunity of a full Board.

Mr. Stimac also indicated that he had provided an aerial map of this area indicating the setbacks of other buildings along Big Beaver in this area. This was not a formal survey, but was information taken from an aerial photograph.

Mr. Maxwell asked how much of this property was zoned E-P (Environmentally Protected). Mr. Stimac indicated that it is approximately 28,713 square feet.

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Mr. Hutson stated that Mr. Stimac had indicated that the parcel to the west of this property had received a variance that is now over one-year old, and asked if it was for a medical office or general office. Mr. Stimac said that he did not recall but thought that it was for general office.

Mr. Kovacs asked if this request was for the two vacant parcels along Big Beaver. Mr. Stimac said that this request was for only the one western parcel.

Mr. Courtney stated that the petitioner had indicated that they needed to build close to Big Beaver because other buildings were constructed close to the Big Beaver property line. From the aerial photograph provided, it is clearly shown that there are other buildings that have been placed farther back along Big Beaver. Mr. Courtney also indicated that he feels the building should be set back farther so that parking could be put in that would be more convenient to the patients requiring medical care.

Ms. High stated that this property has three (3) different zoning districts and the setback requirement for the O-1 Zoning District is only 30' from the property line; however, they are proposing a building setback of 88' from the property line. Ms. High also said that the area for the three zoning districts combined is 147,379 and the requirement for landscaping for that is 10% that is 14,738. We have provided 9,176 square feet at the front and side yards of the building. The other sites along Big Beaver do not have the depth of this parcel, or the narrow area. They are providing 12.9% landscaping of the front and side yards of the parcel. They are also providing 23.5% landscaping in the O-1 Zoning District. The total landscaping provided for this site will be 34.3% and the reason they require this variance is not because there is not enough landscaping on the total site, but there is not enough landscaping at the front of the property. Ms. High also feels that they have met the spirit of the Ordinance and when they went for the Zoning approval some of the residential properties had objections to this request and they provided the E-P Zoning next to the residential property and proposed to put the building at the front of the property in order to isolate the residential area from the commercial property.

Mr. Courtney suggested that if the building was moved back or made smaller this petitioner would not require a variance. Mr. Courtney also said that he felt the building could be moved farther back and more landscaping provided at the front of the property. In his opinion, the only reason they want the building in this location is for advertising. Ms. High stated that they wanted to maintain the street edge established by the other buildings and this medical center would be a small practice and not an emergency center. Mr. Courtney also stated that the building to west is seen after people pass this building. Ms. High indicated that the building to the west is actually 10' – 12' in front of the proposed location of this building. Mr. Courtney also stated that if either the building was built smaller or moved back, a variance would not be required, and he believes this is an unnecessary request. Ms. High said that the size of this building falls well into the

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requirements of what the Ordinance allows, and if it was moved back farther it would be closer to the residential property behind this site.

Mr. Fejes stated that he is having a problem understanding what the hardship is regarding this request. Ms. High stated that the site is extremely narrow and hinders their ability to provide side yard landscaping. Mr. Fejes then asked if a variance would be required if this building was moved back. Mr. Stimac said that the countable landscaping is to the south of the proposed location. The area behind the building cannot be considered countable landscaping. If the building is moved back you would pick up more landscaping but it would be possible to lose some of the parking.

Mr. Stimac said that the landscape requirement of this site is being applied to the developed portion of this property, which includes the O-1, the P-1 and the E-P zoned area in the back. There is also a reasonable expectation that the property at the back which is zoned R-1E, will be developed into a single-family area and is not included in the 10% calculation. Technically because of the E-P zoning at the back, they are required to have an additional 2,871 square feet of landscaping at the front of the property. If they were given permission to pave this area, and not have the E-P zoning, they could put the parking area back here and move the landscaping up front.

Mr. Fejes asked if less of a variance would be required and Mr. Stimac said it would be less of a variance if they did not have the E-P zoning to deal with. Mr. Courtney stated that in his opinion the E-P should not be counted in the landscape requirement and a lesser variance request would be given more consideration.

Mr. Fejes stated again that he did not see what the hardship was in moving this building back farther on the property. Ms. High said that they would have to move the building back about 56' in order to meet the landscaping requirement and that would put them about 64' behind the adjacent building. Ms. High believes this will create a zigzag effect along the street edge and they would lose approximately eighteen (18) parking spaces. Because this is a medical building, they have very stringent parking requirements and could not afford to lose this much parking. They are also providing a green belt along the street and Ms. High stated that they will create a nice green edge along Big Beaver. Moving the building back they would probably add more grass in front of the building and does not see the necessity of adding more trees or shrubbery.

Mr. Courtney asked if Ms. High had checked to see how much a variance would be required if the E-P Zoning was not taken into account for the landscape requirement. Ms. High said that she had not.

Ms. High's associate, Najin Saymuah came up and stated that they had tried to buy the property to the east however it did not work out. He has heard all of the arguments and stated that there is no reason this building could not be pushed back. This property was re-zoned by the recommendation of the City Staff. The E-P Zoning was done by choice

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as they did have the option of putting up a 6' high wall. According to the Zoning Ordinance and in reviewing them, he does not see any reason for this Board to reject this request other than construction could cause an adverse effect to surrounding property. It is possible that another building could be put on the property adjacent to this parcel and could be placed much closer to Big Beaver. This request does not affect the neighborhood and they could put this building up within 30' of Big Beaver. Mr. Saymuah also said that he appreciated the fact that it would be possible not to consider the E-P Zoning District. The Zoning Ordinance also allows developers to land bank 25% of the land for parking and they would like to do that.

Mr. Courtney asked how the landscaping requirement would be met if this building was placed within 30' of Big Beaver. Mr. Saymuah stated that he could make the building 20' wide and 200' long and would meet the landscape requirement. It is Mr. Saymuah's understanding that he could put the landscaping at the front and side of the building.

Mr. Saymuah stated that they are trying to do what is best for their client. They are professionals and have an obligation to be professional. They are not just planning to provide a parking lot but there will also be a garden area provided with a canopy. Behind the building they will provide benches so that people may relax and settle down after seeing the doctor. Mr. Saymuah stated that he feels this is a very reasonable request.

Mr. Maxwell asked if they would be willing to compromise on the distance to the road by approximately 15'. Mr. Saymuah said that they would be willing to do that and if this site were similar to the property to the west they would not have an objection to putting the building at the back of the property. Mr. Maxwell said that he understood that this lot is very narrow and part of this property is zoned E-P. If he was a resident in back of this property, he would prefer an office building as far away from his home as possible. Mr. Saymuah said that if the E-P area is not considered in the landscape calculations, they could put the building farther back.

Mr. Hutson stated that if the petitioner is thinking of a compromise, he would like to see it in a drawing and not base a decision on general talk and therefore would like to see the petitioner back again. Mr. Courtney agreed with Mr. Hutson and stated that he also would like to see drawings indicating a compromise. Mr. Saymuah said that they do not mind coming back as they would like to see this Board happy.

Mr. Fejes asked if they could put a stipulation on their motion or if a drawing was required. Mr. Stimac stated that if the building was moved back 15' there is nothing to indicate what kind of landscaping total would result from this move. If the petitioner is going to keep the same size building they have four (4) parking spaces to spare, but if the building was moved back 15', they would lose two (2) parking spaces in three (3) bays, which would result in a loss of six (6) parking spaces. The variance before the

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Board is for the amount of landscaping required and is not a request for a setback variance.

Mr. Courtney indicated that he would be willing to make one of two resolutions, one of which would be to postpone this request until next month in order to see a new drawing; or to not include the E-P zoned portion of this property in the landscaping requirement. Mr. Stimac said that if the Board was so inclined to not require landscaping for the E-P in the final action, the landscaping requirement for this site would be 11,867 square feet and the petitioner is proposing to put in 9,176 square feet. Mr. Stimac said that the Board could pass a resolution to allow 11,867 square feet of landscaping where 14,738 square feet of landscaping is required, which would have the effect to not count in the E-P zoned property and then have the petitioner draw a plan showing how this would be accomplished; or, the Board could require the petitioner to come back with a revised plan.

Mr. Fejes stated that he would like to see a revised plan. Mr. Saymuah stated that this would not be problem.

Mr. Kovacs said that the reason the petitioner came to the Board was because they did not feel they could make the building thinner. Mr. Kovacs wanted to know why the building could not be made thinner. Mr. Kovacs also asked what the zoning was for the property to the east. Mr. Stimac stated that a portion of it is zoned O-1, and P-1 along the back, but does not know if there is any E-P Zoning on the parcel. Mr. Kovacs then asked if the setback for O-1 zoning was 30' and Mr. Stimac confirmed that it was. Mr. Kovacs stated that his concern is that if this building is pushed further back and an adjacent building constructed within 30' of Big Beaver, this building could become a safety hazard for people trying to locate it. Mr. Courtney stated that they could put up address signs.

Mr. Kovacs then asked how much signage would be allowed for this site. Mr. Stimac explained that they could have one ground sign depending on its setback that could be up to 200 square feet and an additional wall sign that would be limited to 10% of the front area of the building.

Mr. Saymuah said that they are trying to do what is reasonable and it could be made narrower; however, the most efficient dimension is to have a hallway in the center and suites on either side. This would be the most optimum dimension. If the building were made narrower, Mr. Saymuah said that he did not think this would be in the best interests of his client. From a design standpoint a consistent streetscape also contributes to the community rather than buildings with a zigzag line.

ITEM #12 – con't.

Motion by Courtney
Supported by Hutson

MOVED, to postpone the request of Lisa High of CDPA Architects, 1639 E. Big Beaver (proposed address), for relief of the Ordinance to construct a new building for the Suma Medical Center that will result in only 9,176 square feet of landscaping, where Section 39.70.02 and Section 39.70.04 required 14,738 square feet of landscaping.

- To allow the petitioner the opportunity to present a revised plan to this Board.
- Revised plan to show how much landscaping will be provided if the building is moved back 15'; or,
- Revised plan to show 11,867 square feet of landscaping with E-P zoned section of property not taken into landscape requirement.

Yeas: All – 7

MOTION TO POSTPONE REQUEST UNTIL SEPTEMBER 20, 2005 CARRIED

ITEM #13 – VARIANCE REQUESTED. RUSSELL D. LONG, 1071 NORWICH, for relief of the Ordinance to remove a carport and construct an attached garage, which would result in a 5' side yard setback where Section 30.10.04 requires a 10' minimum side yard setback and a 26' front yard setback where 30' is required.

Mr. Stimac explained that the Petitioner is requesting relief of the Ordinance to demolish an existing carport and construct a new attached garage. Section 30.10.04 requires a 10' minimum side yard setback and a 30' minimum front yard setback for homes in the R-1C Zoning District. The site plan submitted indicates the existing carport has a 5' side yard setback and a 31' front setback. The proposed attached garage would continue the 5' non-conforming side yard setback and is proposed to have a 26' front yard setback.

Mr. Long was present and stated that he would like to construct a two-car garage in order to store his vehicles inside and off of the street. The carport is only large enough for one car, he has spoken to his neighbors, and they do not have any objections to this addition. This garage would improve the look of his property and would match other garages in the area. The existing side yard setback will not change. Mr. Long brought in pictures of other homes on his block showing how the garage would look. Mr. Long's garage would have four windows on the front.

Mr. Courtney stated that he felt this garage would look much better than the existing carport.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

ITEM #13 – con't.

There are three (3) written approvals on file. There are no written objections on file.

Mr. Kovacs asked what the dimensions of the proposed garage are. Mr. Long stated that it is 20' x 22'-6", which he feels is the minimum for a two car garage.

Motion by Maxwell

Supported by Courtney

MOVED, to approve the request of Russell D. Long, 1071 Norwich, relief of the Ordinance to remove a carport and construct an attached garage, which would result in a 5' side yard setback where Section 30.10.04 requires a 10' minimum side yard setback and a 26' front yard setback where 30' is required.

- Garage would be a nice improvement to the home.
- Variance is not contrary to public interest.
- Variance would not have an adverse effect to surrounding property.

Mr. Kovacs said that he would be in support of the petitioner getting another two feet for this garage, as he believes that 20' is too small for two cars. Mr. Stimac explained that the Public Hearing was published for a 26' front yard setback and without a new Public Hearing, the Board could not go below that number.

Mr. Courtney stated that the petitioner could have the opportunity to come back and petition for a larger garage. Mr. Long asked if this variance was approved and his builder suggested another two feet, if he could come back before the Board. Mr. Stimac said that the Board had a motion and a second to approve the original request. An additional two feet would require a new Public Hearing.

Vote on the motion to approve this request.

Yeas: All – 7

MOTION TO GRANT VARIANCE CARRIED

ITEM #14 – VARIANCE REQUESTED. MICHAEL CAMERON, MICHAEL'S CARPENTRY & BUILDING, REPRESENTING DAMON FRISCH, 2910 LANERGAN, for relief of the Ordinance to construct an addition that will result in a 27.3 front yard setback where 40' is required by Section 30.10.02.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to construct an addition at 2910 Lanergan. This house is a legal non-conforming structure. It has an existing 22.7' front yard setback where 40' is required per Section 30.10.02. The proposed addition on the east side of the home would have only a 27.3' front yard

ITEM #14 – con't.

setback. Section 40.50.04 prohibits expansions of non-conforming structures in a way that increases the non-conformity.

Michael Cameron and the architect Richard Berilli were present. Mr. Berilli stated that they wished to add an additional 672 square feet to the existing 1500 square foot house. Because of the layout of the land and a glass curtain wall on the east side of the home this would be the best location for this addition. Mr. Berilli stated that they want to be able to provide a safe, dry, play yard adjacent to the living area and that is the reason they wish to push this addition forward. The north side of the property drops off very quickly and often has standing water there. Lanergan is one of the through streets from Adams to Coolidge and they are concerned about the amount of traffic going down this street. They desire to maintain the aesthetic quality of the homes in this area. If they were to push the addition back from the face of the garage, the garage would maintain its presence at the front of the property.

Mr. Courtney asked if the addition could be moved back at all. Mr. Berilli said that if they moved the addition back it would cover up the glass wall. Pushing the entire addition back to the 40' setback would render the glass wall completely gone.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are eight (8) written approvals on file. There are no written objections on file.

Mr. Kovacs asked what the length of the glass wall was. Mr. Berilli stated that it is the entire width of the occupied portion of the house, which is about 23 to 25 feet. Mr. Kovacs asked where the stairs lead to on this plan and Mr. Berilli said they are putting in a basement in order to maintain the aesthetics of a single story home. Mr. Kovacs said that he understands why you want to keep the glass wall, but is concerned about the roofline and wondered if it could be moved back resulting in 13' of the glass. Mr. Kovacs also said that he understands their concerns regarding a safe play area for children. Mr. Berilli stated that they are trying to preserve as much of the glass portion of the house as they can.

Ms. Tortosa, the owner of this home stated that their yard is the lowest land in the neighborhood and when it rains, has a tendency to collect standing water.

Mr. Kovacs asked how close the house to the east would be with the new addition. Mr. Stimac said that although he did not have a survey in front of him, based on the aerial photograph the house to the east appears to be approximately 23' from the common property line, and the new addition would be 16' from the property line.

Ms. Tortosa said that the addition will be back farther than the existing garage and other garages in the area are closer to the street than their garage.

ITEM #14 – con't.

Motion by Kovacs
Supported by Wright

MOVED, to grant Michael Cameron, representing Damon Frisch, 2910 Lanergan, relief of the Ordinance to construct an addition that will result in a 27.3 front yard setback where 40' is required by Section 30.10.02.

- Variance is not contrary to public interest.
- Standing water creates a hardship, which runs with the land.
- Variance will create a safe environment for children.
- Variance will not have an adverse effect to surrounding property.
- Variance is necessary for the preservation, enjoyment, and substantial property rights possessed by the subject property.

Yeas: All – 7

MOTION TO GRANT VARIANCE CARRIED

Mr. Stimac informed the Board that Ms. Lori Grigg-Bluhm, City Attorney for the City of Troy would like to make a presentation to the Board regarding ex-parte communication, open meetings act and a number of issues that are useful for Boards and Committees. If the Board agrees, Ms. Bluhm would make the presentation at the September meeting. Mr. Courtney stated that he would like some type of written communication regarding this presentation from Ms. Bluhm. Mr. Stimac said that if possible he would try to arrange for Ms. Bluhm make her presentation before the next meeting.

The Board of Zoning Appeals meeting adjourned at 9:00 P.M.

Christopher Fejes, Chairman

Pamela Pasternak, 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 August 23, 2005 in the Council Board Room of the Troy City Hall.

1. ROLL CALL

Present:

Gary Chamberlain
Lynn Drake-Batts
Fazal Khan (arrived 7:32 p.m.)
Lawrence Littman
Robert Schultz (arrived 8:27 p.m.)
Thomas Strat
Mark J. Vleck
David T. Waller
Wayne Wright

Also Present:

Mark F. Miller, Planning Director (arrived 9:10 p.m.)
Brent Savidant, Principal Planner
Allan Motzny, Assistant City Attorney
Christopher Kulesza, Student Representative
Kathy L. Czarnecki, Recording Secretary

Resolution # PC-2005-08-132

Moved by: Chamberlain
Seconded by: Wright

RESOLVED, That Members Khan and Schultz are excused from attendance at this meeting for personal reasons.

Yes: Chamberlain, Drake-Batts, Littman, Strat, Vleck, Waller, Wright
No: None
Absent: Khan (arrived 7:32 p.m.), Schultz (arrived 8:27 p.m.)

MOTION CARRIED

2. MINUTES

Mr. Wright requested that the August 2, 2005 Special/Study Meeting minutes reflect that there was no Board of Zoning Appeals (BZA) meeting on which to report (Agenda Item #3).

