AGENDA

Regular Meeting of the

CITY COUNCIL
OF THE CITY OF TROY

JUNE 6, 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

June 6, 2005 – 7:30 PM
Council Chambers
City Hall - 500 West Big Beaver
Troy, Michigan 48084
(248) 524-3317

CALL TO ORDER: 1

INVOCATION & PLEDGE OF ALLEGIANCE: Pastor Marvin Walker – Faith Apostolic Church 1

ROLL CALL: 1

CERTIFICATES OF RECOGNITION: 1

A-1 Presentations: 1

a) Proclamation to Theresa Harrison - 2004 Police Officer of the Year 1
b) Proclamation to Greg Latka - 2005 Fire Fighter of the Year 1
c) Proclamation to Pat Gladysz - 2004 Non-Sworn Police Department Employee of the Year 1

CARRYOVER ITEMS: 1

B-1 No Carryover Items 1

PUBLIC HEARINGS: 1

C-1 Standard Resolution #4 for Olympia Paving 1

C-2 Standard Resolution #4 for Tacoma Paving 2

C-3 Request for Acceptance of Edward J. Byrne Memorial Justice Assistance Grant Program Grant 2

POSTPONED ITEMS: 3

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

D-2 Facilitation of a Futuring and Strategic Planning Process for the City of Troy by Mr. Ed Barlow 3

D-3 City Council Appointments: Charter Revision Committee 4

CONSENT AGENDA: 4

E-1a Approval of "E" Items NOT Removed for Discussion 4

E-1b Address of "E" Items Removed for Discussion by City Council and/or the Public 5

E-2 Approval of City Council Minutes 5

E-3 Proposed City of Troy Proclamations 5

a) Theresa Harrison - 2004 Police Officer of the Year 5
b) Greg Latka - 2005 Fire Fighter of the Year 5
c) Pat Gladysz - 2004 Non-Sworn Police Department Employee of the Year 5
d) Proclamation Honoring the People of Lebanon and Their Pursuit of Freedom, Sovereignty and Independence 5
e) Proclamation in Recognition of James F. Connelly on the Occasion of His Retirement from DTE Energy 5

E-4 Request for Temporary Trailer – Hyundai Dealership – 1810 Maplelawn 5

E-5 Approval of Funding Agreement – Troy Boys and Girls Club 5

E-6 Private Agreement for Tepel Brothers Printing – Project No. 05.903.3 6

E-7 Application to Transfer Ownership of a Class C Liquor License – Morton's of Chicago/Troy, LLC - 888 W. Big Beaver Road 6

PUBLIC COMMENT: Limited to Items Not on the Agenda 6

REGULAR BUSINESS: 7

F-1 Appointments to Boards and Committees: a) Mayoral Appointments: No Appointments Scheduled; b) City Council Appointments: Advisory Committee for Senior Citizens; Historic District Commission; Personnel Board; Youth Council 7

F-2 Sewer Benefit Fee District Options for Charnwood Subdivision Area, Section 6 11

F-3 Request for Waiver of Chapter 26-3.4 and Chapter 78.14. for Troy Soccer City Classic 13

F-4 Oakland County's Urban County Community Development Block Grant Cooperation Agreement for Program Years 2006-2008 13

F-5 City of Troy Downtown Development Authority Budget 14

F-6 City of Troy Brownfield Redevelopment Authority Budget 14

F-7 Establishing Fee for On Site Sewage Disposal System Inspections 14

F-8 Standard Purchasing Resolution 3: Option to Renew – General Consulting Engineering Services Contract 15

F-9 Preliminary Site Condominium Review – Longfellow Site Condominium, West Side of Rochester Road, North Side of Longfellow, Section 15- R-1C 15

F-10 Preliminary Site Condominium Review – Athens Parc Site Condominium, North of Wattles, on the North Side of Rockfield Between John R and Eleanor, Section 14 – R-1C 16

MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS: 16

G-1 Announcement of Public Hearings: 16

a) Commercial Vehicle Appeal – 1820 E. Wattles – Scheduled for June 20, 2005. 16
b) Rezoning Application – From R-1E and E-P to P-1 and E-P, Al-Zouhayli Office Building (Z-683-B), North Side of Big Beaver Between Rochester Road and John R Road, Section 23 – Scheduled for June 20, 2005 16

c) Rezoning Application – Proposed Buscemi's Party Shoppe, Northeast Corner of Hartland and Rochester Road, Section 23 – R-1E and B-3 to B-1 (Z-701) – Scheduled for June 20, 2005 16

G-2 Green Memorandums: 17

a) Proposed Revisions to Chapter 30 – Municipal Golf Course(s) 17
b) Bid Waiver – Contract Extension – Banking Services 17

COUNCIL REFERRALS: Items Advanced to the City Manager by Individual City Council Members for Placement on the Agenda 17

H-1 No Council Referrals 17

COUNCIL COMMENTS: 17

I-1 No Council Comments 17

REPORTS: 17

J-1 Minutes – Boards and Committees: 17

a) Parks and Recreation Advisory Board/Final – March 10, 2005 17
b) Ethnic Issues Advisory Board/Final – April 5, 2005 17
c) Liquor Advisory Committee/Final – April 11, 2005 17
d) Employees' Retirement System Board of Trustees/Final – April 13, 2005 17
e) Parks and Recreation Advisory Board/Final – April 14, 2005 17
f) Board of Zoning Appeals/Draft – April 19, 2005 17
g) Board of Zoning Appeals/Final – April 19, 2005 17
h) Troy Historic District Commission/Final – April 20, 2005 17
i) Troy Local Development Finance Authority/Draft – April 25, 2005 17
j) Planning Commission Special/Study Meeting/Final – April 26, 2005 17
k) Troy Daze Advisory Committee/Final – April 26, 2005 17
l) Troy Youth Council/Final – April 27, 2005 17
m) Planning Commission Special/Study Meeting/Draft – May 3, 2005 17
n) Planning Commission Special/Study Meeting/Final – May 3, 2005 17
o) Building Code Board of Appeals/Draft – May 4, 2005 17
p) Liquor Advisory Committee/Draft – May 9, 2005 17
q) Ethnic Issues Advisory Board/Draft – May 10, 2005 17
r) Parks and Recreation Advisory Board/Draft – May 12, 2005 17
s) Downtown Development Authority/Final – May 18, 2005 17
t) Troy Youth Council/Draft – May 18, 2005 17
u) Troy Daze Advisory Committee/Draft – May 24, 2005 17

J-2 Department Reports: 17

a) 2005 1st Quarter Crime and Police Calls for Service Report 17
b) City of Troy Monthly Financial Report – April 30, 2005 17

J-3 Letters of Appreciation: 18

a) Letter of Thanks to the Troy Police Officers' Association from Troy People Concerned 18
b) Letter of Thanks to Cindy Stewart from Margie Kelly with Weir, Manuel, Snyder & Ranke Realtors 18
c) Letter of Thanks to Marlene Struckman from Nancy Johnson 18
d) Letter of Appreciation to the DPW and Engineering Departments from Robert McCliment 18
e) Letter of Appreciation to DPW Regarding the Construction to Coolidge Highway from Marc Higginbotham 18
f) Letter of Appreciation from Sanjay M. Shah Regarding Mark Riley 18

J-4 Proposed Proclamations/Resolutions from Other Organizations: 18

a) Resolution from Charter Township of Oxford Regarding Local Control of Liquor Licenses 18
b) Resolution from Charter Township of Springfield Regarding Local Control of Liquor Licenses 18

J-5 Calendar 18

J-6 Correspondence from Senator Carl Levin Regarding The CDBG Block Grant Program 18

J-7 Detroit News/Free Press 50th Anniversary Supplement 18

STUDY ITEMS: 18

K-1 No Study Items Submitted 18

PUBLIC COMMENT: Address of "K" Items 18

CLOSED SESSION: 18

L-1 Closed Session – No Closed Session 18

RECESSED 18

RECONVENED 19

ADJOURNMENT 19

SCHEDULED CITY COUNCIL MEETINGS: 20

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

CALL TO ORDER:

INVOCATION & PLEDGE OF ALLEGIANCE: **Pastor Marvin Walker – Faith Apostolic 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) Proclamation to Theresa Harrison - 2004 Police Officer of the Year
b) Proclamation to Greg Latka - 2005 Fire Fighter of the Year
c) Proclamation to Pat Gladysz - 2004 Non-Sworn Police Department Employee of the Year

CARRYOVER ITEMS:

B-1 No Carryover Items

PUBLIC HEARINGS:

C-1 Standard Resolution #4 for Olympia Paving

Suggested Resolution
Resolution #2005-06-
Moved by
Seconded by

WHEREAS, The City Council has caused Special Assessment Roll No. 05.201.1 to be prepared for the purpose of defraying the Special Assessment District's portion of the following described public improvement in the City of Troy;

Bituminous Paving of Olympia Street

WHEREAS, The City Council and the City Assessor have met after due legal notice and have reviewed said Special Assessment Roll and have heard all persons interested in said Special Assessment Roll appearing at said hearing;

WHEREAS, The City Council is satisfied with said Special Assessment Roll as prepared by the City Assessor.

THEREFORE, BE IT RESOLVED, That Special Assessment Roll No. 05.201.1 in the amount of $46,000.00 is hereby **CONFIRMED** as prepared by the City Assessor, a copy of which shall be **ATTACHED** to, and become a part of the Minutes of this meeting.

Yes:
No:

C-2 Standard Resolution #4 for Tacoma Paving

Suggested Resolution
Resolution #2005-06-
Moved by
Seconded by

WHEREAS, The City Council has caused Special Assessment Roll No. 05.202.1 to be prepared for the purpose of defraying the Special Assessment District's portion of the following described public improvement in the City of Troy;

Bituminous Paving of Tacoma Street

WHEREAS, The City Council and the City Assessor have met after due legal notice and have reviewed said Special Assessment Roll and have heard all persons interested in said Special Assessment Roll appearing at said hearing;

WHEREAS, The City Council is satisfied with said Special Assessment Roll as prepared by the City Assessor.

THEREFORE, BE IT RESOLVED, That Special Assessment Roll No. 05.202.1 in the amount of $46,000.00 is hereby **CONFIRMED** as prepared by the City Assessor, a copy of which shall be **ATTACHED** to, and become a part of the Minutes of this meeting.

Yes:
No:

C-3 Request for Acceptance of Edward J. Byrne Memorial Justice Assistance Grant Program Grant

Suggested Resolution
Resolution #2005-06-
Moved by
Seconded by

Yes:
No:

POSTPONED ITEMS:

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

Postponed Resolution
Resolution #2005-06-
Moved by Eisenbacher
Seconded by Schilling

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

Yes:
No:

D-2 Facilitation of a Futuring and Strategic Planning Process for the City of Troy by Mr. Ed Barlow

City Management recommends that this item be postponed to the Regular City Council Meeting scheduled for June 20, 2005.

RESOLUTION A – Recommended by City Management

Suggested Resolution
Resolution #2005-06-
Moved by
Seconded by

RESOLVED, That the proposed "Facilitation of a Futuring and Strategic Planning Process for the City of Troy by Mr. Ed Barlow" be **POSTPONED** until the June 20, 2005 Regular City Council Meeting.

OR

RESOLUTION B – Postponed from May 9, 2005 Regular City Council Meeting

Postponed Resolution
Resolution #2005-06-
Moved by Beltramini
Seconded by Lambert

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

Yes:
No:

D-3 City Council Appointments: Charter Revision Committee

Postponed Resolution
Resolution #2005-06-
Moved by Beltramini
Seconded by Lambert

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

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

Cynthia A. Wilsher Term Expires April 30, 2008

William Weisgerber Term Expires April 30, 2008

Yes:
No:

CONSENT AGENDA:

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

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

Suggested Resolution
Resolution #2005-06-
Moved by
Seconded by

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

Yes:

No:

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

E-2 Approval of City Council Minutes

Suggested Resolution
Resolution #2005-06-

RESOLVED, That the Minutes of the Regular City Council Meeting of May 16, 2005 at 7:30 PM, the Minutes of the Regular City Council Meeting of May 23, 2005 at 7:30 PM, and the Minutes of the Special/Study City Council Meeting of May 23, 2005 at 7:30 PM be **APPROVED** as submitted.

E-3 Proposed City of Troy Proclamations

Suggested Resolution
Resolution #2005-06-

a) Theresa Harrison - 2004 Police Officer of the Year
b) Greg Latka - 2005 Fire Fighter of the Year
c) Pat Gladysz - 2004 Non-Sworn Police Department Employee of the Year
d) Proclamation Honoring the People of Lebanon and Their Pursuit of Freedom, Sovereignty and Independence
e) Proclamation in Recognition of James F. Connelly on the Occasion of His Retirement from DTE Energy

E-4 Request for Temporary Trailer – Hyundai Dealership – 1810 Maplelawn

Suggested Resolution
Resolution #2005-06-

RESOLVED, That the request from Tim LeRoy, Secretary –Treasurer of the Suburban Collection, to place an office trailer at 1810 Maplelawn to be used for temporary office space is hereby **APPROVED** for a period not to exceed 12 months, in accordance with Chapter 47, House Trailers and Trailer Courts, Section 6.41(2), of the Code of the City of Troy.

E-5 Approval of Funding Agreement – Troy Boys and Girls Club

Suggested Resolution
Resolution #2005-06-

RESOLVED, That the funding agreement between the City of Troy and Boys and Girls Club of Troy for July 1, 2005 through June 30, 2006 is hereby **APPROVED** and the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the documents, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

E-6 Private Agreement for Tepel Brothers Printing – Project No. 05.903.3

Suggested Resolution
Resolution #2005-06-

RESOLVED, That the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and Tepel Brothers Printing is hereby **APPROVED** for the installation of water main, storm sewer 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 Application to Transfer Ownership of a Class C Liquor License – Morton's of Chicago/Troy, LLC - 888 W. Big Beaver Road

(a) License Transfer

Suggested Resolution
Resolution #2005-06-

RESOLVED, That the request from Morton's of Chicago/Troy, LLC (A Deleware Limited Liability Company), to transfer ownership of a 2004 Class C licensed business with official permit (food), located in escrow at 25938 Middlebelt, Farmington Hills, MI 48336, Oakland County, from Stearn & Company, L.L.C.; transfer location (governmental unit), (MCL 436.1531) to 888 W. Big Beaver Rd, Troy, MI 48084, Oakland County, and request for a new SDM license to be held in conjunction, be **CONSIDERED** for **APPROVAL**.

It is the consensus of this legislative body that the application be recommended "above all others" for issuance.

(b) Agreement

Suggested Resolution
Resolution #2005-06-

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

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Troy hereby **APPROVES** an agreement with Morton's of Chicago/Troy, LLC (A Deleware Limited Liability Company), to transfer ownership of a 2004 Class C licensed business with official permit (food), located in escrow at 25938 Middlebelt, Farmington Hills, MI 48336, Oakland County, from Stearn & Company, L.L.C.; transfer location (governmental unit), (MCL 436.1531) to 888 W. Big Beaver Rd, Troy, MI 48084, Oakland County, and request for a new SDM license to be held in conjunction; and the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the document, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

PUBLIC COMMENT: Limited to Items Not on the Agenda

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

REGULAR BUSINESS:

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

F-1 Appointments to Boards and Committees: a) Mayoral Appointments: No Appointments Scheduled; b) City Council Appointments: Advisory Committee for Senior Citizens; Historic District Commission; Personnel Board; Youth Council

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

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

(a) Mayoral Appointments - No Appointments Scheduled

(b) City Council Appointments

Suggested Resolution
Resolution #2005-06-
Moved by
Seconded by

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

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

Term Expires 04/30/08

CURRENT MEMBERS

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

INTERESTED APPLICANTS

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

Historic District Commission
Appointed by Council (7) – 3 years

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

Term expires 03/01/08

CURRENT MEMBERS

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

INTERESTED APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
Kerry S. Krivoshein	08/12/99-06/14/01-05/2003	07/09/01

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

Historical Commission
Appointed by Council – # years

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

CURRENT MEMBERS

NAME	TERM EXPIRES
Bortner, Edward J.	07/31/05
Gopal, Rayma (Student)	07/01/05
Kaniarz, Roger	07/31/05
Kornacki, Rosemary	07/31/05
Lindsey, Kevin	07/31/06
Navratil, Terry	07/31/06
Milz, Vera	07/31/07
Wattles, Brian	07/31/07

INTERESTED STUDENT APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
None on file		

Personnel Board
Appointed by Council (5) - 3 years

Term Expires 04/30/08

CURRENT MEMBERS

NAME	TERM EXPIRES
Deborah L. Baughman	04/30/05
Albert T. Nelson Jr.	04/30/06
Stephen Patrick Jr.	04/30/06
Ronald L. Tschirhart	04/30/08
James E. Vanderbrink	04/30/06

INTERESTED APPLICANTS

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

Uitto, Renee	12/03/04-12/2006	12/06/04
Ziegenfelder, Peter F.	12/07/00-06/11/01-06/11/03-05/2005	12/18/90-07/09/01-06/16/03

Youth Council
Appointed by Council (13) – 1 year

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

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

CURRENT MEMBERS

NAME	TERM EXPIRES
Alexandra Bozimowski **(Requests Reappointment)**	~~08/31/2005~~ 06/01/05
Min Chong	~~08/31/2005~~ 06/01/05
Juliana D'Amico	~~08/31/2005~~ 06/01/05
Monika Govindaraj	~~08/31/2005~~ 06/01/05
Catherine Herzog	~~08/31/2005~~ 06/01/05
Maniesh Joshi	~~08/31/2005~~ 06/01/05
Rishi Joshi **(Requests Reappointment)**	~~08/31/2005~~ 06/01/05

Andrew Kalinowski	~~08/31/2005~~ 06/01/05
Jessica Kraft **(Requests Reappointment)**	~~08/31/2005~~ 06/01/05
Manessa Shaw	~~08/31/2005~~ 06/01/05
Nicole Vitale **(Requests Reappointment)**	~~08/31/2005~~ 06/01/05
Karen Wullaert **(Requests Reappointment)**	~~08/31/2005~~ 06/01/05
YuJing Wang	~~08/31/2005~~ 06/01/05

INTERESTED STUDENT APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
Chen, Nancy	05/16/05	05/16/05
Corey, Andrew **(YC Recommendation)**	05/16/05	05/16/05
D'Amico, Maxine **(YC Recommendation)**	05/16/05	05/16/05
Desai, Nikita	05/16/05	05/16/05
Hacker, Elizabeth	05/16/05	05/16/05
Hepner, Josh	05/16/05	05/16/05
Horvath, Zack	05/16/05	05/16/05
Luo, Lisa (Jia) **(YC Recommendation)**	05/16/05	05/16/05
Marsh, Chelsey	05/16/05	05/16/05
Natarajan, Aswrin **(YC Recommendation)**	05/16/05	05/16/05
Niemic, Joseph	05/16/05	05/16/05
Pochodylo, Amy	05/16/05	05/16/05
Prasad, Anupama **(YC Recommendation)**	05/16/05	05/16/05
Qui, Anna	05/16/05	05/16/05
Randall, Kristin **(YC Recommendation)**	05/16/05	05/16/05
Reimann, Carolyn	05/16/05	05/16/05
Schramm, Alyson	05/16/05	05/16/05
Shaw, Neil **(YC Recommendation)**	05/16/05	05/16/05
Subramanian, Shruthi	05/16/05	05/16/05
Thoenes, Katie **(YC Recommendation)**	05/16/05	05/16/05
Yang, Helen	05/16/05	05/16/05

Yes:
No:

F-2 Sewer Benefit Fee District Options for Charnwood Subdivision Area, Section 6

City Council may choose to initiate a Sewer Benefit Fee Project for any one of the proposed districts by adopting Resolution "D" or any combination of Resolution A, B, C.

Suggested Resolution
Resolution #2005-06-
Moved by
Seconded by

Resolution A - Charnwood District "A"

RESOLVED, That the Sewer Benefit Fee as provided in Chapter 20 – Water and Sewer Rates, Section 8 of the Troy City Code, last amended on April 18, 2005 shall be $17,784 per parcel

based on the total estimated cost of sanitary sewer construction in Charnwood District "A" divided by the number of properties benefiting from the sewer, as described in a report by the City Manager dated May 17, 2005, a copy of which shall be **ATTACHED** to and made a part of the Minutes of this meeting; and

BE IT FURTHER RESOLVED, That the Engineering Department shall **PROCEED** with plans and specifications for sanitary sewers to be constructed within the Charnwood District "A" in the summer of 2006.

Yes:
No:

AND/OR

Resolution B - Charnwood District "B"

RESOLVED, That the Sewer Benefit Fee as provided in Chapter 20 – Water and Sewer Rates, Section 8 of the Troy City Code, last amended on April 18, 2005 shall be $15,536 per parcel based on the total estimated cost of sanitary sewer construction in Charnwood District "B" divided by the number of properties benefiting from the sewer, as described in a report by the City Manager dated May 17, 2005, a copy of which shall be **ATTACHED** to and made a part of the Minutes of this meeting; and

BE IT FURTHER RESOLVED, that the Engineering Department shall **PROCEED** with plans and specifications for sanitary sewers to be constructed within the Charnwood District "B" in the summer of 2006.

Yes:
No:

AND/OR

Resolution C - Charnwood District "C"

RESOLVED, That the Sewer Benefit Fee as provided in Chapter 20 – Water and Sewer Rates, Section 8 of the Troy City Code, last amended on April 18, 2005 shall be $15,515 per parcel based on the total estimated cost of sanitary sewer construction in Charnwood District "C" divided by the number of properties benefiting from the sewer, as described in a report by the City Manager dated May 17, 2005, a copy of which shall be **ATTACHED** to and made a part of the Minutes of this meeting; and

BE IT FURTHER RESOLVED, That the Engineering Department shall **PROCEED** with plans and specifications for sanitary sewers to be constructed within the Charnwood District "C" in the summer of 2006.

Yes:
No:

OR

Resolution D - Charnwood District "D"

RESOLVED, That the Sewer Benefit Fee as provided in Chapter 20 – Water and Sewer Rates, Section 8 of the Troy City Code, last amended on April 18, 2005 shall be $15,720 per parcel based on the total estimated cost of sanitary sewer construction in Charnwood District "D" divided by the number of properties benefiting from the sewer, as described in a report by the City Manager dated May 17, 2005, a copy of which shall be **ATTACHED** to and made a part of the Minutes of this meeting; and

BE IT FURTHER RESOLVED, that the Engineering Department shall **PROCEED** with plans and specifications for sanitary sewers to be constructed within the Charnwood District "D" in the summer of 2006.

Yes:
No:

F-3 Request for Waiver of Chapter 26-3.4 and Chapter 78.14. for Troy Soccer City Classic

Suggested Resolution
Resolution #2005-06-
Moved by
Seconded by

RESOLVED, That Staff recommends that City Council **APPROVE** the request for waiver of Chapter 26-3.4 and Chapter 78-14 in conjunction with the 19th Annual Troy Soccer City Classic, from September 3-5, 2005 to permit the sale of merchandise and concessions, and banner displays during the event.

Yes:
No:

F-4 Oakland County's Urban County Community Development Block Grant Cooperation Agreement for Program Years 2006-2008

Suggested Resolution
Resolution #2005-06-
Moved by
Seconded by

WHEREAS, The City of Troy has been participating in Oakland County's Urban County Community Development Block Grant Program since 1982;

WHEREAS, Since 2002, participation in Oakland County's Urban County Community Development Block Grant Program has afforded Troy homeowners the opportunity to receive $593,429 in Oakland County Home Improvement Program funds;

WHEREAS, Currently, Oakland County handles the majority of the federal paperwork involved in administering the Community Development Block Grant Program, helping to maximize the benefit of each dollar received at the local level.

NOW, THEREFORE, BE IT RESOLVED, That the City of Troy **CONTINUE** its participation in Oakland County's Urban County Community Development Block Grant Program for program years 2006-2008.

Yes:
No:

F-5 City of Troy Downtown Development Authority Budget

Suggested Resolution
Resolution #2005-06-
Moved by
Seconded by

WHEREAS, The Troy Downtown Development Authority has adopted and recommends that City Council approve its 2005/06 Annual Budget.

NOW, THEREFORE, BE IT RESOLVED, That the Troy Downtown Development Authority's Annual Budget for fiscal year July 1, 2005 through June 30, 2006 is hereby **APPROVED**.

Yes:
No:

F-6 City of Troy Brownfield Redevelopment Authority Budget

Suggested Resolution
Resolution #2005-06-
Moved by
Seconded by

WHEREAS, The Troy Brownfield Redevelopment Authority has adopted and recommends that City Council approve its 2005/06 Annual Budget.

NOW, THEREFORE, BE IT RESOLVED, That the Troy Brownfield Redevelopment Authority's Annual Budget for fiscal year July 1, 2005 through June 30, 2006 is hereby **APPROVED**.

Yes:
No:

F-7 Establishing Fee for On Site Sewage Disposal System Inspections

Suggested Resolution
Resolution #2005-06-
Moved by
Seconded by

RESOLVED; That the fee for the on site sewage disposal system inspection, as required by Section 19.03.03 of the Troy City Code, **SHALL BE** $200.00.

Yes:
No:

F-8 Standard Purchasing Resolution 3: Option to Renew – General Consulting Engineering Services Contract

Suggested Resolution
Resolution #2005-06-
Moved by
Seconded by

WHEREAS, On June 17, 2002, City Council approved a three (3) year contract, effective July 1, 2002 through June 30, 2005, with the option to renew the contract for an additional three (3) year period under the same terms and conditions, based on mutual consent of both parties, with each consultant, to provide General Consulting Engineering Services as required by the City and to assist the Engineering Department as needed (Resolution #2002-06-379);

WHEREAS, Hubbell, Roth & Clark, Inc. has offered to renew their contract for three (3) additional years under the same terms and conditions as the 2002 contract;

WHEREAS, Spalding DeDecker Associates, Inc. has offered to renew their contract for three (3) additional years with a provision that overtime by Construction Technicians be billed at rate equal to 1.3 times their regular hourly rate, consistent with the same provision for other field personnel and all other terms and conditions remaining the same as the 2002 contract.

NOW, THEREFORE, BE IT RESOLVED, That the three-year option to renew the contracts with Hubbell, Roth & Clark, Inc. and Spalding DeDecker Associates, Inc. are hereby **EXERCISED** under the same terms and conditions as the 2002 contract, effective July 1, 2005 through June 30, 2008 with no rate increases over the next three (3) years despite a provision for an increase once each year of 3% or the difference in the urban Consumer Price Index for the Detroit/Ann Arbor area for the current year and the previous year, whichever is lower.

Yes:
No:

F-9 Preliminary Site Condominium Review – Longfellow Site Condominium, West Side of Rochester Road, North Side of Longfellow, Section 15- R-1C

Suggested Resolution
Resolution #2005-06-
Moved by
Seconded by

RESOLVED, That the Preliminary Plan as submitted under Section 34.30.00 of the Zoning Ordinance (Unplatted One-Family Residential Development) for the development of a One-

Family Residential Site Condominium known as Longfellow Site Condominium, as recommended for approval by City Management and the Planning Commission, located on the west side of Rochester and the north side of Longfellow, including 5 home sites, within the R-1C zoning district, being 1.85 acres in size, is hereby **APPROVED**, subject to the following conditions:

1. That Unit #5 has an access easement for future access to the property to the north. This would allow the elimination of the existing driveway on Rochester Road.
2. That the Master Deed be amended to include the access easement and require a future driveway connection with the property to the north to be constructed at that time that the property to the north is redeveloped.
3. That a bond be posted by the petitioner for future construction of a driveway to the road to the north and removal of the existing driveway on Rochester Road.

Yes:
No:

F-10 Preliminary Site Condominium Review – Athens Parc Site Condominium, North of Wattles, on the North Side of Rockfield Between John R and Eleanor, Section 14 – R-1C

Suggested Resolution
Resolution #2005-06-
Moved by
Seconded by

RESOLVED, That the Preliminary Plan as submitted under Section 34.30.00 of the Zoning Ordinance (Unplatted One-Family Residential Development) for the development of a One-Family Residential Site Condominium known as Athens Parc Site Condominium, as recommended for approval by City Management and the Planning Commission, located north of Wattles, on the north side of Rockfield between John R and Eleanor, including 12 home sites, within the R-1C zoning district, being 4.7 acres in size, is hereby **APPROVED**.

Yes:
No:

MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

G-1 Announcement of Public Hearings:

a) Commercial Vehicle Appeal – 1820 E. Wattles – Scheduled for June 20, 2005

b) Rezoning Application – From R-1E and E-P to P-1 and E-P, Al-Zouhayli Office Building (Z-683-B), North Side of Big Beaver Between Rochester Road and John R Road, Section 23 – Scheduled for June 20, 2005

c) Rezoning Application – Proposed Buscemi's Party Shoppe, Northeast Corner of Hartland and Rochester Road, Section 23 – R-1E and B-3 to B-1 (Z-701) – Scheduled for June 20, 2005

G-2 Green Memorandums:
a) Proposed Revisions to Chapter 30 – Municipal Golf Course(s)
b) Bid Waiver – Contract Extension – Banking Services

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

H-1 No Council Referrals

COUNCIL COMMENTS:

I-1 No Council Comments

REPORTS:

J-1 Minutes – Boards and Committees:
a) Parks and Recreation Advisory Board/Final – March 10, 2005
b) Ethnic Issues Advisory Board/Final – April 5, 2005
c) Liquor Advisory Committee/Final – April 11, 2005
d) Employees' Retirement System Board of Trustees/Final – April 13, 2005
e) Parks and Recreation Advisory Board/Final – April 14, 2005
f) Board of Zoning Appeals/Draft – April 19, 2005
g) Board of Zoning Appeals/Final – April 19, 2005
h) Troy Historic District Commission/Final – April 20, 2005
i) Troy Local Development Finance Authority/Draft – April 25, 2005
j) Planning Commission Special/Study Meeting/Final – April 26, 2005
k) Troy Daze Advisory Committee/Final – April 26, 2005
l) Troy Youth Council/Final – April 27, 2005
m) Planning Commission Special/Study Meeting/Draft – May 3, 2005
n) Planning Commission Special/Study Meeting/Final – May 3, 2005
o) Building Code Board of Appeals/Draft – May 4, 2005
p) Liquor Advisory Committee/Draft – May 9, 2005

q) Ethnic Issues Advisory Board/Draft – May 10, 2005
r) Parks and Recreation Advisory Board/Draft – May 12, 2005
s) Downtown Development Authority/Final – May 18, 2005
t) Troy Youth Council/Draft – May 18, 2005
u) Troy Daze Advisory Committee/Draft – May 24, 2005

J-2 Department Reports:
a) 2005 1st Quarter Crime and Police Calls for Service Report
b) City of Troy Monthly Financial Report – April 30, 2005

J-3 Letters of Appreciation:

a) Letter of Thanks to the Troy Police Officers' Association from Troy People Concerned
b) Letter of Thanks to Cindy Stewart from Margie Kelly with Weir, Manuel, Snyder & Ranke Realtors
c) Letter of Thanks to Marlene Struckman from Nancy Johnson
d) Letter of Appreciation to the DPW and Engineering Departments from Robert McCliment
e) Letter of Appreciation to DPW Regarding the Construction to Coolidge Highway from Marc Higginbotham
f) Letter of Appreciation from Sanjay M. Shah Regarding Mark Riley

J-4 Proposed Proclamations/Resolutions from Other Organizations:

a) Resolution from Charter Township of Oxford Regarding Local Control of Liquor Licenses
b) Resolution from Charter Township of Springfield Regarding Local Control of Liquor Licenses

J-5 Calendar

J-6 Correspondence from Senator Carl Levin Regarding The CDBG Block Grant Program

J-7 Detroit News/Free Press 50th Anniversary Supplement

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

RECESSED

RECONVENED

ADJOURNMENT

Respectfully submitted,

John Szerlag, City Manager

SCHEDULED CITY COUNCIL MEETINGS:

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

PROCLAMATION TO HONOR
THERESA HARRISON
2004 POLICE OFFICER OF THE YEAR

WHEREAS, Officer Theresa Harrison has been a member of the Troy Police Department since 1991, and currently serves on the Uniformed Road Patrol. She is also a Field Training Officer and before coming to Troy worked for the Oak Park Department of Public Safety and the Lake Angelus Police Department; and

WHEREAS, Her selection was based on her commitment to both the department and the community, as well as her superior performance, hard work and dedication to duty; and

WHEREAS, Officer Harrison is the Adult Supervisor to the Troy Police Explorer Post that exposes young people to the many functions of law enforcement. The Police Explorers volunteer at many community activities like the Mulvihill Cup Charity Hockey Game, Troy Daze Festival, VFW Holiday Food Drive and many more; and

WHEREAS, Achievements in **Officer Harrison's** career include 11 Letters of Commendation, a Safe Driving medal, an Exemplary Performance certificate, a Certificate of Recognition from the Women Police Officers Association of Michigan, and the honor of Young Officer of the Year by the Troy Jaycees; and

WHEREAS, Officer Harrison has helped to make the Police Explorers a very successful group; under her tenure their membership has increased from 7 to 35 participants; and

WHEREAS, Through **Officer Harrison's** leadership, hard work and commitment to providing quality service, the Troy Police Department has gained the respect of the community and other law enforcement agencies.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Troy, does hereby join with the citizens of Troy, to express sincere congratulations to **Officer Theresa Harrison** on the occasion of being chosen **2004 Police Officer of the Year** by the Troy Police Department.

BE IT FURTHER RESOLVED that the City Council commends **Officer Harrison** for her achievement, leadership and dedicated service to the citizens of Troy.

Presented this 6th day of June 2005.