[Mr. Khan arrived at 7:32 p.m.]

Resolution # PC-2005-08-133

Moved by: Waller
Seconded by: Littman

RESOLVED, To approve the August 2, 2005 Special/Study Meeting minutes as amended.

Yes: Chamberlain, Drake-Batts, Littman, Strat, Vleck, Waller
No: None
Abstain: Khan, Wright
Absent: Schultz (arrived 8:27 p.m.)

MOTION CARRIED3. **PUBLIC COMMENTS**

There was no one present who wished to speak.

4. **PLANNING AND DEVELOPMENT REPORT**

Mr. Savidant reported on the following.

- *PUD 4, The Monarch Private Residences, North side of Big Beaver Road between Alpine and McClure* – Approval of public benefit by City Council
- *Rezoning Application Z 705, West side of Rochester Road, North of Creston between Long Lake and Trinway, from R-1C to R-1T* – At its August 15, 2005 Regular Meeting, City Council postponed the request to its September 12, 2005 Regular Meeting because the petitioner was not present.
- *Zoning Ordinance Text Amendment (ZOTA 212) Articles IV, XXV, XXVI and XXVII - Freestanding Restaurants, Banks and Daycare Facilities in the R-C, O-M and O-S-C Districts* – Approved by City Council at its August 15, 2005 Regular Meeting.
- *Reminder that there is no Planning Commission Meeting on the 1st Tuesday of September because of the Labor Day holiday.* – The next scheduled Planning Commission meeting is September 13, 2005 (Regular Meeting).
- *Troy Futures Project and Big Beaver Road Corridor Study* – Mr. Miller will provide a report on both items during *The Good of the Order* portion of the meeting.
- *Bharatiya Temple Parking Lot Expansion* – Communication from Bloomfield Hills resident with concerns relating to parking, traffic and emergency vehicle access and the Planning Department written response were distributed to members. Mr. Waller suggested copies of the correspondence be forwarded to township officials.

5. BOARD OF ZONING APPEALS (BZA) REPORT

Mr. Wright reported on the August 16, 2005 BZA meeting.

- *1639 E. Big Beaver Road, North side of Big Beaver between John R and Rochester Road* – Request for relief of ordinance requirement for 14,738 square feet of landscaping was postponed to the September agenda.

A brief discussion followed on development of properties zoned P-1 and E-P.

6. PLANNING COMMISSION BYLAWS

Potential changes to the Bylaws outlined by Mr. Waller were reviewed and discussed in depth. Comments and suggestions were received by members and noted by Mr. Waller.

[Mr. Schultz arrived at 8:27 p.m.]

Mr. Waller will make revisions to the potential changes for discussion at a future meeting.

Resolution # PC-2005-08-134

Moved by: Chamberlain

Seconded by: Wright

RESOLVED, To move Agenda Item #9 for discussion prior to Agenda Item #7.

Yes: All present (9)

No: None

MOTION CARRIED

9. SITE PLAN REVIEW (SP 921) – Proposed Briggs Crossing Condominium, North side of Lamb, East side of Rochester Road, Section 14 – R-1T and R-1C

Mr. Savidant presented a brief summary of the proposed Briggs Crossing Condominium.

Brad Byarski of 2617 Beacon Hill, Auburn Hills, was present to represent the petitioner, Michigan Home Builders. Mr. Byarski provided an overview of two development concepts. One design provides a storm water detention pond in the northeast corner of the property and 61 units. The alternate design provides a “wet”

storm water retention pond, a park area and 66 units; this concept would require a 5-foot front yard setback variance.

Comments were solicited from around the table. Members voiced concerns with the proposed setbacks, density, parking and sidewalks.

Mr. Byarski provided an update on the proposed PUD 5, Caswell Town Center, located on the east side of Rochester Road, south of South Boulevard.

Chair Strat requested a recess at 9:00 p.m.

The meeting reconvened at 9:08 p.m.

7. PROPOSED FUTURE LAND USE PLAN AMENDMENT – Rochester Road between South Blvd. and Square Lake Road

Mr. Savidant provided a brief review of the “Binson’s Rezoning” that was postponed by City Council to the first Regular City Council meeting scheduled in March 2006, and City Council’s direction to the Planning Commission that consideration be given to amending the Future Land Use Plan in the Rochester Road Corridor between Square Lake and South Boulevard.

Mr. Savidant reviewed the process for amending the Future Land Use Plan and outlined an approximate time line for the process.

[Mr. Miller arrived at 9:10 p.m.]

Mr. Miller led the in-depth discussion in identifying problems and opportunities related to the section of Rochester Road between South Boulevard and Square Lake Road.

Problems

- Depth of properties
- Variety of zoning districts and land uses (not a set pattern)
- Too many curb cuts
- Traffic volume (difficult to market residential)
- Mixed PUD use
- Signalization (lack of) along Rochester Road
- Small number of parcels affected by development pressure
- Protection of residential uses
- Right-of-way build-out incomplete

Opportunities

- New development on east side of Rochester Road
- Current trends
- Traffic volume (access to expressways)
- Residential use above retail use
- Mixed PUD use
- Overlay
- Input from new homeowners/developers
- Public input session

8. COMPREHENSIVE PLAN

Mr. Miller reviewed the Comprehensive Plan adoption process and the approximate time line. Mr. Miller said completion of the Comprehensive Plan could take up to two years. Mr. Miller noted that the Big Beaver Corridor Study and Troy Futures project would be completed before initiating the Comprehensive Plan and recommendations of the two studies would be incorporated into the Comprehensive Plan.

Mr. Miller reported that he has been charged with the Image and Presentation element of the Troy Futures project and would welcome suggestions from members.

Chair Strat said there are steps that the Planning Commission can take prior to the completion of the Big Beaver Corridor Study and Troy Futures project.

10. REVIEW OF SEPTEMBER 13, 2005 REGULAR MEETING

This item was not discussed.

11. PUBLIC COMMENTS

There was no one present who wished to speak.

GOOD OF THE ORDER

Mr. Vleck addressed maintenance of brick pavers on City property and landscaped islands located within parking lots of commercial developments. He suggested that landscaped islands be addressed more directly during the site plan approval process.

Mr. Chamberlain suggested swales and natural grasses and plantings instead of raised landscaped beds.

Mr. Savidant suggested cuts into the curbs so water could get to the swales.

Mr. Miller announced that SEMCOG is hosting a “green” seminar at the Marriott Hotel and a tour of the Kresge Foundation property. Details will be provided.

Mr. Waller said the planned transit center has a LEED rating application in the plans.

Mr. Schultz addressed the lack of maintenance of landscaped areas on vacant commercial and office buildings.

Mr. Littman suggested that a tour of the Kresge Foundation property be arranged for the members.

Mr. Miller identified the following seminars might be of interest and beneficial to those attending the Michigan Association of Planning Annual Conference.

- Conditional Rezoning
- Successful Projects, Successful Partnerships between Community and Developer
- Best Practices for Innovative Planning and Zoning
- Form-Based Codes: Improving Community Design

Chair Strat informed the members that the City Manager notified him that the State legislature is not going forward with the proposed modifications for group day care homes [House Bill 4398]. Mr. Szerlag requested the Planning Commission to resume action on the proposed zoning ordinance text amendment [ZOTA 214].

There was a brief discussion with respect to the plan of action.

ADJOURN

The Special/Study Meeting of the Planning Commission adjourned at 10:45 p.m.

Respectfully submitted,

Thomas Strat, Chair

Kathy L. Czarnecki, Recording Secretary

The Chairman, Ted Dziurman, called the meeting of the Building Code Board of Appeals to order at 8:30 A.M., on Wednesday, September 7, 2005 in the Lower Level Conference Room of the Troy City Hall.

PRESENT: Ted Dziurman
Rick Kessler
Bill Nelson
Tim Richnak
Frank Zuazo

ALSO PRESENT: Mark Stimac, Director of Building & Zoning
Pam Pasternak, Recording Secretary

ITEM #1 – APPROVAL OF MINUTES – MEETING OF AUGUST 3, 2005

Motion by Richnak
Supported by Kessler

MOVED, to approve the minutes of the meeting of August 3, 2005 as written.

Yeas: All – 5

MOTION TO APPROVE MINUTES CARRIED

ITEM #2 – VARIANCE REQUEST. TAMELA CORBIN, 503 RANDALL, for relief of Chapter 83 to install a 6' high privacy fence in the front yard setback along Tallman.

Petitioner is requesting relief of the Ordinance to install a 6' high privacy fence. This property is a double front corner lot. It has front yard setback requirements along both Randall and Tallman. Chapter 83 limits the height of front yard fences on this property to not more than 30". The site plan submitted indicates a 6' high privacy fence setback 2' from the east property line along Tallman.

This item first appeared before this Board at the meeting of August 3, 2005 and was postponed to allow the petitioner the opportunity to present the height and a picture of the fence she wishes to install, to allow the petitioner to present a landscaping plan to the Board and to allow the Building Department the opportunity the chance to research the records regarding a previous variance.

A review of the Building Department records show that on June 14, 1973, a variance was granted by the Building Code Board of Appeals for a 6' high privacy fence running along the east property line, south, 60' from the rear property line, then continuing south with a 4' high privacy fence for 16' and connecting to the house at a 4' height. A copy of the minutes from that meeting is included for your reference.

The Chairman postponed this item until the petitioner came in.

ITEM #3 – VARIANCE REQUEST. MARK DURETTE, 2463 AVERY, for relief of Chapter 83 to install a 48” high privacy fence in the front setback of Foxcroft Drive.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to install a 48” high fence. This lot is a double front corner lot. As such, it has front yard requirements along both Avery and Foxcroft Drive. The lot does, however, have a common rear-yard-to-rear-yard relationship to the property behind it. In these cases, Chapter 83 limits fences in the required front setback along Foxcroft Drive to a non-obscuring fence (more than 50% open) not more than 48” in height. The site plan submitted indicates a 48” high privacy fence in the front setback along Foxcroft Drive.

Mr. Durette was present and stated that the fence has been installed. He explained that they had hired a contractor who said that all permits had been obtained and the fence put in correctly. Aesthetically this fence is very attractive and Mr. Durette’s neighbors have indicated that they approve. The fence is back from the corner and does not obscure traffic because this lot is on a cul-de-sac. Their family room faces Foxcroft and they wanted this fence to increase their privacy from traffic along Foxcroft.

Mr. Dziurman asked why they had put their fence up next to the neighbor’s fence on the north side of the property. Mr. Durette explained that they have a dog and because the neighbor’s fence was a split rail fence, they added the fence to prevent their dog from going on the neighbor’s property. They chose a black chain link fence so that it would not take away from the split rail fence. Mr. Dziurman then asked how far the fence was from the sidewalk and Mr. Durette said it was about a foot back.

Mr. Kessler stated that he feels the fence looks nice but does not see a hardship running with the property that would justify this variance. Normally corner lots are larger than other lots in the area and the Board asks for a minimum setback of 10’ from the sidewalk to allow for landscaping, which will soften the look of the fence. Mr. Durette said that there is a line of trees that are approximately 10’ from the sidewalk. Mr. Kessler then stated that the fence could be located farther back than the 10’. Mr. Durette said that he had driven through the area and there are a number of fences that are both 6’ high and right next to the sidewalk. Mr. Dziurman stated that the Board does not know the history of these fences and it was possible that they were put up in accordance with variances that had been granted.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are eight (8) written approvals on file. There are no written objections on file.

Mr. Kessler asked if visibility was obstructed when backing out of the driveway. Mr. Durette indicated that this fence had been in place for the last two years and does not believe that visibility is compromised because of the fence. Mr. Durette also said that they are extremely careful when backing out of the drive. Mr. Kessler stated that he strongly objects to a fence along the driveway.

ITEM #3 – con't.

Mr. Dziurman asked if Mr. Durette would be willing to modify his request and angle the fence line near the driveway. Mr. Durette said that he could probably do that and asked how large a setback the Board would want. Mr. Dziurman said that he personally would like to see it back about 10' or angle the fence by the driveway.

Mr. Zuazo asked how far back the tree line was from the sidewalk and Mr. Durette said that it is approximately 10' back and he believes that the previous owner had put the trees in to provide screening.

Mr. Richnak stated that he could not make a motion to approve this request and Mr. Kessler said that he would like to see the fence brought straight back about 15' to 20'. A discussion began regarding the utility boxes and the sump pump outlet. Mr. Nelson said that he would like to see the fence moved back to increase visibility.

Motion by Richnak
Supported by Nelson

MOVED, to approve the request of Mark Durette, 2463 Avery, for relief of Chapter 83 to install a 48" high privacy fence in the front setback of Foxcroft Drive.

- Fence should be moved north 15'.
- Installation should not interfere with the utility boxes.
- Moving the fence back will increase visibility.

Mr. Zuazo asked if the Board wanted any type of modification of the fence along the sidewalk. The other Board members did not want any other modification.

Yeas: 4 – Nelson, Richnak, Dziurman, Kessler
Nays: 1 – Zuazo

MOTION TO GRANT VARIANCE WITH STIPULATION CARRIED

ITEM #2 – TAKEN OUT OF ORDER. VARIANCE REQUEST. TAMELA CORBIN, 503 RANDALL, for relief of Chapter 83 to install a 6' high privacy fence in the front yard setback along Tallman.

Petitioner is requesting relief of the Ordinance to install a 6' high privacy fence. This property is a double front corner lot. It has front yard setback requirements along both Randall and Tallman. Chapter 83 limits the height of front yard fences on this property to not more than 30". The site plan submitted indicates a 6' high privacy fence setback 2' from the east property line along Tallman.

This item first appeared before this Board at the meeting of August 3, 2005 and was postponed to allow the petitioner the opportunity to present the height and a picture of

ITEM #2 – con't.

the fence she wishes to install, to allow the petitioner to present a landscaping plan to the Board and to allow the Building Department the opportunity the chance to research the records regarding a previous variance.

A review of the Building Department records show that on June 14, 1973, a variance was granted by the Building Code Board of Appeals for a 6' high privacy fence running south, 60' from the rear property line, then continuing south, a 4' high privacy fence for 16' and connecting to the house at a 4' height. A copy of the minutes from that meeting is included for your reference.

Ms. Corbin was present. Mr. Dziurman explained that because this Board had granted a variance back in 1973, if she wished to put her fence in the same place a new variance would not be required.

Ms. Corbin stated that instead of a 6' high privacy fence running along Tallman, she wished to install a 54" high lattice type vinyl fence. Mr. Stimac stated that would be within the variance granted in 1973 and she could withdraw this request.

Mr. Dziurman said that as long as she follows the variance granted in 1973 a new variance was not required.

Ms. Corbin stated that she would withdraw her request. Withdrawal request noted and filed. No further action taken by this Board.

ITEM #4 – VARIANCE REQUEST. CHRISTOPHER MEERSCHAERT, 5562 HUNTERS GATE, for relief of Chapter 83 to install a 48" high fence along Beach Road.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to install a 48" high fence. This lot is a double front through lot. It has front yard requirements along both Hunters Gate and Beach Road. This is because there are houses fronting on Beach Road within the same block. Chapter 83 limits fences in front yards to a maximum height of 30 inches. The site plan submitted indicates a 48" high fence 15' from the property line along Beach Road.

Mr. Meerschaert was present and stated that he felt that because there is an existing swimming pool in the yard a 48" high fence is required. Mr. Meerschaert also stated that there are a number of properties in the same area that have the same type of fencing he wishes to install.

Mr. Dziurman clarified that the petitioner was appearing before this Board because the height of the fence was 48". Mr. Stimac explained that because this was a double front through lot, Chapter 83 limits the height of fences in the front yards to 30". Mr. Stimac also stated that if the fence were moved back 40' from the east property line it could be

ITEM #4 – con't.

48" high and a variance would not be required; however, the petitioner is asking to place the fence 15' from the property line.

Mr. Dziurman asked what type of fence the petitioner wished to install. Mr. Meerschaert stated that he wants to meet the requirements of the Code for swimming pools and would have two gate entrances, one of which would run along Beach Road to allow direct access to the utility easements.

Mr. Dziurman asked which code took precedence when there was a conflict such as this: e.g. swimming pool versus front through lot. Mr. Stimac said that both codes are of equal importance and that there is nothing in the pool code that grants exceptions to Chapter 83.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are three (3) written approvals on file. There are no written objections on file.

Mr. Meerschaert stated that this portion of Beach Road is heavily wooded and the fence would not be visible. Mr. Richnak asked about the location of the fence and Mr. Meerschaert stated that the fence would be about 5 to 6' from the end of the tree line.

Mr. Zuazo asked if any portion of this home was visible from Beach Road. Mr. Meerschaert stated about 12' of 120'. They are planning to put in a brown wrought iron fence that would blend in with the existing vegetation.

Mr. Kessler asked if the fence would be put right up to the property line on the side. Mr. Meerschaert explained that the fence would be about 2 ½' inside of the property line and they plan to put in arborvitae. Mr. Kessler asked if they would mow the easement. Mr. Meerschaert said that is the reason for the gate at the back of the property.

Mr. Richnak asked if the petitioner was planning to adding any type of plant material to the side of the fence along Beach Road and the petitioner stated that he had planned to put shrubs on the inside of the fence. Mr. Richnak stated that he would like to see some type of plantings along Beach Road. Mr. Meerschaert stated that he had not planned to put in arborvitae in this location because of the Edison box. Mr. Stimac stated that this box would have clearance requirements on it. Mr. Meerschaert said that he had seen the damage done by Edison when they dig up an easement and that is the reason he would rather not add additional plantings. Mr. Zuazo stated that he could angle the fence away from the Edison box. Mr. Meerschaert said that he would be willing to add arborvitae.

Motion by Richnak
Supported by Kessler

ITEM #4 – con't.

MOVED, to grant Christopher Meerschaert, 5562 Hunters Gate, relief of Chapter 83 to install a 48" high privacy fence 15' from the property line along Beach Road.

- Either the corner of the fence is to be angled away from utility box, or
- Petitioner must add a minimum of five (5) arborvitae along the northeast fence line.

Yeas: All

MOTION TO GRANT VARIANCE WITH STIPULATION CARRIED

ITEM #5 – VARIANCE REQUEST. STONE AGE INVESTMENTS, LARRY FARIDA, 1613 LIVERNOIS, for relief of Section 403.2 of the State of Michigan Plumbing Code to eliminate separate men and women's bathrooms.

Mr. Stimac explained that the petitioner is requesting relief of Section 403.2 of the State of Michigan Plumbing Code to have a single, unisex bathroom available to the public where separate men's and women's facilities are required. Section 403.2 states: *Where plumbing fixtures are required, separate facilities are required for each sex.* The only exception closely applicable in this instance is exception three of that Section that states: *Separate facilities shall not be required in structures or tenant spaces with a total occupant load, including both employees and customers, of 15 or fewer.* This building has an occupancy load well in excess of 15 persons.

Larry Farida was present and stated that the lower level of this building has separate facilities for employees. Other than the month of December, the total number of customers is rarely more than 10 or 15 people.

Mr. Stimac explained that the previous State Plumbing Code did not require public facilities unless the building was more than 5,000 square feet. The new Plumbing Code requires that all businesses have public facilities available.

Mr. Dziurman stated that there are separate facilities in the lower level but there would be one unisex restroom available on the first floor.

Mr. Kessler asked if the petitioner would not have more than fifteen people, including customers, in the store at one time. Mr. Farida stated that basically he is moving his business from one corner of Livernois to another and believes that his customer base would remain the same.

Mr. Dziurman asked if he thought this new location would increase his customer base. Mr. Farida said that he does not believe he will gain a lot of new customers as this is mainly a wine shop and not a deli. If they have to add the additional restroom, they will lose the bottle return area.

ITEM #5 – con't.

Mr. Zuazo asked if they cut cheese in their existing building. Mr. Farida said that they cut cheese in cubes and it is sold in pre-packaged containers. Mr. Zuazo then asked how far the restroom facility was from the prepping area. Mr. Farida indicated that the restroom is in the back of the building and the prepping area is located at the front of the building. Mr. Zuazo then clarified that Mr. Farida was asking for one restroom for use by the general public instead of two.

Mr. Richnak asked if this would have been allowed under the previous Plumbing Code and Mr. Stimac explained that public facilities were not required unless the building was more than 5,000 square feet. Mr. Richnak then asked what would happen if the variance request was granted, and the building became something other than a retail store. Mr. Stimac explained that if the use changed, the property would have to be re-evaluated and the codes regarding the new use would have to be met.

Mr. Zuazo asked if they had any plans to add a deli and Mr. Farida said absolutely not. Mr. Farida said that the only thing they will sell will be pre-packaged cheese.

Mr. Kessler asked if the business doubled in six months if Mr. Farida would be willing to add another restroom. Mr. Farida said that if he had a number of customers asking to use the facilities, he would be more than willing to add a second restroom. Mr. Kessler said that technically the Plumbing Code requires a drinking fountain as well as restrooms for public use. Mr. Kessler also said that most people do not ask to use restrooms as they believe they are for employee use only. Mr. Farida stated that he could count the number of people asking to use the restroom on one hand since he took over this business in 2000.

Mr. Zuazo asked if Mr. Farida had a food service license. Mr. Farida indicated that less than 5% of their business is food service and they plan to eliminate selling sandwiches and cutting cheese. The only type of food that they will sell will be pre-packaged. Mr. Farida also said that they have a license under the Department of Agriculture.

Motion by Richnak
Supported by Nelson

MOVED, to grant Stone Age Investments, Larry Farida, 1613 Livernois, relief of Section 403.2 of the State of Michigan Plumbing Code to eliminate separate men and women's restrooms.

- Variance will not be contrary to public interest.
- Variance will not have an adverse effect.
- Board does not see the volume of customers that would require a second restroom.

Yeas: All

ITEM #5 – con't.

MOTION TO GRANT VARIANCE CARRIED

The Building Code Board of Appeals meeting adjourned at 9:43 A.M.

Ted Dziurman, Chairman

Pamela Pasternak, Recording Secretary

The Regular Meeting of the Troy City Planning Commission was called to order by Chair Strat at 7:32 p.m. on September 13, 2005, in the Council Chambers of the Troy City Hall.

1. ROLL CALL

Present:

Gary Chamberlain
Lynn Drake-Batts
Lawrence Littman
Robert Schultz
Thomas Strat
Mark J. Vleck
David T. Waller
Wayne Wright

Absent:

Fazal Khan

Also Present:

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

APPROVAL OF AGENDA

Resolution # PC-2005-09-135

Moved by: Littman
Seconded by: Schultz

RESOLVED, To approve the Agenda as distributed.

Yes: All present (8)
No: None
Absent: Khan

MOTION CARRIED

Excuse absent member(s) - See Resolution # PC-2005-09-146, page 12.

2. MINUTES

Resolution # PC-2005-09-136

Moved by: Littman
Seconded by: Wright

RESOLVED, To approve the August 9, 2005 Regular Meeting minutes as published.

Yes: All present (8)
No: None
Absent: Khan

MOTION CARRIED

Resolution # PC-2005-09-137

Moved by: Littman
Seconded by: Wright

RESOLVED, To approve the August 23, 2005 Special/Study Meeting minutes as published.

Yes: All present (8)
No: None
Absent: Khan

MOTION CARRIED

3. **PUBLIC COMMENT** – Items not on the Agenda

Ted Wilson of 5038 Kellen Lane, Bloomfield Township, was present. Mr. Wilson, chairman of the Economic Development Committee for the Troy Chamber of Commerce, announced a focus group meeting to discuss the Maple Road Corridor is scheduled on September 28, 2005 at the SMART Bus Depot Facility in Troy. The focus group comprise of representatives from the Chamber, the City, Lawrence Tech University and the private sector. Mr. Wilson briefly outlined the plan of action and upcoming meetings. Mr. Wilson said the Chamber is supportive of two proposed developments located on the north side of Maple Road that are being considered by the Commission tonight.

TABLED ITEMS

4. **SITE PLAN REVIEW (SP 920)** – Proposed Troy Retail Center (formerly Cranbrook Plaza), North side of Maple, West side of Dequindre, Section 25 – B-2

Mr. Miller reported the Planning Department has not received any additional information on the proposed development since it was tabled at the August 9, 2005 Regular Meeting. It is the recommendation of the Planning Department to table the item to the October Regular Meeting.

The petitioner was not present.

Mr. Savidant reported that the petitioner is pursuing options with respect to the sidewalks. He indicated the Planning Department has not been provided a timetable for the project by the applicant but assumes postponement to the October Regular Meeting would be appropriate.

Resolution # PC-2005-09-138

Moved by: Wright
Seconded by: Schultz

RESOLVED, That Preliminary Site Plan Approval, as requested for the Proposed Troy Retail Center, located on the north side of Maple and west of Dequindre, located in Section 25, on approximately 7.25 acres, within the B-2 zoning district, is hereby tabled to the October 11, 2005 Regular Planning Commission Meeting.

Yes: All present (8)
No: None
Absent: Khan

MOTION CARRIED

5. **SPECIAL USE REQUEST (SU 328)** – Existing Clark Station, Northeast corner of Maple and Livernois, Section 27, Zoned H-S (Highway Service)

Mr. Miller presented a summary of the Planning Department report for the proposed special use. He indicated the petitioner has addressed the environmental issues related to a previous gasoline tank leak. Mr. Miller reviewed the itemized facts provided by the City's Environmental Specialist with respect to the cleanup of the site. Mr. Miller reported that it is the recommendation of the Planning Department to approve the Special Use Request and Site Plan as submitted.

The petitioner and project architect, Mike Kozlowski of CED, 5603 S. Telegraph Road, Dearborn Heights, was present. Mr. Kozlowski provided a brief description of the development plan and proposed site improvements.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2005-09-139

Moved by: Schultz
Seconded by: Wright

RESOLVED, That the Special Use Approval and Site Plan Approval, pursuant to Section 22.30.02 of the Zoning Ordinance, as requested for the proposed Clark Station improvements, located on the northeast corner of Maple and Livernois, Section 27, within the H-S Zoning District, be granted.

Yes: All present (8)
 No: None
 Absent: Khan

MOTION CARRIED

REZONING REQUESTS

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

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

The petitioner was not present.

The Planning Department reported that the petitioner indicated he would be present.

Resolution # PC-2005-09-140

Moved by: Chamberlain
 Seconded by: Wright

RESOLVED, That the item be moved to the end of the agenda to give the petitioner a chance to be here and address the item.

Yes: All present (8)
 No: None
 Absent: Khan

MOTION CARRIED

See page 11.

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

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

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

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

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

PUBLIC HEARING OPENED

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

PUBLIC HEARING CLOSED

Resolution # PC-2005-09-141

Moved by: Littman
Seconded by: Wright

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

Yes: All present (8)
No: None
Absent: Khan

MOTION CARRIED

SITE PLAN REVIEWS

8. **SITE PLAN REVIEW (SP 923)** – Proposed Peoples State Bank, Southeast corner of Livernois and Long Lake Road, Section 15 – B-2 (Community Business) District (Controlled by Consent Judgment)

Mr. Savidant presented a summary of the Planning Department report for the proposed development. Mr. Savidant reported that it is the recommendation of the Planning Department to approve the site plan contingent on the vacation of the Consent Judgment by City Council.

Mr. Chamberlain stated that the property is going back to what it was developed approximately 30 or 40 years ago. He said the site was a bank approximately 3 businesses ago, prior to T-Bird Restaurant and Dairy Queen.

Mr. Miller provided an explanation for the Consent Judgment on the site. Mr. Miller reported the Consent Judgment relates to property acquisition, improvements and payments related to the property, and does not restrict the uses on the site. He said discussion with the City Attorney's Office determined there is no need for the Consent Judgment.

The petitioner, Phil Ruggeri of Troy Long Lake LLC, 38700 Van Dyke, Sterling Heights, was present. He introduced David Wilson, Chief Financial Officer of Peoples State Bank, and Mark Drane, project architect of Rogvov Architects, 32500 Telegraph, Bingham Farms.

Chair Strat disclosed that he has had business dealings with Mr. Ruggeri in the past but that he has no financial interest in the proposed development, nor is he associated with Peoples State Bank.

The members agreed there was no reason to exclude Chair Strat from discussion and vote on the item.

Mr. Littman commented that the proposed development appears to have fewer drive-through lanes than most banks.

Mr. Drane replied the two drive-up lanes and one drive-up ATM lane are sufficient for the bank.

Chair Strat complimented the petitioner on the thoroughness of the site plan submission.

Mr. Schultz said he would personally be more comfortable if additional landscaping was provided along the south edge to shelter the residential property from the commercial property.

Mr. Drane noted that the south end is paved and a greenbelt would be provided. He said he would be happy to add more canopy trees.

Resolution # PC-2005-09-142

Moved by: Schultz

Seconded by: Vleck

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

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

THEREFORE BE IT RESOLVED, That Preliminary Site Plan Approval, as requested for the proposed Peoples State Bank, located on the southeast corner of Livernois and Long Lake, located in Section 15, on approximately 1.1 acres, within the B-2 zoning district, is hereby granted, subject to the following conditions:

1. Contingent on the vacation of the current Consent Judgment by City Council.
2. Add a minimum of three (3) additional canopy trees to the south edge of the property between their property and residential.

Yes: All present (8)

No: None

Absent: Khan

MOTION CARRIED

9. **SITE PLAN REVIEW (SP 924)** – Proposed National City Bank Branch, Southeast corner of Big Beaver and Town Center Drive, Section 28 – O-S-C (Office-Service-Commercial) District

Mr. Savidant presented a summary of the Planning Department report for the proposed development. Mr. Savidant reported that it is the recommendation of the Planning Department to approve the site plan and parking space reduction as submitted with the condition to construct a sidewalk along the south side of the building, as required by the Zoning Ordinance.

Chair Strat said he would rather see a green area along the south side of the building instead of the sidewalk that is required by the Zoning Ordinance. He asked which section of the ordinance stipulates this requirement.

Mr. Savidant cited Section 39.80.04. He informed the members that there is a building entrance along the south side that he believes is an employee entrance.

The petitioner, Jill Stewart of Yamasaki Associates, Inc., 900 Tower Drive, Troy, was present. Ms. Stewart introduced National City Bank representatives, Joe Kuiper of Kalamazoo and Dan McCarthy of Royal Oak, and Tony Antone of Kojaian Company. Ms. Stewart said it would be their preference to landscape the south side of the building instead of providing a sidewalk. She explained that the sidewalk would extend from the employee entrance/exit door to the asphalt pavement of the drive-through lane and to the retention bin. Ms. Stewart said the retention bin would be used for daily trash, of which the bank shreds on a daily basis.

Discussion continued briefly relating to the sidewalk requirement.

Mr. Schultz brought to the petitioner's attention that the proposed elevations have been reversed on some of the site plan sheets.

Mr. Schultz said he personally would like to see additional landscaping and/or architectural elements provided on the south end of the building. He said the south end of the building is extremely ugly and very visible from Troy Center Drive.

Chair Strat asked the petitioner if she had any building renderings available to view.

Ms. Stewart apologized that she did not have any renderings with her. Ms. Stewart reported that Mr. Kuiper has clarified that the door on the south side of the building would be used primarily for servicing equipment and trash.

Mr. Waller asked if any considerations were given to providing green components.

Ms. Stewart replied that National City Bank follows a prototype system and design to their buildings. She said the project does not meet certain site plan requirements or allowances under the U.S. Green Building Council LEEDS certification program. Ms. Stewart said there are elements of the project that on further inspection would contribute to that but at this point, the building would not be able to achieve a minimum certification.

Chair Strat encouraged that the development incorporate storm water management.

Mr. Schultz questioned the building's cohesiveness to the adjacent building.

Ms. Stewart replied the brick color is tan and would be compatible to the surrounding buildings. She provided information on the panel material.

Mr. Motzny clarified that the Zoning Ordinance section previously cited by Mr. Savidant was not referenced correctly. Section 39.70.03 relates to sidewalks in commercial areas. Mr. Motzny said the Planning Commission could modify the requirement and request landscaping in lieu of a sidewalk.

Resolution # PC-2005-09-143

Moved by: Drake-Batts

Seconded by: Waller

WHEREAS, Article 40.20.12 permits the Planning Commission to deviate the parking requirements based upon the specific standards set forth in the Article. The applicant has provided a letter providing justification for the reduced number of parking spaces.

RESOLVED, The Planning Commission hereby approves the reduction of 156 parking spaces to 1,928 spaces, when 2,084 spaces are required, as per Article 40.20.12.

BE IT FURTHER RESOLVED, That Preliminary Site Plan Approval, as requested for the Proposed National City Bank, located on the southeast corner of Big Beaver and Town Center Drive, located in Section 28, on approximately 1.16 acres, within the O-S-C zoning district, is hereby granted, subject to the following condition:

1. That there is no sidewalk along the south side of the building, which will be landscaped.

Yes: All present (8)

No: None

Absent: Khan

MOTION CARRIED**ZONING ORDINANCE TEXT AMENDMENT**

10. **PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT (ZOTA 218) – Article 10.30.03 Daycares in Schools within the R-1 Districts**

Mr. Savidant presented a summary of the proposed zoning ordinance text amendment. He reported that the City's Planning Consultant and Assistant City Attorney agree with the proposed text amendment in concept. The Assistant City Attorney suggested and City Management agrees with revising the text to clarify what constitutes a school complex.

Mr. Miller noted that (1) public schools are exempt from municipal zoning; and (2) schools are permitted in the R-1A through R-1E zoning districts with the requirement that they located on major thoroughfares.

There was a brief discussion on the placement of definitions within the Zoning Ordinance.

Mr. Motzny confirmed that the definition of school is not currently inclusive of definitions listed in the Zoning Ordinance.

PUBLIC HEARING OPENED

Nichol Childs of 1931 Atlas, Troy, was present. Ms. Childs addressed the affect of potential traffic generated by child care centers in residential areas in relation to traffic generated by group day care centers in residential areas.

Sharon Schafer of 5593 Mandale Drive, Troy, was present. Ms. Schafer said she assumes, based upon the numbering system, that the proposed zoning ordinance text amendment relating to group day care homes in residential districts (ZOTA 218) has been under consideration longer than the ZOTA 214. Ms. Schafer said she supports the proposed zoning ordinance text amendment under consideration this evening because working families in Troy need every option available to them for child care. She stated child care centers in residential areas would not cause any less noise or traffic than group day care homes in residential areas, and she hopes the members remember that she brought that to their attention when ZOTA 218 is considered in a couple of weeks.

PUBLIC HEARING CLOSED

Resolution # PC-2005-09-144

Moved by: Wright
Seconded by: Schultz

RESOLVED, That the Planning Commission hereby recommends to the City Council that Article X, pertaining to Daycares in the R-1A through R-1E Zoning Districts, be amended as printed on the Proposed Zoning Ordinance Text Amendment received tonight, as follows:

Section 10.30.03 (B) – Such uses shall not be permitted in the interior of any residential block. Such uses shall be located adjacent to a multiple family residential, office or commercial district, or within a previously established church complex or a public or private school utilized for the education of children, other than a home school.

Discussion on the motion.

Mr. Vleck asked if charter schools are exempt from municipal zoning.

Mr. Motzny replied that charter schools are considered public schools and the exemption would apply to them as well as public schools.