PROCLAMATION TO HONOR
GREG LATKA
2005 FIRE FIGHTER OF THE YEAR

WHEREAS, Greg Latka has been a volunteer Fire Fighter since joining Troy's Fire Station 4 in 1976 and serving until 1980. He returned to the station in 1985 and continues to serve; and

WHEREAS, His selection as **Fire Fighter of the Year** is due to his 24 years of dedication to the Troy Fire Department, having served with honor and dignity in all of his roles at the station including leadership roles as Lieutenant, Captain, and Station Training Instructor; and

WHEREAS, Greg is a role model for Troy's new fire recruits and always willing to share his knowledge and experience with others; and

WHEREAS, Greg has been instrumental in charity fundraising and community activities including the Troy Clawson Fire Battle, assisting citizens in the community and providing training for other fire departments; and

WHEREAS, The fire service is a family tradition for **Greg**, whose father is a retired Detroit Fire Captain and whose brother is currently a Captain with the Detroit Fire Department; and

WHEREAS, In addition to fire service, **Greg** protects the community as a Troy Police Officer in the Animal Control Unit; and

WHEREAS, Through **Fire Fighter Latka's** leadership, commitment, hard work and countless hours of service, the Troy Fire Department has become even more efficient in its delivery of quality fire protection to the community.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Troy, does hereby join with the citizens of Troy, to express sincere congratulations to **Fire Fighter Greg Latka** on the occasion of being chosen **2005 Fire Fighter of the Year** by the Troy Fire Department.

BE IT FURTHER RESOLVED that the City Council commends **Greg** for his achievement, leadership and dedicated service to the citizens of Troy.

Presented this 6th day of June 2005.

PROCLAMATION TO HONOR
PAT GLADYSZ
2004 NON-SWORN POLICE DEPARTMENT
EMPLOYEE OF THE YEAR

WHEREAS, **Pat Gladysz** has served the Troy Police Department since October 2002 and the City of Tory since 1998 where she began her career in the Building Department. Currently she is Office Assistant to the Police Administration; and

WHEREAS, **Pat** is being honored as the **2004 Non-Sworn Police Department Employee of the Year** for her outstanding performance, exceptional attitude, creativity, professionalism and interpersonal skills when relating to fellow employees and the public; and

WHEREAS, **Pat** played a key role in developing and administering a new computer based inventory system for the Police Department, making the department more efficient; and

WHEREAS, Special events held by the Troy Police Department last year would not have been successful without **Pat's** careful planning; She arranged swearing in and welcome ceremonies for new Police employees, organized the Police booth at Troy Daze, and made the Police Department Open House for Senior Citizens a success; and

WHEREAS, Patience, understanding, and a positive outlook are traits **Pat** has that help make the Troy Police Department respected by residents and coworkers; and

WHEREAS, Through **Pat's** leadership, hard work and commitment to providing quality service, the Troy Police Department has gained the respect of the community and other law enforcement agencies.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Troy, does hereby join with the citizens of Troy, to express sincere congratulations to **Pat Gladysz** on the occasion of being chosen **2004 Non-Sworn Employee of the Year by the Troy Police Department.**

BE IT FURTHER RESOLVED that the City Council commends **Pat** for her achievement, leadership and dedicated service to the citizens of Troy.

Presented this 6th day of June 2005.

May 10, 2005

To: John Szerlag, City Manager

From: John Lamerato, Assistant City Manager – Finance/Administration
Brian Murphy, Assistant City Manager – Services
Steve Vandette, City Engineer
Nino Licari, City Assessor

Re: Agenda Item - Standard Resolution #4 for Olympia Paving

Recommendation:

Staff recommends that you request Council to vote on Standard Resolution #4, the approving resolution for Special Assessment District #05.201.1 (this is bituminous paving on Olympia Street). This vote will occur after consideration of all comments during the Public Hearing on the same subject.

Detail:

Staff met with the property owners in the district on March 30, 2005. At this meeting details of the proposed construction, Special Assessment procedures, costs of the project and the apportionment of said costs, amortization tables and schedules of payments, and the availability and eligibility requirements for Community Block Grant Development Funds, were discussed with the residents.

Petitions were returned to the City Clerk's during May of this year, reflecting 79.25% of the assessable frontage owners in favor of the project. The City Assessor analyzed this petition, and in conjunction with the signatories at the top of this memo, presented the analysis to Council.

City Council has approved Standard Resolutions #1, 2, & 3 for this project on May 9, 2005, after reviewing the Petition Analysis and the Engineering Cost Estimates. The June 6, 2005 Public Hearing was also set at this meeting.

After the Public Hearing, City Council will vote on whether to approve the Special Assessment District, and Roll, by adopting Standard Resolution Number 4, as specified by City Charter. Failure of the Resolution to pass will terminate the project, barring the submittal of a new petition.

NL/nl

CITY OF TROY

PUBLIC HEARING

MEETING TO REVIEW THE NECESSITY FOR THE INSTALLATION OF ASPHALT PAVING ON OLYMPIA STREET IN SECTION 28, AND TO HEAR ANY AND ALL OBJECTIONS TO THE NECESSITY OF THE PUBLIC IMPROVEMENT AND SAID SPECIAL ASSESSMENT ASSESSED AGAINST SPECIAL ASSESSMENT DISTRICT NO. 05.201.1 IN THE CITY OF TROY, MICHIGAN:

PLEASE TAKE NOTICE that the Council will meet at City Hall on the 6th day of June, 2005 at 7:30 o'clock p.m., for the purpose of reviewing the necessity for the installation of Asphalt Paving on Olympia Street in Section 28, Project No. 05.201.1, and of hearing any and all objections to the necessity of the public improvement and Special Assessment made in the matter of construction of the following described improvement:

Installation of Asphalt Paving on Olympia Street.

The Assessment Roll is on file in the office of the City Clerk for public examination. The Special Assessments therein contained have been assessed according to law against the parcels of land constituting Special Assessment District No. 05.201.1, which District is described as follows:

T2N, RllE, Section 28

88-20-28-427-002	88-20-28-427-003	88-20-28-430-005	88-20-28-431-003
88-20-28-431-004	88-20-28-431-005	88-20-28-431-006	88-20-28-431-007
88-20-28-431-008			

The special assessment for the above properties is <u>$ 1,097.89</u>

88-20-28-431-027 The special assessment for your property is $ 1,207.68,
88-20-28-427-004 The special assessment for your property is $ 1,229.64,
88-20-28-431-009 The special assessment for your property is $ 1,273.56,
88-20-28-427-001 The special assessment for your property is $ 1,279.71,
88-20-28-430-019 The special assessment for your property is $ 1,317.47,
88-20-28-427-027 The special assessment for your property is $ 1,339.43,
88-20-28-427-026 The special assessment for your property is $ 1,451.20,
88-20-28-426-012 The special assessment for your property is $ 1,537.05,
88-20-28-430-018 The special assessment for your property is $ 1,646.84,
88-20-28-426-011 The special assessment for your property is $ 1,756.63,
88-20-28-427-005 The special assessment for your property is $ 2,064.04,
88-20-28-430-016 The special assessment for your property is $ 2,086.00,
88-20-28-426-007 The special assessment for your property is $ 2,195.79,
88-20-28-426-015 The special assessment for your property is $ 2,195.79,
88-20-28-427-006 The special assessment for your property is $ 2,195.79,
88-20-28-431-002 The special assessment for your property is $ 2,195.79,
88-20-28-427-024 The special assessment for your property is $ 2,808.63,
88-20-28-426-016 The special assessment for your property is $ 2,854.52,
88-20-28-426-013 The special assessment for your property is $ 3,483.40.

The above assessments and all proceedings upon which they are based shall not be contestable, unless suit to contest the validity thereof is instituted within thirty (30) days

after the date of confirmation of said Special Assessment Roll No. 05.201.1

The owner or any person having an interest in the real property may file a written appeal of the special assessment with the state tax tribunal within 30 days after the confirmation of the special assessment roll if that special assessment was protested at the hearing held for the purpose of confirming the roll.

Tonni L. Bartholomew, MMC
City Clerk

NOTICE: **People with disabilities needing accommodations for effective participation in this meeting should contact the City Clerk at (248) 524-3317 or via e-mail at *clerk@ci.troy.mi.us* at least two working days in advance of the meeting. An attempt will be made to make reasonable accommodations.**

City of Troy - Assessing Department
Olympia Street Paving SAD Shares

Parcel ID	Owner	#	Street	Frontage	% Total	Owners	SAD Share
88-20-28-426-007	Copenhagen, Rose Marie	244	Olympia	100.00	4.77	1	2,195.79
88-20-28-426-011	Castle, Robert	316	Olympia	80.00	3.82	1	1,756.63
88-20-28-426-012	Castle, Robert	300	Olympia	70.00	3.34	1	1,537.05
88-20-28-426-013	LK Partners LTD PTN	330	Olympia	158.64	7.57	1	3,483.40
88-20-28-426-015	McComb, Charlene	226	Olympia	100.00	4.77	1	2,195.79
88-20-28-426-016	Visner, Michael & Sharon	208	Olympia	130.00	6.21	2	2,854.52
88-20-28-427-001	Walls, Florence	337	Olympia	58.28	2.78	1	1,279.71
88-20-28-427-002	Blome, Robert		Vacant	50.00	2.39	1	1,097.89
88-20-28-427-003	Blome, Robert	325	Olympia	50.00	2.39	1	1,097.89
88-20-28-427-004	Lamm, Adixie	317	Olympia	56.00	2.67	1	1,229.64
88-20-28-427-005	Lupsha, William & Eleanor	299	Olympia	94.00	4.49	2	2,064.04
88-20-28-427-006	Gregorczyk, Richard	249	Olympia	100.00	4.77	1	2,195.79
88-20-28-427-024	McComb & Assoc	233	Olympia	127.91	6.11	1	2,808.63
88-20-28-427-026	McComb & Assoc	207	Olympia	66.09	3.15	1	1,451.20
88-20-28-427-027	Ghilezan, Mihai	187	Olympia	61.00	2.91	1	1,339.43
88-20-28-430-005	Thomas, Maria	94	Olympia	50.00	2.39	1	1,097.89
88-20-28-430-016	Fowler, Kal	130	Olympia	95.00	4.53	1	2,086.00
88-20-28-430-018	Khan, Mahbubul & Silvania	174	Olympia	75.00	3.58	2	1,646.84
88-20-28-430-019	Mountford, David	160	Olympia	60.00	2.86	1	1,317.47
88-20-28-431-002	Sackner, Michael & Beverly	159	Olympia	100.00	4.77	2	2,195.79
88-20-28-431-003	Sackner, Barbara		Vacant	50.00	2.39	1	1,097.89
88-20-28-431-004	Sackner, Barbara		Vacant	50.00	2.39	1	1,097.89
88-20-28-431-005	Sackner, Barbara	71	Olympia	50.00	2.39	1	1,097.89
88-20-28-431-006	Sackner, Barbara		Vacant	50.00	2.39	1	1,097.89
88-20-28-431-007	Sackner, Barbara		Vacant	50.00	2.39	1	1,097.89
88-20-28-431-008	Fessler, Julia	51	Olympia	50.00	2.39	1	1,097.89
88-20-28-431-009	Dylewski, Melvin & Ann	35	Olympia	58.00	2.77	2	1,273.56
88-20-28-431-027	McComb, Geraldine	169	Olympia	55.00	2.63	1	1,207.68
Totals				2,094.92	100.00		46,000.00

46,000.00

CITY OF TROY

Special Assessment Roll Number: **05.201.1** For defraying the expense of construction for:
Olympia Street Bituminous (Asphalt) Paving

CITY OF TROY
COUNTY OF OAKLAND
STATE OF MICHIGAN

I hereby certify and report that the foregoing is a special assessment roll, and the assessment made by me pursuant to a resolution of the City Council adopted on the **6th** day of **June** A.D. **2005**, for the purpose of paying that part of the cost which the Council decided should be paid and borne by special assessmentfor the purpose of **Asphalt Paving of Olympia Street**

That in making such assessment I have, as near as may be and according to my judgement, conformed in all things to the direction contained in the resolution of the Council herinbefore referred to, and the Charter of the City relating to such assessments.

Dated at the City of Troy, Oakland County, Michigan on this **6th** day of **June** A.D., **2005**.

Leger A. (Nino) Licari, City Assessor

Advertised: _____

CITY OF TROY
COUNTY OF OAKLAND
STATE OF MICHIGAN

I hereby certify that the above and foregoing assesment roll was filed on the **6th** day of **June** A.D., **2005**, and approved and confirmed by the Council of the City of Troy on the **6th** day of **June** A.D., **2005**.

Tonni Bartholomew, City Clerk

In the name of the People of the State of Michigan
To the Treasurer of the City of Troy, in the County of Oakland, Michigan.

You are hereby commanded to collect from each of the several persons assessed in the Special Assessment Roll hereunto annexed, the amount of money assessed to and set opposite his name therein, said amount being payable in **10** installments due **June 1, 2006** respectively, with interest at the rate of six percent (6%) per annum or such other rate of interest per annum which is not in excess of 1% of the rate borne by bonds issued in anticipation of the collection of said special assessment roll from and after **June 1, 2006**.

And in case any named in said Roll shall neglect or refuse to pay his assessment upon demand, after the same becomes due, you are hereby authorized to levy and collect the same by distress and sale of the goods and chattels of such person, and return said Roll and Warrant, together with your doing thereon within sixty (60) days; for so doing this shall be your sufficient Warrant.

Given under my hand and Seal of the City of Troy, Michigan, this **6th** day of **June** A.D., **2005**.

Tonni Bartholomew, City Clerk

May 2, 2005

To: John Szerlag, City Manager

From: John Lamerato, Assistant City Manager – Finance/Administration
Brian Murphy, Assistant City Manager – Services
Steve Vandette, City Engineer
Nino Licari, City Assessor

Re: Agenda Item - Petition Analysis, Paving of Olympia SAD# 05.201.1

Attached is a petition from residents and property owners on Olympia, in Section 28, requesting asphalt paving of the streets, and the creation of a Special Assessment District to finance the project.

There are twenty-eight (28) separate parcels in the project area. Twenty-three (23) of the affected parcel owners have signed the petition in favor of the project. This equates to 82.14% of the owners being in favor of the paving, representing 79.25% of the frontage.

It is recommended that you request City Council approve Standard Resolution #1 (preparation of plans and cost estimates for the project), Standard resolution #2 (approval of the cost estimates, and directing the Assessor to create the roll), and Standard Resolution #3 (setting a Public Hearing for the project) as submitted.

Nl/nl

Eng
✓ assoc

REQUEST FOR PUBLIC IMPROVEMENT
(TO BE USED ONLY FOR SPECIAL ASSESSMENT IMPROVEMENTS)

To the Honorable,
The Mayor and City Council
Troy, Michigan

We, the undersigned, owners of property in the City of Troy to be benefited by the proposed improvements, description of which property, and our addresses, are set forth opposite our respective names hereto, do hereby request the following public improvements, to wit:

Bituminous asphalt paving of Olympia Street, with Community Development Block Grant Funds available to qualifying households

RECEIVED CITY OF TROY 2005 APR -4 PM 2:14

This request is not made for the purpose of initiating such improvement, but only for advising the City Council of our desire for such improvement and willingness to have our property assessed therefore if the Council, in the exercise of its discretion, orders such improvement to be made.

Name	Address	Date	Subdivision	Lot #	Telephone #
Judy Blome	325 Olympia	4/1/05	427-003+002 Summit	176 ~~325~~	248-244-9293
Ronald Blome	325 Olympia	4/1/05	427-003+002	177	248-244-9293
Eleanor Walk	337 Olympia	4/1/05	427-001	178	248-362-0181
Robert E. Castle	300 Olympia	4/1/05	426-011+012 Summit	183 & 184	248-362-1419
Rose Marie Cajsenhagen	244 Olympia	4-1-05	426-007 Summit	185 186A	248-362-1244
Mihai, Simona Ghilezan	187 Olympia	4/1/05	427-027 Summit		248-267-7084
Geraldine M. Combs	169 Olympia	4/1/05	431-027 Summit		248-362-0335
Andrew Lama	317 Olympia	4/1/05	427-004 Summit	175	248 362 1433
Robert Caste	316-318-Olympia	4/2/05	426-011-012 Summit	182 183	248-362-1419
ELEANOR / WILLIAM LUPSHA	299 OLYMPIA	4/2/05	427-005 SUMMIT		248-689-2872
Ann Dylewski	35 Olympia	4/3/05	431-009 Summit	157	248-362-1411
MELVIN J. DYLEWSKI	35 OLYMPIA	4-03-05	SUMMIT	157	248-362-1411
Mainuddin Khan Silvana Zamkhan	174 OLYMPIA	4/3/05	430-018	191	
L. FESSLER	51 OLYMPIA	4/3/05	431-008	158	248-689-2873

In case of joint ownership, husband and wife and/or other joint owner must sign. (Affidavit on reverse side of page must be filled out).

assess

REQUEST FOR PUBLIC IMPROVEMENT

(To be used only for special assessment improvements)

To the Honorable,
The Mayor and City Council
Troy, Michigan

Council:

We, the undersigned, owners of property in the City of Troy to be benefited by the proposed improvement, description of which property, and our addresses, are set forth opposite our respective names hereto, do hereby request the following public improvement, to wit:

Bituminous asphalt paving of Olympia Street with Community Development Black Grant Funds available to qualifying households

This request is not made for the purpose of initiating such improvement, but only for advising the City Council of our desire for such improvement and willingness to have our property assessed therefore, if the Council, in the exercise of its discretion, orders such improvement to be made.

NAME	ADDRESS	DATE	SUBDIVISION	LOT #
DENNIS SIAVRAKAS	330 OLYMPIA	April 8, 2005		

In case of joint ownership, both husband and wife and/or other joint owner must sign. (Affidavit on reverse side of page must be filled out.)

State of Michigan)
County of Oakland)

I, DENNIS SIAVRAKAS being duly sworn, say that I ~~reside at~~ OWN No. 330 OLYMPIA Street; that I know of my own personal knowledge that each of the persons purporting to sign the foregoing request did sign the same ~~and~~ that all of said signers are property owners of the City of Troy.

Signature of Circulator
DENNIS SIAVRAKAS

Signed, subscribed and sworn to before me, a Notary Public in and for said County this 8th day of April, 2005

Barbara A. Holmes
Signature of Notary

My Commission Expires: Dec 16, 2010

BARBARA A. HOLMES
Notary Public, State of Michigan, County of Oakland
My Commission Expires December 16, 2010
Acting in the County of Oakland

Eng
Assess

REQUEST FOR PUBLIC IMPROVEMENTS
(TO BE USED ONLY FOR SPECIAL ASSESSMENT IMPROVEMENTS)

To the Honorable
Mayor and City Council
City of Troy, Michigan

RECEIVED
CITY OF TROY
2005 APR 27 PM 3:32

We, the undersigned, owners of property in the City of Troy, to be benifitted by the proposed improvements, description of which property, and our addresses, are set forth opposite our respective names, hereto, do hereby request the followint public improvements, to wit:

Bituminous asphalt paving of Olympia Street, with Community Block Grant Funds available to qualifying households

This request is not made for the purpose of initiating such improvement, but only for advising the City Council of our desore for such improvement and willingness to have our property assessed therefore if the Council, in the exercise of its discretion, orders such improvements to be made.

Signature	(print name)	Address	Date	Parcel ID #	Telephone #
Norman McComb	Norm Mc Comb	233 Olympia		28-427-024	
Norman McComb	Norm Mc Comb	207 Olympia		28-427-026	

In case of joint ownership, husband and wife and/or all joint owners appearing on the deed must sign. ** The attached affidavit must be signed and notorized by any person circulating a petition (this may be done when presenting the petition to the City Clerk's office). **

Eng
Assess

REQUEST FOR PUBLIC IMPROVEMENTS
(TO BE USED ONLY FOR SPECIAL ASSESSMENT IMPROVEMENTS)

To the Honorable
Mayor and City Council
City of Troy, Michigan

RECEIVED
CITY OF TROY
2005 APR 22 AM 10:10

We, the undersigned, owners of property in the City of Troy, to be benifitted by the proposed improvements, description of which property, and our addresses, are set forth opposite our respective names, hereto, do hereby request the followint public improvements, to wit:

Bituminous asphalt paving of Olympia Street, with Community Block Grant Funds available to qualifying households

This request is not made for the purpose of initiating such improvement, but only for advising the City Council of our desore for such improvement and willingness to have our property assessed therefore if the Council, in the exercise of its discretion, orders such improvements to be made.

Signature	(print name)	Address	Date	Parcel ID #	Telephone #
B. Sackner	B. SACKNER	71 OLYMPIA		161	
B. Sackner	B. SACKNER			163	
B. Sackner	B. SACKNER			162	
B. Sackner	B. SACKNER			160	
B. Sackner	B. SACKNER			159	
Michael Sackner B Sackner	MICHAEL SACKNER B SACKNER	159 OLYMPIA	4-28-05	164	362-4345
Michael Sackner B Sackner	MICHAEL SACKNER B SACKNER		4-28-05	165	362-4345
C. McComb	Charlene McComb	226 Olympia	4.28.05		248 730.5372
C. McComb	Charlene McComb	226 Olympia	4.28.05		248 730.5372

In case of joint ownership, husband and wife and/or all joint owners appearing on the deed must sign. ** The attached affidavit must be signed and notorized by any person circulating a petition (this may be done when presenting the petition to the City Clerk's office). **

State of Michigan }
County of Oakland }

I, Judy Blome being duly sworn, say that I reside at No. 325 Olympus Street; that I know of my own personal knowledge that each of the persons purporting to sign the foregoing request did sign the same and that all of said signers are property owners of the City of Troy.

(Signed)

Judy Blome

Signed, subscribed and sworn to before me, a Notary Public in and for said County this 4th day of April, 2005.

Barbara A Holmes

My commission expires:

BARBARA A. HOLMES
Notary Public, State of Michigan, **County of** Oakland
My Commission Expires **December** 16, 2010
Acting in the County of Oakland

ENG\Forms\Petition for Special Assessments.doc

State of Michigan }
County of Oakland }

I, MICHAEL SACKNER (print name) being duly sworn, say that I reside at 159 OLYMPIA (# and Street) ; that I know of my own personal knowledge that each of the persons purporting to sign the foregoing request did sign the same and that all of said signers are property owners of the City of Troy.

(Signed)

Michael Sackner

Signed, subscribed and sworn to before me, a Notary Public in and for said County this 28th day of April (Month), 2005 (Year).

Barbara A Holmes
(Signature of Notary Public)

(Notary Public Stamp, below:) or: ==>

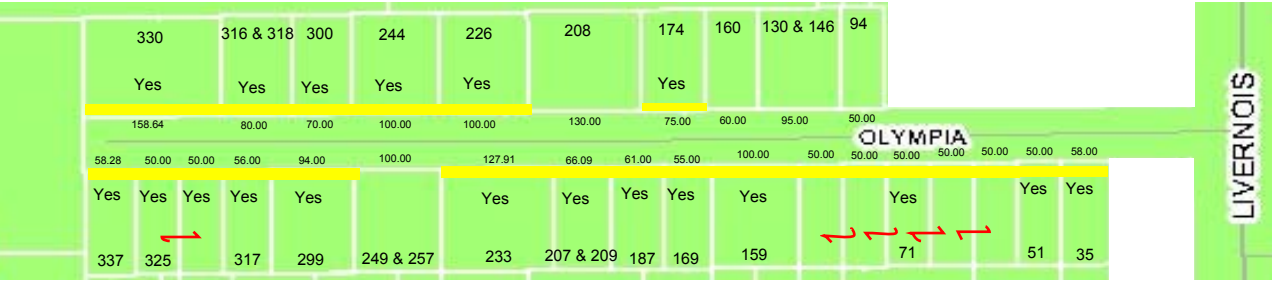
BARBARA A. HOLMES
Notary Public, State of Michigan, County of Oakland
My Commission Expires December 16, 2010
Acting in the County of Oakland

(print Notary Public name)
Notary Public, State of Michigan,
County of _____
My Commission Expires:
_____, _____, _____
(month) (day) (year)
Acting in the County of Oakland

City of Troy - Assessing Department
Olympia Street Paving SAD Shares

Parcel ID	Owner	#	Street	Frontage	% Total	Owners	Signed	Valid	% Signed
88-20-28-426-007	Copenhagen, Rose Marie	244	Olympia	100.00	4.77	1	1	1	4.77
88-20-28-426-011	Castle, Robert	316	Olympia	80.00	3.82	1	1	1	3.82
88-20-28-426-012	Castle, Robert	300	Olympia	70.00	3.34	1	1	1	3.34
88-20-28-426-013	LK Partners LTD PTN	330	Olympia	158.64	7.57	1	1	1	7.57
88-20-28-426-015	McComb, Charlene	226	Olympia	100.00	4.77	1	1	1	4.77
88-20-28-426-016	Visner, Michael & Sharon	208	Olympia	130.00	6.21	2			
88-20-28-427-001	Walls, Florence	337	Olympia	58.28	2.78	1	1	1	2.78
88-20-28-427-002	Blome, Robert& Judy		Vacant	50.00	2.39	2	2	1	2.39
88-20-28-427-003	Blome, Robert & Judy	325	Olympia	50.00	2.39	2	2	1	2.39
88-20-28-427-004	Lamm, Adixie	317	Olympia	56.00	2.67	1	1	1	2.67
88-20-28-427-005	Lupsha, William & Eleanor	299	Olympia	94.00	4.49	2	2	1	4.49
88-20-28-427-006	Gregorczyk, Richard	249	Olympia	100.00	4.77	1			
88-20-28-427-024	McComb & Assoc	233	Olympia	127.91	6.11	1	1	1	6.11
88-20-28-427-026	McComb & Assoc	207	Olympia	66.09	3.15	1	1	1	3.15
88-20-28-427-027	Ghilezan, Mihai	187	Olympia	61.00	2.91	1	1	1	2.91
88-20-28-430-005	Thomas, Maria	94	Olympia	50.00	2.39	1			
88-20-28-430-016	Fowler, Kal	130	Olympia	95.00	4.53	1			
88-20-28-430-018	Khan, Mahbubul & Silvania	174	Olympia	75.00	3.58	2	2	1	3.58
88-20-28-430-019	Mountford, David	160	Olympia	60.00	2.86	1			
88-20-28-431-002	Sackner, Michael & Beverly	159	Olympia	100.00	4.77	2	2	1	4.77
88-20-28-431-003	Sackner, Barbara		Vacant	50.00	2.39	1	1	1	2.39
88-20-28-431-004	Sackner, Barbara		Vacant	50.00	2.39	1	1	1	2.39
88-20-28-431-005	Sackner, Barbara	71	Olympia	50.00	2.39	1	1	1	2.39
88-20-28-431-006	Sackner, Barbara		Vacant	50.00	2.39	1	1	1	2.39
88-20-28-431-007	Sackner, Barbara		Vacant	50.00	2.39	1	1	1	2.39
88-20-28-431-008	Fessler, Julia	51	Olympia	50.00	2.39	1	1	1	2.39
88-20-28-431-009	Dylewski, Melvin & Ann	35	Olympia	58.00	2.77	2	2	1	2.77
88-20-28-431-027	McComb, Geraldine	169	Olympia	55.00	2.63	1	1	1	2.63
Totals				2,094.92	100.00	35	29	23	79.25

Cost


330
Yes
316 & 318
Yes
300
Yes
244
Yes
226
Yes
208
174
Yes
160
130 & 146
94
158.64
80.00
70.00
100.00
100.00
130.00
75.00
60.00
95.00
50.00
OLYMPIA
LIVERNOIS
58.28
50.00
50.00
56.00
94.00
100.00
127.91
66.09
61.00
55.00
100.00
50.00
50.00
50.00
50.00
50.00
50.00
58.00
Yes
Yes
Yes
Yes
Yes
Yes
Yes
Yes
Yes
Yes
Yes
Yes
Yes
Yes
337
325
317
299
249 & 257
233
207 & 209
187
169
159
71
51
35

Preliminary Cost Estimate

February 17, 2005

Project Location: Olympia Street
Project No.: 05.201.1
Proposed Improvement: 1,200 lf, 24' Bituminous Asphalt Pavement with Underdrain

Item	Quantity		Description	Unit Cost	Total Cost
			SAD Share - Asphalt Section (1,200')		
1.	540	Tons	Bit. Mix No. 500, 20C - 3"	45.00	24,300.00
2.	270	Tons	Bit. Mix No. 1100T, 20AA - 1 1/2"	50.00	13,500.00
3.	75	Tons	Bit. Mix No. 1100T, 36B - 4" Driveway	100.00	7,500.00
4.	300	Tons	21AA Aggregate for Shoulders	20.00	6,000.00
			Sub-Total		**51,300.00**
			Engineering, Admin. And Contingencies, 25%		12,700.00
			Maintenance Savings		(18,000.00)
			Total Special Assessment Share - Asphalt		**46,000.00**
			City Share		
5.	200	SY	Remove Pavement	10.00	2,000.00
6.	27	Each	Remove Culvert	150.00	4,050.00
7.	300	CY	Earth Excavation	10.00	3,000.00
8.	150	CY	Subgrade Undercut	35.00	5,250.00
9.	3,500	SY	Grading	3.00	10,500.00
10.	1,200	Tons	Aggregate Base, 21AA	20.00	24,000.00
11.	300	CY	Subbase	15.00	4,500.00
13.	400	LF	12" Storm Sewer	35.00	14,000.00
14.	300	LF	15" Storm Sewer	42.00	12,600.00
15.	200	LF	18" Storm Sewer	50.00	10,000.00
16.	15	Each	4' Dia. Manhole	1,700.00	25,500.00
17.	30	Each	2' Dia. Drainage Structure	850.00	25,500.00
18.	2,400	LF	8" Edge Drain	25.00	60,000.00
19.	21	Each	Relocate Mailbox Post	100.00	2,100.00
20.	2	Each	Reconstruct/Adjust Structure	500.00	1,000.00
21.	2,400	LF	Ditching	5.00	12,000.00
22.	4,000	SY	Turf Restoration		Incidental
			Sub-Total		**216,000.00**
			Engineering, Admin. And Contingencies, 25%		54,000.00
			Maintenance Savings		18,000.00
			Total City Share		**288,000.00**
			TOTAL PROJECT COST		**334,000.00**

Prepared by: Gary Streight
\\G\Projects\Projects - 2005\05.201.1 - Olympia Street SAD\Preliminary Cost Estimate for Olympia Street.xls

88-20-28-426-007
COPENHAGEN, ROSE MARIE
244 OLYMPIA
TROY MI 48084-5417

88-20-28-426-011
CASTLE, ROBERT E
300 OLYMPIA
TROY MI 48084-5455

88-20-28-426-012
CASTLE, ROBERT E
300 OLYMPIA
TROY MI 48084-5455

88-20-28-426-013
LK PARTNERS LTD PTN
19785 W 12 MILE STE 596
SOUTHFIELD MI 48076-2584

88-20-28-426-015
MC COMB, CHARLENE
226 OLYMPIA
TROY MI 48084-5417

88-20-28-426-016
VISNER, MICHAEL & SHARON
208 OLYMPIA
TROY MI 48084-5417

88-20-28-427-001
WALLS, FLORENCE
337 OLYMPIA
TROY MI 48084-5456

88-20-28-427-002
BLOME, RONALD
325 OLYMPIA
TROY MI 48084-5456

88-20-28-427-003
BLOME, RONALD
325 OLYMPIA
TROY MI 48084-5456

88-20-28-427-004
LAMM, ADIXIE J
317 OLYMPIA
TROY MI 48084-5456

88-20-28-427-005
LUPSHA, WILLIAM & ELEANO
299 OLYMPIA
TROY MI 48084

88-20-28-427-006
GREGORCZYK, RICHARD
1502 OTTOWA
ROYAL OAK MI 48073-4726

88-20-28-427-010
BISE, EDWIN C
230 TACOMA
TROY MI 48084-5459

88-20-28-427-024
MC COMB & ASSOC IV
6911 LIVERNOIS
TROY MI 48098-1572

88-20-28-427-026
MC COMB & ASSOC III
6911 LIVERNOIS
TROY MI 48098-1572

88-20-28-427-027
GHILEZAN, MIHAI I
187 OLYMPIA
TROY MI 48084

88-20-28-430-005
THOMAS, MARIA
94 OLYMPIA
TROY MI 48084-5415

88-20-28-430-016
FOWLER, KAL
3210 N MAIN
ROYAL OAK MI 48073-3424

88-20-28-430-018
KHAN, MAHBUBUL & SILVAN
174 OLYMPIA
TROY MI 48084

88-20-28-430-019
MOUNTFORD, DAVID G
160 OLYMPIA
TROY MI 48084

88-20-28-431-002
SACKNER, MICHAEL & BEVER
159 OLYMPIA
TROY MI 48084-5453

88-20-28-431-003
SACKNER, BARBARA J
12199 MANIER ROAD
ATLANTA MI 49709-9802

88-20-28-431-004
SACKNER, BARBARA J
12199 MANIER ROAD
ATLANTA MI 49709-9802

88-20-28-431-005
SACKNER, BARBARA J
12199 MANIER RD
ATLANTA MI 49709-9802

88-20-28-431-006
SACKNER, BARBARA J
12199 MANIER RD
ATLANTA MI 49709-9802

88-20-28-431-007
SACKNER, BARBARA J
12199 MANIER RD
ATLANTA MI 49709-9802

88-20-28-431-008
FESSLER, JULIA C
51 OLYMPIA
TROY MI 48084-5414

88-20-28-431-009
DYLEWSKI, MELVIN J & AUDR
35 OLYMPIA
TROY MI 48084-5414

88-20-28-431-027
MC COMB, GERALDINE
169 OLYMPIA
TROY MI 48084-5453

City of Troy - Assessing Department
Olympia Street Paving SAD Shares

Parcel ID	Owner	#	Street	Frontage	% Total	Owners	SAD Share
88-20-28-426-007	Copenhagen, Rose Marie	244	Olympia	100.00	4.77	1	2,195.79
88-20-28-426-011	Castle, Robert	316	Olympia	80.00	3.82	1	1,756.63
88-20-28-426-012	Castle, Robert	300	Olympia	70.00	3.34	1	1,537.05
88-20-28-426-013	LK Partners LTD PTN	330	Olympia	158.64	7.57	1	3,483.40
88-20-28-426-015	McComb, Charlene	226	Olympia	100.00	4.77	1	2,195.79
88-20-28-426-016	Visner, Michael & Sharon	208	Olympia	130.00	6.21	2	2,854.52
88-20-28-427-001	Walls, Florence	337	Olympia	58.28	2.78	1	1,279.71
88-20-28-427-002	Blome, Robert		Vacant	50.00	2.39	1	1,097.89
88-20-28-427-003	Blome, Robert	325	Olympia	50.00	2.39	1	1,097.89
88-20-28-427-004	Lamm, Adixie	317	Olympia	56.00	2.67	1	1,229.64
88-20-28-427-005	Lupsha, William & Eleanor	299	Olympia	94.00	4.49	2	2,064.04
88-20-28-427-006	Gregorczyk, Richard	249	Olympia	100.00	4.77	1	2,195.79
88-20-28-427-024	McComb & Assoc	233	Olympia	127.91	6.11	1	2,808.63
88-20-28-427-026	McComb & Assoc	207	Olympia	66.09	3.15	1	1,451.20
88-20-28-427-027	Ghilezan, Mihai	187	Olympia	61.00	2.91	1	1,339.43
88-20-28-430-005	Thomas, Maria	94	Olympia	50.00	2.39	1	1,097.89
88-20-28-430-016	Fowler, Kal	130	Olympia	95.00	4.53	1	2,086.00
88-20-28-430-018	Khan, Mahbubul & Silvania	174	Olympia	75.00	3.58	2	1,646.84
88-20-28-430-019	Mountford, David	160	Olympia	60.00	2.86	1	1,317.47
88-20-28-431-002	Sackner, Michael & Beverly	159	Olympia	100.00	4.77	2	2,195.79
88-20-28-431-003	Sackner, Barbara		Vacant	50.00	2.39	1	1,097.89
88-20-28-431-004	Sackner, Barbara		Vacant	50.00	2.39	1	1,097.89
88-20-28-431-005	Sackner, Barbara	71	Olympia	50.00	2.39	1	1,097.89
88-20-28-431-006	Sackner, Barbara		Vacant	50.00	2.39	1	1,097.89
88-20-28-431-007	Sackner, Barbara		Vacant	50.00	2.39	1	1,097.89
88-20-28-431-008	Fessler, Julia	51	Olympia	50.00	2.39	1	1,097.89
88-20-28-431-009	Dylewski, Melvin & Ann	35	Olympia	58.00	2.77	2	1,273.56
88-20-28-431-027	McComb, Geraldine	169	Olympia	55.00	2.63	1	1,207.68
Totals				2,094.92	100.00		46,000.00

46,000.00

May 10, 2005

To: John Szerlag, City Manager

From: John Lamerato, Assistant City Manager – Finance/Administration
Brian Murphy, Assistant City Manager – Services
Steve Vandette, City Engineer
Nino Licari, City Assessor

Re: Agenda Item - Standard Resolution #4 for Tacoma Paving

Recommendation:

Staff recommends that you request Council to vote on Standard Resolution #4, the approving resolution for Special Assessment District #05.202.1 (this is bituminous paving on Tacoma Street). This vote will occur after consideration of all comments during the Public Hearing on the same subject.