Mr. Miller confirmed that it was a Montessori school that prompted the proposed zoning ordinance text amendment.

Chair Strat suggested that the description of private schools should be included as part of a definition in Article IV.

Vote on the motion on the floor.

Yes: All present (8)
 No: None
 Absent: Khan

MOTION CARRIED

REZONING REQUEST

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

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

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

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2005-09-145

Moved by: Chamberlain
 Seconded by: Wright

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

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

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

Yes: All present (8)
 No: None
 Absent: Khan

MOTION CARRIED

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

Resolution # PC-2005-09-146

Moved by: Wright
 Seconded by: Schultz

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

Yes: All present (8)
 No: None
 Absent: Khan

MOTION CARRIED

11. **PUBLIC COMMENT** – Items on the Agenda.

There was no one present who wished to speak.

GOOD OF THE ORDER

Mr. Schultz thanked the Planning Department for providing the new masthead for the Agenda, and noted it was very nice and professional. He asked the department to be consistent in labeling the Public Comment sections and identify which section is to discuss items on the Agenda and items not on the Agenda.

Mr. Littman agreed the new format looks better.

Mr. Waller said the new masthead looks good. He asked that the Agendas be identified to what type of meeting is being held; i.e., Regular, Study, etc. Further, Mr. Waller addressed potential revisions to the Bylaws. He distributed a copy of the Bylaws incorporating recent revisions and asked that any comments or suggestions be sent to him via email.

Chair Strat said he would hope to have the Bylaws on the next study session Agenda.

Mr. Miller said the Planning Department is working on additional language to add to the Agenda in relation to responsibilities of the Planning Commission. Further, Mr. Miller addressed City Council action items, as follows:

- (1) Rezoning Application (Z 706), South side of Long Lake Road, West of Calvert Drive, Section 14, from R-1C to CR-1 – Approved by City Council;
- (2) City Council adopted a Resolution requesting the Planning Commission make a recommendation on September 27 regarding group day care homes;
- (3) City Council adopted a Resolution scheduling a Public Hearing on October 24, 2005 to discuss and determine the appropriateness of amending the Downtown Development District (DDA) boundaries to exempt the Monarch PUD project. He announced a DDA meeting is scheduled on September 21, 2005.

Mr. Miller said he looks forward to seeing those members who are attending the Michigan Association of Planning conference in Mackinac Island.

Mr. Waller asked about the request of Councilman Lambert relating to the Future Land Use Plan.

Mr. Miller said he would look into Mr. Lambert's request. Mr. Miller reviewed the memorandum provided to City Council that addressed the authority for adoption of the Future Land Use Plan.

Chair Strat commended the Planning Department on the new masthead. He suggested that the Commission's objectives and goals be incorporated on the Agenda's second page where the approval requirements are printed; i.e., achieve innovative storm water management, protection of natural resources; and insure safety for vehicular and pedestrian usage.

Mr. Miller confirmed that the September 27, 2005 Planning Commission Public Hearing on proposed ZOTA 218 relating to group day care homes in residential districts would be held in the Council Chambers to accommodate the projected number of attendees.

The Regular Meeting of the Planning Commission was adjourned at 8:55 p.m.

Respectfully submitted,

Thomas Strat, Chair

Kathy L. Czarnecki, Recording Secretary

A meeting of the Troy Election Commission was held Thursday, September 15, 2005, at City Hall, 500 W. Big Beaver Road. City Clerk Bartholomew called the Meeting to order at 7:05 P.M.

ROLL CALL:

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

Minutes: Regular Meeting of April 12, 2005**Resolution # EC-2005-09-09**

Motion by Anderson
Seconded by Dewan

RESOLVED, That the Minutes of April 12, 2005, 2005 are **APPROVED** as submitted.

Yes: All-3

Approval of Consolidation of All Applicable Precincts in the City of Troy**Resolution # EC-2005-09-10**

Motion by Dewan
Seconded by Anderson

RESOLVED, That the Election Commission of the City of Troy hereby **AUTHORIZES** that applicable precincts servicing qualified electors in the City of Troy be **CONSOLIDATED** as deemed necessary and in accordance with MCL 168.659 for the November 8, 2005 City Regular General Election.

Yes: All-3

Approval of Ballot Language:

City Clerk Bartholomew presented the proposed ballot to the Commission.

Resolution # EC-2005-09-11

Motion by Anderson
Seconded by Dewan

RESOLVED, That the ballot language for the November 8, 2005 City Regular General Election, as submitted by the City Clerk, is hereby **APPROVED**.

Yes: All-3

Adjournment:

The meeting was adjourned at 7:10 P.M.

Tonni L. Bartholomew, MMC
City Clerk

LIBRARY BOARD MINUTES - DRAFT

SEPTEMBER 15, 2005

A Regular Meeting of the Troy Library Board was held on Thursday September 15, 2005 at the Office of the Library Director. Brian Griffen, Chairman, called the meeting to order at 7:35 P.M.

ROLL CALL **PRESENT:** Lynne Gregory
 Brian Griffen
 Mary Shiner
 Nancy Wheeler
 Audre Zembrzuski

 Cheng Chen, Student Representative
 Brian Stoutenburg, Library Director

The Board welcomed new member, Mary Shiner.

Resolution #LB-2005-09-01

Moved by Gregory
 Seconded by Wheeler

RESOLVED, That Lauren Andreoff be excused.

Yes: 5—Gregory, Griffen, Shiner, Wheeler, Zembrzuski
No: 0

The Pledge of Allegiance to the Flag was given.

Resolution #LB-2005-09-02

Moved by Wheeler
 Seconded by Zembrzuski

RESOLVED, That the Minutes of June 2, 2005 be approved with a correction. Under Board Member Comments, the third paragraph should read: Zembrzuski stated that a potential volunteer came in to the library in the evening; and when asked about volunteer opportunities, he was told that he would have to come back during the day. The Library will have volunteer applications available at the Circulation desk.

Yes: 5—Gregory, Griffen, Shiner, Wheeler, Zembrzuski
No: 0

MOTION CARRIED

Reviewed Agenda entries

Resolution #LB-2005-09-03

Moved by Wheeler

Seconded by Zembrzuski

RESOLVED, That the Agenda be approved.

Yes: 5—Gregory, Griffen, Shiner, Wheeler, Zembrzuski

No: 0

MOTION CARRIED

POSTPONED ITEMS

There were no postponed items.

REGULAR BUSINESS

Meeting Room Use. The Board reviewed and discussed the reasons that the Library needed to have the Meeting Room available for library programs and meetings.

Resolution #LB-2005-09-04

Moved by Zembrzuski

Seconded by Wheeler

RESOLVED, That the Library Meeting Room be used for Library Programs and meetings, and that the Friends of the Library Used Bookshop return to their space in the Library lower level.

Yes: 5—Gregory, Griffen, Shiner, Wheeler, Zembrzuski

No: 0

MOTION CARRIED

Review of Exhibitor Procedure. The Board discussed possible options to consider dealing with the issue of pricing and sales information or art exhibits.

Resolution #LB-2005-09-05

Moved by Wheeler

Seconded by Gregory

RESOLVED, That the April, 2005 Draft of the “Troy Public Library Information and Procedures for Exhibitors” be adopted with the following two changes so that paragraph two reads: The Library cannot be involved in the sale of items and no sales can take place on Library property. Biographical information can be posted with the exhibit along with information regarding the exhibit’s description, history, and relevant personal

anecdotes. No pricing information is allowed. The exhibitor's contact information may be posted, but with no reference to the sales price of the items on exhibit or that the items can be purchased. Violation of this will result in exhibitors losing the privilege to exhibit at the Library in the future. Exhibitors do not need to be residents of the City of Troy.

Yes: 3—Gregory, Shiner, Wheeler

No 2—Griffen, Zembrzuski

MOTION CARRIED

REPORTS & COMMUNICATIONS

Director's Report.

The Library will be participating this spring in the "One Book One Community" program with libraries throughout Oakland and Macomb counties. The book that was chosen is "Shadow Divers" by Robert T. Kurson. The Library Café is likely to be sold to a local resident, Alan Francis. The contract is currently being discussed. The Library is one of ten Michigan public libraries that is offering a new service to the public – the ability to download audiobooks to their home computer or transfer them to a portable device like a PDA, Smartphone, portable audio device or burned to a standard CD. The City is embarking on an update of the Troy Futures report and the public will be invited to a general information session in October or November.

Board Member comments.

Wheeler said that there had been a problem with the notification process for a memorial given by the Primrose Garden Club. This will be investigated as to what broke down in our procedure.

Student Representative's Comments.

Chen asked about the progress of the WiFi installation. Hopefully in October this will be installed so that patrons can connect to the Internet with their laptops throughout the Library. Chen asked where the best places in the Library would be for a group of students to study together. The conference room, meeting room, Youth Services, the café, or the East side of the Adult Services department.

SLC Report.

Gregory reported that the SLC Board reviewed the substitute librarian posting, the insurance policy, the personal leave policy, the grievance policy, and the personal leave time policy. Sirsi will be looking to market libraries. It was decided that no alternates would be added to the SLC Board.

Friends of the Library.

No report.

Gifts.

Two gifts totaling \$122.00 were received.

Informational Items.

September TPL Calendar

Contacts and Correspondence.

36 written comments from the public were reviewed.

Public Participation.

There was no public participation.

The Library Board meeting adjourned at 9:00 P.M.

Brian Griffen
Chair

Brian Stoutenburg
Recording Secretary

DOWNTOWN DEVELOPMENT AUTHORITY MINUTES SEPTEMBER 21, 2005

A meeting of the Downtown Development Authority was held on Wednesday, September 21, 2005 in the Lower Level Conference Room of Troy City Hall, 500 W. Big Beaver Troy, Michigan. Alan Kiriluk called the meeting to order at 7:30 a.m.

PRESENT: Michael Culpepper
 Stuart Frankel
 David Hay
 Michele Hodges (arrived @ 7:58a.m.)
 William Kennis
 Alan Kiriluk
 Daniel MacLeish
 Carol Price
 Ernest Reschke
 G. Thomas York

ABSENT: Louise Schilling
 Douglas Schroeder
 Harvey Weiss

ALSO PRESENT: Lori Bluhm
 John M. Lamerato
 Brian Murphy
 Mark Miller
 Doug Smith
 Nino Licari

APPROVAL OF MINUTES

Resolution: DD-05-12
Moved by: Kennis
Seconded by: MacLeish

RESOLVED, That the minutes of the May 18, 2005 regular meeting be approved as amended.

Yeas: All (9)
Absent: Hodges, Schilling, Schroeder, Weiss

OLD BUSINESS

A. Big Beaver Corridor Study Update

Doug Smith gave a brief update on the Corridor Study.

B. Beaver Tales

William Kennis gave an update to the Board on the Beaver Tales Project and thanked individual Board members who contributed a total of \$3,000.00 for the sponsorship of a Beaver.

NEW BUSINESS

A. Systems Technology Group – MEGA

Doug Smith gave a brief update.

B. Futures Report Update

Brian Murphy gave the Board an update on the status of Future Report.

REPORT AND COMMUNICATIONS

A. September 12, 2005 Council action calling for a Public Hearing to consider amending DDA boundaries (Monarch Project)

Resolution : DD-05-13

Moved by: Frankel

Seconded by: Kennis

RESOLVED, That the Board forward a letter to City Council expressing their frustration, displeasure and lack of communication with the Board prior to scheduling a Public Hearing to amend the boundaries of the DDA, and not taking into consideration the long term impact and viability of the DDA.

Yeas: All (10)

Absent: Schilling, Schroeder, Weiss

EXCUSE ABSENT MEMBERS

Resolution: DD-05-14
Moved by: Price
Seconded by: York

RESOLVED, That Schilling, Schroeder and Weiss be excused.

Yeas: All (10)
Absent: Schilling, Schroeder, Weiss

PUBLIC COMMENT

Several members in attendance addressed the Board.

The meeting was adjourned at 8:17 a.m.

**Next Meeting: October 19, 2005 @ 7:30 a.m. @ Troy City Hall, Lower Level
Conference Room**

Alan Kiriluk, Chairman

John M. Lamerato, Secretary/Treasurer

JL/pg

CITY OF TROY
MONTHLY FINANCIAL REPORT
31-Aug-05

CITY OF TROY
Monthly Financial Report
General Fund
For the Period Ending August 31, 2005

CITY OF TROY GENERAL FUND

| Description | Last Year Actual | 2005-06 Budget | Current Month | Year To Date | % |
|------------------------------------|---------------------|-------------------|------------------|-------------------|--------------|
| GENERAL FUND REVENUES | | | | | |
| TAXES | 32,300,413 | 34,351,690 | 28,485 | 33,553,397 | 97.68 |
| BUSINESS LICENSES & PERMITS | 40,294 | 38,000 | 1,970 | 3,618 | 9.52 |
| NON-BUS. LICENSES & PERMITS | 1,567,149 | 1,974,500 | 170,474 | 287,401 | 14.56 |
| FEDERAL GRANTS | 130,753 | 32,320 | 0 | 0 | .00 |
| STATE AGENCIES | 8,315,394 | 6,658,000 | 67,351 | 67,361 | 1.01 |
| CONTRIBUTIONS-LOCAL | 165,154 | 135,000 | 108,198 | 0 | .00 |
| CHARGES FOR SERVICES - FEES | 1,338,922 | 1,203,000 | 216,743 | 43,829 | 3.64 |
| CHARGES FOR SERVICES - REND. | 1,549,128 | 1,616,000 | 60,736 | 154,892 | 9.58 |
| CHARGES FOR SERVICES - SALES | 137,888 | 140,000 | 7,442 | 22,383 | 15.99 |
| CHARGES FOR SERVICES - REC | 3,377,440 | 3,010,200 | 358,035 | 552,008 | 18.34 |
| FINES & FORFEITS | 973,526 | 995,000 | 70,986 | 79,431 | 7.98 |
| INTEREST AND RENTS | 1,350,075 | 1,110,300 | 64,944 | 126,181 | 11.36 |
| OTHER REVENUE | 519,035 | 479,780 | 4,245 | 6,317 | 1.32 |
| OTHER FINANCING SOURCES | 7,515,317 | 8,333,200 | 30,401 | 2,780 | .03 |
| TOTAL GENERAL FUND REVENUE | 59,280,488 | 60,076,990 | 1,190,010 | 34,899,598 | 58.09 |
| EXPENDITURES | | | | | |
| LEGISLATIVE | 1,980,389 | 2,077,060 | 123,480 | 251,024 | 12.09 |
| FINANCE | 4,419,523 | 4,706,650 | 318,602 | 680,455 | 14.46 |
| OTHER GEN GOVERNMENT | 2,578,758 | 2,638,720 | 167,527 | 267,612 | 10.14 |
| POLICE | 21,134,559 | 22,618,610 | 1,449,647 | 2,923,219 | 12.92 |
| FIRE | 4,071,775 | 4,092,750 | 193,118 | 363,335 | 8.88 |
| BUILDING INSPECTION | 1,923,958 | 2,105,420 | 141,501 | 291,905 | 13.86 |
| STREETS | 5,074,869 | 5,303,780 | 296,182 | 531,222 | 10.02 |
| ENGINEERING | 2,775,647 | 2,996,560 | 211,844 | 419,114 | 13.99 |
| RECREATION | 8,311,857 | 8,454,160 | 813,124 | 1,375,281 | 16.27 |
| LIBRARY | 4,718,581 | 4,973,280 | 293,390 | 539,286 | 10.84 |
| TRANSFERS OUT | 10,000 | 110,000 | 0 | 0 | .00 |
| TOTAL GEN FUND EXPENDITURES | 56,999,916 | 60,076,990 | 4,008,415 | 7,642,453 | 12.72 |

CITY OF TROY
 Monthly Financial Report
 Refuse Fund
 For the Period Ending August 31, 2005

REFUSE FUND

| Description | Last Year Actual | 2005-06 Budget | Current Month | Year To Date | % |
|------------------------------|---------------------|-------------------|------------------|------------------|--------------|
| REVENUES | | | | | |
| TAXES | 4,010,718 | 4,108,500 | 0 | 4,137,867 | 100.71 |
| CHARGES FOR SERVICES - REND. | 0 | 0 | 0 | 43,378 | .00 |
| CHARGES FOR SERVICES - SALES | 1,410 | 1,500 | 80 | 247 | 16.47 |
| INTEREST AND RENTS | 74,280 | 70,000 | 9,030 | 10,292 | 14.70 |
| OTHER FINANCING SOURCES | 0 | 345,650 | 0 | 0 | .00 |
| TOTAL REVENUE | 4,086,408 | 4,525,650 | 9,110 | 4,191,784 | 92.62 |
| EXPENDITURES | | | | | |
| CONTRACTORS SERVICE | 4,268,532 | 4,355,000 | 345,221 | 407,692 | 9.36 |
| OTHER REFUSE EXPENSE | 36,672 | 52,180 | 1,334 | 2,680 | 5.14 |
| RECYCLING | 127,637 | 118,470 | 7,452 | 15,251 | 12.87 |
| TOTAL EXPENDITURES | 4,432,841 | 4,525,650 | 354,007 | 425,623 | 9.40 |

CITY OF TROY
 Monthly Financial Report
 Capital Fund
 For the Period Ending August 31, 2005

CAPITAL FUND

| Description | Last Year Actual | 2005-06 Budget | Current Month | Year To Date | % |
|------------------------------|-------------------|-------------------|------------------|------------------|--------------|
| REVENUES | | | | | |
| TAXES | 9,036,196 | 8,019,000 | 0 | 8,076,318 | 100.71 |
| FEDERAL GRANTS | 3,918 | 305,000 | 0 | 0 | .00 |
| STATE AGENCIES | 3,498,065 | 1,621,000 | 271,092 | 271,092 | 16.72 |
| CHARGES FOR SERVICES - REND. | 178,301 | 167,000 | 18,903 | 883 | .53 |
| INTEREST AND RENTS | 700,855 | 400,000 | 50,856 | 78,884 | 19.72 |
| OTHER REVENUE | 88,073 | 800,000 | 0 | 100 | .01 |
| OTHER FINANCING SOURCES | 2,150,000 | 12,767,330 | 0 | 0 | .00 |
| TOTAL REVENUE | 15,655,408 | 24,079,330 | 340,851 | 8,427,277 | 35.00 |
| EXPENDITURES | | | | | |
| FINANCE | 32,516 | 120,000 | 24,334 | 24,334 | 20.28 |
| OTHER GEN GOVERNMENT | 3,524,419 | 2,951,000 | 0 | 0 | .00 |
| POLICE | 318,080 | 316,010 | 46,519 | 46,519 | 14.72 |
| FIRE | 86,267 | 487,000 | 11,723 | 12,237 | 2.51 |
| BUILDING INSPECTION | 2,088 | 20,000 | 131 | 517 | 2.59 |
| STREETS | 9,539,256 | 12,333,000 | 777,138 | 1,032,471 | 8.37 |
| ENGINEERING | 8,331 | 0 | 0 | 0 | .00 |
| RECREATION | 2,630,558 | 4,438,400 | 202,095 | 335,545 | 7.56 |
| LIBRARY | 232,529 | 25,000 | 0 | 0 | .00 |
| MUSEUM | 246,984 | 518,000 | 23,497 | 16,669 | 3.22 |
| STORM DRAINS & RET PONDS | 1,086,501 | 2,270,920 | 5,823 | 6,254 | .28 |
| INFORMATION TECHNOLOGY | 75,763 | 600,000 | 0 | 0 | .00 |
| TOTAL EXPENDITURES | 17,783,292 | 24,079,330 | 1,091,260 | 1,474,546 | 6.12 |

CITY OF TROY
 Monthly Financial Report
 Sanctuary Lake Golf Course
 For the Period Ending August 31, 2005

SANCTUARY LK GOLF COURSE FUND

| Description | Last Year Actual | 2005-06 Budget | Current Month | Year To Date | % |
|------------------------------|---------------------|-------------------|------------------|-----------------|--------------|
| REVENUES | | | | | |
| CHARGES FOR SERVICES - SALES | 30,674 | 42,000 | 4,708 | 9,789 | 23.31 |
| CHARGES FOR SERVICES - REC | 931,301 | 1,901,380 | 194,859 | 376,356 | 19.79 |
| INTEREST AND RENTS | 457 | 22,000 | 0 | 156 | .71 |
| OTHER REVENUE | 31- | 0 | 13- | 199- | .00 |
| OTHER FINANCING SOURCES | 0 | 0 | 0 | 0 | .00 |
| TOTAL REVENUE | 962,401 | 1,965,380 | 199,554 | 386,102 | 19.65 |
| EXPENDITURES | | | | | |
| SANCTUARY LAKE GREENS | 974,918 | 832,730 | 71,403 | 131,766 | 15.82 |
| SANCTUARY LAKE PRO SHOP | 785,631 | 1,104,210 | 41,568 | 71,830 | 6.51 |
| SANCTUARY LAKE CAPITAL | 2,420 | 0 | 270- | 2,551 | .00 |
| TOTAL EXPENDITURES | 1,762,969 | 1,936,940 | 112,701 | 206,147 | 10.64 |

CITY OF TROY
 Monthly Financial Report
 Golf Course
 For the Period Ending August 31, 2005

SYLVAN GLEN GOLF COURSE FUND

| Description | Last Year Actual | 2005-06 Budget | Current Month | Year To Date | % |
|------------------------------|---------------------|-------------------|------------------|-----------------|--------------|
| REVENUES | | | | | |
| CHARGES FOR SERVICES - SALES | 36,425 | 41,000 | 5,098 | 10,538 | 25.70 |
| CHARGES FOR SERVICES - REC | 1,067,896 | 1,133,370 | 205,065 | 381,497 | 33.66 |
| INTEREST AND RENTS | 145,742 | 173,000 | 10,539 | 82,339 | 47.59 |
| OTHER REVENUE | 377- | 0 | 13- | 14- | .00 |
| OTHER FINANCING SOURCES | 0 | 0 | 0 | 0 | .00 |
| TOTAL REVENUE | 1,249,686 | 1,347,370 | 220,689 | 474,360 | 35.21 |
| EXPENDITURES | | | | | |
| SYLVAN GLEN GREENS | 747,474 | 822,320 | 81,205 | 156,939 | 19.08 |
| SYLVAN GLEN PRO SHOP | 319,022 | 326,050 | 28,527 | 53,057 | 16.27 |
| SYLVAN GLEN CAPITAL | 92,627 | 199,000 | 4,830 | 11,349 | 5.70 |
| TOTAL EXPENDITURES | 1,159,123 | 1,347,370 | 114,562 | 221,345 | 16.43 |

CITY OF TROY
 Monthly Financial Report
 Aquatic Center
 For the Period Ending August 31, 2005

AQUATIC CENTER FUND

| Description | Last Year Actual | 2005-06 Budget | Current Month | Year To Date | % |
|----------------------------|---------------------|-------------------|------------------|-----------------|--------------|
| REVENUES | | | | | |
| CHARGES FOR SERVICES - REC | 415,224 | 428,000 | 63,982 | 163,233 | 38.14 |
| INTEREST AND RENTS | 22,793 | 27,300 | 6,582 | 14,965 | 54.82 |
| OTHER REVENUE | 36- | 0 | 0 | 0 | .00 |
| TOTAL REVENUE | 437,981 | 455,300 | 70,564 | 178,198 | 39.14 |
| EXPENDITURES | | | | | |
| AQUATIC CENTER | 560,211 | 596,100 | 99,672 | 199,749 | 33.51 |
| CAPITAL | 13,485 | 15,000 | 0 | 0 | .00 |
| TOTAL EXPENDITURES | 573,696 | 611,100 | 99,672 | 199,749 | 32.69 |

CITY OF TROY
Monthly Financial Report
Sewer Fund
For the Period Ending August 31, 2005

SEWER FUND

| Description | Last Year Actual | 2005-06 Budget | Current Month | Year To Date | % |
|-----------------------------|---------------------|-------------------|------------------|-----------------|-------|
| REVENUES | | | | | |
| CHARGES FOR SERVICES - FEES | 202,747 | 200,000 | 9,822 | 20,554 | 10.28 |
| CHARGES FOR SERVICES - REND | 9,420,758 | 9,695,000 | 1,180,211 | 494,223- | 5.10 |
| INTEREST AND RENTS | 484,164 | 310,000 | 37,056 | 57,662 | 18.60 |
| OTHER REVENUE | 0 | 0 | 0 | 0 | .00 |
| TOTAL REVENUE | 10,107,669 | 10,205,000 | 1,227,089 | 416,007- | 4.08 |
| EXPENDITURES | | | | | |
| ADMINISTRATION | 8,378,129 | 8,108,990 | 995,535 | 1,097,214 | 13.53 |
| MAINTENANCE | 1,433,241 | 1,445,700 | 45,926 | 87,635 | 6.06 |
| CAPITAL | 88,864 | 4,835,000 | 6,040 | 12,975 | .27 |
| TOTAL EXPENDITURES | 9,900,234 | 14,389,690 | 1,047,501 | 1,197,824 | 8.32 |

CITY OF TROY
 Monthly Financial Report
 Water Fund
 For the Period Ending August 31, 2005

WATER FUND

| Description | Last Year Actual | 2005-06 Budget | Current Month | Year To Date | % |
|------------------------------|---------------------|-------------------|------------------|-----------------|-------------|
| REVENUES | | | | | |
| CHARGES FOR SERVICES - FEES | 1,086,665 | 995,000 | 98,304 | 149,431 | 15.02 |
| CHARGES FOR SERVICES - SALES | 12,337,081 | 14,171,000 | 1,761,530 | 576,007- | 4.06 |
| INTEREST AND RENTS | 508,320 | 350,000 | 31,091 | 35,273 | 10.08 |
| OTHER REVENUE | 30 | 0 | 0 | 0 | .00 |
| TOTAL REVENUE | 13,932,096 | 15,516,000 | 1,890,925 | 391,303- | 2.52 |
| EXPENDITURES | | | | | |
| ADMINISTRATION | 11,420,270 | 11,233,860 | 167,745 | 344,812 | 3.07 |
| TRANS AND DISTRIBUTION | 158,767 | 200,090 | 7,474 | 13,041 | 6.52 |
| CUSTOMER INSTALLATION | 66,356 | 114,830 | 5,237 | 10,986 | 9.57 |
| CONTRACTORS SERVICE | 166,181 | 228,240 | 12,153 | 23,580 | 10.33 |
| MAIN TESTING | 44,667 | 195,040 | 3,292 | 5,613 | 2.88 |
| MAINTENANCE OF MAINS | 293,214 | 353,770 | 38,512 | 80,506 | 22.76 |
| MAINTENANCE OF SERVICES | 188,039 | 210,060 | 13,205 | 37,031 | 17.63 |
| MAINTENANCE OF METERS | 285,835 | 233,650 | 17,845 | 31,477 | 13.47 |
| MAINTENANCE OF HYDRANTS | 228,767 | 336,580 | 7,782 | 26,917 | 8.00 |
| METERS AND TAP-INS | 245,045 | 347,270 | 34,104 | 65,469 | 18.85 |
| WATER METER READING | 105,362 | 93,000 | 14,056 | 34,177 | 36.75 |
| ACCOUNTING AND COLLECTING | 74,125 | 77,900 | 9,524 | 18,393 | 23.61 |
| CAPITAL | 3,401,592 | 4,090,000 | 80,289 | 154,357 | 3.77 |
| TOTAL EXPENDITURES | 16,678,220 | 17,714,290 | 411,218 | 846,359 | 4.78 |

CITY OF TROY
 Monthly Financial Report
 Motor Pool
 For the Period Ending August 31, 2005

MOTOR POOL FUND

| Description | Last Year Actual | 2005-06 Budget | Current Month | Year To Date | % |
|-----------------------------|---------------------|-------------------|------------------|-----------------|--------------|
| REVENUES | | | | | |
| CHARGES FOR SERVICES - REND | 0 | 5,000 | 0 | 0 | .00 |
| INTEREST AND RENTS | 3,693,243 | 3,669,300 | 279,203 | 703,911 | 19.18 |
| OTHER REVENUE | 302,329 | 394,000 | 12,990 | 28,459 | 7.22 |
| OTHER FINANCING SOURCES | 0 | 1,412,580 | 0 | 0 | .00 |
| TOTAL REVENUE | 3,995,572 | 5,480,880 | 292,193 | 732,370 | 13.36 |
| EXPENDITURES | | | | | |
| ADMINISTRATION | 495,493 | 536,530 | 34,533 | 66,337 | 12.36 |
| OPERATION AND MAINTENANCE | 2,912,203 | 3,133,410 | 246,300 | 450,874 | 14.39 |
| DPW FACILITY MAINTENANCE | 327,461 | 389,640 | 13,168 | 22,933 | 5.89 |
| CAPITAL | 1,005,914 | 1,421,300 | 48,700 | 49,569 | 3.49 |
| TOTAL EXPENDITURES | 4,741,071 | 5,480,880 | 342,701 | 589,713 | 10.76 |

| Fund | Mat Yr. | Mat Mo. | Mat Day | Type | Loc | Pur Yr. | Pur Mo. | Pur Day | Rate | Name | Face | Accrue 6/30 | Book |
|------|---------|---------|---------|------|-----------|---------|---------|---------|-------|------------|-----------|-------------|--------------|
| 112 | 2005 | 9 | 1 | 9 | ML | 2005 | 6 | 16 | 2.920 | TBILL | 2,289,000 | | 2,274,973.19 |
| | 2005 | 9 | 2 | 7 | FLAGSTAR | 2005 | 6 | 30 | 3.670 | CD | 2,039,169 | 2,550.33 | 2,039,168.56 |
| | 2005 | 9 | 2 | 7 | FLAGSTAR | 2005 | 7 | 8 | 3.590 | CD | 2,071,642 | | 2,071,641.64 |
| | 2005 | 9 | 8 | 9 | ML | 2005 | 6 | 23 | | TBILL | 2,054,000 | 1,170.21 | 2,041,127.71 |
| | 2005 | 9 | 9 | 7 | CITIZENS | 2005 | 7 | 15 | 3.400 | CD | 2,000,000 | | 2,000,000.00 |
| | 2005 | 9 | 15 | 9 | ML | 2005 | 7 | 14 | 3.090 | TBILL | 2,185,000 | | 2,173,375.80 |
| | 2005 | 9 | 16 | 7 | TCF BANK | 2005 | 7 | 15 | 3.500 | CD | 2,000,000 | | 2,000,000.00 |
| | 2005 | 9 | 22 | 9 | ML | 2005 | 7 | 14 | 3.130 | TBILL | 2,231,000 | | 2,217,682.18 |
| | 2005 | 9 | 23 | 7 | FLAGSTAR | 2005 | 7 | 15 | 3.740 | CD | 2,000,000 | | 2,000,000.00 |
| | 2005 | 9 | 29 | 8 | NATL CITY | 2004 | 3 | 29 | 1.500 | FHLB | 1,000,000 | 3,780.00 | 996,180.00 |
| | 2005 | 9 | 30 | 7 | FLAGSTAR | 2005 | 7 | 15 | 3.740 | CD | 2,107,817 | | 2,107,816.93 |
| | 2005 | 9 | 30 | 7 | STAND FED | 2005 | 8 | 1 | 3.350 | CD | 4,803,645 | | 4,803,645.19 |
| | 2005 | 10 | 4 | 7 | FLAGSTAR | 2005 | 8 | 5 | 3.880 | CD | 2,089,297 | | 2,089,297.26 |
| | 2005 | 10 | 4 | 7 | TCF | 2005 | 8 | 5 | 3.500 | CD | 1,012,622 | | 1,012,622.55 |
| | 2005 | 10 | 6 | 9 | ML | 2005 | 7 | 22 | 3.260 | TBILL | 2,585,000 | | 2,567,536.88 |
| | 2005 | 10 | 7 | 7 | FITB | 2005 | 7 | 15 | 3.390 | CD | 2,036,790 | | 2,036,790.20 |
| | 2005 | 10 | 7 | 7 | REPUBLIC | 2005 | 7 | 29 | 3.550 | CD | 1,066,642 | | 1,066,642.02 |
| | 2005 | 10 | 13 | 9 | ML | 2005 | 8 | 4 | 3.320 | TBILL | 3,782,000 | | 3,758,026.32 |
| | 2005 | 10 | 14 | 7 | FITB | 2005 | 7 | 15 | 3.480 | CD | 2,000,000 | | 2,000,000.00 |
| | 2005 | 10 | 20 | 9 | ML | 2005 | 8 | 11 | 3.390 | TBILL | 2,159,000 | | 2,145,041.46 |
| | 2005 | 10 | 21 | 7 | REPUBLIC | 2005 | 7 | 15 | 3.450 | CD | 2,066,564 | | 2,066,564.33 |
| | 2005 | 10 | 21 | 7 | FITB | 2005 | 7 | 15 | 3.480 | CD | 2,101,973 | | 2,101,972.78 |
| | 2005 | 10 | 21 | 7 | FLAGSTAR | 2005 | 8 | 12 | 3.930 | CD | 3,129,070 | | 3,129,069.65 |
| | 2005 | 10 | 27 | 9 | ML | 2005 | 8 | 18 | 3.400 | TBILL | 3,053,000 | | 3,033,172.47 |
| | 2005 | 10 | 28 | 7 | HUNT BANK | 2005 | 7 | 22 | 3.720 | CD | 2,045,331 | | 2,045,331.42 |
| | 2005 | 11 | 3 | 9 | ML | 2005 | 8 | 25 | 3.420 | TBILL | 2,570,000 | | 2,553,234.32 |
| | 2005 | 11 | 4 | 7 | FLAGSTAR | 2005 | 7 | 22 | 3.880 | CD | 2,075,278 | | 2,075,277.84 |
| | 2005 | 11 | 10 | 7 | FLAGSTAR | 2005 | 7 | 22 | 3.880 | CD | 2,059,439 | | 2,059,438.87 |
| | 2005 | 11 | 18 | 7 | FLAGSTAR | 2005 | 8 | 19 | 3.900 | CD | 2,049,452 | | 2,049,452.25 |
| | 2005 | 12 | 1 | 7 | CITIZENS | 2005 | 8 | 30 | 3.750 | CD | 1,000,000 | | 1,000,000.00 |
| | 2005 | 12 | 2 | 7 | CITIZENS | 2005 | 8 | 19 | 3.800 | CD | 1,017,687 | | 1,017,686.91 |
| | 2005 | 12 | 2 | 7 | HUNT BANK | 2005 | 8 | 23 | 3.920 | CD | 1,000,000 | | 1,000,000.00 |
| | 2005 | 12 | 2 | 7 | TCF BANK | 2005 | 8 | 30 | 3.800 | CD | 1,000,000 | | 1,000,000.00 |
| | 2005 | 12 | 9 | 7 | HUNT BANK | 2005 | 8 | 19 | 3.920 | CD | 1,000,000 | | 1,000,000.00 |
| | 2005 | 12 | 9 | 7 | FLAGSTAR | 2005 | 8 | 26 | 3.940 | CD | 2,054,639 | | 2,054,639.06 |
| | 2005 | 12 | 9 | 7 | HUNT BANK | 2005 | 8 | 30 | 3.940 | CD | 1,000,000 | | 1,000,000.00 |
| | 2005 | 12 | 16 | 7 | HUNT BANK | 2005 | 8 | 26 | 3.950 | CD | 2,090,849 | | 2,090,848.79 |
| | 2005 | 12 | 22 | 8 | NATL CITY | 2004 | 3 | 22 | 2.030 | FHLB | 1,025,000 | 461.25 | 1,023,450.00 |
| | 2005 | 12 | 22 | 7 | REPUBLIC | 2005 | 8 | 30 | 3.750 | CD | 1,000,000 | | 1,000,000.00 |
| | 2005 | 12 | 30 | 8 | FITB | 2004 | 3 | 25 | 4.500 | FHR 2669DT | 700,000 | | 697,000.00 |
| | 2006 | 6 | 30 | 8 | FITB | 2003 | 2 | 27 | 2.000 | MAX SAVER | 6,635,797 | | 6,635,797.78 |
| | 2006 | 6 | 30 | 8 | FITB | 2003 | 5 | 19 | 5.000 | FHLMC95237 | 1,000,000 | | 644,407.87 |
| | 2006 | 6 | 30 | 8 | FITB | 2003 | 7 | 30 | 3.600 | FHR03 2640 | 900,000 | | 591,583.58 |
| | 2006 | 6 | 30 | 8 | FITB | 2004 | 1 | 30 | 4.250 | FHR 2537LA | 2,000,000 | | 351,043.93 |
| | 2006 | 6 | 30 | 8 | FITB | 2004 | 1 | 30 | 4.000 | FHR 2535LK | 3,500,000 | | 2,479,876.18 |
| | 2006 | 6 | 30 | 8 | FITB | 2004 | 7 | 26 | 1.200 | FNR03 24GA | 550,000 | | 242,367.46 |
| | 2006 | 6 | 30 | 8 | HUNT BANK | 2004 | 8 | 27 | 3.355 | MM | 530,840 | | 530,840.09 |

7 = CD 8 = Paper 9 = T-Bills

09/14/05 10:30:07

09/14/05

T-Bills, Commercial Paper, C.D. etc.