Detail:

Staff met with the property owners in the district on March 30, 2005. At this meeting details of the proposed construction, Special Assessment procedures, costs of the project and the apportionment of said costs, amortization tables and schedules of payments, and the availability and eligibility requirements for Community Block Grant Development Funds, were discussed with the residents.

Petitions were returned to the City Clerk's during May of this year, reflecting 70.71% of the assessable frontage owners in favor of the project. The City Assessor analyzed this petition, and in conjunction with the signatories at the top of this memo, presented the analysis to Council.

City Council has approved Standard Resolutions #1, 2, & 3 for this project on May 9, 2005, after reviewing the Petition Analysis and the Engineering Cost Estimates. The June 6, 2005 Public Hearing was also set at this meeting.

After the Public Hearing, City Council will vote on whether to approve the Special Assessment District, and Roll, by adopting Standard Resolution Number 4, as specified by City Charter. Failure of the Resolution to pass will terminate the project, barring the submittal of a new petition.

NL/nl

CITY OF TROY

PUBLIC HEARING

MEETING TO REVIEW THE NECESSITY FOR THE INSTALLATION OF ASPHALT PAVING ON TACOMA STREET IN SECTION 28, AND TO HEAR ANY AND ALL OBJECTIONS TO THE NECESSITY OF THE PUBLIC IMPROVEMENT AND SAID SPECIAL ASSESSMENT ASSESSED AGAINST SPECIAL ASSESSMENT DISTRICT NO. 05.202.1 IN THE CITY OF TROY, MICHIGAN:

PLEASE TAKE NOTICE that the Council will meet at City Hall on the 6th day of June, 2005 at 7:30 o'clock p.m., for the purpose of reviewing the necessity for the installation of Asphalt Paving on Tacoma Street in Section 28, Project No. 05.202.1, and of hearing any and all objections to the necessity of the public improvement and Special Assessment made in the matter of construction of the following described improvement:

Installation of Asphalt Paving on Tacoma Street.

The Assessment Roll is on file in the office of the City Clerk for public examination. The Special Assessments therein contained have been assessed according to law against the parcels of land constituting Special Assessment District No. 05.202.1, which District is described as follows:

T2N, RllE, Section 28
88-20-28-427-011 The special assessment for your property is $ 391.56,

88-20-28-427-017	88-20-28-428-004	88-20-28-428-008	88-20-28-428-009
88-20-28-428-010	88-20-28-428-011	88-20-28-431-011	88-20-28-431-012
88-20-28-431-013			

The special assessment for the above properties is $ 978.91,

88-20-28-432-018 The special assessment for your property is $ 1,076.80,
88-20-28-431-018 The special assessment for your property is $ 1,135.53,
88-20-28-427-012 The special assessment for your property is $ 1,174.69,
88-20-28-428-026 The special assessment for your property is $ 1,468.36,
88-20-28-428-027 The special assessment for your property is $ 1,468.36,
88-20-28-428-012 The special assessment for your property is $ 1,566.25,
88-20-28-431-010 The special assessment for your property is $ 1,566.25,
88-20-28-427-010 The special assessment for your property is $ 1,702.51,
88-20-28-427-022 The special assessment for your property is $ 1,859.92,
88-20-28-427-023 The special assessment for your property is $ 1,859.92,
88-20-28-427-020 The special assessment for your property is $ 1,957.81,
88-20-28-431-017 The special assessment for your property is $ 1,957.81,
88-20-28-432-017 The special assessment for your property is $ 2,447.27,
88-20-28-427-021 The special assessment for your property is $ 2,545.16,
88-20-28-431-026 The special assessment for your property is $ 2,936.72,
88-20-28-428-025 The special assessment for your property is $ 3,065.94,
88-20-28-432-005 The special assessment for your property is $ 3,093.35,
88-20-28-432-004 The special assessment for your property is $ 3,915.63.

The above assessments and all proceedings upon which they are based shall not be contestable, unless suit to contest the validity thereof is instituted within thirty (30) days after the date of confirmation of said Special Assessment Roll No. 05.202.1

The owner or any person having an interest in the real property may file a written appeal of the special assessment with the state tax tribunal within 30 days after the confirmation of the special assessment roll if that special assessment was protested at the hearing held for the purpose of confirming the roll.

Tonni L. Bartholomew, MMC
City Clerk

NOTICE: **People with disabilities needing accommodations for effective participation in this meeting should contact the City Clerk at (248) 524-3317 or via e-mail at *clerk@ci.troy.mi.us* at least two working days in advance of the meeting. An attempt will be made to make reasonable accommodations.**

City of Troy - Assessing Department
SAD Spread
Tacoma Street Bituminous Paving

Parcel ID	Owner 1	#	Street	Frontage	% Total	Owners	SAD Share
88-20-28-427-010	Bise, Edwin C & Anna L	230	Tacoma	86.96	3.70	2	1,702.51
88-20-28-427-011	Bise, Edwin C & Anna L	0	Vacant	20.00	0.85	2	391.56
88-20-28-427-012	Bise, Edwin C & Anna L	0	Vacant	60.00	2.55	2	1,174.69
88-20-28-427-017	Bise, Edwin C & Anna L	154	Tacoma	50.00	2.13	2	978.91
88-20-28-427-020	McComb & Assoc	138-148	Tacoma	100.00	4.26	1	1,957.81
88-20-28-427-021	McComb & Assoc	130-132	Tacoma	130.00	5.53	1	2,545.16
88-20-28-427-022	Tadian Investments	186-190	Tacoma	95.00	4.04	1	1,859.92
88-20-28-427-023	Tadian Investments	176-180	Tacoma	95.00	4.04	1	1,859.92
88-20-28-428-004	Gleeson, Michael & Doreen	195	Tacoma	50.00	2.13	2	978.91
88-20-28-428-008	Heydel, Robert & Deborah	0	Vacant	50.00	2.13	2	978.91
88-20-28-428-009	Heydel, Robert & Deborah	151	Tacoma	50.00	2.13	2	978.91
88-20-28-428-010	Knight, Joe & Betty	137	Tacoma	50.00	2.13	2	978.91
88-20-28-428-011	Antanaitis, Peter	133	Tacoma	50.00	2.13	1	978.91
88-20-28-428-012	Kurmas, David & Diana	129	Tacoma	80.00	3.40	2	1,566.25
88-20-28-428-025	Baldino, Stephen	211	Tacoma	156.60	6.67	1	3,065.94
88-20-28-428-026	Werner III, John & Lee Anne	183	Tacoma	75.00	3.19	2	1,468.36
88-20-28-428-027	Zalot, Robert & Wendy	163	Tacoma	75.00	3.19	2	1,468.36
88-20-28-431-010	Rumsey, Rodney & Faith	124	Tacoma	80.00	3.40	2	1,566.25
88-20-28-431-011	Wilson, Gary & Carol	112	Tacoma	50.00	2.13	2	978.91
88-20-28-431-012	Ure, Deborah	0	Vacant	50.00	2.13	1	978.91
88-20-28-431-013	Ure, Deborah	90	Tacoma	50.00	2.13	1	978.91
88-20-28-431-017	Muzzy, Eric & Kristi	42	Tacoma	100.00	4.26	2	1,957.81
88-20-28-431-018	Bart, Madeliene	28	Tacoma	58.00	2.47	1	1,135.53
88-20-28-431-026	Savage, Ralph & Kelly	70	Tacoma	150.00	6.38	2	2,936.72
88-20-28-432-004	Abitheira, Gary	71	Tacoma	200.00	8.51	1	3,915.63
88-20-28-432-005	Savage, Ralph & Kelly	41	Tacoma	158.00	6.72	2	3,093.35
88-20-28-432-017	Stolarczyk, Viola	125	Tacoma	125.00	5.32	1	2,447.27
88-20-28-432-018	Hartman, Melanie	99	Tacoma	55.00	2.34	1	1,076.80
Totals				2,349.56	100.00	44	46,000.00

46,000.00

CITY OF TROY

Special Assessment Roll Number: **05.202.1** For defraying the expense of construction for:
Tacoma Street Bituminous (Asphalt) Paving

CITY OF TROY
COUNTY OF OAKLAND
STATE OF MICHIGAN

I hereby certify and report that the foregoing is a special assessment roll, and the assessment made by me pursuant to a resolution of the City Council adopted on the **6th** day of **June** A.D. **2005**, for the purpose of paying that part of the cost which the Council decided should be paid and borne by special assessmentfor the purpose of **Asphalt Paving of Olympia Street**

That in making such assessment I have, as near as may be and according to my judgement, conformed in all things to the direction contained in the resolution of the Council herinbefore referred to, and the Charter of the City relating to such assessments.

Dated at the City of Troy, Oakland County, Michigan on this **6th** day of **June** A.D., **2005**.

Leger A. (Nino) Licari, City Assessor

Advertised: _____

CITY OF TROY
COUNTY OF OAKLAND
STATE OF MICHIGAN

I hereby certify that the above and foregoing assesment roll was filed on the **6th** day of **June** A.D., **2005**, and approved and confirmed by the Council of the City of Troy on the **6th** day of **June** A.D., **2005**.

Tonni Bartholomew, City Clerk

In the name of the People of the State of Michigan
To the Treasurer of the City of Troy, in the County of Oakland, Michigan.

You are hereby commanded to collect from each of the several persons assessed in the Special Assessment Roll hereunto annexed, the amount of money assessed to and set opposite his name therein, said amount being payable in **10** installments due **June 1, 2006** respectively, with interest at the rate of six percent (6%) per annum or such other rate of interest per annum which is not in excess of 1% of the rate borne by bonds issued in anticipation of the collection of said special assessment roll from and after **June 1, 2006**.

And in case any named in said Roll shall neglect or refuse to pay his assessment upon demand, after the same becomes due, you are hereby authorized to levy and collect the same by distress and sale of the goods and chattels of such person, and return said Roll and Warrant, together with your doing thereon within sixty (60) days; for so doing this shall be your sufficient Warrant.

Given under my hand and Seal of the City of Troy, Michigan, this **6th** day of **June** A.D., **2005**.

Tonni Bartholomew, City Clerk

May 2, 2005

To: John Szerlag, City Manager

From: John Lamerato, Assistant City Manager – Finance/Administration
Brian Murphy, Assistant City Manager – Services
Steve Vandette, City Engineer
Nino Licari, City Assessor

Re: Agenda Item - Petition Analysis, Paving of Tacoma SAD# 05.202.1

Attached is a petition from residents and property owners on Tacoma, in Section 28, requesting asphalt paving of the streets, and the creation of a Special Assessment District to finance the project.

There are twenty-eight (28) separate parcels in the project area. Twenty (20) of the affected parcel owners have signed the petition in favor of the project. This equates to 71.43% of the owners being in favor of the paving, representing 70.71% of the frontage.

It is recommended that you request City Council approve Standard Resolution #1 (preparation of plans and cost estimates for the project), Standard resolution #2 (approval of the cost estimates, and directing the Assessor to create the roll), and Standard Resolution #3 (setting a Public Hearing for the project) as submitted.

Nl/nl

Eng
Assessing

RECEIVED
CITY OF TROY
2005 APR -4 AM 9:00

REQUEST FOR PUBLIC IMPROVEMENT
(TO BE USED ONLY FOR SPECIAL ASSESSMENT IMPROVEMENTS)

To the Honorable,
The Mayor and City Council
Troy, Michigan

We, the undersigned, owners of property in the City of Troy to be benefited by the proposed improvements, description of which property, and our addresses, are set forth opposite our respective names hereto, do hereby request the following public improvements, to wit:

Bituminous asphalt paving of Tacoma Street, with Community Development Block Grant Funds available to qualifying households

This request is not made for the purpose of initiating such improvement, but only for advising the City Council of our desire for such improvement and willingness to have our property assessed therefore if the Council, in the exercise of its discretion, orders such improvement to be made.

28

Name	Address	Date	Subdivision	Lot #	Telephone #
Joe Ulen	183 TACOMA	3-30-05	428-026		248-362-2656
John Jelenek	183 TACOMA	3/30/05	428-026		248-362-2656
Scott J. Baldino	211 TACOMA	3/30/05	428-025		248-225-2748
Edwin C. Bise	230 Tacoma	3-30-05	427-010	016 017	248-362-0296
Anna L Bise	230 Tacoma	3/30/05	427-010	016 017	248-362-0296
Peter Antaramian	133 Tacoma Dr	3/30/05	428-011		248-362-3864
Carol Widner	112 Tacoma	3/30/05	431-011		248-244-0986
Eleanor Christe	176 "	"	427-023		248-588-7810
Richard Christe 3/30/05 "	180 "	"	427-023		"
"	186 "	"	427-022		"
"	190 "	"	427-022		"
Viola Stolarczyk	125 Tacoma	3/31/05	432-017		248-362-0416
Milan Hoff	99 Tacoma	3/31/05	432-018		248-362-1858
Deborah Azlec	95 TACOMA	3/31/05	431-013	012	248-362-3719

In case of joint ownership, husband and wife and/or other joint owner must sign. (Affidavit on reverse side of page must be filled out).

REQUEST FOR PUBLIC IMPROVEMENT

(To be used only for special assessment improvements)

RECEIVED CITY OF TROY 2005 APR -4 AM 9:1

To the Honorable,
The Mayor and City Council
Troy, Michigan

Council:

We, the undersigned, owners of property in the City of Troy to be benefited by the proposed improvement, description of which property, and our addresses, are set forth opposite our respective names hereto, do hereby request the following public improvement, to wit:

Tacoma Street - Bituminous Paving

This request is not made for the purpose of initiating such improvement, but only for advising the City Council of our desire for such improvement and willingness to have our property assessed therefore, if the Council, in the exercise of its discretion, orders such improvement to be made.

28

NAME	ADDRESS	DATE	SUBDIVISION	LOT #
[illegible]	195 TACOMA	4-2-05	248 2442977	428-004
[illegible]	195 TACOMA	4-2-05	248-244-2977	"
[illegible]	124 Tacoma	4-2-05	248 ~~362~~-2909	431-010
[illegible]	124 TACOMA	4-2-05	248-362-4109	431-010
[illegible]	129 TACOMA	4-2-05		428-012
[illegible]	129 TACOMA	4-2-05	248-3622878	428-012
Madeline Bart	28 Tacoma	4-2-05	2483621562	431-018
* [illegible]	112 TACOMA	4-2-05	248-244-0988	431-011 *
~~[illegible]~~	ON 1ST Pg.			

In case of joint ownership, both husband and wife and/or other joint owner must sign. (Affidavit on reverse side of page must be filled out.)

State of Michigan)
County of Oakland)

I, Anna L Bise being duly sworn, say that I reside at No. 230 Tacoma Street; that I know of my own personal knowledge that each of the persons purporting to sign the foregoing request did sign the same and that all of said signers are property owners of the City of Troy.

Anna L. Bise
Signature of Circulator

Signed, subscribed and sworn to before me, a Notary Public in and for said County this 4th day of April, 2005.

Barbara A. Holmes
Signature of Notary

My Commission Expires: December 16, 2010

BARBARA A. HOLMES
Notary Public, State of Michigan, County of Oakland
My Commission Expires December 16, 2010
Acting in the County of Oakland

REQUEST FOR PUBLIC IMPROVEMENT
(TO BE USED ONLY FOR SPECIAL ASSESSMENT IMPROVEMENTS)

RECEIVED
CITY OF TROY
2005 APR 12 AM 9:05

To the Honorable,
The Mayor and City Council
Troy, Michigan

We, the undersigned, owners of property in the City of Troy to be benefited by the proposed improvements, description of which property, and our addresses, are set forth opposite our respective names hereto, do hereby request the following public improvements, to wit:

Bituminous asphalt paving of Tacoma Street, with Community Development Block Grant Funds available to qualifying households

This request is not made for the purpose of initiating such improvement, but only for advising the City Council of our desire for such improvement and willingness to have our property assessed therefore if the Council, in the exercise of its discretion, orders such improvement to be made.

Name	Address	Date	Subdivision	Lot #	Telephone #
[illegible]	175 LARCHWOOD 871 TACOMA	4/11/05	Summit Park		248-840-2828
			28-432-004		

In case of joint ownership, husband and wife and/or other joint owner must sign. (Affidavit on reverse side of page must be filled out).

C: Assessing ✓
Eng

REQUEST FOR PUBLIC IMPROVEMENTS
(TO BE USED ONLY FOR SPECIAL ASSESSMENT IMPROVEMENTS)

To the Honorable
Mayor and City Council
City of Troy, Michigan

RECEIVED
CITY OF TROY
2005 APR 27 PM 3: 32

We, the undersigned, owners of property in the City of Troy, to be benifitted by the proposed improvements, description of which property, and our addresses, are set forth opposite our respective names, hereto, do hereby request the followint public improvements, to wit:

Bituminous asphalt paving of Tacoma Street, with Community Block Grant Funds available to qualifying households

This request is not made for the purpose of initiating such improvement, but only for advising the City Council of our desore for such improvement and willingness to have our property assessed therefore if the Council, in the exercise of its discretion, orders such improvements to be made.

Signature	(print name)	Address	Date	Parcel ID #	Telephone #
Norman McComb	Norm Mc Comb	138-148 Tacoma		28-427-020	
Norman McComb	Norm Mc Comb	130-132 Tacoma		28-427-021	

In case of joint ownership, husband and wife and/or all joint owners appearing on the deed must sign. ** The attached affidavit must be signed and notorized by any person circulating a petition (this may be done when presenting the petition to the City Clerk's office). **

State of Michigan }
County of Oakland }

I, Anna L. Bise being duly sworn, say that I reside at No. 230 Tacoma Street; that I know of my own personal knowledge that each of the persons purporting to sign the foregoing request did sign the same and that all of said signers are property owners of the City of Troy.

(Signed)

Anna L. Bise

Signed, subscribed and sworn to before me, a Notary Public in and for said County this 4th day of April, 2005.

Barbara A Holmes

My commission expires:

BARBARA A. HOLMES
Notary Public, State of Michigan, County of Oakland
My Commission Expires December 16, 2010
Acting in the County of Oakland

ENG\Forms\Petition for Special Assessments.doc

State of Michigan }
County of Oakland }

I, Norm Mc Comb being duly sworn, say that I reside at 6911 Livernois; that I know of my own personal knowledge that each of the persons purporting to sign the foregoing request did sign the same and that all of said signers are property owners of the City of Troy.

(Signed)

Norman L McComb

Signed, subscribed and sworn to before me, a Notary Public in and for said County this 27th day of April (Month), 2005 (Year).

Barbara A Holmes
(Signature of Notary Public)

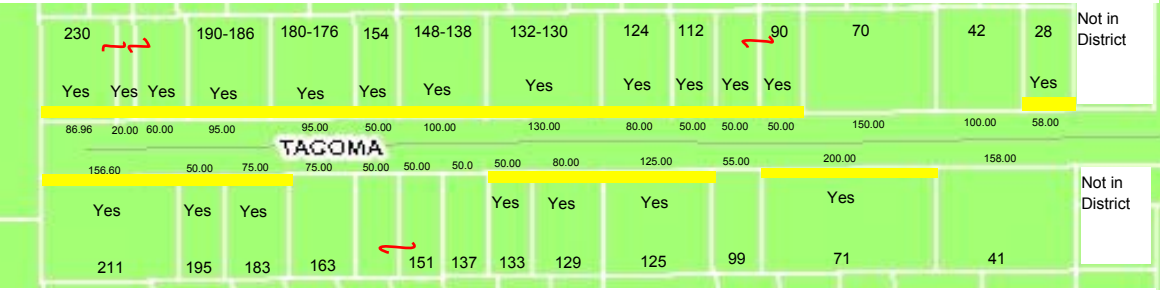
(Notary Public Stamp, below:) or: ==>

BARBARA A. HOLMES
Notary Public, State of Michigan, County of Oakland
My Commission Expires December 16, 2010
Acting in the County of Oakland

Barbara A. Holmes
(print Notary Public name)
Notary Public, State of Michigan,
County of Oakland
My Commission Expires:
December, 16, 2010
(month) (day) (year)
Acting in the County of Oakland

City of Troy - Assessing Department
Petition Analysis
Tacoma Street Bituminous Paving

Parcel ID	Owner 1	#	Street	Frontage	% Total	Owners	Signed	Valid	% Signed
88-20-28-427-010	Bise, Edwin C & Anna L	230	Tacoma	86.96	3.70	2	2	1	3.70
88-20-28-427-011	Bise, Edwin C & Anna L	0	Vacant	20.00	0.85	2	2	1	0.85
88-20-28-427-012	Bise, Edwin C & Anna L	0	Vacant	60.00	2.55	2	2	1	2.55
88-20-28-427-017	Bise, Edwin C & Anna L	154	Tacoma	50.00	2.13	2	2	1	2.13
88-20-28-427-020	McComb & Assoc	138-148	Tacoma	100.00	4.26	1	1	1	4.26
88-20-28-427-021	McComb & Assoc	130-132	Tacoma	130.00	5.53	1	1	1	5.53
88-20-28-427-022	Christie, Eleanor	186-190	Tacoma	95.00	4.04	1	1	1	4.04
88-20-28-427-023	Christie, Eleanor	176-180	Tacoma	95.00	4.04	1	1	1	4.04
88-20-28-428-004	Gleeson, Michael & Doreen	195	Tacoma	50.00	2.13	2	2	1	2.13
88-20-28-428-008	Heydel, Robert & Deborah	0	Vacant	50.00	2.13	2			
88-20-28-428-009	Heydel, Robert & Deborah	151	Tacoma	50.00	2.13	2			
88-20-28-428-010	Knight, Joe & Betty	137	Tacoma	50.00	2.13	2			
88-20-28-428-011	Antanaitis, Peter	133	Tacoma	50.00	2.13	1	1	1	2.13
88-20-28-428-012	Kurmas, David & Diana	129	Tacoma	80.00	3.40	2	2	1	3.40
88-20-28-428-025	Baldino, Stephen	211	Tacoma	156.60	6.67	1	1	1	6.67
88-20-28-428-026	Werner III, John & Lee Anne	183	Tacoma	75.00	3.19	2	2	1	3.19
88-20-28-428-027	Zalot, Robert & Wendy	163	Tacoma	75.00	3.19	2			
88-20-28-431-010	Rumsey, Rodney & Faith	124	Tacoma	80.00	3.40	2	2	1	3.40
88-20-28-431-011	Wilson, Gary & Carol	112	Tacoma	50.00	2.13	2	2	1	2.13
88-20-28-431-012	Ure, Deborah	0	Vacant	50.00	2.13	1	1	1	2.13
88-20-28-431-013	Ure, Deborah	90	Tacoma	50.00	2.13	1	1	1	2.13
88-20-28-431-017	Muzzy, Eric & Kristi	42	Tacoma	100.00	4.26	2			
88-20-28-431-018	Bart, Madeliene	28	Tacoma	58.00	2.47	1	1	1	2.47
88-20-28-431-026	Savage, Ralph & Kelly	70	Tacoma	150.00	6.38	2			
88-20-28-432-004	Abitheira, Gary	71	Tacoma	200.00	8.51	1	1	1	8.51
88-20-28-432-005	Savage, Ralph & Kelly	41	Tacoma	158.00	6.72	2			
88-20-28-432-017	Stolarczyk, Viola	125	Tacoma	125.00	5.32	1	1	1	5.32
88-20-28-432-018	Hartman, Melanie	99	Tacoma	55.00	2.34	1			
Totals				2,349.56	100.00	44	29	20	70.71


230
Yes
Yes
Yes
86.96
20.00
60.00
190-186
Yes
95.00
180-176
Yes
95.00
154
Yes
50.00
148-138
Yes
100.00
132-130
Yes
130.00
124
Yes
80.00
112
Yes
50.00
Yes
50.00
90
Yes
50.00
70
150.00
42
100.00
28
Yes
58.00
Not in District
TACOMA
156.60
50.00
75.00
75.00
50.00
50.00
50.0
50.00
80.00
125.00
55.00
200.00
158.00
Yes
Yes
Yes
Yes
Yes
Yes
Yes
Not in District
211
195
183
163
151
137
133
129
125
99
71
41
LIVERNOIS

Preliminary Cost Estimate

February 22, 2005

Project Location: Tacoma Street
Project No.: 05.202.1
Proposed Improvement: 1,200 lf, 24' Bituminous Asphalt Pavement with Underdrain

Item	Quantity		Description	Unit Cost	Total Cost
			SAD Share - Asphalt Section (1,200')		
1.	540	Tons	Bit. Mix No. 500, 20C - 3"	45.00	24,300.00
2.	270	Tons	Bit. Mix No. 1100T, 20AA - 1 1/2"	50.00	13,500.00
3.	75	Tons	Bit. Mix No. 1100T, 36B - 4" Driveway	100.00	7,500.00
4.	300	Tons	21AA Aggregate for Shoulders	20.00	6,000.00
			Sub-Total		**51,300.00**
			Engineering, Admin. And Contingencies, 25%		12,700.00
			Maintenance Savings		(18,000.00)
			Total Special Assessment Share - Asphalt		**46,000.00**
			City Share		
5.	200	SY	Remove Pavement	10.00	2,000.00
6.	28	Each	Remove Culvert	150.00	4,200.00
7.	300	CY	Earth Excavation	10.00	3,000.00
8.	150	CY	Subgrade Undercut	35.00	5,250.00
9.	3,500	SY	Grading	3.00	10,500.00
10.	1,200	Tons	Aggregate Base, 21AA	20.00	24,000.00
11.	300	CY	Subbase	15.00	4,500.00
13.	400	LF	12" Storm Sewer	35.00	14,000.00
14.	300	LF	15" Storm Sewer	42.00	12,600.00
15.	200	LF	18" Storm Sewer	50.00	10,000.00
16.	15	Each	4' Dia. Manhole	1,700.00	25,500.00
17.	24	Each	2' Dia. Drainage Structure	850.00	20,400.00
18.	2,400	LF	8" Edge Drain	25.00	60,000.00
19.	24	Each	Relocate Mailbox Post	100.00	2,400.00
20.	2	Each	Reconstruct/Adjust Structure	500.00	1,000.00
21.	2,400	LF	Ditching	5.00	12,000.00
22.	4,000	SY	Turf Restoration		Incidental
			Sub-Total		**211,350.00**
			Engineering, Admin. And Contingencies, 25%		**52,650.00**
			Maintenance Savings		18,000.00
			Total City Share		**282,000.00**
			TOTAL PROJECT COST		**328,000.00**

Prepared by: Gary Streight
\\G\Projects\Projects - 2005\05.202.1 - Tacoma Street SAD\Preliminary Cost Estimate for Tacoma Street.xls

88-20-28-427-010
BISE, EDWIN C & ANNA L
230 TACOMA
TROY MI 48084-5459

88-20-28-427-011
BISE, EDWIN C & ANNA L
230 TACOMA AVE
TROY MI 48084-5459

88-20-28-427-012
BISE, EDWIN C & ANNA L
230 TACOMA AVE
TROY MI 48084-5459

88-20-28-427-017
BISE, EDWIN C & ANNA L
230 TACOMA
TROY MI 48084-5459

88-20-28-427-020
MC COMB & ASSOC I
6911 LIVERNOIS
TROY MI 48098-1572

88-20-28-427-021
MC COMB & ASSOC II
6911 LIVERNOIS
TROY MI 48098-1572

88-20-28-427-022
CHRISTIE, ELEANOR
186-190 TACOMA
TROY MI 48084-5425

88-20-28-427-023
CHRISTIE, ELEANOR
176 TACOMA -180
TROY MI 48084-5425

88-20-28-428-004
GLEESON, MICHAEL P & DORE
195 TACOMA
TROY MI 48084-5424

88-20-28-428-008
HEYDEL, ROBERT & DEBORAH
151 TACOMA
TROY MI 48084-5424

88-20-28-428-009
HEYDEL, ROBERT & DEBORAH
151 TACOMA
TROY MI 48084-5424

88-20-28-428-010
KNIGHT, JOE J & BETTY J
137 TACOMA
TROY MI 48084-5424

88-20-28-428-011
ANTANAITIS, PETER
133 TACOMA
TROY MI 48084-5424

88-20-28-428-012
KURMAS, DAVID & DIANA
129 TACOMA
TROY MI 48084-5424

88-20-28-428-025
BALDINO, STEPHEN
211 TACOMA
TROY MI 48084-5460

88-20-28-428-026
WERNER III, JOHN & LEE ANNE
183 TACOMA
TROY MI 48084-5424

88-20-28-428-027
ZALOT, ROBERT & WENDY
163 TACOMA
TROY MI 48084-5424

88-20-28-431-010
RUMSEY, RODNEY & FAITH
124 TACOMA
TROY MI 48084-5425

88-20-28-431-011
WILSON, GARY & CAROL
112 TACOMA
TROY MI 48084-5425

88-20-28-431-012
URE, DEBORAH A
90 TACOMA
TROY MI 48084-5423

88-20-28-431-013
URE, DEBORAH A
90 TACOMA
TROY MI 48084-5423

88-20-28-431-017
MUZZY, ERIC & KRISTI
42 TACOMA
TROY MI 48084-5423

88-20-28-431-018
BART, MADELIENE
28 TACOMA
TROY MI 48084-5423

88-20-28-431-026
SAVAGE, RALPH M & KELLY
70 TACOMA
TROY MI 48084-5423

88-20-28-432-004
ABITHEIRA, GARY
178 LARCHWOOD
TROY MI 48083-1630

88-20-28-432-005
SAVAGE, RALPH & KELLY
41 TACOMA
TROY MI 48084-5422

88-20-28-432-017
STOLARCZYK, VIOLA
125 TACOMA
TROY MI 48084-5424

88-20-28-432-018
HARTMAN, MELANIE A
99 TACOMA
TROY MI 48084-5422

City of Troy - Assessing Department
SAD Spread
Tacoma Street Bituminous Paving

Parcel ID	Owner 1	#	Street	Frontage	% Total	Owners	SAD Share
88-20-28-427-010	Bise, Edwin C & Anna L	230	Tacoma	86.96	3.70	2	1,702.51
88-20-28-427-011	Bise, Edwin C & Anna L	0	Vacant	20.00	0.85	2	391.56
88-20-28-427-012	Bise, Edwin C & Anna L	0	Vacant	60.00	2.55	2	1,174.69
88-20-28-427-017	Bise, Edwin C & Anna L	154	Tacoma	50.00	2.13	2	978.91
88-20-28-427-020	McComb & Assoc	138-148	Tacoma	100.00	4.26	1	1,957.81
88-20-28-427-021	McComb & Assoc	130-132	Tacoma	130.00	5.53	1	2,545.16
88-20-28-427-022	Tadian Investments	186-190	Tacoma	95.00	4.04	1	1,859.92
88-20-28-427-023	Tadian Investments	176-180	Tacoma	95.00	4.04	1	1,859.92
88-20-28-428-004	Gleeson, Michael & Doreen	195	Tacoma	50.00	2.13	2	978.91
88-20-28-428-008	Heydel, Robert & Deborah	0	Vacant	50.00	2.13	2	978.91
88-20-28-428-009	Heydel, Robert & Deborah	151	Tacoma	50.00	2.13	2	978.91
88-20-28-428-010	Knight, Joe & Betty	137	Tacoma	50.00	2.13	2	978.91
88-20-28-428-011	Antanaitis, Peter	133	Tacoma	50.00	2.13	1	978.91
88-20-28-428-012	Kurmas, David & Diana	129	Tacoma	80.00	3.40	2	1,566.25
88-20-28-428-025	Baldino, Stephen	211	Tacoma	156.60	6.67	1	3,065.94
88-20-28-428-026	Werner III, John & Lee Anne	183	Tacoma	75.00	3.19	2	1,468.36
88-20-28-428-027	Zalot, Robert & Wendy	163	Tacoma	75.00	3.19	2	1,468.36
88-20-28-431-010	Rumsey, Rodney & Faith	124	Tacoma	80.00	3.40	2	1,566.25
88-20-28-431-011	Wilson, Gary & Carol	112	Tacoma	50.00	2.13	2	978.91
88-20-28-431-012	Ure, Deborah	0	Vacant	50.00	2.13	1	978.91
88-20-28-431-013	Ure, Deborah	90	Tacoma	50.00	2.13	1	978.91
88-20-28-431-017	Muzzy, Eric & Kristi	42	Tacoma	100.00	4.26	2	1,957.81
88-20-28-431-018	Bart, Madeliene	28	Tacoma	58.00	2.47	1	1,135.53
88-20-28-431-026	Savage, Ralph & Kelly	70	Tacoma	150.00	6.38	2	2,936.72
88-20-28-432-004	Abitheira, Gary	71	Tacoma	200.00	8.51	1	3,915.63
88-20-28-432-005	Savage, Ralph & Kelly	41	Tacoma	158.00	6.72	2	3,093.35
88-20-28-432-017	Stolarczyk, Viola	125	Tacoma	125.00	5.32	1	2,447.27
88-20-28-432-018	Hartman, Melanie	99	Tacoma	55.00	2.34	1	1,076.80
Totals				2,349.56	100.00	44	46,000.00

46,000.00

DATE: June 2, 2005

TO: John Szerlag, City Manager

FROM: Charles T. Craft, Chief of Police
Wendell Moore, Research & Technology Administrator

SUBJECT: Agenda Item – Proposed Acceptance of an Edward J. Byrne Memorial Justice Assistance Grant Program Grant

A public hearing regarding the receipt of a grant from an Edward J. Byrne Memorial Justice Assistance Grant Program Grant was approved by City Council for a Public Hearing at the Regular City Council Meeting of May 16, 2005. The federal award is $11,875.00 and there is no required city match. Upon City Council Resolution accepting the award, the Police Department has four years to expend the funds.

The Police Department has submitted a plan to utilize the money to purchase digital cameras and accessories for the Evidence Technician and Traffic Safety Units. This will allow the department to move away from the conventional 35mm silver based film and associated processing costs.

It is City Management's recommendation that the acceptance of an Edward J. Byrne Memorial Justice Assistance Grant Program Grant be approved.

May 31, 2005

TO: John Szerlag, City Manager

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

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

RECOMMENDATION

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

HISTORY OF PARCEL

On May 11, 2004 the Planning Commission recommended denial of the application. On August 9, 2004 City Council instructed the Planning Commission to look at the potential installation of an E-P zoning buffer located between the proposed rezoning property and the adjacent residences with attention given to grade as it might affect development. On May 16, City Council postponed the item to the June 6, 2005 Regular Meeting. While it was not specified in the resolution, discussion during the meeting indicated that one reason for the postponement was to ensure the abutting neighbor to the east was notified of the meeting and invite that neighbor to provide input on the item at the June 6 City Council meeting. A notification letter was sent to the neighbor on May 26, 2005.

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

property from the abutting residential property to the east. It should be noted that the wall design represents the minimum requirement under the provisions of the P-1 district.

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

GENERAL INFORMATION

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

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

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

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

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

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

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

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

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

ANALYSIS

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

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

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

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

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

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

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

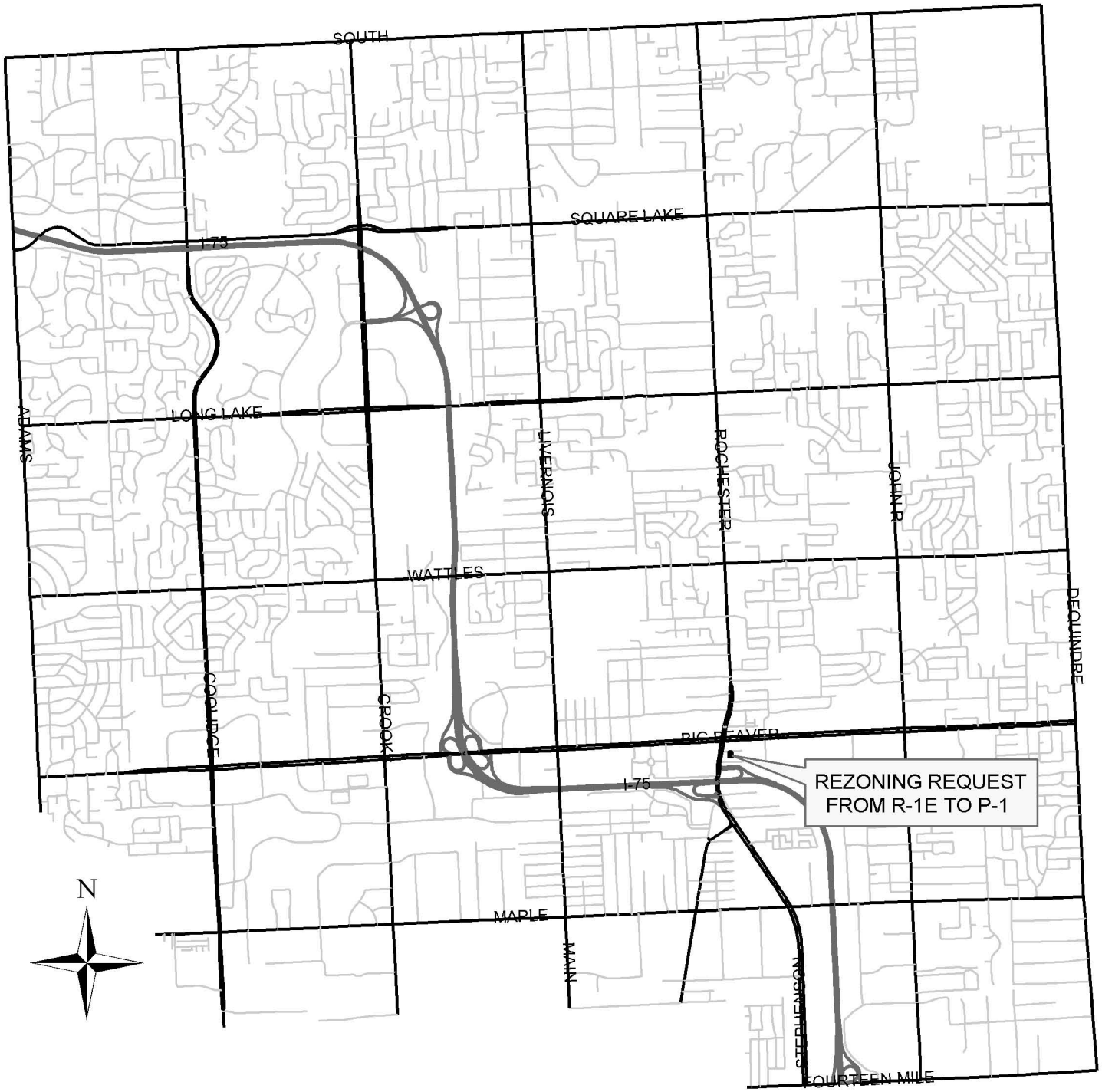
Attachments:
1. Maps.
2. Memo prepared by Assistant City Attorney dated April 7, 2005.
3. Minutes from April 12, 2005 Planning Commission meeting.
4. Minutes from August 9, 2004 City Council meeting.
5. Minutes from May 11, 2004 Planning Commission meeting.
6. Photographs of site.
7. Minutes from May 16, 2005 City Council Regular Meeting.
8. Letter to neighbor dated May 26, 2005.

cc: Applicant
File (Z 695)

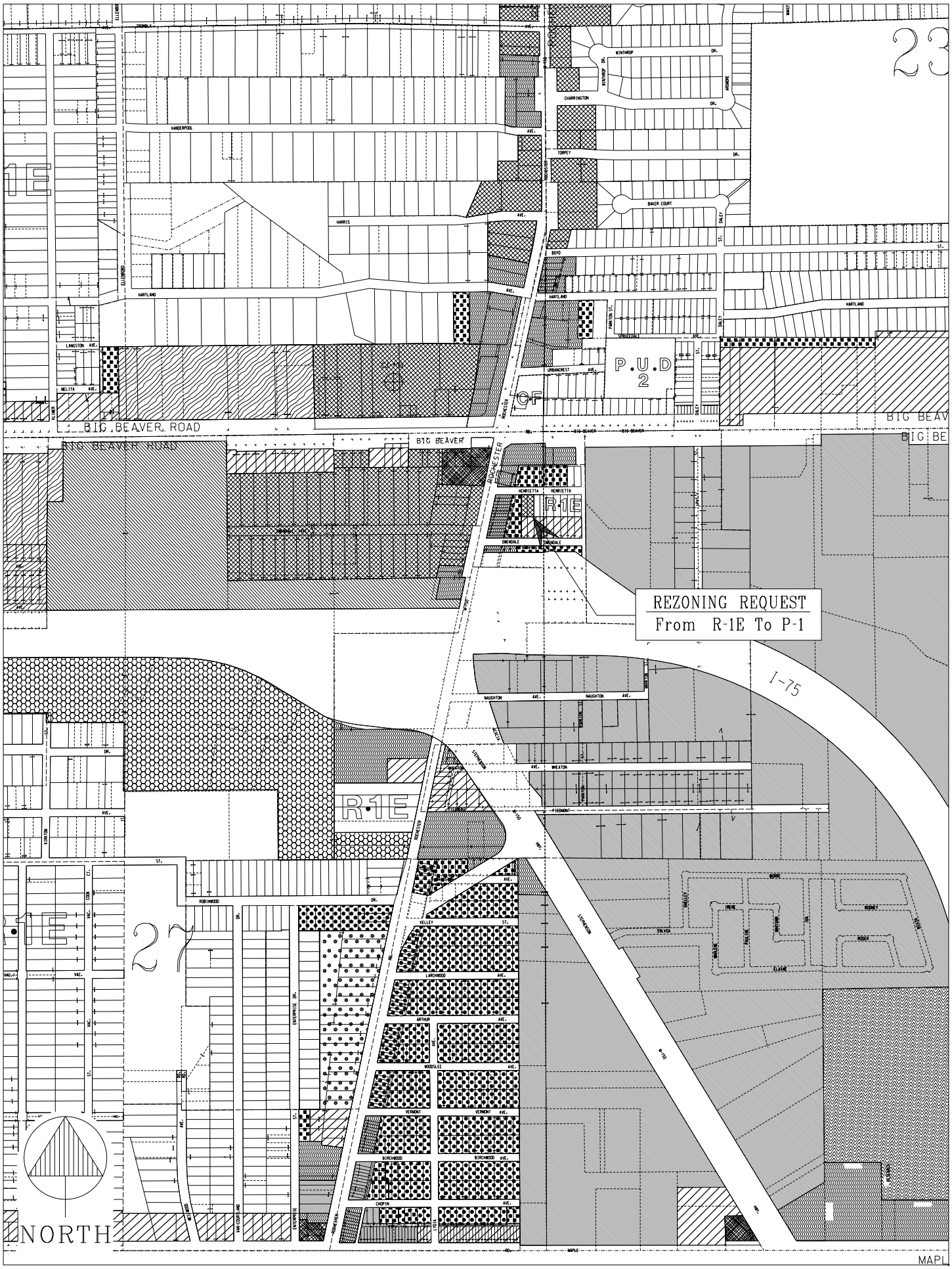
Prepared by RBS, MFM

G:\REZONING REQUESTS\Z-695 Becker Property Sec. 27\Becker Rezoning CC Public Hearing 06 06 05.doc

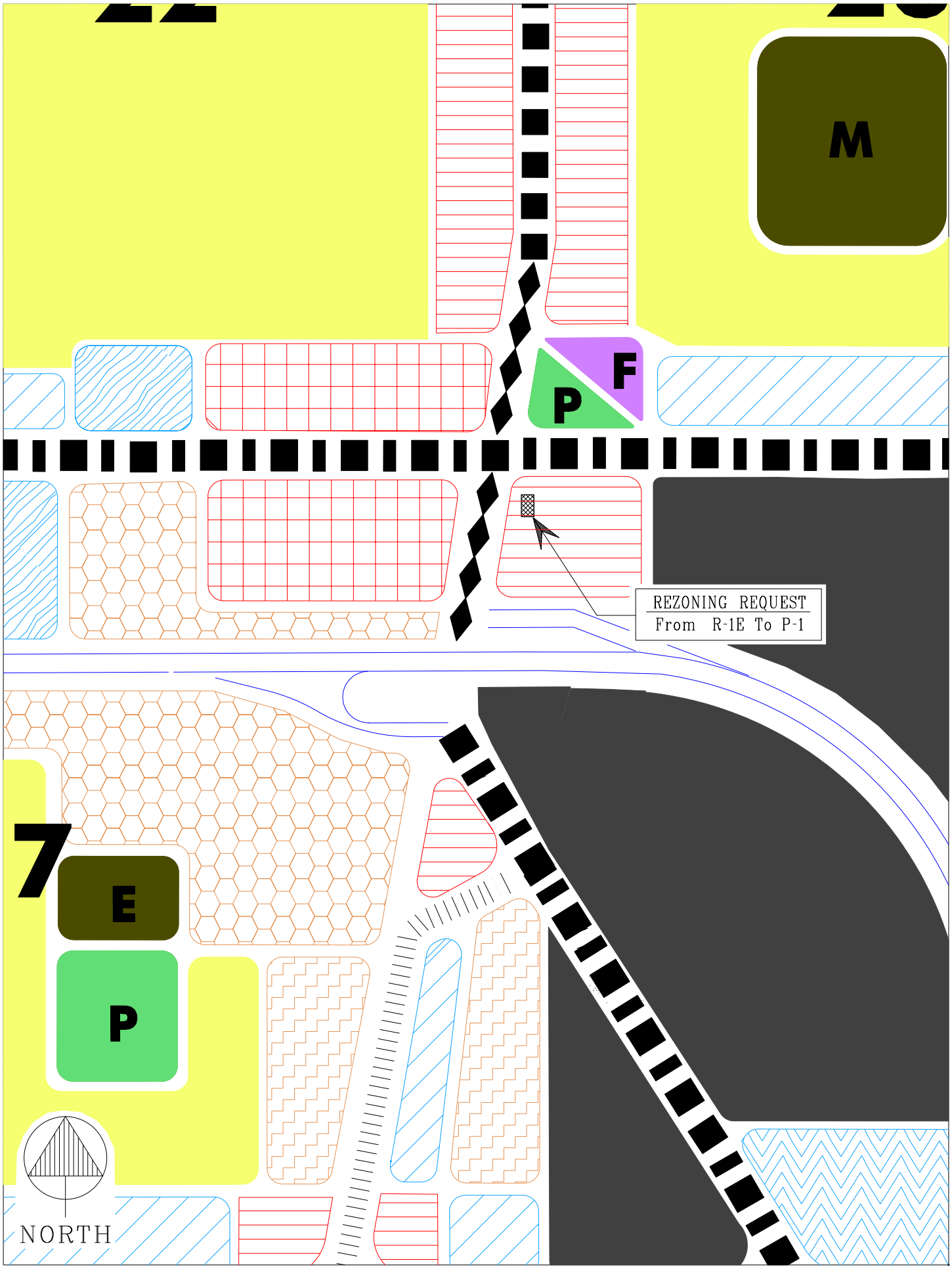
CITY OF TROY

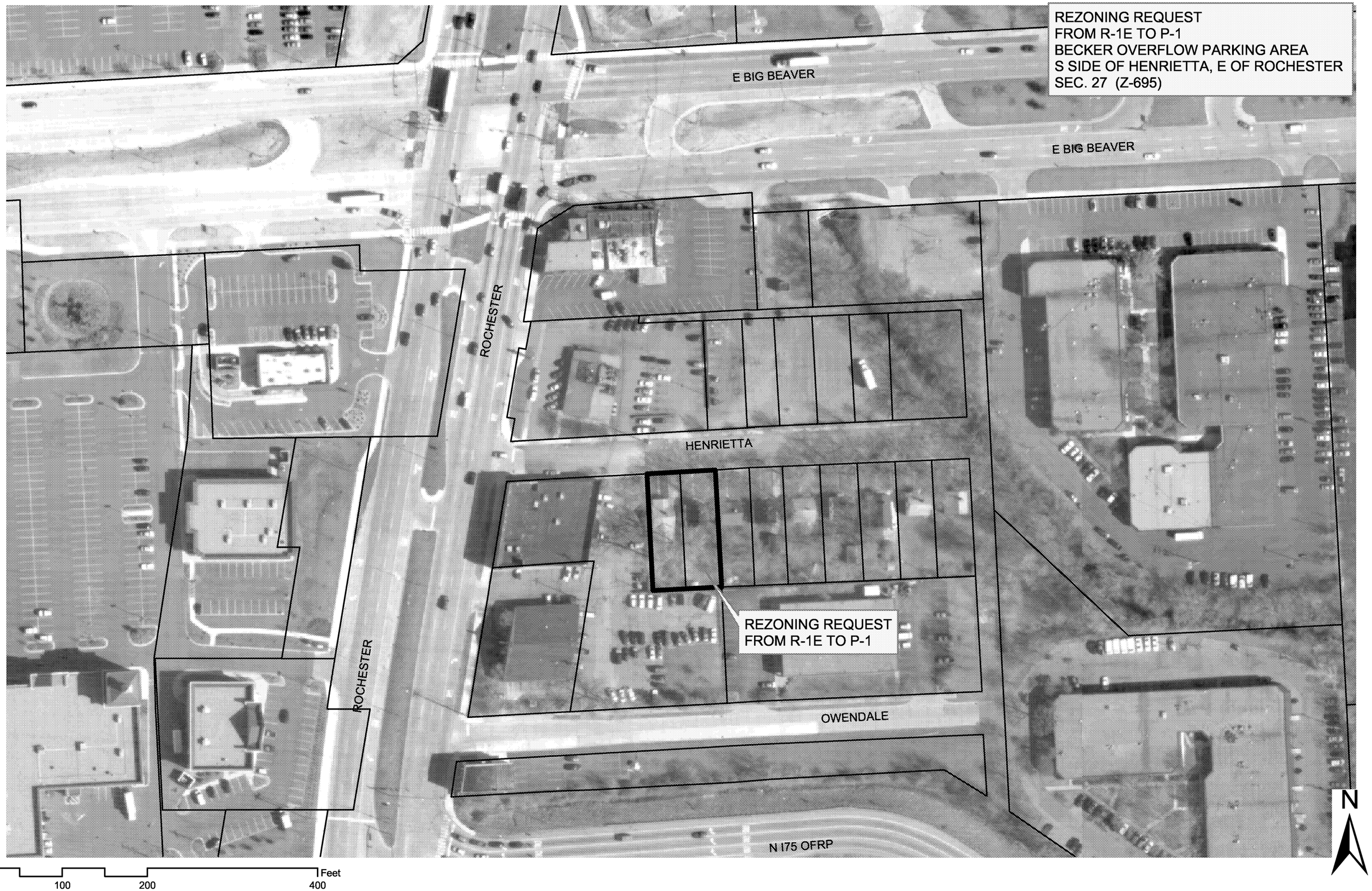


PREPARED BY CITY OF TROY PLANNING DEPT.


REZONING REQUEST
From R-1E To P-1
P.U.D
2
R-1E
R1E
I-75
BIG BEAVER ROAD
BIG BEAVER
ROCHESTER
ELLENBOY
VANDERPOOL
HARTLAND
LANGSTON
NELITA
WINTHROP
CHARRINGTON
TOMPKY
BAKER COURT
DALEY
URBANCREST
HEMLETTA
ONEDALE
NAUGHTON
WHEATON
PIEDMONT
STEPHENSON
ROBINWOOD
KELLEY
LARCHWOOD
ARTHUR
WOODSLEE
VERMONT
BIRCHWOOD
CHOPIN
ENTERPRISE
MAPLE
NORTH
23
27

Z-695 / SEC. 27 / 04-15-04


M
F
P
REZONING REQUEST
From R-1E To P-1
7
E
P
NORTH


REZONING REQUEST
FROM R-1E TO P-1
BECKER OVERFLOW PARKING AREA
S SIDE OF HENRIETTA, E OF ROCHESTER
SEC. 27 (Z-695)
E BIG BEAVER
E BIG BEAVER
ROCHESTER
HENRIETTA
REZONING REQUEST
FROM R-1E TO P-1
ROCHESTER
OWENDALE
N I75 OFRP
N
0
100
200
400
Feet

City of Troy

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

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

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

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

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

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

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

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

PUBLIC HEARING OPENED

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

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

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

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

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

PUBLIC HEARING CLOSED

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

MOTION CARRIED

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

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

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

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

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

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

Yes: All-7

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

Resolution
Moved by Lambert
Seconded by Stine

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

Proposed Amended Resolution by Substitution

Resolution
Moved by Eisenbacher
Seconded by Beltramini

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

Vote on Resolution to Amend Proposed Amended Resolution by Substitution

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

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

Yes: All-7

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

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

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

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

Yes: All-7

Vote on Substituted Resolution as Amended

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

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

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

Yes: All-7

POSTPONED ITEMS:

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

Resolution
Moved by Beltramini
Seconded by Lambert

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

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

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

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

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

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

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

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

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

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

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

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

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

PUBLIC HEARING OPENED

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

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

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

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

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

PUBLIC HEARING CLOSED

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

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

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

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

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

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

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

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

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

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

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

1. Such rezoning is premature at this time.

Discussion on the motion.

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

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

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

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

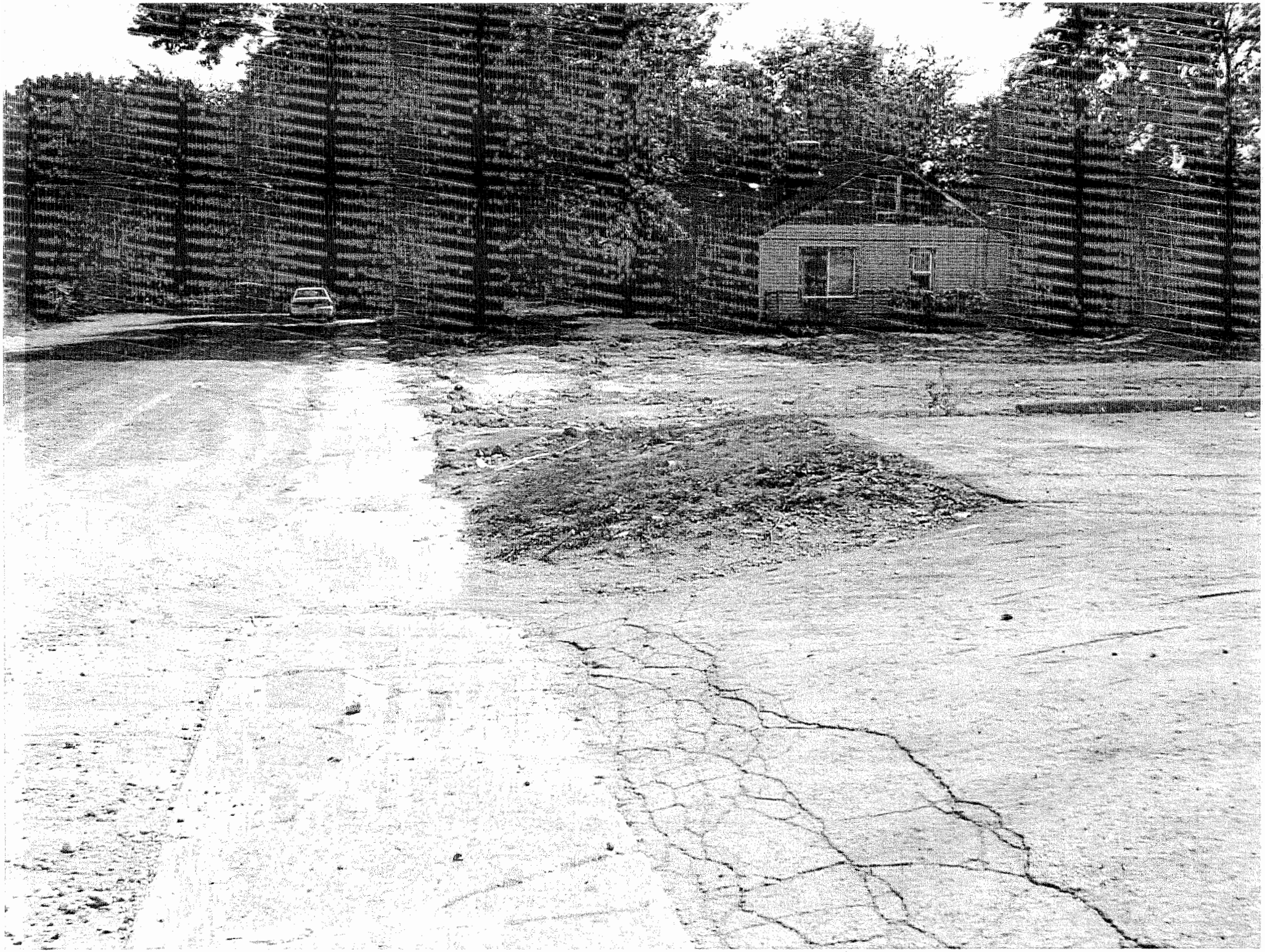
1. Such rezoning is premature at this time.

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

Vote on the motion as amended.

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

MOTION CARRIED



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

Resolution
Moved by Eisenbacher
Seconded by Schilling

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

Vote on Resolution to Postpone

Resolution #2005-05-250
Moved by Eisenbacher
Seconded by Howrylak

RESOLVED, That the R-1E to P-1 rezoning request, located on the south side of Henrietta Avenue, south of Big Beaver Road and east of Rochester Road, Section 27, being 10,880 square feet in size, is hereby **POSTPONED** until the Regular City Council Meeting scheduled for Monday, June 6, 2005.

Yes: All-6
No: None
Absent: Beltramini

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

Vote on Resolution to Postpone

Resolution #2005-05-251
Moved by Schilling
Seconded by Stine

RESOLVED, That the Zoning Ordinance Text Amendment (ZOTA 2150-A) – Article 04.20.00 and Articles 40.55.00-40.59.00, Pertaining to Accessory Buildings Definitions and Provisions, is hereby **POSTPONED** until the Regular City Council Meeting scheduled for Monday, June 20, 2005.

Yes: All-6
No: None
Absent: Beltramini

500 West Big Beaver
Troy, Michigan 48084
www.troymi.gov

Area code (248)

Assessing
524-3311

Bldg. Inspections
524-3344

Bldg. Maintenance
524-3368

City Clerk
524-3316

City Manager
524-3330

Community Affairs
524-1147

Engineering
524-3383

Finance
524-3411

Fire-Administration
524-3419

Human Resources
524-3339

Information Services
619-7279

Law
524-3320

Library
524-3545

Parks & Recreation
524-3484

Planning
524-3364

Police-Administration
524-3443

Public Works
524-3370

Purchasing
524-3338

Real Estate & Development
524-3498

Treasurer
524-3334

General Information
524-3300

June 2, 2005

Nancy Haynes
1046 Henrietta
Troy, MI 48083-1908

(VIA HAND DELIVERY)

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

Dear Ms. Haynes:

At the May 16, 2005 Regular Meeting, the Troy City Council postponed the above referenced item until the Regular City Council Meeting scheduled for Monday, June 6, 2005. The item was postponed to provide you with an opportunity to attend the meeting and provide input into the rezoning application process. Your input, as the owner of the residential property to the east of the subject property, is important. Please consider this letter to be an invitation by City Council to attend the meeting on June 6, 2005, at 7:30 PM. The meeting will be held in Council Chambers on the second floor of Troy City Hall, 500 W. Big Beaver, Troy, Michigan 48084.

If you are unable to attend the meeting, please state any concerns you may have with the rezoning request in writing and mail to the above address, to the attention of the Planning Department. Alternatively, you could send an email to planning@ci.troy.mi.us.

If you have any questions, please call our office at (248) 524-3364.

Sincerely,

R. Brent Savidant

R. Brent Savidant, AICP, PCP
Principal Planner

cc: File/Z-695

G:\REZONING REQUESTS\Z-695 Becker Property Sec. 27\Letter to Neighbor 06 02 05.doc

June 2, 2005

TO: The Honorable Mayor and City Council Members

FROM: John Szerlag, City Manager

SUBJECT: Request to Postpone Consideration of Community Visioning Project to June 20, 2005

Futurist Ed Barlow is unable to make the June 6, 2005 Council meeting but can be in attendance on June 20. As such, I'm requesting that this matter be postponed for two weeks. In the interim, attached is information from Assistant to City Manager Laura Fitzpatrick relative to the methodology and timeline for the proposed community visioning process.

May 27, 2005

TO: John Szerlag, City Manager

FROM: Laura Fitzpatrick, Assistant to the City Manager

SUBJECT: Futures Process

Pubic Input: Methodology and Timeline

Per your request, below in chart for is the proposed timeline for the Futuring Process as explained in Exhibit B2 of Ed Barlow's proposal. The timeline highlights points of public input and public outreach. City staff recommends that all committee meetings be publicized and open to the public. Details added to the timeline by staff are in italics. These details address a concern for publicizing futuring activities to the community as well as public input in general.

Month	Activity
June	Phase I: DESIGN - Process Development Meet with key leaders to review desired outcomes and develop final process model; develop task force issues and purpose statements
July	Phase I: DESIGN - Process Development Develop budget and resource development plan Hold community leader support breakfast/lunch meeting
August	Phase I: DESIGN - Process Development Develop summary document of area studies, demographic and trend information to serve as background data for participants Develop public communications plan. *Set date for and publicize "community-wide" information meeting (Troy Today Fall Newsletter; publicity at the Troy Daze Festival; WTRY cable channel; web site; newspapers, etc.)*
September	Phase I: DESIGN - Process Development Hold one hour "community-wide" information meeting *(in the second part of the month as community energies in early September are directed towards the Troy Daze Festival)* *Publicize task force kick-off meeting emphasizing that the meetings are open to the public.*

October	Phase II: DISCOVERY – Collect, analyze and present trends with possible implications. Hold six-hour participant/task force kick-off/orientation session *Publicize task force meeting schedules.* Task forces hold environmental scanning and implications meetings Steering Committee meets monthly to monitor progress
November	Steering Committee meets monthly to monitor progress Task forces hold environmental scanning and implications meetings
December	Steering Committee meets monthly to monitor progress
January	Hold Discovery integration meeting to share findings of various task forces
February	Phase III – DREAM – Define the desired state and related conditions which will characterize the community Conduct discover integration meeting with all participants Elicit desired state and related future conditions from participants Develop vision statement and support documents of strategic directions Disseminate vision statement and support materials to task forces for use during the Determine Phase Begin development of artwork and graphics with represent the vision statement
March	Phase IV – DETERMINE – Formulate goals, objectives, action strategies and responsibilities *Publicize upcoming task force meetings.* Task forces hold goal/objective/action strategy development meetings. Task forces develop final reports. Steering committee meets monthly to monitor progress and develop implementation plan.
April	Phase IV – DETERMINE – Formulate goals, objectives, action strategies and responsibilities Task forces hold goal/objective/action strategy development meetings. Task forces develop final reports. Steering committee meets monthly to monitor progress and develop implementation plan.
May	Phase IV – DETERMINE – Formulate goals, objectives, action strategies and responsibilities Steering committee organizes draft report and shares with participants. *Draft report status publicized to the community*
June	Phase IV – DETERMINE – Formulate goals, objectives, action strategies and responsibilities Steering committee approves final report. Steering committee meeting with key community leaders and provides "advanced" insight into final report. Implementation committee established. *Publicize community celebration session to take place in July((Troy Today Fall Newsletter; publicity at the Troy Daze Festival; WTRY cable channel; web site; newspapers, etc.)*
July	Phase V – DELIVER – Make it happen! Community celebration session held with announcement of implementation plan.

August	Phase V – DELIVER – Make it happen! Personal visits made by committee members to key leaders and organizations in the community.
September	Phase V – DELIVER – Make it happen! Personal visits made by committee members to key leaders and organizations in the community. *Make report information available at the City booth at the Troy Daze Festival; use the festival to promote the report.*
October	Phase V – DELIVER – Make it happen! Executive summary of plan distributed to all households *and businesses* *Consider incorporating a summary of the Futures Report in other City documents: City Calendar, Budget, newsletter, etc.*
November	Phase V – DELIVER – Make it happen! Formulation of resource development plan to attract revenues for special projects not available from traditional sources.