Ref.: INVQY012
Page: 2

PAGE 2

| Fund | Mat Yr. | Mat Mo. | Mat Day | Type | Loc | Pur Yr. | Pur Mo. | Pur Day | Rate | Name | Face | Accrue 6/30 | Book |
|------|---------|---------|---------|------|-----------|---------|---------|---------|-------|------------|-----------|-------------|----------------|
| 112 | 2006 | 6 | 30 | 8 | FITB | 2004 | 10 | 7 | 2.250 | FHR 2625QX | 800,125 | | 629,099.43 |
| | 2006 | 6 | 30 | 8 | FITB | 2004 | 10 | 8 | 3.000 | FHR 2564CN | 1,841,000 | | 1,362,573.91 |
| | 2006 | 6 | 30 | 8 | FITB | 2004 | 10 | 12 | 4.000 | FHR 2617BG | 3,730,000 | | 3,242,762.86 |
| | 2006 | 6 | 30 | 8 | FITB | 2004 | 11 | 16 | 3.500 | FHLM 2586 | 500,000 | | 485,688.56 |
| | 2006 | 6 | 30 | 8 | FITB | 2005 | 1 | 11 | 4.000 | FNMA 42 | 1,700,000 | | 1,689,791.00 |
| | 2006 | 6 | 30 | 8 | FITB | 2005 | 8 | 26 | 2.500 | 31 | 1,500,000 | | 1,504,687.50 |
| | 2006 | 6 | 30 | 8 | FITB | 2005 | 8 | 30 | 4.000 | 2545 | 644,621 | | 644,621.39 |
| | 2006 | 11 | 15 | 8 | FITB | 2005 | 7 | 27 | 4.500 | FHLM 2687 | 2,350,000 | | 2,349,000.00 |
| | 2006 | 12 | 15 | 8 | FITB | 2005 | 5 | 25 | 5.000 | FHLM 2808 | 1,200,000 | | 837,063.24 |
| | 2007 | 3 | 16 | 8 | FITB | 2005 | 2 | 9 | 3.550 | FHLB 3133 | 1,000,000 | | 983,000.00 |
| | | | | | | | | | | TOTAL | | 7,961.79 | 102,602,911.36 |
| 591 | 2005 | 9 | 2 | 7 | HUNT BANK | 2005 | 6 | 3 | 3.410 | CD | 153,620 | | 153,619.89 |
| | 2005 | 9 | 2 | 7 | REPUBLIC | 2005 | 6 | 30 | 3.400 | CD | 141,330 | | 141,329.49 |
| | 2005 | 9 | 6 | 8 | NATL CITY | 2005 | 6 | 6 | 3.150 | FHLM | 1,500,000 | | 1,488,270.00 |
| | 2005 | 9 | 30 | 7 | STAND FED | 2005 | 8 | 1 | 3.350 | CD | 2,748,338 | | 2,748,337.87 |
| | 2005 | 12 | 30 | 8 | FITB | 2004 | 4 | 14 | | FHLB 3133 | 1,000,000 | | 990,062.50 |
| | 2006 | 6 | 30 | 7 | COMERICA | 1997 | 7 | 1 | 2.970 | GOV'T POOL | 1,881,897 | | 1,881,897.12 |
| | 2006 | 6 | 30 | 8 | FITB | 2004 | 2 | 2 | 3.750 | FNR03 24MN | 1,015,000 | | 925,882.94 |
| | 2006 | 6 | 30 | 8 | FITB | 2005 | 8 | 31 | 1.000 | MM | 238,129 | | 238,129.07 |
| | 2006 | 11 | 15 | 8 | FITB | 2005 | 8 | 26 | 4.500 | FHLM 2687 | 1,000,000 | | 998,750.00 |
| | | | | | | | | | | TOTAL | | | 9,566,278.88 |
| 688 | 2006 | 6 | 30 | 7 | BANK ONE | 1997 | 7 | 1 | 3.230 | GOV'T POOL | 1,330,994 | | 1,330,994.80 |
| | | | | | | | | | | TOTAL | | | 1,330,994.80 |
| | | | | | | | | | | TOTAL | 7,961.79 | | 113,500,185.04 |

*** END OF REPORT ***

7 = CD 8 = Paper 9 = T-Bills

DATE: September 23, 2005

TO: John Szerlag, City Manager

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

SUBJECT: Complaint Regarding Improper Outdoor Storage
3109 & 3129 Alpine

In response to comments made at the September 19, 2005 City Council meeting, you directed staff to investigate the conditions of the above referenced property. On September 20, 2005, Housing and Zoning Inspector Kandy Griffeth visited the site and observed large quantities of what appear to be brick pavers stored in the front yards of both properties. Such storage violates Chapters 39 and 48 of the City Code. The owner of both properties, Mr. Paul Piscopo, was sent the attached violation notices and required to comply by September 28, 2005. I have enclosed photographs taken at the site that day for your reference. We will continue to monitor the sites and take follow-up action as necessary.

Prepared by: Mark Stimac, Director of Building and Zoning

City of Troy
Building Department
500 West Big Beaver, Troy, MI 48084

Notice of Violation

September 21, 2005

Paul Piscopo
3109 Alpine
Troy, MI 48084-1520

Subject: 3109 Alpine

Dear Mr. Piscopo:

As a result of a complaint, I inspected the above location on September 20, 2005 and observed the following violations.

1. Construction materials (pallets of brick pavers) stored on the property.
This is a violation of Chapter 39, section 10.20.00 of the Troy City Code (Zoning Ordinance). To correct the violation, you must remove the construction materials from the property.
2. Litter (brick pavers) in the City Right of Way. This is a violation of Chapter 48, section 6.107 of the Troy City Code (litter ordinance). To correct the violation, you must remove the litter (bricks) from the City Right of Way.

The deadline for compliance is September 28, 2005. You may reach me at 248-524-3582 if you have any questions.

Sincerely,

Kandy Griffeth
Housing & Zoning Inspector

City of Troy
Building Department
500 West Big Beaver, Troy, MI 48084

Notice of Violation

September 21, 2005

Paul Piscopo
3129 Alpine
Troy, MI 48084-1520

Subject: 3129 Alpine

Dear Mr. Piscopo:

As a result of a complaint, I inspected the above location on September 20, 2005 and observed the following violations:

1. A trailer parked in the front setback. This is a violation of Chapter 39, section 40.65.00 of the Troy City Code (Zoning Ordinance). To correct the violation, you must remove the trailer from the front setback.
2. Construction materials & equipment (pallets of brick pavers & cement mixer) stored on the property. This is a violation of Chapter 39, section 10.20.00 of the Troy City Code (Zoning Ordinance). To correct the violation, you must remove the construction equipment and materials from the property.

The deadline for compliance is September 28, 2005. You may reach me at 248-524-3582 if you have any questions.

Sincerely,

Kandy Griffeth
Housing & Zoning Inspector





121026

J-02c

Form 87-007
1-P-1

CITY OF TROY TRAVEL EXPENSE REPORT

Name: **Dave Lambert** Position: **Councilmember**

Other Employees Included in Request: _____

Trip Destination: **Cambridge, MA** Date From: **8/24/2005** To: **8/27/2005**

Purpose of Trip: **National League of Cities Leadership Summit**

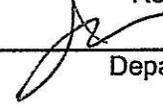
| Items | Dates: | Wed 24-Aug | Thursday 25-Aug | Friday 26-Aug | Saturday 27-Aug | | | TOTAL |
|--|--------|---------------|--------------------|------------------|--------------------|--|--|------------|
| Miles (Personal Car) | | 42.00 | | | 42.00 | | | 84.00 |
| Enter Current Mileage Rate: \$ 0.4 /mile | | \$16.80 | | | \$16.80 | | | \$33.60 |
| City Car Expense (Details on Bottom) | | | | | | | | |
| Registration | | 595.00 | | | | | | \$595.00 |
| Room (Attach all Receipts) | | 156.30 | 156.30 | 156.30 | | | | \$468.90 |
| Meals (Include tips and taxes. Note meals included with registration) | | | | | | | | |
| Breakfast: | | | inc | inc | inc | | | |
| Lunch: | | | inc | inc | inc | | | |
| Dinner: | | 6.83 | inc | 20.30 | 4.95 | | | \$32.08 |
| Other Detail, Explain Below | | 197.30 | | | 18.00 | | | \$215.30 |
| Additional Other Detail, Explain Below | | 17.00 | | | 22.50 | | | \$39.50 |
| TOTAL EXPENSE | | 989.23 | 156.30 | 176.60 | 62.25 | | | \$1,384.38 |

Details of City Car Expense

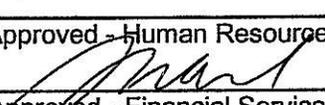
| | |
|--|--|
| Total Mileage | |
| Gasoline/Oil Purchased (Attach Receipts) | |
| Maintenance Work (Attach Receipts) | |
| Parking/Storage | |
| Other () | |
| Total | |

| | |
|-----------------------|------------|
| Cash Advanced | \$1,261.20 |
| Balance Due Employee | \$123.18 |
| (or) Balance Due City | |


Requested By


Department Head

Approved - Human Resources Director


Approved - Financial Services Director

9-19-05
Date

9/22/05
Date

Date

9.22.05
Date

Notes and Explanations:
\$197.30 is for airfare. \$17 on 8/24 was for shuttle to hotel. \$18 on 8/27 was for shuttle to airport. \$22.50 on 3/14 was for parking at Metro Airport.

Charge to: Council's Education & Training Account

Dept. Account # 102.7960

**City of Troy - Assessing Department
Pro-ration of DDA and Monarch Taxes**

| Identification | 2005 Base Value | 2005 Taxable Value | 2005 Captured Value |
|---------------------|-----------------|--------------------|---------------------|
| Subtotal Not in DDA | 0 | 322,430 | 0 |
| Subtotal in DDA | 589,500 | 581,100 | (8,400) |
| Grand Total | 589,500 | 903,530 | (8,400) |

| Millage Rates ('04) | DDA | City | County | CommColl |
|---------------------|---------|--------|--------|----------|
| | 15.6865 | 9.4500 | 4.6476 | 1.5889 |

| | |
|--|--------------------------|
| Current Total DDA Taxes (Includes only DDA Captured Taxable Value) | |
| (\$132) Negative Total Current DDA Taxes | (8,400 * 15.6865)/1,000 |
| Current Total City Taxes (Includes DDA Base and 'Not in DDA' Total Taxable Value) | |
| \$8,618 Total Current City Taxes | (911,930 * 9.45)/1,000 |
| Current Total County Taxes (Includes DDA Base and 'Not in DDA' Total Taxable Value) | |
| \$4,238 Total Current County Taxes | (911,930 * 4.6476)/1,000 |
| Current Community College Taxes (Includes DDA Base and 'Not in DDA' Total Taxable) | |
| \$1,449 Total Current Community College Taxes | (911,930 * 1.5889)/1,000 |

Estimated Monarch Development - Current Boundaries

| | | | | |
|----------------------|--------------|----------------|-------------------|-------------------|
| In DDA | | 589,500 | 37,900,000 | 37,310,500 |
| Not in DDA | (Townhouses) | 0 | 8,100,000 | 0 |
| Total Project | | 589,500 | 46,000,000 | 37,310,500 |

Estimated Monarch Taxes - Current Boundaries

| | |
|--|------------------------------|
| Estimated DDA Taxes (Captured Taxable Value Only) | |
| \$585,271 Total DDA Captured Taxes | (37,310,500 * 15.6865)/1,000 |
| \$352,584 City Portion of Captured Taxes | (37,310,550 * 9.4500)/1,000 |
| \$173,404 County Portion of Captured Taxes | (37,310,550 * 4.6476)/1,000 |
| \$59,283 Community College Portion of Captured Taxes | (37,310,550 * 1.5889)/1,000 |
| \$585,403 Net DDA Tax Change from Current | (\$585,271 - (\$132)) |
| Estimated City Taxes (includes DDA Capture and Townhouse Taxable Value) | |
| \$82,116 Total City Taxes | (8,689,500 * 9.45)/1,000 |
| \$73,498 Net City Tax Change from Current | (\$82,116 - \$8,618) |
| Estimated Total County Taxes (Includes DDA Base and Townhouse Taxable Value) | |
| \$40,385 Total County Taxes | (8,689,500 * 4.6476)/1,000 |
| \$36,147 Net County Tax Change from Current | (\$40,385 - \$4,238) |
| Estimated Community College Taxes (Includes DDA Base and Townhouse Taxable Value) | |
| \$13,807 Total Community College Taxes | (8,689,500 * 1.5889)/1,000 |
| \$12,358 Net Community College Tax Change from Current | (\$13,807 - \$1,449) |

Estimated Taxes with Monarch Project Removed from the DDA Boundaries

| | |
|---|-----------------------------|
| Estimated City Taxes (All Taxable Value, including former Base Value) | |
| \$434,700 Total City Taxes | (46,000,0000 * 9.45)/1,000 |
| \$426,082 Net City Tax Change from Current | (\$434,700 - \$8,618) |
| Estimated Total County Taxes (All Taxable Value, including former Base Value) | |
| \$213,790 Total County Taxes | (46,000,000 * 4.6476)/1,000 |
| \$209,552 Net County Tax Change from Current | (\$213,790 - \$4,238) |
| Estimated Community College Taxes (All Taxable Value, including former Base Value) | |
| \$73,089 Total Community College Taxes | (46,000,000 * 1.5889)/1,000 |
| \$71,640 Net Community College Tax Change from Current | (\$73,089 - \$1,449) |

TO: John Szerlag, City Manager

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

SUBJECT: Agenda Item: CMN Contract with ICCA

DATE: September 27, 2005

On September 21, 2005, the Intergovernmental Cable Communications Authority (ICCA) entered into a three-year contract with Community Media Network (CMN) for the purpose of Public Access Television Services, which will expire on December 31, 2007.

Of the 11 ICCA communities, eight have renewed their commitment to CMN. Auburn Hills, Berkley, Rochester contribute 1% of their PEG fees; Troy, Royal Oak, Rochester Hills and Oakland Township contribute ½% of their PEG fees; Ferndale contributes ¾% of their PEG fees. Clawson, Huntington Woods and Pleasant Ridge voted not to contribute to CMN at this time. Clawson and Huntington Woods will look at the possibility of contributing next year.

In addition to managing the public access channel found on Comcast (52) and Wide Open West (18) cable systems, CMN offers video production workshops, equipment and facilities to area residents interested in producing local cable television programs that play on CMN. CMN staff also creates programming that spotlights local organizations and events, working closely with local government, nonprofits and schools. CMN's programming can be seen in the eleven ICCA communities of Auburn Hills, Berkley, Clawson, Ferndale, Huntington Woods, Oakland Township, Pleasant Ridge, Rochester, Rochester Hills, Royal Oak and Troy.

Shirley J Smith

From: William S Nelson
Sent: Wednesday, September 21, 2005 7:35 PM
To: Mary F Redden
Cc: Shirley J Smith
Subject: FW: Troy Fire Department - Outstanding Community Service Effort

-----Original Message-----

From: rwh@daimlerchrysler.com [mailto:rwh@daimlerchrysler.com]
Sent: Wednesday, September 21, 2005 3:19 PM
To: William S Nelson
Cc: Tonya J Perry; florgawel@aol.com; thomas.hatsios@siemens.com; mmmhella1@aol.com
Subject: Troy Fire Department - Outstanding Community Service Effort

The purpose of this letter is to recognize the outstanding effort made by two of your officers.

As you may be aware, Officer Dave Basile (badge # 318) and Officer Mike Corsaut (badge # 311) attended the Cub Scout Rally for Pack 1700 at Bemis Elementary School the evening of Monday, September 19. The purpose of the Rally was to welcome back members and to recruit new members to the Pack.