Corridor Study vs. Futuring Process

Corridor studies and futuring processes are two very different tools that communities use as part of overall strategic planning. The differences between these tools are highlighted below:

- A futuring process is a tool used to tap into civic infrastructure so that community values can be formalized.
- During the futuring process community values are used as a framework to develop community priorities.
- These priorities serve as a compass, providing direction to the community for other planning exercises (such as budgeting and capital project programming).
- A corridor study is an economic development and land use strategic planning tool.
- The corridor study tool provides a framework for “how” a community can maximize its economic viability; whereas futuring is a tool that provides “what” the community desires.
- It is also useful to view a corridor study as a technically driven tool for economic development planning, land use planning and urban design. A futures process is more value-driven. The different “drivers” for these studies complement each other.

May 4, 2005

TO: The Honorable Mayor and City Council Members

FROM: John Szerlag, City Manager

SUBJECT: Proposal from Mr. Ed Barlow to Facilitate a Futuring and Strategic Planning Process for the City of Troy

BACKGROUND

In 1992/93 Mr. Barlow facilitated a Futuring Process for the City of Troy. The culmination of that process was a document entitled "Troy Futures Community Report". And many of the objectives contained therein have been accomplished.

CURRENT STATUS

Twelve years is a long time, and Troy has changed from a growing community to a mature one. It is time to revisit our priorities, forge civic partnerships, develop new objectives and assign responsibility for accomplishing those objectives. Of course, this responsibility should not rest solely with the City of Troy. Additionally, in creating a preferred vision for our community at this point in time, it is of paramount importance for the Troy City Council to partner with all stakeholders in finding commonalities to assure Troy remains a City in which one aspires to live and work.

RECOMMENDATION

I recommend City Council approve the proposal from Ed Barlow to facilitate a futuring and strategic planning process for an amount not to exceed $50,000. As this process can also segue into a revised master plan of land use, and comprehensive capital improvement plan, funding can be made available through our capital projects fund.

City of Troy

Futuring and Strategic Planning Process

May 3, 2005

A Proposal To Facilitate

Edward D. Barlow, Jr.
President, Creating the Future, Inc.
2907 Division Street Suite 109
St. Joseph MI 49085
T: (269) 982-1830
F: (269) 982-1541
E-mail: info@creatingthefuture.com
Website: www.creatingthefuture.com

Table of Contents

		Page
I.	Introduction	1
II.	Background	1
III.	Ed Barlow Experience	1
IV.	Suggest Process Approach	4
V.	Proposed Costs	4
VI.	Exhibits	5

I. Introduction

This proposal is submitted for consideration in support of the City of Troy's forthcoming futuring and strategic planning process. I wish to express my appreciation for the invitation to submit this. I have fond memories of the previous activity and am impressed with the manner in which the City has used the results.

This proposal may be looked upon as a formative document, and used as the basis for further discussion to develop the "best" approach to accomplish the futuring and strategic planning process outcomes. I look forward to subsequent conversations.

II. Background

It is my understanding that the City Council desires to revisit and update the last process outcomes and objectives. It is interested in a process similar to one conducted last time in terms of community involvement and timeframe. A schedule to begin in June and be completed by October 2006 with a "community celebration" has been suggested.

The council has expressed interest that the session be "future focused", in that it will explore emerging trends that will affect the community. Facilitated discussions will consider these trends and develop possible futures and desired states. Process outcomes will be taken by the City Council and used as a framework for future policy-making and decision-making.

III. Edward Barlow Background and References

A. Background

I am a futurist by profession. My mission is to study what is on the roadway ahead, and interpret that to the clients that have invited me to do so. My insights and experience have been used in a variety of settings including, keynotes, think tanks, strategic planning activities and consulting. Clients have been both domestic and international, and include organizations within the private, government and non-profit sectors. Sectors with which I have worked extensively include travel and tourism, financial services, construction, agriculture, manufacturing, law enforcement and public safety retail, community and economic development. A background piece is found as Item A in the Exhibit Section. A more expansive profile of professional services and activities can be found by visiting my website which www.creatingthefuture.com. For purposes of this proposal a representative sampling of clients has been selected.

General Client List

I have served a wide range of organizations representing industry clusters, employer groups, agencies and professions. This provides insight as to the macro trends and issues will affect communities and governmental units. These include:

Federal Reserve Bank System, General Electric, U.S. Department of Commerce, National Association of Manufacturers, National Restaurant Association Six Sigma Academy of Europe, American Hospital Association, Bank of America, Society for Human Resource Managers, Travel Industry Association of American, U.S. Department of Education, United States Agency for International Development, National Association of Home Builders, American Farm Bureau Federation, Whirlpool Corporation, National Association of Counties, Association of General Contractors, Marriot Corporation, American Association of State Highway Directors, National Association of Workforce Boards, California Association of Planning Officials, Federal Bureau of Investigation, and the American Correctional Association

I have also testified before the U.S. Congress on areas of workforce, tourism and transportation.

City Government and Community Related Activities

Since 1990, I have designed and facilitated over 150 strategic planning activities for companies, associations, and communities. Sixty-five of these are community visioning and strategic planning processes, five of which have received awards. I have also facilitated numerous strategic planning retreats for city, county and other governmental unit boards and councils. This has provided an understanding of policy governance within governmental setting, and issues related to community engagement. This client list includes:

City of Lakeland-Florida, City Troy-Michigan, Alamo Region Workforce Initiative-San Antonio, Texas, Prince Georges County-Maryland, Sonoma County-California, Dakota County-Minnesota, St. Clair County-Michigan, City of Albert Lea-Minnesota, City of Hamilton-Ohio, City of Walnut Creek-California, Dodge City-Kansas, and Sullivan County-Tennessee

I have also been hired to work by several states to assist in integrating their economic and workforce development efforts. The most recent states are Colorado, New York, Kentucky and Oklahoma. These efforts have included speaking at community summits which have been entitled "Preparing Our Community for a 21st Century Economy," and which were attended by business, education and government leaders.

Michigan Experience

I am from the State of Michigan, living here for all but 14 years, since 1947. I have worked with a variety of organizations and communities within the State and in Southeastern Michigan. Activities have included presentations and strategic planning support. Organizations with which I have worked include:

Leadership Michigan, Michigan Association of Planning Officials, Michigan Municipal League, Whirlpool Corporation, Steelcase, Southeastern Michigan Council of Governments, Michigan Association of Bankers, Michigan Department of Tourism, Michigan Society of Human Resource Managers, Michigan State Police, Michigan Supreme Court, Michigan State University College of Nursing, and Michigan State University College of Law

B. References

Doug Thomas, City Manager
City of Lakeland - FL
Telephone: (863) 834-6006
E-mail: DouglasThomas@lakelandgov.net

(Used strategic planning services for city council retreats on two occasions in Lakeland, and for a community futuring process while a city manager in Michigan)

Pat Stocker, President
Stocker & Associates - MD
Telephone: (301) 229-6561
E-mail: patstocker@aol.com

(Has contracted Ed for corporate engagements for such organizations as Marriot International, Lockheed Martin and the United States Agencies for International Development)

Kathryn Taylor, Secretary
Oklahoma Department of Commerce & Tourism - OK
Telephone: (405) 815-5203
E-mail: kathy_taylor@odoc.state.ok.us

(Used services for Governor's conferences on economic development and tourism, as well as facilitator for special Governor's Council for Economic and Workforce Development as several community summits)

Greg Handel
Detroit Regional Chamber - MI
Telephone: 313-596-0331
Ghandel@detroitchamber.com

(Used professional services for recent southeastern Michigan Workforce Summit)

Carlos Garcia, Superintendent
Clark County School District - NV
Telephone: (702) 799-5307
E-mail: cgarcia@interact.ccsd.net

(Used professional services for sessions with community, school board and school administrators)

IV. Suggested Process Approach

A. Futuring and Strategic Planning Model

In approaching any type of strategic planning activity, be it a retreat or a longer term process, I use a five step model. These steps are…

I.	**Design - Develop a process which is inclusive and supported by good data**
II.	**Discover - Collect, analyze, and present trends with possible implications**
III.	**Dream - Define the desired state and related conditions which will characterize the community**
IV.	**Determine - Formulate goals, objectives, action strategies, and responsibilities**
V.	**Deliver - Make it happen!**

A schematic of this process is found as Item B within the Exhibit Section. It also suggests the related months of process activities.

B. Ed Barlow Activities

I will support the entire process as is represented above and the related exhibit. It is assumed that City of Troy staff and volunteers will be involved and provide input and technical assistance as during the last process. (Which was exceptional) Specific tasks though which I will work include:

1. Research
2. Presentation
3. Facilitation
4. Technical Assistance (onsite and via telephone and internet)

V. Proposed Costs

The cost for process support is suggested at this time as not to exceed $50,000. This includes professional fees and travel related expenses. Adjustments may be necessary should the scope of service needed be modified. Again, it is suggested that the City staff and community participants will be actively involved. The actual contract and related billing and accounting activities will be can be defined should this proposal be accepted.

VI. Exhibits

A. Ed Barlow Flyer

B. Futuring and Strategic Planning Process Map

Creating a Competitive Economic and Workforce Advantage

Featuring Ed Barlow

Available For Your State, Region And Community

Popular Formats

Customized Formats

Keynote or Morning Session

"Preparing Our Community for a 21st Century Economy"

Take a journey through the uncharted territory of the 21st century. Explore how structural changes will affect wealth creation interests of workers, employers and communities. Consider ways to better anticipate and prepare for what is ahead. Don't miss this most insightful, thought-provoking, and entertaining session loaded with ideas and practical take-a-ways!

Community Forum

The morning session is a community forum comprised of key business, government, education and the workforce sector representatives. After Ed Barlow's presentation, attendees will engage in a discussion to identify strategic initiatives the community needs to pursue to prepare employers, the workforce and itself for the dynamics of a 21st century economy.

Break-Out or Afternoon Session

"Taking Our Workforce Board & Organization to the Next Level"

Provides a candid look at the current status of workforce boards and organizations. Offers a prescription as to the role workforce boards and organizations should consider as the next step in their evolutionary development. Suggests the invaluable contribution they can make in a time of unprecedented change for employers & workers.

Ed Barlow, President

Workforce Board & Organization Strategic Planning Session

The afternoon session is structured for board members, staff, and invited guests. It includes a facilitated discussion on the future role of the local workforce development system, incorporating the input from the community forum. Participants will identify strategic directions which can be used to guide future workforce development system and board activities.

Organizations which have used Ed's services include:

National Conferences: National Association of Workforce Boards, National Workforce Association, U.S. Department of Commerce-Economic Development Administration, U.S. Department of Labor, & U.S. Department of Education
State Workforce Conferences: AK, AL, AR, IN, KY, CA, CO, OH, OK, MN, MI, NE, NY, NC, MD & VA
Local WIBs: Hudson Valley-NY, Central Texas, Fresno-CA , Lehigh Valley-PA, San Bernardino County-CA, South Central Tennessee, Honolulu-HI, Tri-County-Yakima-WA, Northwest Piedmont-NC, Northern Virginia, Palm Beach County-FL, Phoenix-AZ, Butler County-OH, West Central Wisconsin, Will County-IL, Treasure Coast-FL, and more . . .

Over

For more information: ***Creating the Future, Inc.*** **2907 Division Street, Suite 109 St. Joseph MI 49085**
(269) 982-1830 F: (269) 982-1541 e-mail: info@creatingthefuture.com web site: www.creatingthefuture.com

Ed Barlow

Educational and Workforce-Related Background

Ed Barlow is President of *Creating the Future, Inc.* and considered one of the most thought-provoking and entertaining speakers on the influences which will affect industry, organizational, professional and community settings. Ed's professional experience includes executive positions in healthcare, business, higher education, and a Washington D.C.-based management consulting firm. He holds a bachelor's degree in political science from Loras College and a master's degree in management from the University of Notre Dame. Ed Barlow's client list represents the "Who's Who" within industry, government, education, and the not-for-profit sector.

In General . . .

Ed has worked extensively, domestically and internationally, helping industries and organizations to better anticipate and prepare for what's ahead. His services have included keynoting conventions, designing and facilitating think-tanks and strategic planning activities, and consulting. A representative client list includes:

Baxter Healthcare, Aluminum Association of America, AT&T, Marriott International, Blockbuster, U.S. Chamber of Commerce, Federal Express, Six Sigma Academy of Europe, Hewlett Packard, Kimberly Clark, American Hospital Association, IBM, Travel Industry Association of America, National Association of Manufacturers, U.S. Navy, Lockheed Martin, Whirlpool Corporation, and Federal Reserve Bank Systems.

In Education . . .

Ed held vice presidential positions at two institutions of higher learning, served as superintendent of a school district, and taught high school social studies and Spanish. He served for 10 years as an adjunct faculty member with the Graduate School of Education with the University of San Francisco. As a speaker and strategic planning consultant, Ed has worked with over 140 education and education-related organizations. A sampling of his client list includes:

U.S. Department of Education, Association of Community College Trustees, Wisconsin Educational Technology Assn., Michigan Association of School Boards, National Schools Public Relations Association, Iowa State University-College of Agriculture, University of Redlands-CA, Southern Association of College and University Business Officers, Michigan Department of Education, American Association of Adult and Continuing Education, San Diego Community Colleges, Fairfax County Public Schools-VA, College of Southern Idaho, Hillsborough County Public Schools-FL, and Rochester Public Schools-MI.

In Economic and Community Development . . .

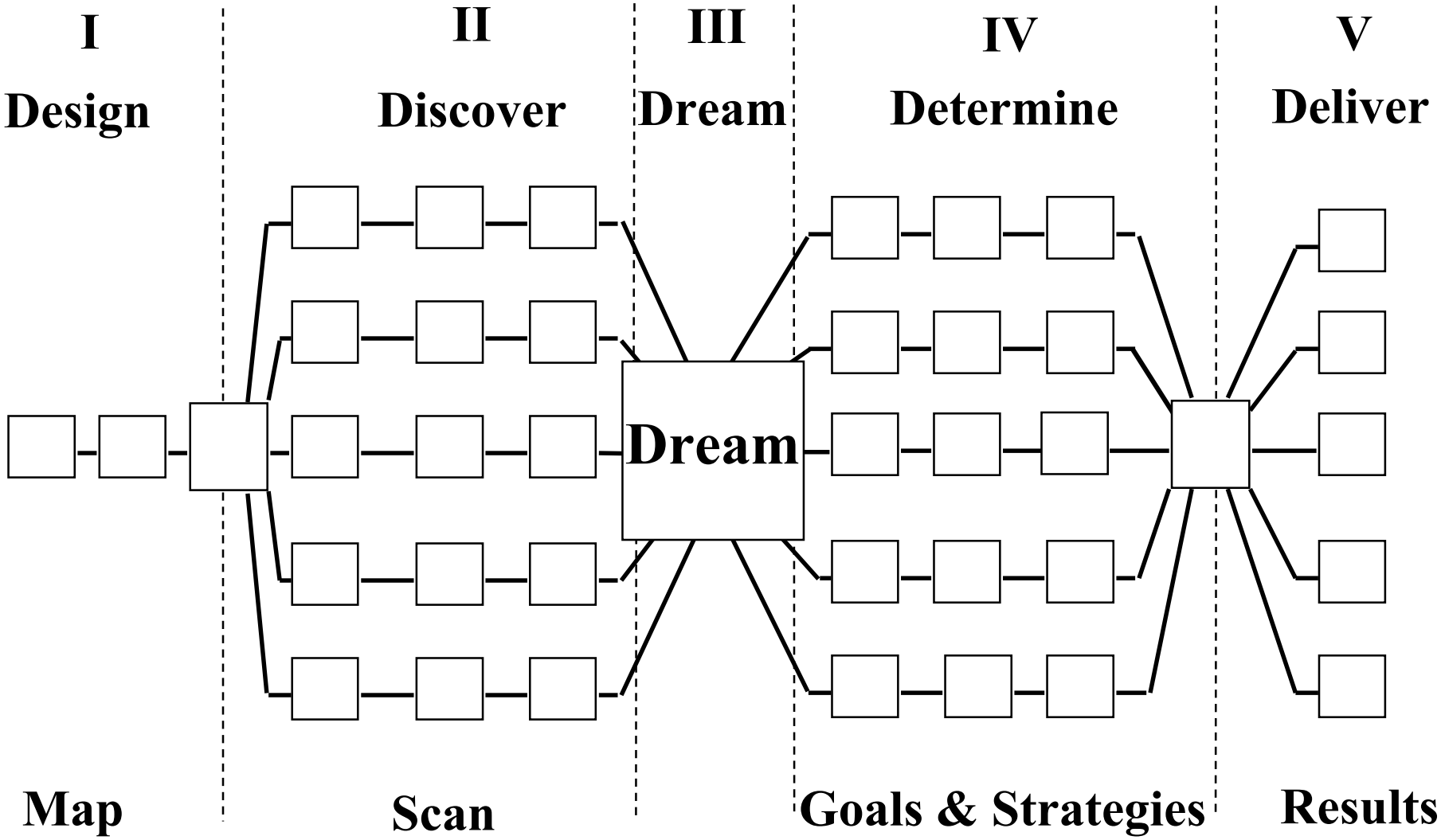
Ed has spoken at numerous economic development conferences at the national, state, and local levels. Most recently, he spoke to 1,200 economic development professionals at two regional summits sponsored by the U.S. Department of Commerce-Economic Development Administration. Ed has also designed and facilitated 50 community visioning and strategic planning processes across the U.S. Five of these have received excellence awards. A representative client list includes:

Gateway Partnership-CA, Tampa Bay Partnership-FL, Lehigh Valley-PA, Ocala Economic Development Corp-FL, Sonoma County-CA, Virginia Economic Development Association, Michigan Economic Developers Association, Missouri Department of Economic Development, Indiana Economic Development Association, Iowa Department of Economic Development, Marin County Economic Development Authority-CA, Hamilton-OH, Farmington Hills-MI, and Evansville-IN.

For more information: ***Creating the Future, Inc.*** **2907 Division Street, Suite 109 St. Joseph MI 49085**
(269) 982-1830 F: (269) 982-1541 e-mail: info@creatingthefuture.com web site: www.creatingthefuture.com

Exhibit B 1

Futuring and Strategic Planning



©www.CreatingtheFuture.com

Exhibit B 2

Community Futuring
and
Strategic Planning Process

I.	Design - Develop a process which is inclusive and supported by good data
II.	Discover - Collect, analyze, and present trends with possible implications
III.	Dream - Define the desired state and related conditions which will characterize the community
IV.	Determine - Formulate goals, objectives, action strategies, and responsibilities
V.	Deliver - Make it happen!

Phase I – Design

Develop a process which is inclusive and supported by good data.
May - August

Process Benchmarks:

- **Meet with key leaders to review desired outcomes and develop final process model.**
- **Develop task force issues and purpose statements.**
- **Develop budget and resource development plan.**
- **Hold community leader support breakfast/lunch meeting.**
- **Develop summary document of area studies, demographic, and trend information to serve as background data for participants.**
- **Develop public communications plan.**
- **Hold one-hour "community-wide" information meeting.**

Phase II – Discovery

Collect, analyze, and present trends with possible implications.
September – December

Process Benchmarks:

- **Hold six-hour participant/task force kick-off/orientation session.**
- **Task forces hold environmental scanning and implications meetings.**
- **Steering Committee meets monthly to monitor progress.**
- **Hold Discovery integration meeting to share findings of various task forces.**

Phase III – Dream

Define the desired state and related conditions which will characterize the community.
January

Process Benchmarks:

- **Conduct Discovery integration meeting with all participants.**
- **Elicit desired state and related future conditions from participants.**
- **Develop vision statement and support document of strategic directions.**
- **Disseminate vision statement and support materials to task forces for use during the Determine Phase.**
- **Begin development of artwork and graphics which represent vision statement.**

Phase IV – Determine

Formulate goals, objectives, action strategies, and responsibilities.
February - May

Process Benchmarks:

- **Task forces hold goal/objective/action strategy development meetings.**
- **Task forces develop final reports.**
- **Steering Committee meets monthly to monitor progress and develop implementation plan.**
- **Steering Committee organizes "draft" report and shares with participants.**
- **Steering Committee approves final report.**
- **Steering Committee meeting with key community leaders and provides "advanced" insight into final report.**
- **Implementation Committee established.**

Phase V – Deliver

Make it happen!
June – October

Process Benchmarks:

- **Community celebration session held with announcement of implementation plan.**
- **Personal visits made by committee members to key leaders and organizations in the community.**
- **Executive summary of plan distributed to all community households.**
- **Formulation of resource development plan to attract revenues for special projects not available from traditional sources.**

A Regular Meeting of the Troy City Council was held Monday, May 16, 2005, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the Meeting to order at 7:30 PM.

Pastor Dan Lewis of Troy Christian Chapel gave the Invocation and the Pledge of Allegiance to the Flag was given.

ROLL CALL

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

Vote on Resolution to Excuse Council Member Beltramini

Resolution #2005-05-242
Moved by Stine
Seconded by Howrylak

RESOLVED, That Council Member's Beltramini's absence at the Regular City Council meeting of Monday, May 16, 2005 is **EXCUSED** due to being out of the county.

Yes: All-6
No: None
Absent: Beltramini

MOTION CARRIED

CERTIFICATES OF RECOGNITION:

A-1 Presentations: No Presentations

CARRYOVER ITEMS:

B-1 No Carryover Items

PUBLIC HEARINGS:

C-1 Approval of 2005-2006 Budget

Resolution #2005-05-243
Moved by Lambert
Seconded by Howrylak

RESOLVED, That the 2005-2006 Budget be **ADOPTED CONTINGENT** upon **REMOVAL** of the $2M appropriated for the I-75 interchange project and **REALLOCATING** the $2M to Park Acquisition.

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

MOTION FAILED

Vote on Resolution to Adopt 2005-2006 Budget

Resolution
Moved by Stine
Seconded by Schilling

RESOLVED, That the 2005-2006 Budget be **ADOPTED CONTINGENT** upon **INCORPORATING** the alternative to using General Fund Unreserved/Undesignated Fund Balance for contributions to community groups.

Vote on Amendment

Resolution #2005-05-244
Moved by Howrylak
Seconded by Eisenbacher

RESOLVED, That the Resolution to adopt the 2005-2006 Budget be **AMENDED** by "**REMOVING** the $2M allocated for the Major Road I-75/Crooks Interchange project and **REALLOCATING** that amount to the General Fund Undesignated/Unreserved Fund Balance".

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

MOTION CARRIED

Vote on Amendment

Resolution #2005-05-245
Moved by Howrylak
Seconded by Eisenbacher

RESOLVED, That the Resolution to adopt the 2005-2006 Budget be **AMENDED** by **INSERTING**, "and that $50K be REMOVED from the Budget Reserve and REALLOCATED to the Budget Stabilization Fund INCREASING it from $100K to $150K".

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

MOTION FAILED

Vote on Resolution as Amended

Resolution #2005-05-246
Moved by Stine
Seconded by Schilling

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

NOW, THEREFORE, BE IT RESOLVED, That

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

Taxes	$34,351,690
Licenses and Permits	2,012,500
Federal Grants	32,320
State Grants	6,658,000
Contributions – Local	135,000
Charges for Services	5,969,200
Fines and Forfeits	995,000
Interest and Rents	1,110,300
Other Revenue	479,780
Operating Transfers In	7,027,640
Re-appropriation	1,305,560
TOTAL	$60,076,990

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

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

Building Inspection	$2,105,420
Council/Executive Administration	2,077,060
Engineering	2,996,560
Finance	4,706,650
Fire	4,092,750
Library /Museum	4,973,280
Other General Government	2,638,720
Police	22,618,610
Parks and Recreation	8,454,160
Streets	5,303,780
Operating Transfer Out	110,000

TOTAL $60,076,990

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

Taxes	$8,019,000
Federal Grants	305,000
State Grants	1,049,000
Contributions Local	572,000
Charges for Services	167,000
Interest and Rents	400,000
Other Revenue	800,000
Operating Transfer In	2,917,330
Re-appropriation	9,850,000
TOTAL	$24,079,330

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

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

Executive Administration	$20,000
Building Inspection	20,000
Drains	2,270,920
Finance	100,000
Fire	487,000
Information Technology	600,000
Library	25,000
Museum	518,000
Other General Government	2,951,000
Police	316,010
Parks and Recreation	4,438,400
Streets	10,573,000
Public Works	1,760,000
TOTAL	$24,079,330

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

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

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

6. The Refuse Fund shall be appropriated $4,525,650
7. The General Debt Service Fund shall be appropriated $2,881,680

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

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

Major Road Fund	$3,858,450
Local Road Fund	$1,607,670
Community Development Block Grant Fund	$185,000
Troy Community Fair Fund	$186,440
Budget Stabilization Fund	$25,000
2000 MTF Debt Fund	$265,390
Proposal A Debt Fund	$788,640
Proposal B Debt Fund	$1,316,720
Proposal C Debt Fund	$714,170
Special Assessment Fund	$1,055,830
Water Supply System	$13,624,290
Sanitary Sewer Fund	$9,554,690
Aquatic Center Fund	$596,100
Sylvan Glen Golf Course Fund	$1,148,370
Sanctuary Lake Golf Course Fund	$1,936,940
Building Operations	$1,760,440
Information Technology Fund	$1,493,020
Fleet Maintenance Fund	$4,059,580
Workers' Compensation Fund	$690,000
Compensated Absences Fund	$4,532,000
Unemployment Insurance Fund	$78,000

Yes: All-6
No: None
Absent: Beltramini

C-2 Commercial Vehicle Appeal, Renewal – 6881 Westaway

Resolution
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:

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).

NOW, THEREFORE, BE IT RESOLVED, That the request from Mr. Adrian Eremie of 6881 Westaway, for waiver of Chapter 39, Section 40.66.00, of the Code of the City of Troy, to permit outdoor parking of a Chevrolet stake truck in a residential district is hereby **APPROVED** for one (1) year.

Vote on Amendment

Resolution #2005-05-247
Moved by Eisenbacher
Seconded by Broomfield

RESOLVED, That the Resolution be **AMENDED** by **INSERTING,** "**CONTINGENT** upon designating the area behind the house or the garage as the parking spot for the vehicle."

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

MOTION CARRIED

Vote on Resolution As Amended

Resolution #2005-05-248
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:

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).

NOW, THEREFORE, BE IT RESOLVED, That the request from Mr. Adrian Eremie of 6881 Westaway, for waiver of Chapter 39, Section 40.66.00, of the Code of the City of Troy, to permit outdoor parking of a Chevrolet stake truck in a residential district is hereby **APPROVED** for one (1) year **CONTINGENT** upon designating the area behind the house or the garage as the parking spot for the vehicle.

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

MOTION CARRIED

C-3 Parking Variance – 3290 W. Big Beaver

Resolution #2005-05-249
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;

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.

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;

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

Yes: All-6
No: None
Absent: Beltramini

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

The meeting **RECONVENED** at 9:21 PM.

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

Resolution
Moved by Eisenbacher
Seconded by Schilling

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

Vote on Resolution to Postpone

Resolution #2005-05-250
Moved by Eisenbacher
Seconded by Howrylak

RESOLVED, That the R-1E to P-1 rezoning request, located on the south side of Henrietta Avenue, south of Big Beaver Road and east of Rochester Road, Section 27, being 10,880 square feet in size, is hereby **POSTPONED** until the Regular City Council Meeting scheduled for Monday, June 6, 2005.

Yes: All-6
No: None
Absent: Beltramini

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

Vote on Resolution to Postpone

Resolution #2005-05-251
Moved by Schilling
Seconded by Stine

RESOLVED, That the Zoning Ordinance Text Amendment (ZOTA 2150-A) – Article 04.20.00 and Articles 40.55.00-40.59.00, Pertaining to Accessory Buildings Definitions and Provisions, is hereby **POSTPONED** until the Regular City Council Meeting scheduled for Monday, June 20, 2005.

Yes: All-6
No: None
Absent: Beltramini

POSTPONED ITEMS:

D-1 No Postponed Items

CONSENT AGENDA:

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

Resolution #2005-05-252
Moved by Stine
Seconded by Lambert

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 #2005-05-252-E-2

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

E-3 Proposed City of Troy Proclamations

Resolution #2005-05-252-E-3

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

E-4 Standard Purchasing Resolutions

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

Resolution #2005-05-252-E-4a

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

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

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

Resolution #2005-05-252-E-5
[
RESOLVED, That the request from the Ted Lindsay Foundation to End Autism, Troy, Michigan, County of Oakland, asking that they be recognized as a nonprofit organization operating in the community for the purpose of obtaining a charitable gaming license be **APPROVED** as recommended by City Management.

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

Resolution #2005-05-252-E-6

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

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

Resolution #2005-05-252-E-7

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

E-8 Assessment of Delinquent Accounts

Resolution #2005-05-252-E-8

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

WHEREAS, Section 10.8 of the Troy City Charter provides for the collection of delinquent invoices through property tax collection procedures;
WHEREAS, A list of individual properties is on file in the Office of the Treasurer and comprises a summation of totals as follows:

General Fund Invoices	
Including Penalties	$ 22,516.53
Special Assessments	
Including Penalties & Interest	5,498.88

Water & Sewer Accounts Including Penalties	462,862.61
Total	$ 490,878.02

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

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

Resolution #2005-05-252-E-9

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

PUBLIC COMMENT: Limited to Items Not on the Agenda

REGULAR BUSINESS:

F-1 Appointments to Boards and Committees: a) Mayoral Appointments: No Appointments Scheduled; b) City Council Appointments: No Appointments made.

F-2 Appointment of SOCRRA Representative and Alternate Members

Resolution #2005-05-253
Moved by Lambert
Seconded by Howrylak

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

Yes: All-6
No: None
Absent: Beltramini

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

Resolution #2005-05-254
Moved by Stine
Seconded by Eisenbacher

RESOLVED, That the Preliminary Plan as submitted under Section 34.30.00 of the Zoning Ordinance (Unplatted One-Family Residential Development) for the development of a One-

Family Residential Site Condominium known as Hidden Forest Site Condominium, as recommended for approval by City Management and the Planning Commission, located on the south side of Wattles, east of Livernois, including 37 home sites, within the R-1C Zoning District, being 17.79 acres in size, is hereby **APPROVED**.

Yes: All-6
No: None
Absent: Beltramini

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

Resolution #2005-05-255
Moved by Stine
Seconded by Lambert

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

Yes: All-6
No: None
Absent: Beltramini

F-5 Papadelis v City of Troy

Resolution #2005-05-256
Moved by Stine
Seconded by Schilling

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

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

Yes: All-6
No: None
Absent: Beltramini

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

a) <u>Revisions to Chapter 97</u>

Resolution #2005-05-257a
Moved by Eisenbacher
Seconded by Lambert

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

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

MOTION CARRIED

b) Revisions to Chapter 60

Resolution #2005-05-257b
Moved by Eisenbacher
Seconded by Lambert

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

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

MOTION CARRIED

F-7 Sole Source – ISCO 2150 Sewer Flow Meters

Resolution #2005-05-258
Moved by Stine
Seconded by Eisenbacher

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

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

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

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

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

Yes: All-6
No: None
Absent: Beltramini

F-8 Ratification of Purchase – Card Readers

Resolution #2005-05-259
Moved by Howrylak
Seconded by Lambert

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

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

WHEREAS, In order to maintain workplace security it was necessary to replace four (4) inoperable Intercom system boxes in the employee parking lot.
NOW, THEREFORE, BE IT RESOLVED, That the purchase and installation of four card readers and the replacement of four intercom system boxes are hereby **CONFIRMED AND RATIFIED** to SimplexGrinnel, an authorized, licensed installer of the Andover Controls security system, at a total cost of $11,327.00.

Yes: All-6
No: None
Absent: Beltramini

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

Resolution #2005-05-260
Moved by Lambert
Seconded by Stine

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

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

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

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

Yes: All-6
No: None
Absent: Beltramini

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

Resolution #2005-05-261
Moved by Lambert
Seconded by Broomfield

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

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

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

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

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

Yes: All-6
No: None
Absent: Beltramini

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

Resolution #2005-05-262
Moved by Stine
Seconded by Howrylak

RESOLVED, That a Special-Study meeting is **SCHEDULED** for Monday, May 23, 2005 at 7:30 PM at the Community Center, 3179 Livernois - Troy, Michigan 48084, for purpose of discussing the following topics:

1) Septic System Inspection Program; and Possible Sanitary Sewer Benefit Fee Method in Charnwood Hills Subdivision
2) Futuring and Strategic Planning Process

Yes: All-6
No: None
Absent: Beltramini

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

Resolution #2005-05-263
Moved by Lambert
Seconded by Schilling

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

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

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

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

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

Yes: All-6
No: None
Absent: Beltramini

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

Resolution #2005-05-264
Moved by Lambert
Seconded by Eisenbacher

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

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

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

Yes: All-6
No: None
Absent: Beltramini

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

Resolution #2005-05-265
Moved by Stine
Seconded by Lambert

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

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

MOTION CARRIED

F-15 Schedule Special-Study Meeting for a Continuation of the Discussion on an Ethics Policy – Removed by City Management for future consideration.

MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

G-1 Announcement of Public Hearings: No Announcements Submitted

G-2 Green Memorandums: No Memorandums Submitted

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

H-1 No Council Referrals

COUNCIL COMMENTS:

I-1 No Council Comments

REPORTS:

J-1 Minutes – Boards and Committees:

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

Noted and Filed

J-2 Department Reports:

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

Noted and Filed

J-3 Letters of Appreciation:

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

Noted and Filed

J-4 Proposed Proclamations/Resolutions from Other Organizations:

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

Noted and Filed

J-5 Calendar

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 11:35 PM.

Louise E. Schilling, Mayor

Tonni L. Bartholomew, MMC
City Clerk

A Regular Meeting of the Troy City Council was held Monday, May 23, 2005, at the Community Center, Rooms 304-305, 3179 Livernois. Mayor Schilling called the Meeting to order at 10:20 PM.

ROLL CALL

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

CERTIFICATES OF RECOGNITION: No Presentations

CARRYOVER ITEMS: No Carryover Items Scheduled

PUBLIC HEARINGS: No Public Hearings Scheduled

POSTPONED ITEMS:

D-1 City Council Appointments: Charter Revision Committee

City Management recommends that this item be postponed to the Regular City Council Meeting scheduled for June 6, 2005.

RESOLUTION A – Recommended by City Management

Resolution #2005-05-266
Moved by Eisenbacher
Seconded by Stine

RESOLVED, That the appointments to the Charter Revision Committee be **POSTPONED** until the June 6, 2005 Regular City Council Meeting.

Yes: All-7

D-2 Facilitation of a Futuring and Strategic Planning Process for the City of Troy by Mr. Ed Barlow

Resolution #2005-05-267
Moved by Stine
Seconded by Howrylak

RESOLVED, That the "Facilitation of a Futuring and Strategic Planning Process for the City of Troy by Mr. Ed Barlow" be **POSTPONED** until the June 6, 2005 Regular City Council Meeting.

Yes: All-7

CONSENT AGENDA: No Consent Items Submitted

PUBLIC COMMENT: Limited to Items Not on the Agenda

REGULAR BUSINESS: No Regular Business

MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS: No Memorandums and Future Council Agenda Items

COUNCIL REFERRALS: No Council Referrals

COUNCIL COMMENTS: No Council Comments

REPORTS: No Reports

STUDY ITEMS: No Study Items

CLOSED SESSION: No Closed Session Requested

The meeting **ADJOURNED** at 10:30 PM.

Louise E. Schilling, Mayor

John M. Lamerato
Assistant City Manager Finance and Administration

A Special Meeting of the Troy City Council was held Monday, May 23, 2005, at the Community Center, Rooms 304-305, 3179 Livernois. Mayor Schilling called the Meeting to order at 7:30 PM.

ROLL CALL

PRESENT:
Mayor Louise E. Schilling
Robin E. Beltramini
Cristina Broomfield (Arrived 7:33 PM.)
David Eisenbacher
Martin F. Howrylak
David A. Lambert
Jeanne M. Stine

Septic System Inspection Program

Mark Stimac, Director of building and Zoning reviewed the plan in place to inspect septic systems.

Possible Sanitary Sewer Benefit Fee Method in Charnwood Hills Subdivision

Steve Vandette, City Engineer, reviewed the various options proposed under the Sewer Benefit Fee program for the Charnwood Hills subdivision. This item will appear on the June 6, 2005 City Council agenda as a Regular Business item.

The meeting **RECESSED** at 9:25 PM.

The meeting **RECONVENED** at 9:40 PM.

Futuring and Strategic Planning Process

Laura Fitzpatrick, Assistant to the City Manager, gave a brief overview on the status of futuring objectives in the 1992/93 Troy Futures Report as well as estimated costs for facilitating a futuring from other communities.

City Council has requested a more comprehensive proposal for consideration at the June 6, 2005 City Council meeting.

PUBLIC COMMENT

The meeting **ADJOURNED** at 10:20 PM.

Louise E. Schilling, Mayor

John M. Lamerato
Assistant City Manager Finance and Administration

PROCLAMATION TO HONOR
THERESA HARRISON
2004 POLICE OFFICER OF THE YEAR

WHEREAS, Officer Theresa Harrison has been a member of the Troy Police Department since 1991, and currently serves on the Uniformed Road Patrol. She is also a Field Training Officer and before coming to Troy worked for the Oak Park Department of Public Safety and the Lake Angelus Police Department; and

WHEREAS, Her selection was based on her commitment to both the department and the community, as well as her superior performance, hard work and dedication to duty; and

WHEREAS, Officer Harrison is the Adult Supervisor to the Troy Police Explorer Post that exposes young people to the many functions of law enforcement. The Police Explorers volunteer at many community activities like the Mulvihill Cup Charity Hockey Game, Troy Daze Festival, VFW Holiday Food Drive and many more; and

WHEREAS, Achievements in **Officer Harrison's** career include 11 Letters of Commendation, a Safe Driving medal, an Exemplary Performance certificate, a Certificate of Recognition from the Women Police Officers Association of Michigan, and the honor of Young Officer of the Year by the Troy Jaycees; and

WHEREAS, Officer Harrison has helped to make the Police Explorers a very successful group; under her tenure their membership has increased from 7 to 35 participants; and

WHEREAS, Through **Officer Harrison's** leadership, hard work and commitment to providing quality service, the Troy Police Department has gained the respect of the community and other law enforcement agencies.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Troy, does hereby join with the citizens of Troy, to express sincere congratulations to **Officer Theresa Harrison** on the occasion of being chosen **2004 Police Officer of the Year** by the Troy Police Department.

BE IT FURTHER RESOLVED that the City Council commends **Officer Harrison** for her achievement, leadership and dedicated service to the citizens of Troy.

Presented this 6th day of June 2005.

PROCLAMATION TO HONOR
GREG LATKA
2005 FIRE FIGHTER OF THE YEAR

WHEREAS, Greg Latka has been a volunteer Fire Fighter since joining Troy's Fire Station 4 in 1976 and serving until 1980. He returned to the station in 1985 and continues to serve; and

WHEREAS, His selection as **Fire Fighter of the Year** is due to his 24 years of dedication to the Troy Fire Department, having served with honor and dignity in all of his roles at the station including leadership roles as Lieutenant, Captain, and Station Training Instructor; and

WHEREAS, Greg is a role model for Troy's new fire recruits and always willing to share his knowledge and experience with others; and

WHEREAS, Greg has been instrumental in charity fundraising and community activities including the Troy Clawson Fire Battle, assisting citizens in the community and providing training for other fire departments; and

WHEREAS, The fire service is a family tradition for **Greg**, whose father is a retired Detroit Fire Captain and whose brother is currently a Captain with the Detroit Fire Department; and

WHEREAS, In addition to fire service, **Greg** protects the community as a Troy Police Officer in the Animal Control Unit; and

WHEREAS, Through **Fire Fighter Latka's** leadership, commitment, hard work and countless hours of service, the Troy Fire Department has become even more efficient in its delivery of quality fire protection to the community.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Troy, does hereby join with the citizens of Troy, to express sincere congratulations to **Fire Fighter Greg Latka** on the occasion of being chosen **2005 Fire Fighter of the Year** by the Troy Fire Department.

BE IT FURTHER RESOLVED that the City Council commends **Greg** for his achievement, leadership and dedicated service to the citizens of Troy.

Presented this 6th day of June 2005.

PROCLAMATION TO HONOR
PAT GLADYSZ
2004 NON-SWORN POLICE DEPARTMENT
EMPLOYEE OF THE YEAR

WHEREAS, **Pat Gladysz** has served the Troy Police Department since October 2002 and the City of Tory since 1998 where she began her career in the Building Department. Currently she is Office Assistant to the Police Administration; and

WHEREAS, **Pat** is being honored as the **2004 Non-Sworn Police Department Employee of the Year** for her outstanding performance, exceptional attitude, creativity, professionalism and interpersonal skills when relating to fellow employees and the public; and

WHEREAS, **Pat** played a key role in developing and administering a new computer based inventory system for the Police Department, making the department more efficient; and

WHEREAS, Special events held by the Troy Police Department last year would not have been successful without **Pat's** careful planning; She arranged swearing in and welcome ceremonies for new Police employees, organized the Police booth at Troy Daze, and made the Police Department Open House for Senior Citizens a success; and

WHEREAS, Patience, understanding, and a positive outlook are traits **Pat** has that help make the Troy Police Department respected by residents and coworkers; and

WHEREAS, Through **Pat's** leadership, hard work and commitment to providing quality service, the Troy Police Department has gained the respect of the community and other law enforcement agencies.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Troy, does hereby join with the citizens of Troy, to express sincere congratulations to **Pat Gladysz** on the occasion of being chosen **2004 Non-Sworn Employee of the Year by the Troy Police Department.**

BE IT FURTHER RESOLVED that the City Council commends **Pat** for her achievement, leadership and dedicated service to the citizens of Troy.

Presented this 6th day of June 2005.

PROCLAMATION
HONORING THE PEOPLE OF LEBANON AND THEIR PURSUIT OF FREEDOM, SOVEREIGNTY AND INDEPENENCE

WHEREAS, The Republic of Lebanon is one of 15 countries that make up what is considered to be the cradle of humanity and historic home of the Phoenicians and Semitic traders whose cultures date back thousands of years; and

WHEREAS, Lebanon's many ethnic and religious groups enrich the country's diverse cuisine, musical and literary traditions, and architecture; and

WHEREAS, Up to five generations of people from Lebanon have migrated to southeast Michigan in the past 100 years, making up the majority of the more than 300,000 U.S. citizens of Middle-Eastern descent who live in this area; and

WHEREAS, Lebanon has endured great hardships in the last 50 years, including a Civil War from 1975 to 1990, and the assassination of former Prime Minister Rafik Hariri in February, 2005; and

WHEREAS, The United States, together with the rest of the international community, supports the withdrawal of Syria's troops from Lebanon, the investigation of Hariri's assassination, and the formation of a sovereign and democratic Lebanese government through free and fair elections; and

WHEREAS, The United States, together with the international democratic community supports a Lebanese government that is free of corruption, is fully transparent and accountable to its citizens and where each Lebanese citizen can look to the government for fair and equal treatment;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Troy, hereby honors the people of Lebanon and the many citizens of Lebanese descent who live in Troy and thank them for their many contributions to our community.

BE IT FURTHER RESOLVED that the City of Troy stands together with the people of Lebanon in their pursuit of freedom and democracy.

Signed this 6th day of June 2005.

PROCLAMATION
IN RECOGNITION OF JAMES F. CONNELLY
ON THE OCCASION OF HIS RETIREMENT FROM DTE ENERGY

WHEREAS, For the past 41 years, **Jim Connelly** has worked at DTE Energy. Over the years he has been a leader in more than a dozen different positions and has been in his current job of Director of Regional Relations since 1994; and

WHEREAS, **Jim** began his career with Detroit Edison in May 1964 as a primary service engineer; and

WHEREAS, **Jim** has been a member of several Detroit Edison cross-functional committees including the Catastrophic Storm Leadership Team and DTE Shareholders United; and

WHEREAS, Civic leadership has been an important part of **Jim's** life, especially in his roles as board member of the Metropolitan Affairs Council, University of Detroit-Mercy Engineering and Science Advisory Council, and the Arab Community Center for Economic and Social Services; and

WHEREAS, Throughout his rewarding career, **Jim** has received honors such as the University of Detroit-Mercy College of Engineering and Science's Outstanding Alumni Award; and

WHEREAS, **Jim** and his wife **Sharon** have lived in Troy since 1969, they have four children: Tom, Michael, Patrick and Jennifer, and four grandchildren: Rickie, Gavin, Julianna and Reese;

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Troy recognizes **Jim Connelly** for his many years of dedicated service to DTE Energy; and

BE IT FURTHER KNOWN That the City Council of the City of Troy, on behalf of themselves, City management, and the citizens of the City of Troy, extends wishes of prosperity, good health and happiness to **Jim** during his retirement years.

Presented this 8th day of June 2005.

DATE: May 27, 2005

TO: John Szerlag, City Manager

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

SUBJECT: Agenda Item - Request for Temporary Trailer
Hyundai Dealership
1810 Maplelawn

We have received a request from Tim LeRoy, Secretary –Treasurer of the Suburban Collection, to temporarily place an office trailer for use as a dealership office at 1810 Maplelawn. The Suburban Collection has purchased the existing building at 1818 Maplelawn and will be revising that site for a future Hyundai dealership. However the existing Hyundai dealership in another city will be closing in mid June. The purpose of the trailers is to house the dealership operations until the new building is completed. Mr. LeRoy's letter indicates that they need to use the trailers through March of 2006.

Chapter 47 of the City Code allows Council to approve the placement of temporary office trailers on commercial sites for a period up to twelve months.

We have reviewed their request and find the proposed locations on the site to be acceptable. A copy of the site plan showing the location of the trailers is enclosed for your reference. Approval of the request for the temporary trailers is recommended.

Attachments

Prepared by: Mark Stimac, Director of Building and Zoning

SUBURBAN

RECEIVED
MAY 25 2005
BUILDING DEPARTMENT

The
Suburban
Collection

P.O. Box 909
Troy, Michigan 48099
248.519.9700
Fax 248.649.5280

May 16, 2005

City of Troy
Attn: Mark Stimac and the City Council
500 W. Big Beaver
Troy, MI 48084

Members of The Suburban Collection

Florida Locations
Saturn of Stuart
Saturn of West Palm Beach
Suburban Volvo Palm Beach

Michigan Locations

Ann Arbor
Suburban Chevrolet

Farmington Hills/Novi
Fischer Body Refinishing
Suburban Acura
Suburban Audi
Suburban Chrysler Jeep
Suburban Honda
Suburban Infiniti
Suburban Mazda
Suburban Nissan
Suburban Porsche
Suburban Volkswagen

Southgate
Saturn of Southgate

Troy
Bentley Troy
Fischer Body Refinishing
Rolls-Royce Motor Cars Michigan
Saturn of Troy
Suburban Hummer
Suburban Mazda
Suburban Nissan
Suburban Cadillac Buick
Suburban Subaru
Suburban Toyota Scion
Suburban Volkswagen
Suburban Volvo

Waterford
Suburban Ford

Western Michigan
Saturn of Grand Rapids
Saturn of Holland
Saturn of Kalamazoo

make the choice

Dear City Council Members:

The company that currently markets Hyundai vehicles in Rochester Hills, Michigan recently decided to sell the Hyundai franchise and redevelop the property where the dealership is located. When Hyundai Motor America became aware of this situation, they recognized the opportunity to relocate the Hyundai franchise to their preferred location, the Troy Motor Mall.

Suburban Hyundai (a member of The Suburban Collection) has entered into a purchase agreement to acquire the Hyundai franchise from the company that currently markets these vehicles in Rochester Hills. The closing, which is pending approval at this time by Hyundai Motor America, is planned for mid-June 2005.

Necessity of a Temporary Sales Office

This purchase agreement includes the vehicle inventory from the current Hyundai dealer. However, the purchase does not provide for the opportunity to continue selling Hyundais from the Rochester Hills location due to the redevelopment of the property. When the Hyundai dealership in Rochester Hills closes, there will only be a few alternatives available for Hyundai owners to have their vehicles serviced, and prospective Hyundai customers to purchase vehicles, in the metropolitan Detroit area. We believe it is important to take care of these customers and have these customers become accustomed to driving to the Troy Motor Mall as soon as possible.

While we would prefer to be able to move into a new dealership immediately, this option is not available. Therefore, we are requesting that the City Council approve a temporary sales office.

Plans for a Permanent Facility

The Suburban Collection is excited about the addition of the Hyundai franchise to the Troy Motor Mall, even though a temporary facility will be required until a permanent facility can be constructed at 1818 Maplelawn, the site of the former Beaumont Hospital warehouse. We purchased this property in March 2005 and we are in the planning stages of redeveloping this property.

The site at 1818 Maplelawn is expected to include a sales showroom and a service write-up facility for Hyundai. We are also planning to have a full sales and service facility for Infiniti on the north side of the property. We anticipate that the site plan will be submitted to the City of Troy for consideration at the July meeting.

Location and Description of the Temporary Sales Office

The proposed site for the new dealership will be 1818 Maplelawn. However, we are requesting approval for the temporary sales office on the adjoining property at 1810 Maplelawn. From our preliminary meetings with the architects and proposed building contractors, we discovered that the required demolition, site work, and construction work for these two projects to occur simultaneously would require the temporary facility to be relocated a number of times if it was installed on the 1818 Maplelawn site. In order to provide an acceptable, safe location we are requesting approval for the sales office to be located at 1810 Maplelawn.

The temporary sales office will consist of a 10' x 40' trailer located on the south side of the 1810 Maplelawn lot just west of the used car inventory. Power will be provided by a power line located within 40 feet of the proposed trailer location.

As indicated on the enclosed site plan, the Suburban Cadillac Buick dealership located at 1810 Maplelawn is within 150 feet of the temporary sales office. Handicap access and customer restrooms will be located at the Suburban Cadillac Buick dealership. Service for Hyundai vehicles will also be performed at the Suburban Cadillac Buick facility in the space formerly used by the Hummer operations before their recent relocation to a new dealership at 1755 Maplelawn.

Project Timing

Our target date to have this temporary facility installed is June 13, 2005. We anticipate that the new Hyundai facility at 1818 Maplelawn will be completed by March 2006. Assuming the construction of the new dealership goes as planned, the temporary sales office would be removed by April 1, 2006.

Ownership

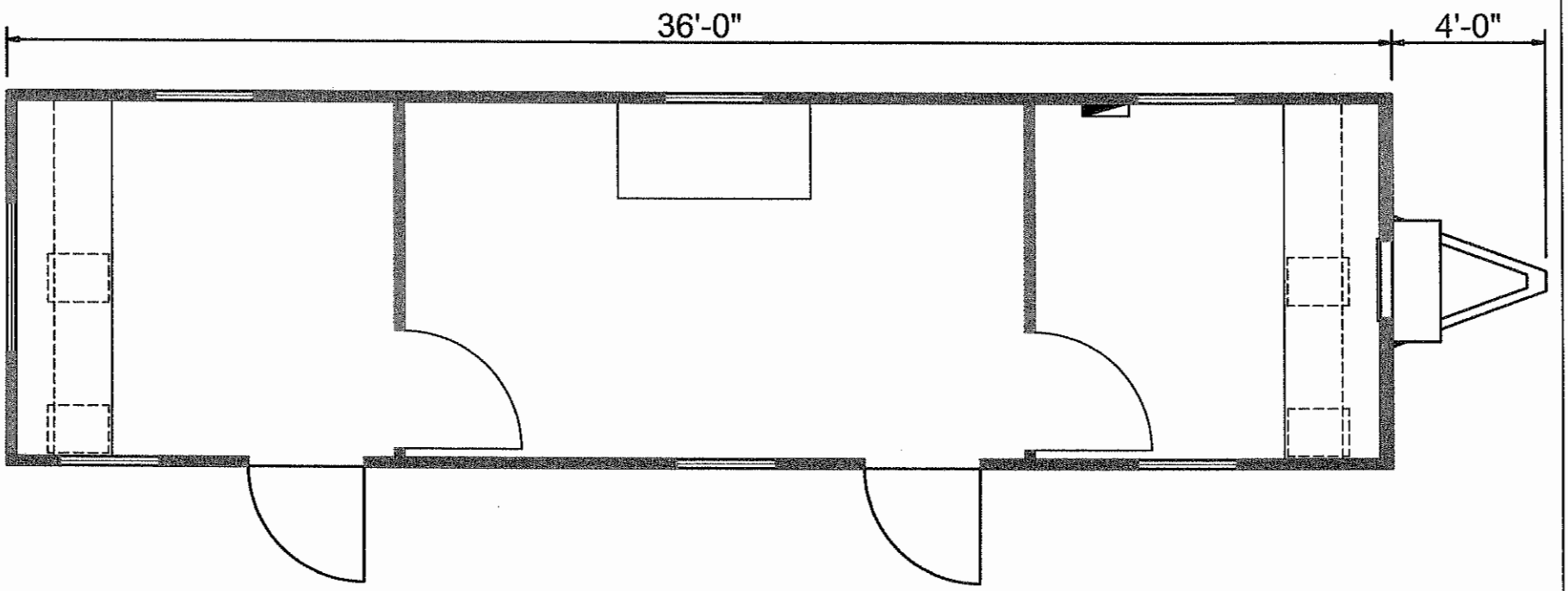
The future Suburban Hyundai dealership location, 1818 Maplelawn, is owned by Suburban Maplelawn 5, LLC. The proposed site for the temporary sales office, 1810 Maplelawn, is owned by David T. Fischer Living Trust, which is also the controlling member of Suburban Maplelawn 5, LLC. Obviously, Mr. Fischer has no objection to the use of the Suburban Cadillac Buick dealership location by Suburban Maplelawn 5, LLC or its future tenant, Suburban Hyundai.

If there is any additional information needed regarding our application for a temporary sales office, please contact either David Butler at (248) 519-9777, or me at (248) 505-2611.

Thank you for your consideration.

Sincerely,

Timothy J. LeRoy
Secretary-Treasurer



CORPORATE OFFICE
23800 W. Eight Mile Rd.
Southfield, MI 48034

Ph. 800.221.4297
Fax. 248.356.5021

CHICAGO BRANCH
1800 W. Hawthorne Ln.
Suite 103
West Chicago, IL 60185

Ph. 800.221.4297
Fax. 630.231.0960

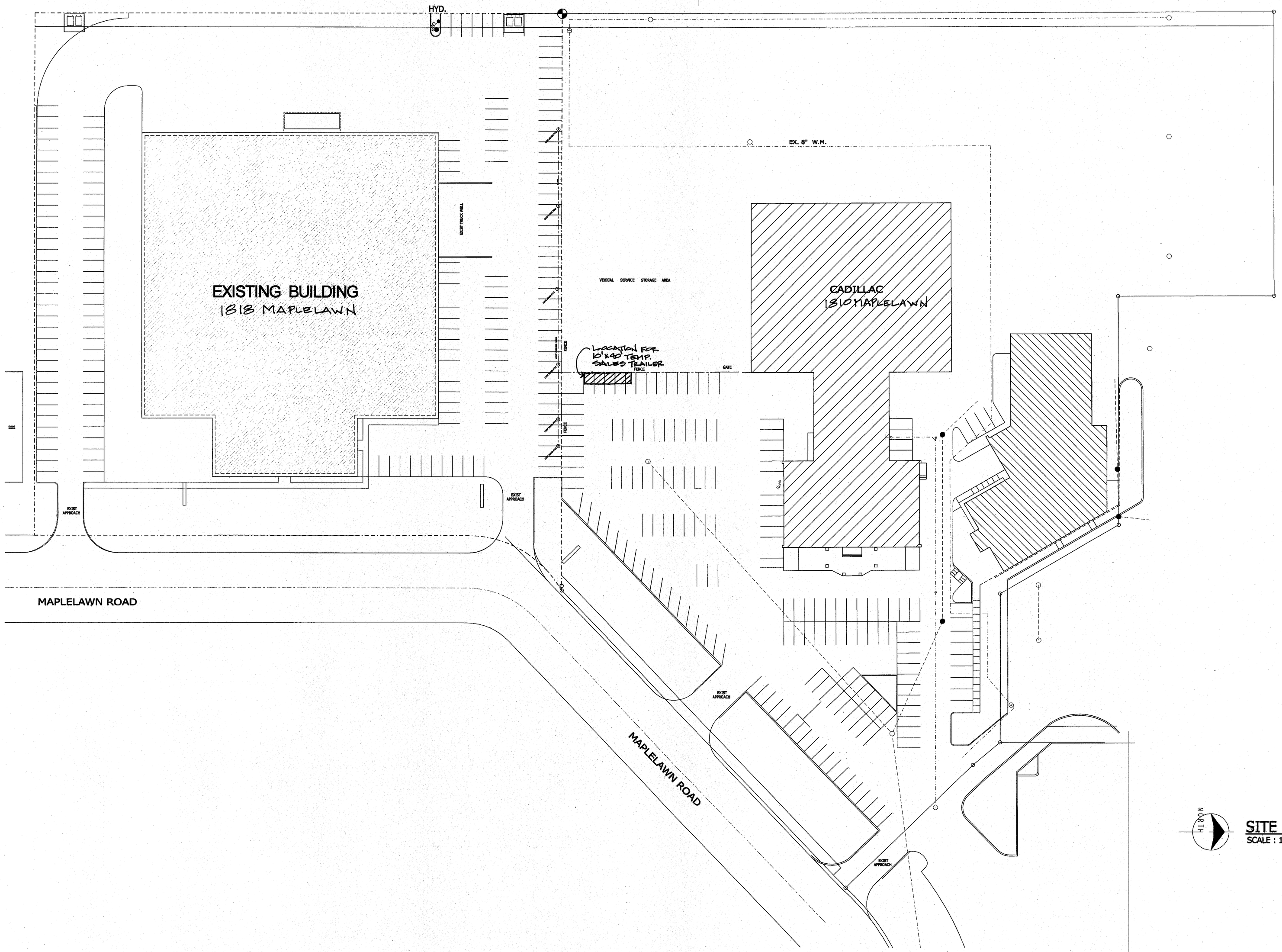
All ideas, designs, arrangements and plans indicated or represented by this document are owned by McDonald Modular Solutions. This document shall not be used or disclosed without the permission of McDonald Modular Solutions.

10x40 MOBILE OFFICE

McDONALD MODULAR SOLUTIONS

DATE:

UNIT NUMBER: FO-1040



NORTH

SITE PLAN
SCALE : 1" = 40'-0"

RECEIVED
MAY 25 2005
BUILDING DEPARTMENT

EXISTING SITE LAYOUT
SUBURBAN COLLECTION
1810 - 1818 Maplelawn
Troy, Michigan

revisions

STUDIO DESIGN
planners-architecture-engineering-interior design
1529 South Wayne Road, Westland, Michigan 48186
Phone: 734.728.5040 Fax: 734.728.5310
email: ST_studiodesign@sbcglobal.net

COPYRIGHT
Not Published
All Rights Reserved

date: 16 MAY 2005
drawn by: ST
sheet of

project number: 2005-4

sheet number: 1

May 17, 2005

To: John Szerlag, City Manager

From: John Lamerato, Assistant City Manager/Finance
Brian Murphy, Assistant City Manager/Services
Carol K. Anderson, Parks and Recreation Director

Subject: Agenda Item: Approval of Funding Agreement: Boys and Girls Club

Recommendation

Attached please find the annual agreement with the Boys and Girls Club for 2005-2006. The agreement states the City will pay the Boys and Girls Club $76,323.00 for services performed under the agreement.

This funding is the same amount allocated in 2004-2005.

All other terms remain the same as in previous years.

_____

Reviewed and Approved by City Attorney's Office

AGREEMENT

This Agreement, by and between the City of Troy, 500 W. Big Beaver Rd., Troy, Michigan 48084 (hereinafter referred to as the CITY), and the Boys and Girls Club of Troy, a private, nonprofit organization, having a mailing address of 4571 John R. Rd, Troy, Michigan 48085 (hereinafter referred to as BOYS & GIRLS CLUB).

WHEREAS, the CITY desires to provide for a problem-solving service to 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 services for youth, especially those who cannot afford private services; and

WHEREAS, the CITY desires to provide to the youth residents of the CITY an opportunity to participate in the Community Service Program, i.e. the Juvenile Court ordered supervision of youth residents; and

WHEREAS, the general purpose of the BOYS & GIRLS CLUB is to provide opportunities for mental and physical growth and development of boys and girls.

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

BOYS & GIRLS CLUB RESPONSIBILITIES.

A. General Project Summary. A general description of the community services to be provided by the BOYS & GIRLS CLUB is as follows:

   1. Mental health worker, a licensed social worker, psychologist, or counselor, on staff at the BOYS & GIRLS CLUB of Troy shall be available to members of the club 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.

   2. BOYS & GIRLS CLUB will continue to provide service at the current level or greater.

B. Program Description. A detailed description of each program offered will be provided to the CITY, will be maintained on file at the BOYS & GIRLS CLUB, and will be available for inspection on request.

C. Location of Facilities. The BOYS & GIRLS CLUB shall provide the actual services described herein in facilities located at 4571 John R., Troy, MI 48085.

D. Mental Health Worker Responsibilities. The BOYS & GIRLS CLUB shall provide a mental health worker, whose responsibilities shall include counseling, and providing guidance to youths, families and groups; acting as a liaison with the schools, courts, and community agencies and the members involved; serving as a consultant; conducting in-service training for staff and volunteers, collaborates with community resources to improve special services and implement new programs designed to further the social and emotional needs of the youth; and any other duties necessary to carry out his/her responsibilities.

E. Records. For each person receiving individual, family, or group counseling, the BOYS & GIRLS CLUB shall maintain individual case records that document service delivery. Records of attendance must be maintained for all persons served. Applicable laws regarding confidentiality will be adhered to regarding all records. Records will be kept in accordance with the standard of the profession and law.

F. Service Documentation. The BOYS & GIRLS CLUB agrees to maintain program records, program statistical records, and to produce upon request program narrative and statistical data.

G. Fiscal Requirement. The BOYS & GIRLS CLUB shall install and maintain an accounting system to identify and support all expenditures billed under this agreement. The accounting system must record all income and expenses for the BOYS & GIRLS CLUB's total program of which services are provided under this agreement. The accounting system, as 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.

The BOYS & GIRLS CLUB 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 BOYS & GIRLS CLUB budget, total expenditures, and expenditures funded and claimed to other funding sources.

The BOYS & GIRLS CLUB shall submit to the CITY a copy of their annual certified audit for any fiscal year which falls within the twelve month period covered by this agreement.

The BOYS & GIRLS CLUB agrees to retain at its cost all books, records, or other documents relevant to this agreement for six years after final

payment; Federal or State auditors and any persons duly authorized by the CITY shall have full access to and the right to examine any of said materials during said period. If an audit is initiated prior to the expiration of the six year period, and extends past that period, all documents must be maintained until the audit is completed. The CITY will provide any findings and recommendations of audits, if any, to the BOYS & GIRLS CLUB. The CITY will adjust future payments or final payments if the findings of an audit indicate over or under payment in the period prior to the audit. If no further payments are due and owing against any sums paid under this agreement, the BOYS & GIRLS CLUB agrees to refund all amounts which may be due to the CITY. The BOYS & GIRLS CLUB agrees that as a condition of any sale or transfer of ownership of the BOYS & GIRLS CLUB, the new purchasers must agree to maintain the above-described books, records, or other documents for any unexpired portion of the six year period after final payment under this agreement, or the BOYS & GIRLS CLUB must otherwise maintain said records as the CITY may direct. The BOYS & GIRLS CLUB agrees that if it ceases business operations, the records will be maintained as the CITY may direct.

H. Review of Programs by the City. Upon request, the BOYS & GIRLS CLUB 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 CITY in its programs. Any joint effort must be mutually agreed upon by both parties.

In addition, the City shall receive a copy of the annual summary of the activities undertaken by the BOYS & GIRLS CLUB for its evaluation regarding the effectiveness of educational and counseling programs.

I. Insurance Coverage. The BOYS & GIRLS CLUB will provide and maintain public liability insurance in the amount of $2,000,000 General Liability and $1,000,000 Professional Liability as required by the CITY, to cover all claims which may arise out of the BOYS & GIRLS CLUB's operations under the terms of this agreement. Unemployment compensation, worker's compensation insurance shall be maintained in accordance with applicable Federal and State law and regulations. The BOYS & GIRLS CLUB agrees to provide the CITY with a certificate of insurance enumerating the above coverage. Cost of specific insurance such as malpractice will be a reimbursable expense.

J. Confidentiality. The use or disclosure of information concerning applicants for services or recipients of services, obtained in connection with the performance of this 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.

K. Subcontracts. The BOYS & GIRLS CLUB may not assign this agreement or enter into any subcontracts to this agreement with additional parties without obtaining prior written approval of the CITY, as a condition of granting such approval, shall require that such assignees or subcontractors shall be subject to all conditions and provisions of this agreement. The BOYS & GIRLS CLUB shall be responsible for the performance of all assignees or subcontractors.

L. Liability. The BOYS & GIRLS CLUB 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 and legal expenses, which may arise from or be caused directly or indirectly by any act or omission of BOYS & GIRLS CLUB or their officers, directors, employees, agents, or volunteers.

M. Close out. When this agreement is concluded or terminated, the BOYS & GIRLS CLUB shall provide the CITY, within sixty days after the conclusion of termination, with all financial, performance and other reports required as a condition of the agreement. The BOYS & GIRLS CLUB shall immediately refund to the CITY any payments or funds advanced to the BOYS & GIRLS CLUB in excess of allowable reimbursable expenditures. The final payment by the CITY or refund by the BOYS & GIRLS CLUB may be subject to an audit.

N. Continuing Responsibilities. Termination, conclusion, or cancellation of this agreement shall not be construed so as to terminate the on-going responsibilities of the BOYS & GIRLS CLUB contained in paragraphs E (Records), G (Fiscal Requirement), I (Insurance Coverage), J (Confidentiality), L (Liability), and M (Close out), included in this agreement.

O. Publication- Approval and Copyright. The CITY shall have copyright, property, and publication rights in all written or visual material or other work products developed in connection with this agreement. The BOYS & GIRLS CLUB shall not publish or distribute any of the results of the services provided nor any other printed or visual material funded by this agreement without prior written permission of the CITY.

P. Grievance System. The BOYS & GIRLS CLUB shall maintain a system of hearings under which applicants or recipients who are citizens of the CITY or an individual acting on behalf of an applicant or recipient may appeal denial, reduction or termination of a service, or the BOYS & GIRLS CLUB's failure to act upon a request for service with reasonable promptness. The BOYS & GIRLS CLUB shall advise recipients of this right on such forms and in such manner as has been customary, or as the CITY may direct.

CITY OF TROY'S RESPONSIBILITIES.

The CITY hereby agrees to pay to the BOYS & GIRLS CLUB an amount not to exceed $76,323.00 for services performed under this agreement. Payments are to be made in four quarterly installments, $19,080.75 each during the months of July and October 2005, and January and April 2006.

Obligations incurred by the BOYS & GIRLS CLUB prior to or after the period covered by this agreement shall be excluded.

MUTUAL COVENANTS

A. Cancellation of Agreement. If the CITY determines that the BOYS & GIRLS CLUB fails to comply with the conditions of this agreement, or to fulfill its responsibilities 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 policies, then the CITY reserves the right to cancel this agreement by giving sixty days written notice to the BOYS & GIRLS CLUB.