At our Rally Officers Basile and Corsaut did nothing short of a "first class job" demonstrating to the students and the parents that the Troy Fire Department is a highly trained, well equipped and competent Fire Department. We had approximately sixty-five people in attendance.

Specifically at the meeting they:

- discussed Fire Safety in terms the children could understand. (Your Officers were "peppered" with questions from both the parents and the students.)
- discussed Firemen Training requirements.
- reviewed the equipment that the Fire Department utilizes in different situations.
- explained the support you provide to the bordering communities.
- explained how your Fire Stations are equipped and aligned to support the unique structures located in Troy.
- explained how the First Respondents to fires assess situations and provide directions to the Officers in route to scenes.
- took the children and some parents up in the bucket of your Fire Truck. (This was a huge hit that everyone will never forget!)

On behalf of Pack 1700 "Thank you for allowing this type of activity to take place in our community." All of the parents there recognized that your officers were there volunteering their own precious time and appreciated it immensely.

Roger W. Hella
Den Leader, Pack 1700
1962 Sparrow Court
Troy, MI. 48084
248-643-4516

9/22/2005

October 2005

October 2005

| | | | | | | |
|----|----|----|----|----|----|----|
| S | M | T | W | T | F | S |
| 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 | | | | | |

November 2005

| | | | | | | |
|----|----|----|----|----|----|----|
| S | M | T | W | T | F | S |
| 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 |
|---|--|---|---|--------|-----------|
| | | | | | October 1 |
| | | | | | 2 |
| 3 7:30pm City Council-Regular (Council Chambers) | 4 7:30pm Planning Commission-Study (Council Boardroom) | 5 8:30am BUILDING CODE BOARD OF APPEALS 7:00pm ADVISORY COMMITTEE FOR | 6 10:00am Senior Advisory Board meeting 7:00pm COTHA Candidates Forum (Council Ch | 7 | 8 |
| | | | | | 9 |
| 10 | 11 | 12 | 13 | 14 | 15 |
| | 7:30pm Planning Commission-Regular (Council Chambers) | | 7:30pm Park Board meeting (Comm Ctr conf rm) | | 16 |
| | | | | | 17 |
| 17 7:30pm City Council-Regular (Council Chambers) | 18 7:30pm BZA (Chambers) 7:30pm Historic District Commission (Conference Room C) | 19 7:30am DDA Meeting (Conference Room Lower Level) | 20 3:00pm Brownfield Redevelopment Authority Meeting (Conference Room C) | 21 | 22 |
| | | | | | 23 |
| 24 | 25 | 26 | 27 | 28 | 29 |
| 7:30pm City Council-Regular (Council Chambers) | 7:30pm Planning Commission-Study (Council Boardroom) | | | | 30 |
| | | | | | 31 |
| | | | | | |

PH Oct. 17, ZOTA 216 Add. Retail M-1 Dist.
 PH Oct. 17, Rezoning App. Sec.29 M-1 to B-3 (Z 708)
 PH Oct. 17, Rezoning App. Sec. 27, M-1 to R-2 (Z 709)
 PH Oct. 24, Postponed from 9/12 - Amend bound.(DDA)

November 2005

| November 2005 | | | | | | | December 2005 | | | | | | |
|---------------|----|----|----|----|----|----|---------------|----|----|----|----|----|----|
| S | M | T | W | T | F | S | S | M | T | W | T | F | S |
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| 13 | 14 | 15 | 16 | 17 | 18 | 19 | 11 | 12 | 13 | 14 | 15 | 16 | 17 |
| 20 | 21 | 22 | 23 | 24 | 25 | 26 | 18 | 19 | 20 | 21 | 22 | 23 | 24 |
| 27 | 28 | 29 | 30 | | | | 25 | 26 | 27 | 28 | 29 | 30 | 31 |

| Monday | Tuesday | Wednesday | Thursday | Friday | Sat/Sun |
|--|--|---|--|--------|---------|
| | November 1 | 2 | 3 | 4 | 5 |
| | 7:30pm Planning Commission-Study (Council Boardroom) | 8:30am BUILDING CODE BOARD OF APPEALS (Conference Room L) 7:00pm ADVISORY COMMITTEE FOR PERSONS WITH | 10:00am Senior Advisory Board meeting (Comm Ctr conf rm) | | |
| 7 | 8 | 9 | 10 | 11 | 12 |
| | City General Election | | 7:30pm Park Board meeting (Comm Ctr conf rm) | | |
| 14 | 15 | 16 | 17 | 18 | 19 |
| 7:30pm City Council-Regular (Council Chambers) | 7:30pm BZA (Chambers) 7:30pm Historic District Commission (Conference Room C) | 7:30am DDA Meeting (Conference Room Lower Level) | | | |
| 21 | 22 | 23 | 24 | 25 | 26 |
| 7:30pm City Council-Regular (Council Chambers) | | | City Hall Closed THANKSGIVING | | |
| 28 | 29 | 30 | | | |
| 7:30pm City Council-Regular (Council Chambers) | 7:30pm Planning Commission-Regular (Council Chambers) | | | | |

December 2005

| December 2005 | | | | | | | January 2006 | | | | | | |
|---------------|----|----|----|----|----|----|--------------|----|----|----|----|----|----|
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| 25 | 26 | 27 | 28 | 29 | 30 | 31 | 29 | 30 | 31 | | | | |

| Monday | Tuesday | Wednesday | Thursday | Friday | Sat/Sun |
|--|---|---|--|------------------|---------|
| | | | December 1 | 2 | 3 |
| | | | 10:00am Senior Advisory Board meeting (Comm Ctr conf rm) | | 4 |
| | | | | | 5 |
| 7:30pm City Council-Regular (Council Chambers) | 7:00pm Tree Lighting Ceremony - City Hall 7:30pm Planning Commission-Study (Council Boardroom) | 8:30am BUILDING CODE BOARD OF APPEALS (Conference Room L) 7:00pm ADVISORY COMMITTEE FOR PERSONS WITH | | | 10 |
| | | | | | 11 |
| | | | | | 12 |
| | 12:00pm Updated: Assessing Board of Review (Conference Room D) 7:30pm Planning Commission-Regular (Council Chambers) | | | | 17 |
| | | | | | 18 |
| | | | | | 19 |
| 7:30pm City Council-Regular (Council Chambers) | 7:30pm BZA (Chambers) 7:30pm Historic District Commission (Conference Room C) | 7:30am DDA Meeting (Conference Room Lower Level) | | City Hall Closed | 24 |
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| City Hall Closed | | | | City Hall Closed | 31 |
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A ship-

In-sourcing, technician training, and equipment replacement programs

In these days of rising costs for everything from fuel to new vehicles, fleet managers are looking high and low for new ways to meet their budgets.

"You're asked to do more with less or the same budget," said Sam Lamerato, superintendent of Fleet Maintenance in Troy, Mich., a city of 83,000 people. "That's our biggest challenge. Rising fuel and oil costs are tearing up cities' budgets right now."

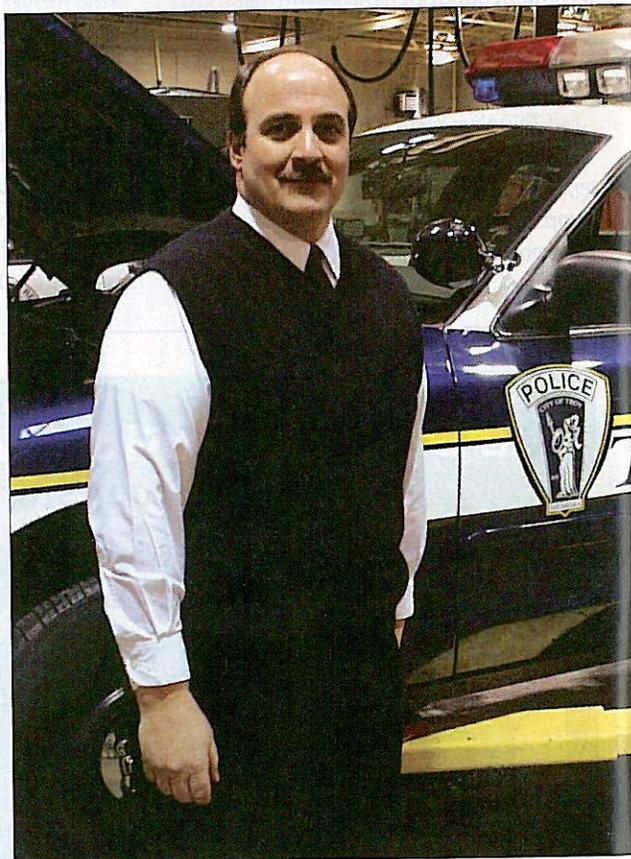
By talking with fleet managers in three cities across the country, PUBLIC WORKS magazine found a variety of best practices that are helping these managers meet their budget challenges head-on. In addition to Lamerato, we interviewed Charlie Caudill, fleet manager in Yuma, Ariz. (population 89,300), and David Higgins, director of fleet maintenance in Boston (population 600,000). Following are some of their best practices:

In-sourcing. The maintenance shops in Troy and Yuma take in vehicle repair and maintenance work from surrounding communities, which pay time and materials for services performed. The additional revenue helps Troy and Yuma defray overhead costs, and the other communities get the services for reasonable rates.

Active technician training. Five years ago, the city of Troy had no technicians

certified by Automotive Service Excellence (ASE). Then the city offered an incentive of \$100 more per month to technicians who gained ASE master certification. Today, 14 of the 15 technicians in Troy's Fleet Maintenance division have ASE master certifications, and three have dual certifications.

Aggressive vehicle replacement programs. "Our average vehicle is six and a



In addition to public works vehicles, Sam Lamerato, superintendent of fleet maintenance in Troy, Mich., maintains police fleets from his own city as well as from other Detroit suburbs. Photo: City of Troy

shape shop



half years old," said Yuma's Caudill. "That keeps our costs down because a younger fleet is less expensive to maintain."

Advanced use of computerized fleet management systems. Boston's Central Fleet Maintenance (CFM) Division uses Fleet Focus (FF) software, now serviced by Maximus, Reston, Va., to manage the maintenance information for some 1500 pieces of equipment. "FF generates all of our repair orders, tracks all parts and labor consumption and subcontracted work, and tracks our mechanics' productivity in billable hours," said Higgins.

IN-SOURCING REVENUE

In an exclusive survey of its readers, PUBLIC WORKS magazine found that most departments (74%) do not use in-sourcing—doing fleet repair or maintenance work for outside agencies or departments—as a form of revenue. Of those who do in-sourcing, 63% of respondents to this July survey indicated that they bring in less than \$50,000 from this work.

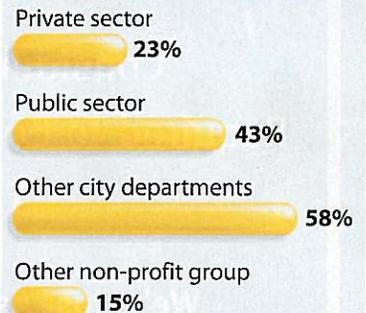
The fleet maintenance department at Troy took in more than \$170,000 of in-sourcing revenue for the year ending June 30, about \$10,000 more than the prior year. The shop is fitting up sedans to make them police cars for neighboring Clawson, Mich. "We install the lights, radios and emergency equipment, push bumpers, shotgun racks, and more," said Lamerato. "And we also do that on a time-and-material basis for the Troy Police Department, so that's a revenue stream coming from the same city."

What's more, Troy maintains all fire apparatus for Clawson. And last winter, Troy stepped in when the automatic transmission on one of Clawson's snow plow trucks broke down. "The soonest a local repair shop could fix it was a week or 10 days," said Lamerato. "We fixed it and had it back in their hands in 48 hours."

The Troy shop also has worked for Huntington Woods, Mich., another Detroit suburb, and for Troy's private Medi-Go Plus, which runs four vans that deliver senior citizens to doctor's visits. Troy's shop runs a second shift that starts at 3:30 p.m., so the vans can be repaired overnight and are ready for use the following day, Lamerato said. "Our guys understand how important those doctor's visits are to the citizens," he said. "And since we took them

Where do in-sourcing customers come from?

Of the nearly 900 people who responded to an exclusive survey, most answered that maintaining other city departments' fleets was on the top of the list. These fleets might include fire, police, or other maintenance vehicles. Source: PUBLIC WORKS



Why don't you do in-sourcing?

Many fleet maintenance departments are stretched too thin to be able to do any kind of in-sourcing. Most respondents (70%) who do in-sourcing charge time and materials costs for their work. Source: PUBLIC WORKS





Charlie Caudill (right), fleet manager, and Oliel Gonzalez, fleet maintenance supervisor in Yuma, Ariz., in-source some fleet maintenance work to help balance the budget. Photo: City of Yuma

over, we have substantially improved the condition of those vans.

Lamerato plans to do more in-sourcing. "Our reputation is becoming well known," he said. "We're in negotiations to do additional in-sourcing for neighboring communities."

In Yuma, Caudill does the same thing. "We're doing nearly \$100,000 a year in work for outside agencies," he said. "That money helps keep the cost down for our existing customers." The city's Fleet Services division of the Public Works Department employs 10 full-time mechanics who maintain 708 vehicles and pieces of equipment, including 12 trash packers.

Fleet Services' operating budget is slightly more than \$2 million, not including equipment replacement, so revenues from in-sourcing represent less than 5%. Still, said Caudill, "It pays the light bills, and helps us balance the budget."

The Yuma shop works for Somerton and San Luis, two neighboring communities, and for the local Humane Society, which operates 17 pickup trucks. Additional work comes in from the Yuma Metropolitan Planning Organization; the Yuma Crossing Park; the Yuma Territorial Prison, which is now a museum; and the local Copah Indian Nation.

Moreover, said Caudill, "We have a whole bevy of fuel contracts, and we have a markup on fuel." Among others, Fleet Services provides fuel for the Housing Authority of the city of Yuma and for a nine-bus fleet run by Yuma County Area Transit.

These two cities are the exception, however. According to survey respondents, 85% reported that their fleet maintenance department had no plans to add in-sourcing as a means to gain more revenue.

MANAGING PM

All three cities have a rigorous preventive maintenance (PM) program. Boston's CFM division calls in vehicles based on a combination of elapsed time and fuel usage. The fuel system is connected to a Gasboy computer. Higgins set up a spreadsheet that shows quarterly fuel consumption, and vehicles are called in accordingly. "For everybody's fleet that we manage, I have an e-mail list," said Higgins. "Halfway through June, for example, I notify the fleet managers that they have one, two, or 12 vehicles that need to be brought in for preventive maintenance or a state inspection."

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Forming a fleet maintenance department

"Centralized fleet maintenance is fairly new here in Boston," said David Higgins, director of fleet maintenance for the city's Central Fleet Maintenance (CFM) division of the Department of Public Works.

In the late 1990s, city administrators made the decision to consolidate the fleet maintenance function from several departments into one, and in 1997 hired Higgins away from a fleet position in Concord, N.H., to head CFM. "Yours truly was appointed chief cook and bottle washer," said Higgins. "We are the

dealer of vehicles and trucks to the city, but we don't handle fire and police equipment.

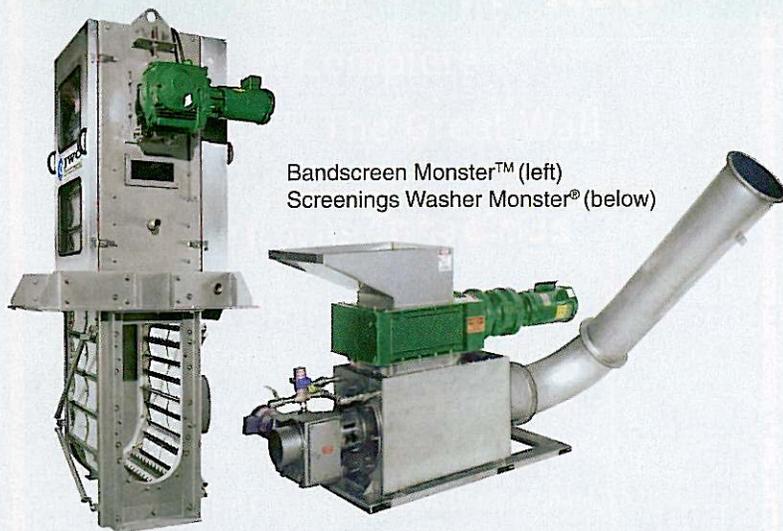
"From 1997 to today we have achieved a number of milestones," he said. "For one, we have gone to a totally computerized system, called Fleet Focus by Maximus, that tracks everything from repair orders to parts and does labor statistics."

One of Higgins' first major tasks was to negotiate "impact bargaining," or changes in job descriptions, with the labor unions involved. "I tried to instill in them that it would



David Higgins, director of fleet maintenance Boston's Central Fleet Maintenance division, does all equipment tracking electronically. Photo: City of Boston

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be us working together, not them working for me," said Higgins.

The impact bargaining phase took nine months. "I would go down and talk to the guys in the shop myself," said Higgins. "Being an old wrench-turner myself, I found that was more productive than just sending out computer print-outs."

A big was to get people accustomed to providing service to other departments. "Some highly capable people had only been responsible for their own departments," said Higgins. "When I communicated to them that they're a service entity, they'd look at me like I'd fallen off another planet."

Prior to the consolidation, there was no electronic tracking of equipment. "It was done on an individual basis, by each department," said Higgins.

Higgins had met the founder of a company called Prototype, which wrote a vehicle maintenance information system called EMS. That led to the software called Fleet Focus, which Higgins uses today. "I liked it," he said. "It was one of the few types of that software that had excellent customer support."

Equipment replacement was another problem—and Higgins has solved it. "When I took charge in 1997, the aging fleet needed to be upgraded," said Higgins. Prior to Higgins' appointment, the city had been seeking to upgrade trucks with a "glider kit" program. With that, all truck components are replaced except the driveline. The truck gets a new body, cab, electrical system, and frame rails.