   The BOYS & GIRLS CLUB may terminate this agreement upon sixty days written notice to the CITY at any time prior to the completion of the agreement period if the CITY fails to comply with the conditions of this agreement.

   If there is a cancellation or termination, the CITY shall prorate the payments to cover all appropriate expenditures made prior to the date of termination. If at cancellation or termination, it is determined by the CITY that the CITY is entitled to reimbursement for any payments for which services were not rendered, the BOYS & GIRLS CLUB shall refund those payments within 30 days after the CITY notifies the BOYS & GIRLS CLUB of the overpayment.

B. Disputes. An aggrieved party shall notify the other party in writing of its intent to pursue a claim against the other party for breach of any term of this agreement. No suit may be commenced for breach of this agreement prior to the expiration of ninety days from the date of such notification. Within this ninety day period, the parties, at the request of the CITY, must meet with the CITY for the purpose of attempting to resolve the dispute.

C. Agreement Inclusiveness/Amendment. This agreement contains all the terms and conditions agreed upon by the parties. All items incorporated by reference are to be attached. No other understanding, oral or otherwise, regarding the subject matter of this agreement shall be deemed to exist or to bind any of the parties hereto. The BOYS & GIRLS CLUB agrees to amend the agreement when there is a substantial change in the law or in the

financial position of the CITY, and if the CITY reasonably determines that an amendment is necessary. This shall be done only upon written request by the CITY and only after the proposed amendments are received by the BOYS & GIRLS CLUB. If the BOYS & GIRLS CLUB refuses to sign such amendment within fifteen days after receipt, this agreement shall immediately terminate. This agreement may otherwise be amended only with the written consent of all parties to the agreement.

D. Employees of the BOYS & GIRLS CLUB. Representatives and employees and volunteers of the BOYS & GIRLS CLUB shall not be deemed to be employees or agents of the CITY for any purpose because of their participation in this program.

E. Independent Contractors. In the performance of their respective duties and obligations under this agreement, each party is an independent contractor, and neither is the agent, employee, or servant of the other, and each is responsible for its own conduct. This agreement is not a joint venture for the profit of either party.

F. Compliance with Laws. Each party shall be separately responsible for compliance with all Federal, State and City laws. Any violation of the law results in a material breach of the agreement.

G. 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 the BOYS & GIRLS CLUB have caused this agreement to be executed by their respective authorized officers.

WITNESSES: CITY OF TROY

_____ BY: _____
Louise Schilling, Mayor

_____ BY: _____
Tonni Bartholomew, City Clerk

WITNESSES BOYS & GIRLS CLUB OF TROY

_____ BY: _____
Steve Toth, Executive Director

_____ BY: _____
Tim Hoerner, Board President

May 18, 2005

TO: John Szerlag, City Manager

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

SUBJECT: Agenda Item - Private Agreement for Tepel Brothers Printing
Project No. 05.903.3

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

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

Approval is recommended.

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

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

G:\Projects\Projects – 05.903.3\Private Agreement Cover Letter.doc

Enclosed Private Agreement, Detailed Summary, Sketch

CONTRACT FOR INSTALLATION OF MUNICIPAL IMPROVEMENTS
(PRIVATE AGREEMENT)

PROJECT NO. 05.903.3	PROJECT LOCATION: 1725 John R.
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 **Tepel Brothers Printing** whose address is **1725 John R., Troy, MI 48083** and whose telephone number is **248-743-2903** hereinafter referred to as "Owners".

WITNESSETH, FIRST: That the City agrees to allow the installation of **water main, storm sewer and paving** in accordance with plans prepared by **Mickalich & Associates, Inc.** whose address is **2359 Avon Industrial Drive, Rochester Hills, MI 48309** and whose telephone number is **248-852-1900**, and approved prior to construction by the City specifications of the City shall be complied with for this construction.

SECOND: That the Owners agree to contribute the approximate contract price of **$22,852.00**. This amount will be transmitted to the City Clerk for installation of said improvements in the form of (check one):

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

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

* Plan Review and Construction Inspection Fee (Public Improvements)	$	1,851.01
Engineering Review Fee (Private Improvements)	$	1,508.17
Water Main Testing Fee	$	650.00
Street Cleaning/Road Maintenance (Refundable)	$	5,000.00
TOTAL:	$	$9,009.18

* 8.1% (.081) of approximate contract price

CONTRACT FOR INSTALLATION OF MUNICIPAL IMPROVEMENTS

(PRIVATE AGREEMENT)

PROJECT NO. 05.903.3	PROJECT LOCATION: 1725 John R.
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 **$ 31,861.18** 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. 05.903.3 | PROJECT LOCATION: 1725 John R.

RESOLUTION NO. | DATE OF COUNCIL APPROVAL:

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

OWNERS

By: James Tepel

Please Print or Type JAMES TEPEL MANAGING MEMBER

_____

Please Print or Type

CITY OF TROY

By:

_____

Louise E. Schilling, Mayor

_____

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 TEPEL BROTHERS PRINTING
PROJECT NO. 05.903.3

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

Escrow Deposits:

water main	**13,852.00**
storm sewer	**1,000.00**
paving	**8,000.00**

Total Escrow Deposits: (check) **$ 22,852.00**

Cash Fees:

Review & Inspection	$1,851.01
Engineering Review	1,508.17
Water Main Testing Fee	650.00
Street Cleaning/Road Maintenance	5,000.00

Total Cash Fees: (check) **$ 9,009.18**

May 26, 2005

TO: Mr. John Szerlag, City Manager

FROM: Charles Craft, Chief of Police
Gary Mayer, Police Captain
Thomas Gordon, Police Sergeant

SUBJECT: Agenda Item: Application to Transfer Ownership of a Class C Liquor License - Morton's of Chicago/Troy, LLC (888 W. Big Beaver Rd.)

MORTON'S OF CHICAGO/TROY, LLC (A DELAWARE LIMITED LIABILITY COMPANY), requests to transfer ownership of a 2004 Class C licensed business with official permit (food), located in escrow at 25938 Middlebelt, Farmington Hills, MI 48336, Oakland County, from Stearn & Company, L.L.C.; transfer location (governmental unit), (MCL 436.1531) to 888 W. Big Beaver Rd, Troy, MI 48084, Oakland County, and requests a new SDM license to be held in conjunction.

Present to answer questions from the Committee were Chris Baker, attorney for Morton's of Chicago, and Gray Jackson, regional manager. Plans have been submitted to the City to renovate and expand the existing first floor space at 888 West Big Beaver Road for Morton's Restaurant. This is an upscale steakhouse and will seat 236 patrons. They will be open daily from 5:30 p.m. to 11:00 p.m. for dinner only, and they anticipate a December 2005 opening. There are currently 65 Morton's locations in the United States. Their managers and employees receive TIPS training as well as an in-house employee alcohol awareness instruction course. In addition, their managers attend an eight-week training session. They maintain a zero tolerance liquor compliance policy and have only received three violations nationwide in the past three years.

The Liquor Advisory Committee heard this request at their May 9 meeting, and approved the requests. There are no disqualifying factors in the background checks of the Board of Directors, and the police department has no objection to this request.

TJG/tjg

MM 3-16-05

Michigan Department of Labor & Economic Growth
LIQUOR CONTROL COMMISSION
7150 Harris Drive
P.O. Box 30005
Lansing, Michigan 48909-7505

POLICE INVESTIGATION REQUEST
[Authorized by MCL 436.1201(4)]

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

Date: March 8, 2005
REF#: 280550

Chief Law Enforcement Officer

Applicant:

MORTON'S OF CHICAGO/TROY, LLC (A DELAWARE LIMITED LIABILITY COMPANY) REQUESTS TO TRANSFER OWNERSHIP OF 2004 CLASS C LICENSED BUSINESS WITH OFFICIAL PERMIT (FOOD), LOCATED IN ESCROW AT 25938 MIDDLEBELT, FARMINGTON HILLS, MI 48336, OAKLAND COUNTY, FROM STEARN & COMPANY, L.L.C.; TRANSFER LOCATION (GOVERNMENTAL UNIT) (MCL 436.1531) TO 888 W. BIG BEAVER, TROY, MI 48084, OAKLAND COUNTY; AND REQUESTS A NEW SDM LICENSE TO BE HELD IN CONJUNCTION.

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

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

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

LC-1972 Rev. 9/17
4880-1658

sfs

Michigan Department of Labor & Economic Growth
MICHI LIQUOR CONTROL COMMISSION
7150 Harris Drive
P.O. Box 30005
Lansing, Michigan 48909-7505

POLICE INSPECTION REPORT ON L OR LICENSE REQUEST

Req ID # 280550 (Authorized by MCL 436.1217)

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

BUSINESS NAME AND ADDRESS: (include zip code)

MORTON'S OF CHICAGO/TROY, LLC (A DELAWARE LIMITED LIABILITY COMPANY), 888 W. BIG BEAVER, TROY, MI 48084, OAKLAND COUNTY

REQUEST FOR:

REQUEST TO TRANSFER OWNERSHIP OF 2004 CLASS C LICENSED BUSINESS (IN ESCROW) WITH OFFICIAL PERMIT (FOOD) FROM STEARN & COMPANY, L.L.C.; TRANSFER LOCATION (GOVERNMENTAL UNIT) (MCL 436.1531) FROM 25938 MIDDLEBELT, FARMINGTON HILLS, MI 48336, OAKLAND COUNTY; AND REQUEST A NEW SDM LICENSE TO BE HELD IN CONJUNCTION.

Section 1. APPLICANT INFORMATION

APPLICANT #1: ***NO FINGERPRINTS REQUIRED***	APPLICANT #2:
MORTON'S OF CHICAGO HOLDING, INC. (A DELAWARE CORPORATION) – MEMBER	
HOME ADDRESS AND AREA CODE/PHONE NUMBER: 350 WEST HUBBARD STREET, SUITE 610 CHICAGO, IL 60610	HOME ADDRESS AND AREA CODE/PHONE NUMBER:
DATE OF BIRTH: If the applicant is not a U.S. Citizen: ° Does the applicant have permanent Resident Alien status? ☐ Yes ☐ No ° Does the applicant have a Visa? Enter status: Date fingerprinted:	DATE OF BIRTH: If the applicant is not a U.S. Citizen: ° Does the applicant have permanent Resident Alien status? ☐ Yes ☐ No ° Does the applicant have a Visa? Enter status: Date fingerprinted:

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

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

Section 2. Investigation of Business and Address to be Licensed

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

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

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

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

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

Section 4. Recommendation

From your investigation:

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

Signature (Sheriff or Chief of Police) Date

TROY POLICE DEPARTMENT

MM 3-16-05

Michigan Department of Labor & Economic Growth
LIQUOR CONTROL COMMISSION (MLCC)
7150 Harris Drive, P.O. Box 30005 - Lansing, Michigan 48909-7505

APPLICATION FOR OFFICIAL PERMIT FOR DIFFERENCE IN HOURS OF OPERATION

(Authorized by MAC R 436.1437)

Applicant or Licensee Name: MORTON'S OF CHICAGO/TROY, LLC (A DELAWARE LIMITED LIABILITY COMPANY)

Address: _____

Type of License: _____

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

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

During the Hours of:

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

Sundays 11 A.M. to 12 NOON A.M.

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

* Licensee or Applicant Signatures: _____ _____

_____ _____

LOCAL LAW ENFORCEMENT RECOMMENDATION

* To Law Enforcement Agency:

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

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

Signature and Title _____ Date: _____

CORPORATE STRUCTURE

Morton's of Chicago/Troy LLC
(Applicant)

John T. Bettin—President/Asst. Treasurer/Asst. Secretary/Director
Thomas J. Baldwin—Exec. VP/CFO/Treasurer/Secretary/Director
E. Nicholas Wagner—Assistant Secretary

Morton's of Chicago Holding Inc.
(Delaware Corporation)

John T. Bettin—President/Asst. Treasurer/Asst. Secretary/Director
Thomas J. Baldwin—Exec. VP/CFO/Treasurer/Secretary/Director
E. Nicholas Wagner—Assistant Secretary

Morton's of Chicago, Inc.
(Illinois Corporation)

John T. Bettin—President/Asst. Treasurer/Asst. Secretary/Director
Thomas J. Baldwin—Exec. VP/CFO/Treasurer/Secretary/Director
E. Nicholas Wagner—Assistant Secretary

Porterhouse, Inc.
(Delaware Corporation)

Allen J. Bernstein—Chairman/Director
Thomas J. Baldwin— Exec. VP/CFO/Treasurer/Secretary/Director

Morton's Restaurant Group, Inc.
(Delaware Corporation)

Allen J. Bernstein—CEO/President/Director
Thomas J. Baldwin—Exec. VP/CFO/Treasurer/Secretary/Director

Morton's Holding Company, Inc.
(Delaware Corporation)

Allen J. Bernstein—CEO/President/Director
Thomas J. Baldwin—Exec. VP/CFO/Treasurer/Secretary/Director

Morton's Holdings LLC
(Delaware LLC)

Castle Harlan Partners III, LP—65.19%
Laurel Crown Capital, LLC:Series One-LC/Morton's—17.69%
Allen J. Bernstein—3.48%
Thomas J. Baldwin—0.28%
Klaus W. Fritsch—0.11%
David B. Pittaway—0.05%
Employee Members—13.2% (see attached list)

Officers: Allen J. Bernstein--President/CEO/Treasurer
Thomas J. Baldwin—Vice President/Secretary

65.19%

Castle Harlan Partners III LP—65.19%
(Delaware LP)

GP: Castle Harlan Associates III, L.P.
LP: See list annexed hereto

Castle Harlan Associates III, L.P.
(Delaware Limited Partnership)

GP: Castle Harlan Partners III, GP, Inc.
LP: See list annexed hereto

Castle Harlan Partners III, GP, Inc.
(Delaware Corporation)

John K. Castle—Stockholder (200 sh)/Director/Chairman/CEO
Leonard M. Harlan—Stockholder (100 sh)/Director/President
Howard Weiss—Treasurer
David Pittaway—Secretary

17.69%

Laurel Crown Capital, LLC:Series One-LC/Morton's—17.69%
(Delaware LLC)

Laurel Crown Management LLC (Delaware LLC-Managing Member)—0.1%
Laurence Paul (member, manager)—33-1/3%
Stephen Paul (member, manager)—33-1/3%
Karen Zimmer (member, manager)—33-1/3%

The Louis Berkman Company(Ohio Corporation)—99.9%
Louis Berkman—Stockholder (61.512%)/President/Treasurer/Director
Donna Paul—Stockholder (38.488%)
Robert Paul—Exec. Vice President/Asst Sec./Asst. Treas/Director
Scott Stevens—Vice President-Finance
Linda Pirkle--Director

AGREEMENT REGARDING LIQUOR LICENSE REQUEST

This Agreement, made this ____ day of April, 2005, by and between the CITY OF TROY, MICHIGAN, a municipal corporation, with offices located at 500 W. Big Beaver Road, Troy, Michigan, 48084, hereinafter known as THE CITY, and MORTON'S OF CHICAGO/TROY, LLC whose address is 888 W. Big Beaver Rd., the Applicant, hereinafter known as APPLICANT.

1. The City Council of the City of Troy, for and in consideration of the following covenants and conditions, agrees to recommend to the Michigan Liquor Control Commission Approval of the request to transfer a Class C licensed business, to be held in conjunction with a new SDM license, at 888 W. Big Beaver Rd., Troy, by MORTON'S OF CHICAGO/TROY, LLC.
2. In consideration of the City of Troy's recommendation for approval of the request, the applicant hereby agrees that:
   (a) It has read and is aware of the provisions of City of Troy Ordinances, Chapter No. 67, Chapter No. 68 and Chapter No. 98, and agrees that it shall be deemed to have knowledge of any subsequent amendments to said Chapters which may become effective during the term of this agreement.
   (b) It has read and is in receipt of copies of the provisions of the City of Troy, City Council Resolution No. 93-1028 regarding Entertainment Permits, and agrees that it shall be deemed to have knowledge of any subsequent amendments to the Resolution which may become effective during the term of this agreement.
   (c) It agrees to observe and comply with all laws, statutes, ordinances, rules, regulations or resolutions of the United States government, State of Michigan, and the City of Troy, or any department or agency of the governmental entities, as well as the rules and regulations of the Michigan Liquor Control Commission as they pertain to the operation of a liquor licensed business in the City of Troy.
   (d) It agrees to immediately require all employees who serve/sell alcohol to attend a recognized alcohol awareness program, and forward the names of each certified employee to the Troy Police Department. The alcohol awareness program must either be recognized by the Troy Police Department (i.e. TIPS,TAMS), or the program must be reviewed by the Troy Police Department to insure that the program is comparable to the recognized programs.
3. Applicant agrees that the recommendation for Approval agreed upon by the City Council is not a property right and is approved upon the express and continuing condition that no violation as set forth in paragraph 2 of this agreement shall occur.
4. Applicant agrees that the recommendation for Approval agreed upon by the City Council is approved upon the express and continuing condition that the physical characteristics (including but not limited to the inside layout, building design and engineering, seating capacity, parking space allocations, fire exits, and other physical attributes); and also the nature and type of business intended to be conducted remain virtually the same.
5. Applicant agrees that upon such violation, after full investigation and an opportunity for said applicant to be heard, upon a finding by the City Council that a violation as set forth in paragraph 2 of this agreement has occurred, the City Council shall have just cause for revocation of said recommendation for approval.

John T. Bettin

Authorized Representative

MORTON'S OF CHICAGO/TROY, LLC

Witnesses:

_____

_____

OFFICIAL SEAL
MARIA G. CARMONA
NOTARY PUBLIC, STATE OF ILLINOIS
MY COMMISSION EXPIRES 6-9-2005

Subscribed and sworn to before me
this 19th day of April, 2005

Maria G. Carmona

Notary Public, Maria G. Carmona
County, DuPage
My commission expires: 6-9-2005

CITY OF TROY

By:_____
Louise Schilling, Mayor

By:_____
Tonni Bartholomew, City Clerk

Witnesses:

_____

_____

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

_____

Notary Public, Oakland
County, Michigan
My commission expires:

A regular meeting of the Liquor Advisory Committee was held on Monday, May 9, 2005 in Conference Room D of Troy City Hall, 500 West Big Beaver Road. Chairman Max K. Ehlert called the meeting to order at 7:00 p.m.

ROLL CALL:

PRESENT: Max K. Ehlert, Chairman
W. Stan Godlewski
Patrick C. Hall
Bohdan L. Ukrainec
Carolyn Glosby, Assistant City Attorney
Captain Dane Slater
Pat Gladysz

ABSENT: Henry W. Allemon
Alex Bennett
James R. Peard

Resolution to Excuse Committee Members Allemon, Bennett, and Peard

Resolution #LC2005-05-013
Moved by Hall
Seconded by Godlewski

RESOLVED, that the absence of Committee members Allemon, Bennett, and Peard at the Liquor Advisory Committee meeting of May 9, 2005 BE EXCUSED.

Yes: 4
No: None
Absent: Allemon, Bennett, and Peard

Resolution to Approve Minutes of April 11, 2005 Meeting

Resolution #LC2005-05-014
Moved by Ukrainec
Seconded by Hall

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

Yes: 4
No: None
Absent: Allemon, Bennett, and Peard

Agenda Items

1. **MORTON'S OF CHICAGO/TROY, LLC (A DELAWARE LIMITED LIABILITY COMPANY)**, requests to transfer ownership of a 2004 Class C licensed business with official permit (food), located in escrow at 25938 Middlebelt, Farmington Hills, MI 48336, Oakland County, from Stearn & Company, L.L.C.; transfer location (governmental unit), (MCL 436.1531) to 888 W. Big Beaver Rd, Troy, MI 48084, Oakland County, and requests a new SDM license to be held in conjunction. [MLCC REQ ID# 280550]

Present to answer questions from the Committee were Chris Baker, attorney for Morton's of Chicago, and Gray Jackson, regional manager.

Plans have been submitted to the City to renovate and expand the existing first floor space at 888 West Big Beaver Road for Morton's Restaurant. This is an upscale steakhouse and will seat 236 patrons. They will be open daily from 5:30 p.m. to 11:00 p.m. for dinner only. They anticipate a December 2005 opening. There are 65 Morton's locations in the United States. Their managers and employees receive TIPS training as well as an in-house employee alcohol awareness instruction course. In addition, their managers attend an eight-week training session. They maintain a zero tolerance liquor compliance policy and have only received three violations nationwide in the past three years.

Resolution #LC2005-05-015
Moved by Hall
Seconded by Ukrainec

RESOLVED, that MORTON'S OF CHICAGO/TROY, LLC (A DELAWARE LIMITED LIABILITY COMPANY), be allowed to transfer ownership of a 2004 Class C licensed business with official permit (food), located in escrow at 25938 Middlebelt, Farmington Hills, MI 48336, Oakland County, from Stearn & Company, L.L.C.; transfer location (governmental unit), (MCL 436.1531) to 888 W. Big Beaver Rd, Troy, MI 48084, Oakland County, and requests a new SDM license to be held in conjunction.

Yes: 4
No: None
Absent: Allemon, Bennett, and Peard

The meeting adjourned at 7:25 p.m.

_____
Max K. Ehlert, Chairman

_____
Patricia A. Gladysz, Office Assistant II

(2) The fees provided in this act for the various types of licenses shall not be prorated for a portion of the effective period of the license.
History: 1998, Act 58, Imd. Eff. Apr. 14, 1998.

436.1527 Special license for nonprofit charitable organization; issuance; nontransferable; fee; auction.
Sec. 527. (1) The commission may issue a special license to a nonprofit charitable organization that is exempt from the payment of taxes under the internal revenue code for the purpose of allowing the organization to sell, at auction, wine donated to the organization.
(2) A special license issued pursuant to subsection (1) is not transferable. The organization applying for the special license shall pay the fee required under section 525(1)(r).
(3) An auction permitted under subsection (1) may occur upon premises which are otherwise licensed under this act to allow the sale of alcoholic liquor for consumption on the licensed premises.
History: 1998, Act 58, Imd. Eff. Apr. 14, 1998.

436.1529 Transfer of license or interest in license; notice of transfer of stock in licensed corporation or licensed limited partnership; investigation to ensure compliance; approval; transfer fee; inspection fee.
Sec. 529. (1) A license or an interest in a license shall not be transferred from 1 person to another without the prior approval of the commission. For purposes of this section, the transfer in the aggregate to another person during any single licensing year of more than 10% of the outstanding stock of a licensed corporation or more than 10% of the total interest in a licensed limited partnership shall be considered to be a transfer requiring the prior approval of the commission.
(2) Not later than July 1 of each year, each privately held licensed corporation and each licensed limited partnership shall notify the commission as to whether any of the shares of stock in the corporation, or interest in the limited partnership, have been transferred during the preceding licensing year. The commission may investigate the transfer of any number of shares of stock in a licensed corporation, or any amount of interest in a licensed limited partnership, for the purpose of ensuring compliance with this act and the rules promulgated under this act.
(3) Except as otherwise provided in subdivisions (a) through (f), upon approval by the commission of a transfer subject to subsection (1), there shall be paid to the commission a transfer fee equal to the fee provided in this act for the class of license being transferred. A transfer fee shall not be prorated for a portion of the effective period of the license. If a person holding more than 1 license or more than 1 interest in a license at more than 1 location, but in the name of a single legal entity, transfers all of the licenses or interests in licenses simultaneously to another single legal entity, the transfers shall be considered 1 transfer for purposes of determining a transfer fee, payable in an amount equal to the highest license fee provided in this act for any of the licenses, or interests in licenses, being transferred. A transfer fee shall not be required in regard to any of the following:
(a) The transfer, in the aggregate, of less than 50% of the outstanding shares of stock in a licensed corporation or less than 50% of the total interest in a licensed limited partnership during any licensing year.
(b) The exchange of the assets of a licensed sole proprietorship, licensed general partnership, or licensed limited partnership for all outstanding shares of stock in a corporation in which either the sole proprietor, all members of the general partnership, or all members of the limited

partnership are the only stockholders of that corporation. An exchange under this subdivision shall not be considered an application for a license for the purposes of section 501.
(c) The transfer of the interest in a licensed business of a deceased licensee, a deceased stockholder, or a deceased member of a general or limited partnership to the deceased person's spouse or children.
(d) The removal of a member of a firm, a stockholder, a member of a general partnership or limited partnership, or association of licensees from a license.
(e) The addition to a license of the spouse, son, daughter, or parent of any of the following:
(*i*) A licensed sole proprietor.
(*ii*) A stockholder in a licensed corporation.
(*iii*) A member of a licensed general partnership, licensed limited partnership, or other licensed association.
(f) The occurrence of any of the following events:
(*i*) A corporate stock split of a licensed corporation.
(*ii*) The issuance to a stockholder of a licensed corporation of previously unissued stock as compensation for services performed.
(*iii*) The redemption by a licensed corporation of its own stock.
(4) A nonrefundable inspection fee of $70.00 shall be paid to the commission by an applicant or licensee at the time of filing any of the following:
(a) An application for a new license or permit.
(b) A request for approval of a transfer of ownership or location of a license.
(c) A request for approval to increase or decrease the size of the licensed premises, or to add a bar.
(d) A request for approval of the transfer in any licensing year of any of the shares of stock in a licensed corporation from 1 person to another, or any part of the total interest in a licensed limited partnership from 1 person to another.
(5) An inspection fee shall be returned to the person by whom it was paid if the purpose of the inspection was to inspect the physical premises of the licensee, and the inspection was not actually conducted. An inspection fee shall not be required for any of the following:
(a) The issuance or transfer of a special license, salesperson license, limited alcohol buyer license, corporate salesperson license, hospital permit, military permit, or Sunday sale of spirits permit.
(b) The issuance of a new permit, or the transfer of an existing permit, if the permit is issued or transferred simultaneously with the issuance or transfer of a license or an interest in a license.
(c) The issuance of authorized but previously unissued corporate stock to an existing stockholder of a licensed corporation.
(d) The transfer from a corporation to an existing stockholder of any of the corporation's stock that is owned by the corporation itself.
(6) All inspection fees collected under this section shall be deposited in the special fund in section 543 for carrying out of the licensing and enforcement provisions of this act.
History: 1998, Act 58, Imd. Eff. Apr. 14, 1998.

436.1531 Public licenses and resort licenses; on-premise escrowed licenses; limitations and quotas; additional licenses for certain establishments; license for certain events at public university; economic development factors; exceptions as to certain veterans and airports; special state census of local governmental unit; rules; availability of transferable licenses held in escrow; on-premise escrowed or quota license; issuance of available licenses; hotels; definitions.

May 31, 2005

TO: John Szerlag, City Manager

FROM: Brian Murphy, Assistant City Manager/Services
Mark Stimac, Director of Building and Zoning
Nino Licari, City Assessor
Steven Vandette, City Engineer

SUBJECT: **Agenda Item** – Sewer Benefit Fee District Options for Charnwood Subdivisions Area, Section 6

Attached you will find the complete agenda item from the May 23rd Council study meeting along with the maps delineating the four (4) districts considered. Several questions were asked at the study meeting, relative to this item, that were verbally answered by staff in attendance. A written summary of the questions asked by Council and residents and answers from staff follow:

Q. Is the presentation available on the web?

A. The May 23rd presentation is available on the city's website at: http://www.ci.troy.mi.us/council/AgendaPackets/PublicAgenda%2020050523%20Charnwood%20Sewer%20District%20Options.pdf

Q. What would happen if a septic failure occurs outside of an approved Benefit Fee Sewer District area?

A. Septic failure does not require that the resident hook-up to sanitary sewer. The first option is to determine if the septic system can be repaired economically. If a repair or replacement were not feasible or cost effective, then a sanitary sewer may be extended to service the property but the ultimate financial responsibility would be with the homeowner. The resident would have 18 months to connect to the new sanitary sewer. All other structures within 200 feet of the new sanitary sewer would also be required to connect to the system within 18 months of sanitary sewer being available.

City Council could approve enlarging a district to include additional properties and set the fee to match another district at that time by adjusting the cost, but should be aware that any reduction from the actual cost would be born by the City at large.

Q. Why are the petitions considered invalid?

A. The petitions that were submitted were for a Special Assessment District (SAD) for sanitary sewers. Since the SAD project was abandoned in January the petitions are not valid for another project. The percentages used in the presentation are based on the petitions that were submitted and are included as a representation of support for sewers in the various districts.

Q. If the Sewer Benefit Fee were approved for a certain district, would septic inspections occur within that area?

A. No inspections would take place if sewers were approved for a district. The primary purpose of the septic inspections is to ensure that the system is functioning properly. The first option for a septic system that has failed is to repair the system.

Additionally, the four (4) resolutions presented at the May 23rd Council study meeting have been revised to remove any reference to asphalt paving or chip seal due to the length of time until an actual paving project would take place. The four (4) resolutions to be considered tonight are attached.

In summary, the four (4) districts for consideration are:

Sewer Benefit Fee District Options	Est. Cost/Parcel	District Size	% Support
A) Northwest Charnwood, West of Beach	$17,784	22 Parcels	36.4%
B) East Charnwood, East of Beach	$15,536	70 Parcels	62.9%
C) East and Southwest Charnwood	$15,515	114 Parcels	56.6%
D) Single Charnwood District	$15,720	165 Parcels	below 50%

(All costs rounded to nearest dollar)

City Council may choose to initiate a Sewer Benefit Fee project for any one of the districts by adopting Resolution D or any combination of Resolution A, B or C. Resolutions are delineated on Page 3 and Page 4. Engineering work would proceed for any approved district and the preliminary construction timeline would be receipt of bids in early 2006 and construction in the spring of 2006. As with special assessment projects, if the bid cost of the sewer is more than 5% over or under the estimated cost the Benefit Fee would be adjusted. If the lowest bid is over 5% the property owners would be polled to determine if the project should still go forward. Council action, if so desired, would be required to abandon the project.

Resolution A - Charnwood District "A"

RESOLVED, that the Sewer Benefit Fee as provided in Chapter 20 – Water and Sewer Rates, Section 8 of the Troy City Code, last amended on April 18, 2005 shall be $17,784 per parcel based on the total estimated cost of sanitary sewer construction in Charnwood District "A" divided by the number of properties benefiting from the sewer, as described in a report by the City Manager dated May 17, 2005 a copy of which shall be attached to and made a part of the minutes of this meeting; and

BE IT FURTHER RESOLVED, that the Engineering Department shall proceed with plans and specifications for sanitary sewers to be constructed within the Charnwood District "A" in the summer of 2006;

Resolution B - Charnwood District "B"

RESOLVED, that the Sewer Benefit Fee as provided in Chapter 20 – Water and Sewer Rates, Section 8 of the Troy City Code, last amended on April 18, 2005 shall be $15,536 per parcel based on the total estimated cost of sanitary sewer construction in Charnwood District "B" divided by the number of properties benefiting from the sewer, as described in a report by the City Manager dated May 17, 2005 a copy of which shall be attached to and made a part of the minutes of this meeting; and

BE IT FURTHER RESOLVED, that the Engineering Department shall proceed with plans and specifications for sanitary sewers to be constructed within the Charnwood District "B" in the summer of 2006;

Resolution C - Charnwood District "C"

RESOLVED, that the Sewer Benefit Fee as provided in Chapter 20 – Water and Sewer Rates, Section 8 of the Troy City Code, last amended on April 18, 2005 shall be $15,515 per parcel based on the total estimated cost of sanitary sewer construction in Charnwood District "C" divided by the number of properties benefiting from the sewer, as described in a report by the City Manager dated May 17, 2005 a copy of which shall be attached to and made a part of the minutes of this meeting; and

BE IT FURTHER RESOLVED, that the Engineering Department shall proceed with plans and specifications for sanitary sewers to be constructed within the Charnwood District "C" in the summer of 2006;

or

Resolution D - Charnwood District "D"

RESOLVED, that the Sewer Benefit Fee as provided in Chapter 20 – Water and Sewer Rates, Section 8 of the Troy City Code, last amended on April 18, 2005 shall be $15,720 per parcel based on the total estimated cost of sanitary sewer construction in Charnwood District "D" divided by the number of properties benefiting from the sewer, as described in a report by the City Manager dated May 17, 2005 a copy of which shall be attached to and made a part of the minutes of this meeting; and

BE IT FURTHER RESOLVED, that the Engineering Department shall proceed with plans and specifications for sanitary sewers to be constructed within the Charnwood District "D" in the summer of 2006;

500 West Big Beaver
Troy, Michigan 48084
www.troymi.gov

Area code (248)

Assessing
524-3311

Bldg. Inspections
524-3344

Bldg. Maintenance
524-3368

City Clerk
524-3316

City Manager
524-3330

Community Affairs
524-1147

Engineering
524-3383

Finance
524-3411

Fire-Administration
524-3419

Human Resources
524-3339

Information Services
619-7279

Law
524-3320

Library
524-3545

Parks & Recreation
524-3484

Planning
524-3364

Police-Administration
524-3443

Public Works
524-3370

Purchasing
524-3338

Real Estate & Development
524-3498

Treasurer
524-3334

General Information
524-3300

May 27, 2005

Re: Charnwood Sanitary Sewers

Dear Property Owner:

The Troy City Council will review and will consider alternate sewer districts within the Charnwood area at the regular Council meeting on June 6, 2005 at 7:30 p.m. in the Council Chambers.

At the May 23rd Council study meeting, city staff presented alternate sewer districts in the Charnwood area. The presentation can be found on the city's website at:

http://www.ci.troy.mi.us/council/AgendaPackets/PublicAgenda%2020050523%20Charnwood%20Sewer%20District%20Options.pdf

As you may know, City Council requested that the potential for alternate sewer districts be investigated following the defeat last January of the proposed special assessment project for sewers throughout all Charnwood subdivisions.