The program had some concerns. "We gradually weaned the city off that program because we experienced some problems with trucks that had glider kits," said Higgins. For one thing, the cost of a glider kit approached the cost of a new truck. For another, the state considered glider kit trucks as new, and would have required the older engines to meet the emission standards for the year of the glider kit. That would have driven the cost to untenable levels, according to Higgins.

CFM's system is "semi-paperless." Mechanics are assigned jobs by a shop foreman, and they then log onto that repair order on FF software. When the mechanic completes the job, he goes back to the shop foreman to get his next job. A service writer completes the paperwork for the job just finished.

"We have toyed with the idea of a paperless shop," said Higgins. "But I have seen cases where the paperless shop is a horrific nightmare." In a paperless shop, vehicles are bar coded, and the service writer scans in the bar code. The job is assigned to a technician, who reads work to do from a screen. "I've not seen a paperless system that works that well," said Higgins. "The mechanic will end up writing down things that he needs to remember. I'm not a fan of the paperless shop."

In Troy, all specialty equipment such as salt trucks, lawn mowers, and street sweepers get an exhaustive pre-season inspection. "Our pre-season inspection was put together by all the technicians as a team, with management input," said Lamerato. "That inspection is bulletproof. For trucks, for example, we have a checklist with 40 to 45 specific inspections—drive train, engine, lighting system, brakes, frame, steering—the works. One or more technicians complete the inspection, and it's reviewed by the shop supervisor."

For vehicle information management, Troy uses FASTER software by CCG Systems Inc., Norfolk, Va. Fleet maintenance reviews PM schedules at the beginning of the month and at mid-month. "The last few months we've been at 100% compliance in getting our PMs done," said Lamerato. "That is the reason our vehicles are on the road, not in the shop."

"I would say that when a vehicle goes down, 80% of the time it's back up within 24 hours," he added. "We try to stick to 80% to 85% back up in 24 hours. And right now we're at 97% vehicle availability, maybe closer to 98%." Lamerato said the city's two Tymo street sweepers have missed fewer than five days of work in the past five years.

Lamerato said Troy has switched most vehicles to synthetic oil, not only for the engine, but for transmissions and rear axles as well. He said it extends oil-change intervals, lowers the cost of oil, and increases fuel economy. "And it's lowered the operating temperatures of our transmissions," said Lamerato. "Heat is the number one enemy of a transmission."

"Your transmission oil is cooled by the radiator, and if the transmission oil is running cooler, it puts less strain on the cooling system, so the engine will run cooler as well," said Lamerato.

GROWTH IN YUMA

For its size, Yuma is one of the fastest-growing cities in the country, with the population increasing 36% between 1990 and 2000, Caudill said. Accordingly, the city's equipment replacement fund is growing to

\$2.9 million in fiscal year 2005–2006, up from \$2.25 million in fiscal year 2004–2005. "That's aggressive," said Caudill. "It allows us to maintain a younger fleet."

The replacement fund is managed by an Equipment Replacement Committee composed of Caudill from Fleet Services, and members from each user department, such as streets, fire, and police. The group meets twice a year to review new equipment needs.

User departments pay a "rental charge" for equipment and vehicles. Whenever a

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vehicle is put into the fleet, it's given an amortized life. The rental charge includes a flat depreciation plus a cost of money that allows the city to pay the increased cost of vehicles, said Caudill. "An inflation factor is added on, based on the type of vehicle it is," he said. "The cost of steel has gone up rapidly. We've had to redo a lot of numbers."

Equipment and vehicles are examined for replacement two years earlier than the life expectancy. "We look at them two

years out," said Caudill. "We look at the condition, the life in miles, the repair expenses to date, and more."

Looking at replacement needs early gives Yuma the chance to "push a vehicle out by another year, or pull it back, replace it early," said Caudill. "The equipment replacement fund is a living, breathing fund. We try to identify any vehicles that may be money pits."

Yuma has 22 different accounts that contribute to the Equipment Replacement

Fund. The largest share, 63%, comes from the general fund, which is sales tax dollars. Money must stay within each of the 22 accounts to be spent. But the general fund can shift money among various needs, for example, from police vehicles to fire apparatus or parks and recreation.

Before Yuma established an equipment replacement fund, equipment was 12 to 20 years old and deteriorating, Caudill said. Prior to 1985, the city approved a \$2.5 million to \$3 million bond issue to buy equipment. "We bought all new sedans for the police, all new refuse trucks, and went to the side loader refuse business," said Caudill.

WELL-TRAINED PEOPLE

Training technicians is especially important to Lamerato. He seeks to schedule 40 hours of training each year for every technician. "I bring in trainers to our facility, and we invite surrounding communities to join us," said Lamerato. "We have training on brakes, on suspensions, on wheel chair lifts, and more—and I can send more people if it's onsite here."

As co-chair of education for the Michigan Chapter of the American Public Works Association, Lamerato heads statewide technician training efforts. Recently he held a wide-ranging training session at Shanty Creek Resort in Bellaire, Mich., where 122 people gathered to learn about engine emissions, brake linings, and drivelines. Speakers included officials from Caterpillar, Dana Corp., and CCG Systems.

Boston's CFM provides technician training on an as-needed basis. "When we hire them we have a record of who's been trained on what," said Higgins. "So we know who needs a certain kind of training, whether it's hydraulics or engine ignition or whatever. We try to get everybody trained."

And they are. Boston's CFM shop has been appointed to do in-house warranty work for General Motors. CFM has established a commercial driver's license (CDL) school for city employees and requires all technicians to have a CDL.

A public fleet needs to be managed much like one in the private sector—like a business. And as more cities are learning, nothing helps the bottom line like a little additional revenue from outside sources. **PW**

— Brown is a freelance writer in Des Plaines, Ill.

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Achievement of Excellence in Procurement'

September 12, 2005

John Lamerato, Assistant City Manager
City of Troy
Finance & Administration
500 W. Big Beaver Rd.
Troy, MI 48084

Subject: Achievement of Excellence in Procurement Award

Dear Mr. Lamerato:

The Achievement of Excellence in Procurement award is designed to recognize organizational excellence in procurement. The award is achieved by those organizations that demonstrate excellence in procurement by obtaining a high score on a rating of standardized criteria. The program is designed to measure innovation, professionalism, e-procurement, productivity, and leadership attributes of the procurement function. The Achievement of Excellence in Procurement is sponsored by the National Purchasing Institute (NPI), the California Association of Public Purchasing Officers (CAPPO), Florida Association of Public Purchasing Officers (FAPPO), the Institute of Supply Management (ISM), and the National Institute of Governmental Purchasing (NIGP), the National Association of State Procurement Officials (NASPO) and the National Association of Educational Buyers (NAEB).

It is my pleasure to notify you that the Procurement Department for the City of Troy has earned the 10th Annual Achievement of Excellence in Procurement Award for 2005. Moreover, City of Troy is one of only 77 to receive this national award at least three times.

A beautiful trophy, which has developed into the AEP icon, will be presented at several locations or mailed in mid-November, in accordance with the application.

Congratulations on receiving the Achievement of Excellence in Procurement Award.

Sincerely,

Wayne A. Casper, C.P.M.
Director of Procurement
City of Tucson

****and****

Chairperson
Achievement of Excellence in Procurement Award Committee

cc: Jeanette Bennett, Purchasing Director, City of Troy
Achievement of Excellence in Procurement Award Committee



September 22, 2005

To: John Szerlag, City Manager

From: Brian P. Murphy, Assistant City Manager/Services
Brian Stoutenburg, Library Director

Subject: **Agenda Item** – Library Meeting Room and Friends of the Library
Used Book Store

It is the recommendation of staff that upon the substantial completion of the HVAC project in the original part of the Library, the Library meeting room will again be available for library programs and public meetings, and that the Friends of the Library Used Bookshop will return its operation to their original location in the Library lower level.

On September 15, 2005 at the regular meeting of the Library Advisory Board, the Board unanimously passed the resolution “That the Library Meeting Room be used for Library Programs and meetings, and that the Friends of the Library Used Bookshop return to their space in the Library lower level.” The draft minutes of the meeting are attached.

On September 20, 2005 at the regular meeting of the Board of the Friends of the Troy Public Library, the Board unanimously passed the resolution “With regard to the location of the Bookshop, the Friends Board resolves that they are open to any options which are in the best interests of the Troy Public Library. The Bookshop will move downstairs when requested.” The minutes of the meeting will be provided when they are available.

A Regular Meeting of the Troy Library Board was held on Thursday September 15, 2005 at the Office of the Library Director. Brian Griffen, Chairman, called the meeting to order at 7:35 P.M.

ROLL CALL **PRESENT:** Lynne Gregory
 Brian Griffen
 Mary Shiner
 Nancy Wheeler
 Audre Zembrzuski

 Cheng Chen, Student Representative
 Brian Stoutenburg, Library Director

The Board welcomed new member, Mary Shiner.

Resolution #LB-2005-09-01

Moved by Gregory
Seconded by Wheeler

RESOLVED, That Lauren Andreoff be excused.

Yes: 5—Gregory, Griffen, Shiner, Wheeler, Zembrzuski
No: 0

The Pledge of Allegiance to the Flag was given.

Resolution #LB-2005-09-02

Moved by Wheeler
Seconded by Zembrzuski

RESOLVED, That the Minutes of June 2, 2005 be approved with a correction. Under Board Member Comments, the third paragraph should read: Zembrzuski stated that a potential volunteer came in to the library in the evening; and when asked about volunteer opportunities, he was told that he would have to come back during the day. The Library will have volunteer applications available at the Circulation desk.

Yes: 5—Gregory, Griffen, Shiner, Wheeler, Zembrzuski
No: 0

MOTION CARRIED

Reviewed Agenda entries

Resolution #LB-2005-09-03

Moved by Wheeler

Seconded by Zembrzuski

RESOLVED, That the Agenda be approved.

Yes: 5—Gregory, Griffen, Shiner, Wheeler, Zembrzuski

No: 0

MOTION CARRIED

POSTPONED ITEMS

There were no postponed items.

REGULAR BUSINESS

Meeting Room Use. The Board reviewed and discussed the reasons that the Library needed to have the Meeting Room available for library programs and meetings.

Resolution #LB-2005-09-04

Moved by Zembrzuski

Seconded by Wheeler

RESOLVED, That the Library Meeting Room be used for Library Programs and meetings, and that the Friends of the Library Used Bookshop return to their space in the Library lower level.

Yes: 5—Gregory, Griffen, Shiner, Wheeler, Zembrzuski

No: 0

MOTION CARRIED

Review of Exhibitor Procedure. The Board discussed possible options to consider dealing with the issue of pricing and sales information or art exhibits.

Resolution #LB-2005-09-05

Moved by Wheeler

Seconded by Gregory

RESOLVED, That the April, 2005 Draft of the “Troy Public Library Information and Procedures for Exhibitors” be adopted with the following two changes so that paragraph two reads: The Library cannot be involved in the sale of items and no sales can take place on Library property. Biographical information can be posted with the exhibit along with information regarding the exhibit’s description, history, and relevant personal

anecdotes. No pricing information is allowed. The exhibitor's contact information may be posted, but with no reference to the sales price of the items on exhibit or that the items can be purchased. Violation of this will result in exhibitors losing the privilege to exhibit at the Library in the future. Exhibitors do not need to be residents of the City of Troy.

Yes: 3—Gregory, Shiner, Wheeler

No 2—Griffen, Zembrzuski

MOTION CARRIED

REPORTS & COMMUNICATIONS

Director's Report.

The Library will be participating this spring in the "One Book One Community" program with libraries throughout Oakland and Macomb counties. The book that was chosen is "Shadow Divers" by Robert T. Kurson. The Library Café is likely to be sold to a local resident, Alan Francis. The contract is currently being discussed. The Library is one of ten Michigan public libraries that is offering a new service to the public – the ability to download audiobooks to their home computer or transfer them to a portable device like a PDA, Smartphone, portable audio device or burned to a standard CD. The City is embarking on an update of the Troy Futures report and the public will be invited to a general information session in October or November.

Board Member comments.

Wheeler said that there had been a problem with the notification process for a memorial given by the Primrose Garden Club. This will be investigated as to what broke down in our procedure.

Student Representative's Comments.

Chen asked about the progress of the WiFi installation. Hopefully in October this will be installed so that patrons can connect to the Internet with their laptops throughout the Library. Chen asked where the best places in the Library would be for a group of students to study together. The conference room, meeting room, Youth Services, the café, or the East side of the Adult Services department.

SLC Report.

Gregory reported that the SLC Board reviewed the substitute librarian posting, the insurance policy, the personal leave policy, the grievance policy, and the personal leave time policy. Sirsi will be looking to market libraries. It was decided that no alternates would be added to the SLC Board.

Friends of the Library.

No report.

Gifts.

Two gifts totaling \$122.00 were received.

Informational Items.

September TPL Calendar

Contacts and Correspondence.

36 written comments from the public were reviewed.

Public Participation.

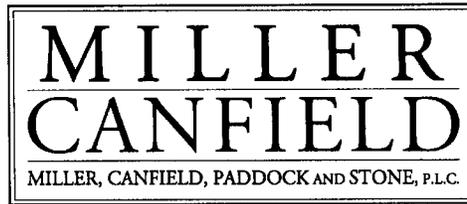
There was no public participation.

The Library Board meeting adjourned at 9:00 P.M.

Brian Griffen
Chair

Brian Stoutenburg
Recording Secretary

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September 29, 2005

Mr. John Szerlag, City Manager
Lori Griggs Bluhm, Esq., City Attorney
Mr. John Lamerato, Assistant City Manager
City of Troy
500 W. Big Beaver
Troy, MI 48084-5285

Re: Downtown Development Authority of the City of Troy

Dear Mr. Szerlag, Ms. Bluhm and Mr. Lamerato:

We are delighted that we have been asked to assist the City of Troy in connection with various legal issues relating to a proposed amendment to the boundaries of the Downtown District of the Downtown Development Authority of the City of Troy (the "DDA"). You have asked us to review and give our opinion on whether the existing documents relating to the DDA's outstanding bonds and its Development Plan and Tax Increment Financing Plan (the "Plan") prohibit the City of Troy (the "City") and DDA from amending the boundaries to remove several parcels of property that are currently in the Downtown District and the Development Area.

We appreciate the opportunity to work with the City and you may be assured of our prompt and complete attention to this matter. Our services would consist of reviewing the DDA Act, documents relating to outstanding bonds, the Plan and other documents in order to be able to give our opinion on the questions requested. In addition, we will meet with and consult with City officials and the City's financial advisor in researching these matters.

Our compensation for the services described in this letter will be based solely on the number of hours worked by the persons performing the work at our preferred client billing rates.

MILLER, CANFIELD, PADDOCK AND STONE, P.L.C.

Mr. John Szerlag et al

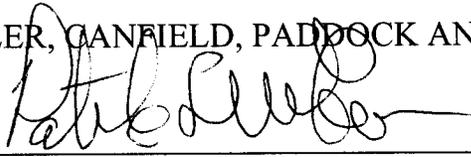
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September 29, 2005

We welcome this opportunity to be of service to the City and look forward to working with you. If you have any questions regarding this letter, please give me a call, or you may call my partner, Joel Piell.

Very truly yours,

MILLER, CANFIELD, PADDOCK AND STONE, P.L.C.

By: 

Patrick F. McGow

Cc: Joel Piell, Esq.

DELIB:2664072.1\091096-00010

Bendzinski & Co.**municipal finance advisors**

September 29, 2005

Mr. John Szerlag, City Manager
City of Troy
500 W. Big Beaver Road
Troy, MI 48084-5285

RE: Financial Feasibility Study for the City of Troy Downtown Development Authority

Dear Mr. Szerlag:

Thank you for retaining Bendzinski & Co. to prepare a financial feasibility study as to the impact of eliminating certain properties from the DDA development district. While we have not had the opportunity to complete our study and analysis, we will be reviewing the following:

1. Bonding documents and other related documents, including but not limited to, the Development Agreement, Trust Indenture, Insurance policies on the several series of outstanding DDA bonds issues;
2. The financial implications of the recent declines in the valuation within the DDA District is a result of tax appeals and adverse property tax opinions.
3. The difference in the original and most recent projections of anticipated growth in captured values and related revenues as a result of:
 - a. Changes in the basis of valuations from State Equalized Value to Taxable Value
 - b. Adverse Property Tax Appeals
 - c. Changes in methods of valuations of Personal Property by the State of Michigan

Bendzinski & Co.

John Szerlag, City Manager

September 29, 2005

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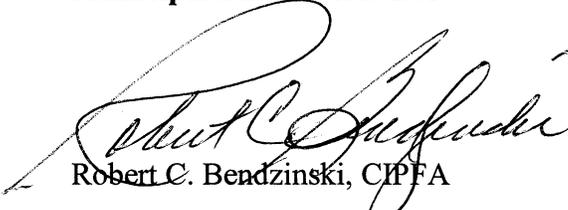
5. Overall slow down in the Michigan economy and the resulting effect on property value growth;
6. The impact of the DDA's ability to meet its debt service will most likely will have on the City's present AAA bond ratings.

We again thank you for retaining our firm. We will begin the process of preparing a full analysis of what has occurred in the DDA District since its inception in 1993 and will have the report to you in the next few weeks.

In the meantime, should you have any questions, or require any additional information, please do not hesitate to call.

Sincerely,

BENDZINSKI & CO.
Municipal Finance Advisors



Robert C. Bendzinski, CIPFA

RCB/cam

Enclosure

cc: John Lamerato

Lori Bluhm

S:\wpdocs\City\Troy\DDA feasibility letter

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