We look forward to seeing you on June 6th. Please feel free to call me at 524-3387 should you have any questions.

Sincerely,

William J. Huotari, P.E.
Deputy City Engineer

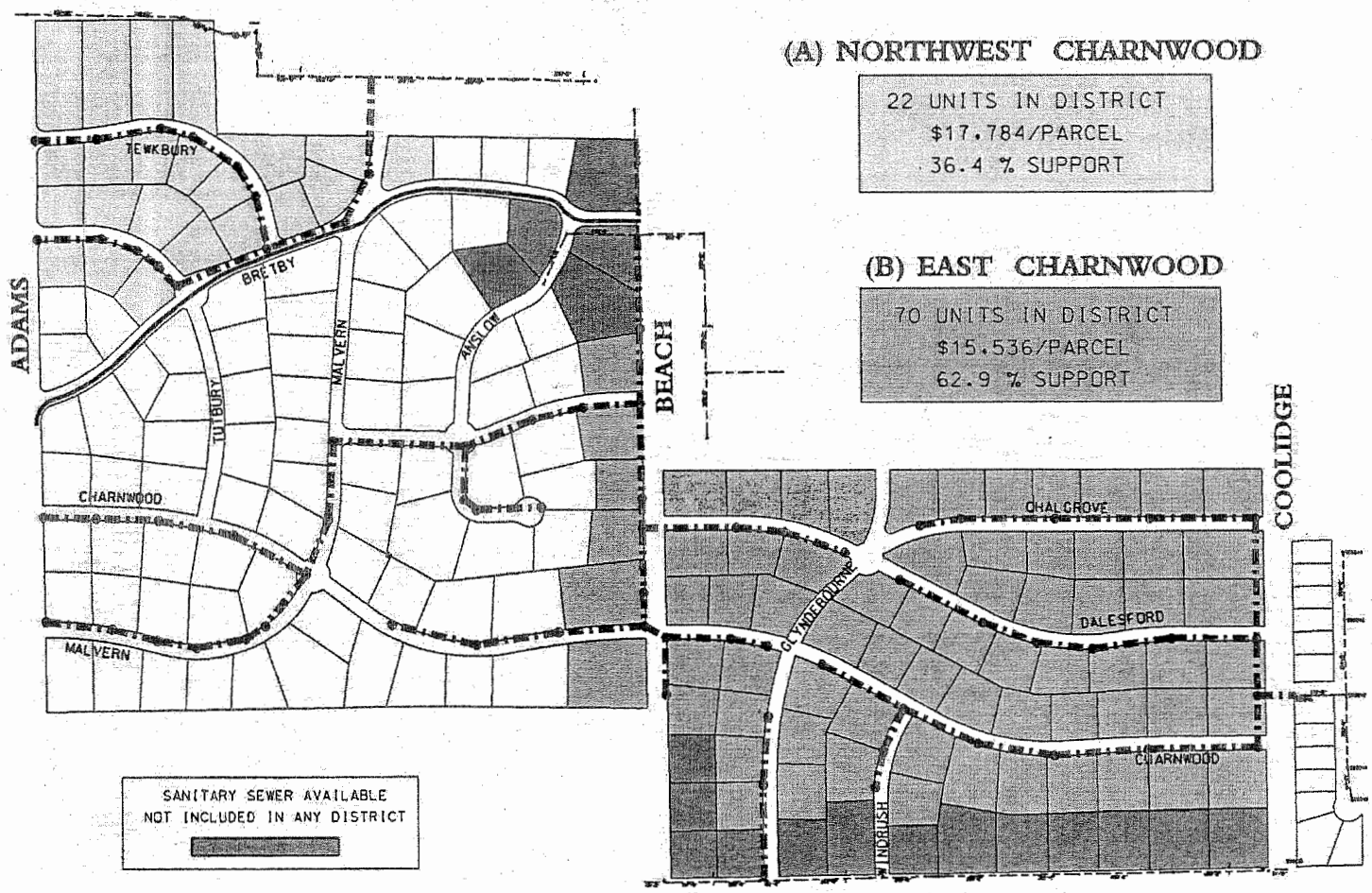
cc: City Council
Brian Murphy, Asst. City Manager/Services
Tim Richnak, Public Works Director

G:\Council Reports and Communications\Charnwood Hills Septic Issues\SewerOptions_June06_r3.doc

Sanitary District Options
Charnwood Hills

City of Troy

CHARNWOOD SANITARY SEWER SUBDISTRICTS A & B

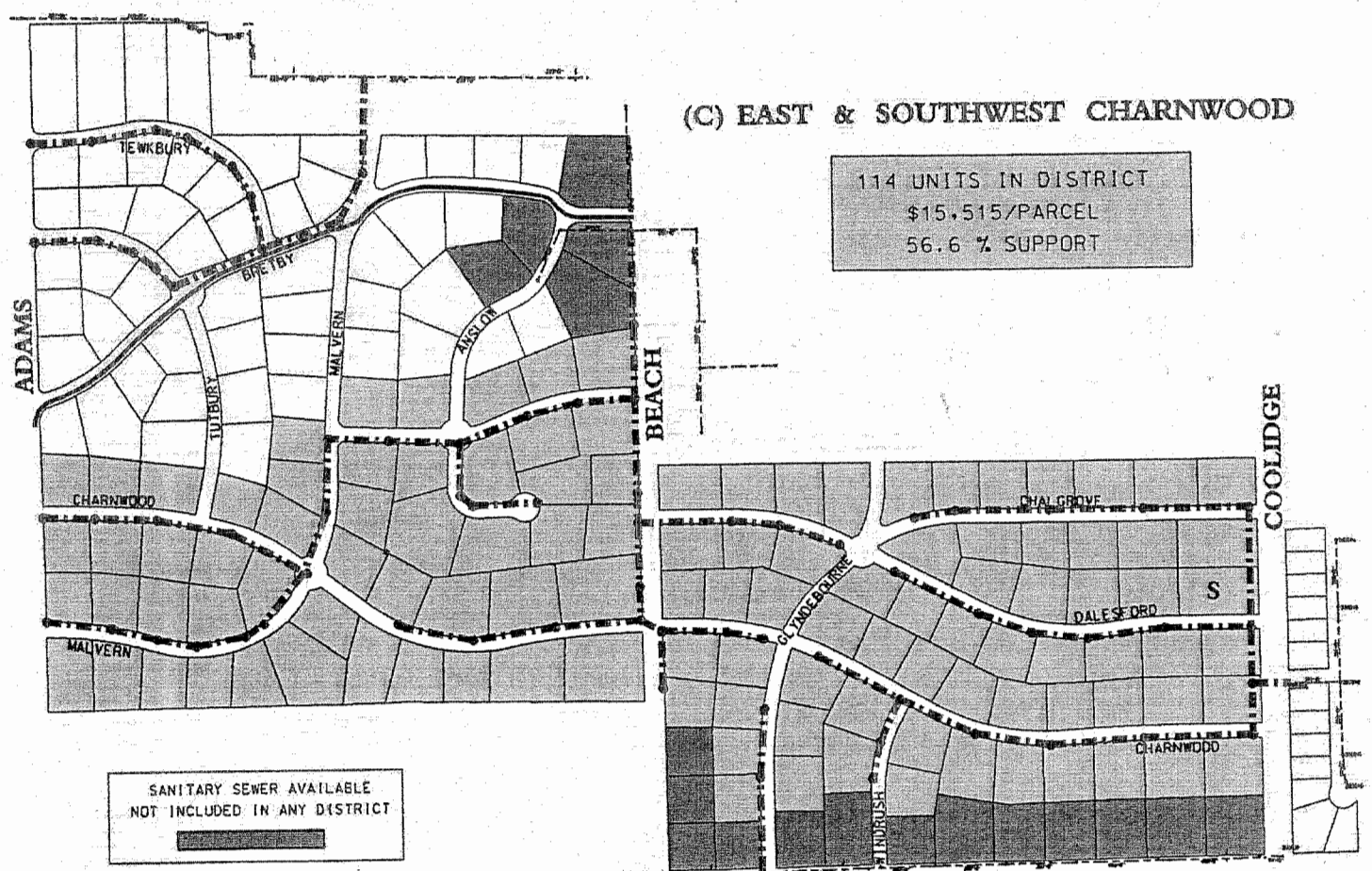


prelimsanitary.dgn 5/13/2005 11:49:12 AM

Sanitary District Options
Charnwood Hills

City of Troy

CHARNWOOD SANITARY SEWER SUBDISTRICT C

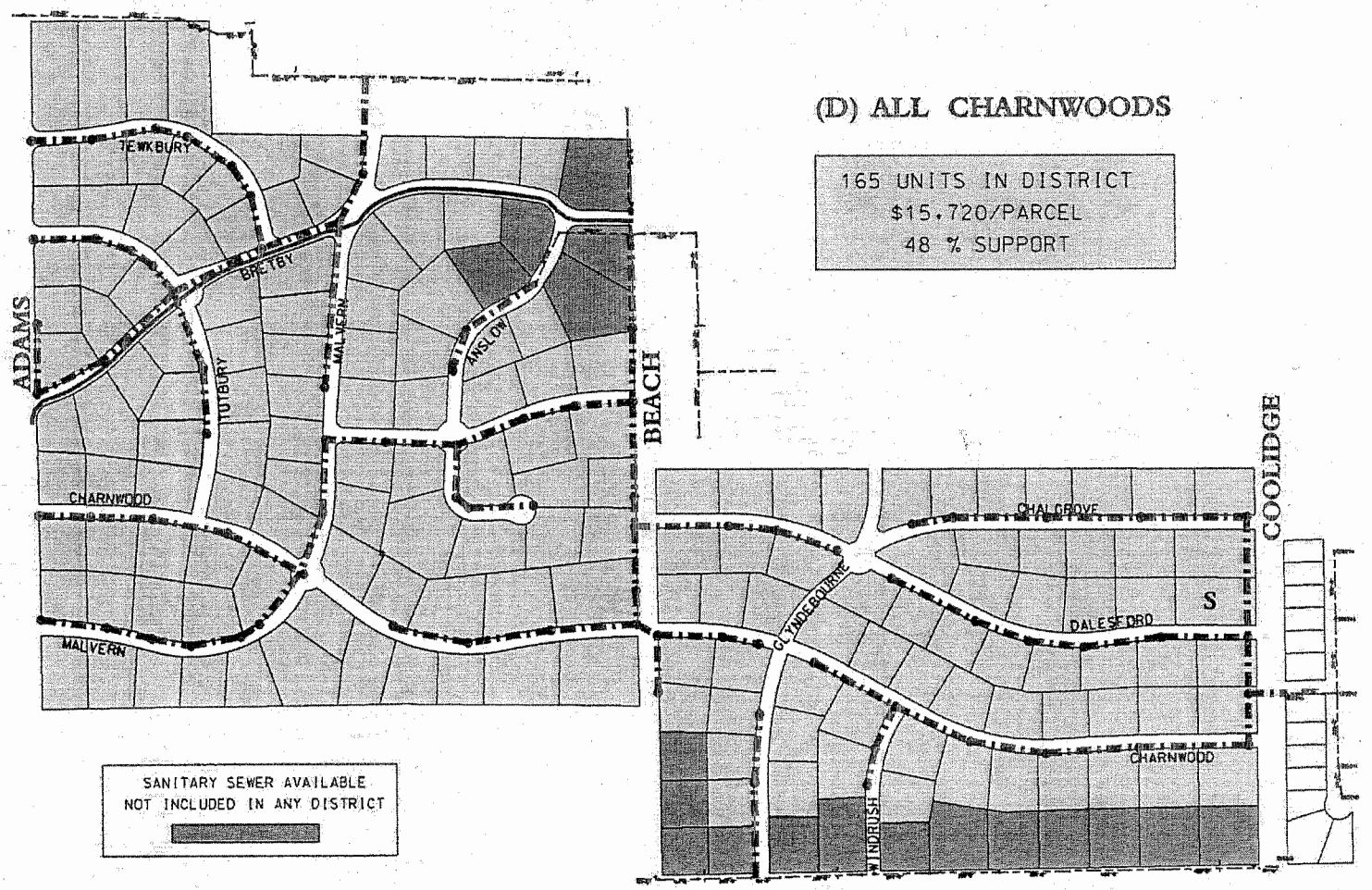


prelimsanitary.dgn 5/13/2005 11:49:25 AM

Sanitary District Options
Charnwood Hills

City of Troy

CHARNWOOD SANITARY SEWER SUBDISTRICT D



prelimsanitary.dgn 5/13/2005 11:49:42 AM

MAY 23rd STUDY SESSION ITEM

May 17, 2005

TO: John Szerlag, City Manager

FROM: Brian Murphy, Assistant City Manager/Services
Mark Stimac, Director of Building and Zoning
Nino Licari, City Assessor
Steven Vandette, City Engineer

SUBJECT: **Agenda Item** – Sewer Benefit Fee District Options for Charnwood Subdivisions Area, Section 6

Sewer Benefit Fee Background:

The Sewer Benefit Fees approved by Council on April 18th (see attached) provided a new method for calculating Benefit Fees for new sewer extensions. The cost of a new sewer constructed by the City for either servicing an area without sewers or to address a septic system failure(s) will now be determined on a project-by-project basis. The Benefit Fee is unique for each project and is based on the total cost of the sewer extension divided by the number of properties benefiting from the sewer at the time of construction. This Benefit Fee is established by a resolution of City Council for each sewer project.

Payments for sewers constructed using the Sewer Benefit Fee approach are made over a 40-year period at 6% interest on the unpaid balance. Vacant lots must pay the Sewer Benefit Fee, in total, at the time of building permit issuance.

Additionally, for any lot created from splitting property that benefited from a sanitary sewer extension constructed after April 18, 2005 the lot or lots created will pay either the Benefit Fee applicable to that property's zoning classification or the proportionate share of the Benefit Fee established at the time of sewer construction, whichever is greater.

Charnwood Sewer District Options:

During deliberations and subsequent action on the proposed special assessment projects for sanitary sewer and paving improvements, Council requested that staff look at subdividing the Charnwood area into smaller sewer districts. Council reviewed these smaller districts during the study meeting of March 7th at which time city management indicated the item would be brought forward for Council consideration at a Council meeting in May and all Charnwood residents would be notified by mail. Any

one of these smaller districts or the entire area as a single district may be created by City Council and implemented using the Sewer Benefit Fee approach.

The following Sewer Benefit Fee district options have been designed to achieve two main goals. Each option allows for efficient extensions of existing sewers into each district as well as providing for future extensions into adjoining areas. Except for the district encompassing the entire Charnwood area, the district options have also been designed to maximize the number of residents that are interested in sewers as indicated by petitions previously received by the city. The district options and their estimated Sewer Benefit Fees per parcel are as follows (see attached maps):

Sewer Benefit Fee District Options	Est. Cost/Parcel	District Size	% Support
A) Northwest Charnwood, West of Beach	$17,784	22 Parcels	36.4%
B) East Charnwood, East of Beach	$15,536	70 Parcels	62.9%
C) East and Southwest Charnwood	$15,515	114 Parcels	56.6%
D) Single Charnwood District	$15,720	165 Parcels	below 50%

(All costs rounded to nearest dollar)

City Council may choose to initiate a Sewer Benefit Fee project for any one of these districts by adopting resolutions A, B, C or D or some combination thereof. Engineering work will proceed for the approved district and the preliminary construction timeline would be receipt of bids in early 2006 and construction in the spring of 2006. As with special assessment projects, if the bid cost of the sewer is more than 5% over or under the estimated cost the Benefit Fee would be adjusted. If the lowest bid is over 5% the property owners would be polled to determine if the project should still go forward. Council action, if so desired, would be required to abandon the project.

Paving in Charnwood:

It is recommended that Council initiate a special assessment project for asphalt paving coinciding with any direct Benefit Fee sewer district approved by City Council. It is also recommended that Council initiate a special assessment project for chip seal treatment for all areas within Charnwood not approved for sewers. If no sewer district is approved, the chip seal project should include all Charnwood subdivisions.

The Charnwood area is the single largest area in the City without sanitary sewers and asphalt paving. The existing streets consist of a gravel base, with a double layer of chip seal surface treatment that was applied in the early 1990's and financed by special assessment. The roads, although remarkably serviceable on many blocks, have been increasingly maintained by asphalt patching work performed by our DPW. It has been 13 years since the chip seal application, which has a service life of approximately 6 years. Without any action, the road deterioration may accelerate and the roads may revert to gravel. Within the sewer district, the roads will not hold up to heavy construction equipment and will be turned completely into gravel roads.

As Council may recall, the proposed sewer special assessment project early this year was coupled with a separate special assessment project for asphalt paving. Throughout Charnwood the support for paving at a cost of $5,803 was approximately 50%.

Due to the current volatility of oil prices, asphalt prices have risen 20-40% since last fall. Because of these fluctuations for the foreseeable future, City staff recommends deferring action on a special assessment project for paving until early 2006. This time frame will coincide with bidding the sewer project and place the actual paving work within the desired one-year time frame after confirmation of the special assessment project. Should Council wish to pursue any one of the district options, a paving cost estimated for that district can be provided based on current asphalt prices.

Because the size of the chip seal project will depend on the size of any sewer district that may be approved, staff will return this summer with a chip seal project for Council to initiate as a special assessment project (SAD). If approved, this project would be done late this summer or early fall.

Summary of Sewer Benefit Fee District Options:

Council Approves Sewer Benefit Fee District & SAD Asphalt Paving	Est. Sewer Cost/Parcel	District Size	SAD Paving Cost
A) Northwest Charnwood, West of Beach (SAD Chip Seal All Streets East of Beach, West of Beach Excluding Northwest Charnwood Sewer District)	$17,784	22 Parcels	TBD 2006
B) East Charnwood, East of Beach (SAD Chip Seal All Streets West of Beach)	$15,536	70 Parcels	TBD2006
C) East and Southwest Charnwood (SAD Chip Seal Streets West of Beach/North of Sewer District)	$15,515	114 Parcels	TBD 2006
D) Single Charnwood District (SAD for Asphalt Paving)	$15,720	165 Parcels	TBD 2006 ($5,803/parcel 2005 estimate)

ATTACHMENT

April 18, 2005 Resolution - Update of Sanitary Sewer Benefit Fees

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

Single Family Residences

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

BE IT FURTHER RESOLVED, that the Sewer Benefit Fee for any sanitary sewer constructed by the City of Troy after April 18, 2005 shall be determined on a project-by-project basis based on the total cost of the sewer extension divided by the number of properties benefiting from the sewer at the time of construction.

BE IT FURTHER RESOLVED, that for sewers constructed after April 18, 2005 by any entity or agency other than the City of Troy, the Sewer Benefit Fee payable by all properties benefiting from the sewer construction shall be based on the zoning classification of the property.

BE IT FINALLY RESOLVED, that for any lot created from splitting property benefiting from a sanitary sewer extension constructed after April 18, 2005 by the City of Troy, the lot or lots created shall pay either the Benefit Fee applicable to that property's zoning classification or the proportionate share of the Benefit Fee established at the time of sewer construction, whichever is greater.

May 19, 2005

To: John Szerlag, City Manager

From: Brian Murphy, Assistant City Manager/Services
Carol K. Anderson, Parks and Recreation Director

Subject: Agenda Item: Request for Waiver of Chapter 26-3.4 and Chapter 78.14. for Troy Soccer City Classic

RECOMMENDATION

Staff recommends that City Council approve the request for waiver of Chapter 26-3.4 and Chapter 78.14 for activities associated with the Troy Soccer City Classic.

BACKGROUND

The Troy Youth Soccer League will be conducting the 19th Annual Troy Soccer City Classic September 3 -5, 2005.

The Troy Youth Soccer League requests a waiver of Chapter 26-3.4 to allow advertising and the sale of merchandise and concessions at the tournament sites.

In addition, TYSL requests a waiver of Chapter 78.14 to allow the display of tournament related banners during the tournament. Banners will be displayed at Firefighters Park and Boulan Park (approximate size: 3' X 10').

Attachment

To: Troy Parks & Recreation / Troy City Council

From: Troy Youth Soccer League

Subject: Troy soccer City Classic – Park Advertising Waiver

Date: 5/18/05

The Troy Soccer City Classic for 2005 has a sponsor, DaimlerChrysler, which is interested in advertising vehicles during this year's tournament. The advertising will take place only at Firefighters Park on Saturday, September 3rd through September 5th. DaimlerChrysler will only be showing vehicles and their features related to family and sport/leisure use. This will not be a ride/drive advertisement.

DailmlerChrysler has asked for the use of 10 to 12 parking spaces, banner area within Firefighters and the ability to set up their own shelter/tent by their vehicles. TYSL would place them towards the front of the park near a grass area for their tent. The cars will be parked there over night, fully insured by DCX.

Request of TYSL:

TYSL and the Troy Soccer City Classic are requesting for an Advertising Waiver for DaimlerChrysler for September 3-5, 2005. If you have any questions please feel free to contact Tom Sroka, TYSL Promotion Director (248-828-3979 H, 248-705-6740 M).

Sincerely,

Jerry Ku, President
Troy Youth Soccer League (TYSL)

May 18, 2005

TO: John Szerlag, City Manager

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

SUBJECT: Agenda Item – Oakland County's Urban County Community Development Block Grant Cooperation Agreement for program years 2006-2008

Attached please find a letter from Karry L. Rieth, Manager, Oakland County Community and Home Improvement Division requesting the City of Troy's continued participation in Oakland County's Urban County Community Development Block Grant program for program years 2006-2008.

The City of Troy has been participating in Oakland County's Urban County Community Development Block Grant Program since 1982.

The City of Troy receives approximately $184,795 in CDBG funds through the "Urban County" program each year. During the past three years approximately $593,429 has funded such programs as, Section 36 Drainage Improvements, Special Assessments for Street Paving, Public Services (Home Chore), Minor Home Repairs and General Program Administration.

Oakland County takes care of a majority of the federal paperwork involved in the CDBG and Home programs. This reduction in administrative burden helps maximize the benefit of each dollar at the local level.

City Management recommends that we continue on with the county program for the next three (3) years.

Prepared by: Vicki Richardson, Solid Waste Coordinator

May 16, 2005

TO: John Szerlag, City Manager

FROM: John Lamerato, Assistant City Manager/Finance
Doug Smith, Real Estate and Development Director

SUBJECT: AGENDA ITEM – Approval of Downtown Development Authority 2005-2006 Budget

The Downtown Development Authority approved the proposed 2005-2006 budget at their April 20, 2005 meeting and recommends City Council approval.

CELEBRATING 50 YEARS 1955-2005 City of Troy Michigan

Downtown Development Authority

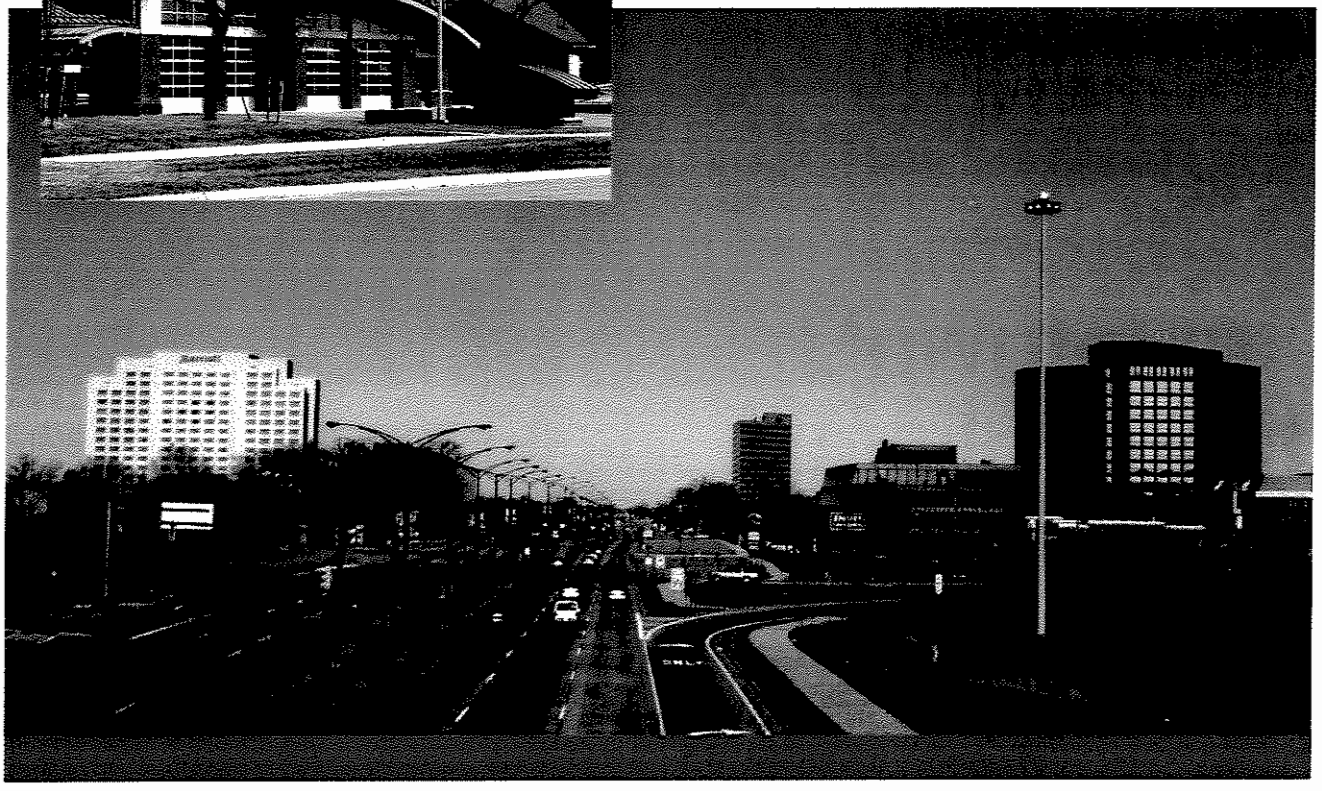
Proposed Annual Budget
Fiscal Year July 1, 2005 - June 30, 2006

Members

Michael W. Culpepper
Stuart Frankel
David R. Hay
Michele Hodges
William Kennis
Alan M. Kiriluk
Daniel MacLeish
Carol A. Price
Ernest C. Reschke
Louise E. Schilling
Douglas J. Schroeder
Harvey Weiss
G. Thomas York

Executive Director
John Szerlag

Secretary/Treasurer
John M. Lamerato



INTRODUCTION

In order to prevent further deterioration and to encourage economic development of the Downtown District, the City of Troy established the Downtown Development Authority of the City of Troy (the DDA) pursuant to Act 197 of 1975 (Act 197) and an Ordinance adopted by the City Council of the City of Troy on July 12, 1993, and amended on September 28, 1998 and February 7, 2000.

The DDA has identified specific sources of funding to finance the implementation of a plan for physical improvements to the Downtown District identified in this plan as the Development Area.

The purpose of the Tax Increment Financing and Development Plan is to provide for the construction and financing of the necessary streets, sidewalks, street lighting, landscaping, parking garage and other facilities for the Development Area; Kmart and Civic Center projects; widening of Rochester Road and Big Beaver to improve traffic flow; provide and expand existing public facilities on the civic center site to serve the needs of the DDA businesses and the citizens of the City of Troy and to carry out the objectives of the DDA so as to prevent the further deterioration of the Development Area while preserving and promoting economic growth for the benefit of all taxing units located within and benefited by the Development Area.

CITY OF TROY
DOWNTOWN DEVELOPMENT AUTHORITY
2005-06
BUDGET

REVENUE

Property Taxes	$	3,697,000
Re-appropriation of Fund balance		130,520
Investment Income		150,000
Total Revenue	**$**	**3,977,520**

EXPENDITURES

Administrative Expenses	$	53,300
Operating Expenses		175,000
Debt Service - Big Beaver Phase 2 & 3		1,195,000
Debt Service - MTF Bonds (Roch. Rd.)		265,500
Debt Service - Refund 1995 Dev. Bonds Series A		823,000
Debt Service - Community Center		984,000
Street Island Maint.		381,720
Economic Development-MEGA Match		100,000
Total Expenditures	**$**	**3,977,520**

CAPTURED TAXABLE VALUE
2004-05

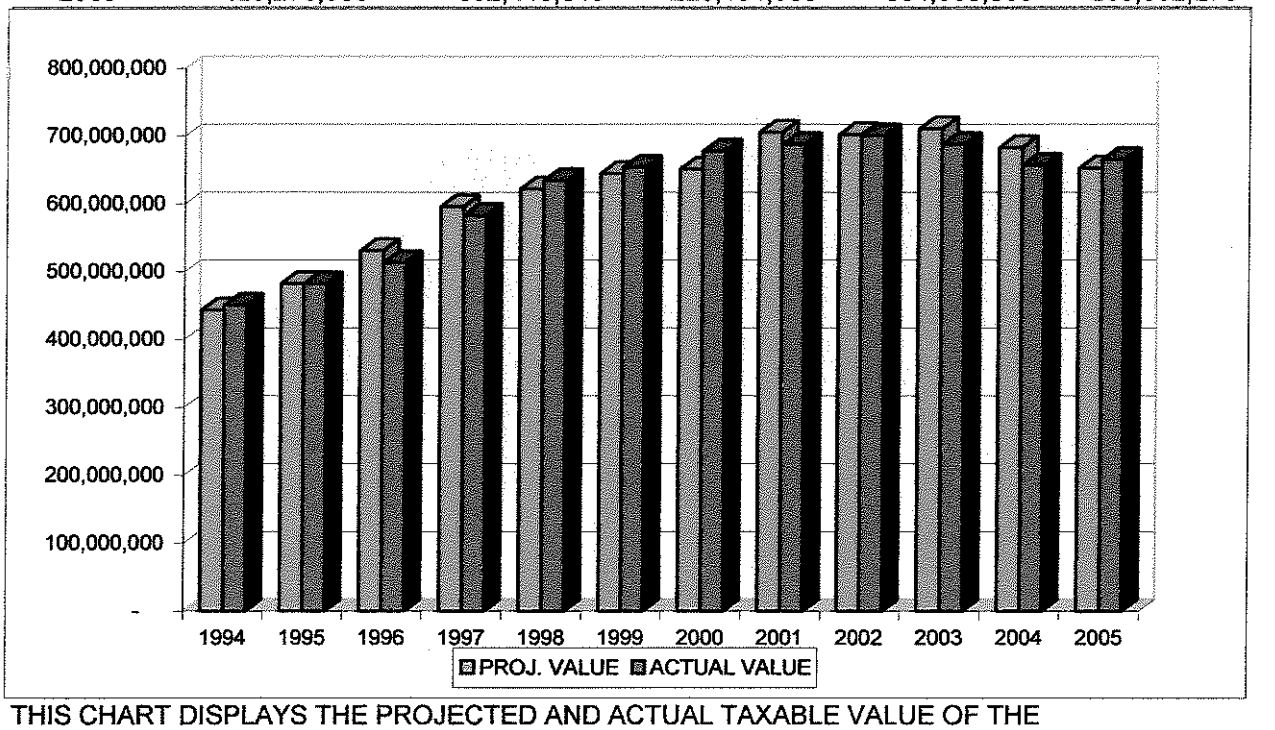
	Real Taxable	Personal Taxable	Total Taxable
1993 - Initial Value	342,342,400	86,936,130	429,278,530
2004 - Taxable Value	531,379,920	133,550,880	664,930,800
Captured Taxable Value	189,037,520	46,614,750	235,652,270

	Oakland County	Oakland Comm. College	City of Troy	Total
Millage Rates	$ 4.65	$ 1.59	$ 9.45	$ 15.69
Captured Yield				$ 3,697,000

CITY OF TROY DOWNTOWN DEVELOPMENT AUTHORITY
PROJECTED AND ACTUAL CAPTURED VALUATION
30-Mar-05

TOTAL DDA BASE

FISCAL YEAR	INITIAL VALUATION	PROJECTED VALUATIION	PROJECTED CAPTURED	ACTUAL VALUATION	ACTUAL CAPTURED
1994	429,278,530	443,579,055	14,300,525	450,682,090	21,403,560
1995	429,278,530	482,321,290	53,042,760	482,321,290	53,042,760
1996	429,278,530	531,054,797	101,776,267	513,251,790	83,973,260
1997	429,278,530	595,752,807	166,474,277	582,784,390	153,505,860
1998	429,278,530	622,051,685	192,773,155	634,117,140	204,838,610
1999	429,278,530	644,521,355	215,242,825	653,782,621	224,504,091
2000	429,278,530	650,903,679	221,625,149	677,550,840	248,272,310
2001	429,278,530	705,343,067	276,064,537	687,261,110	257,982,580
2002	429,278,530	702,063,909	272,785,379	700,292,970	271,014,440
2003	429,278,530	710,501,087	281,222,557	687,610,440	258,331,910
2004	429,278,530	682,725,921	253,447,391	656,443,260	227,164,730
2005	429,278,530	652,413,515	223,134,985	664,930,800	235,652,270



THIS CHART DISPLAYS THE PROJECTED AND ACTUAL TAXABLE VALUE OF THE ENTIRE DOWNTOWN DEVELOPMENT DISTRICT.

BOND DEBT SERVICE

Downtown Development Authority of the City of Troy
County of Oakland, State of Michigan
Development and Refunding Bonds, Series 2001
New Money
Final Pricing

Dated Date	07/19/2001
Delivery Date	07/19/2001

Period Ending	Principal	Coupon	Interest	Debt Service	Annual Debt Service
07/19/2001					
11/01/2001	505,000	4.000%	193,848.17	798,848.17	
05/01/2002			329,985.00	329,985.00	1,128,833.17
11/01/2002	545,000	4.000%	329,985.00	874,985.00	
05/01/2003			319,085.00	319,085.00	1,194,070.00
11/01/2003	565,000	4.000%	319,085.00	884,085.00	
05/01/2004			307,785.00	307,785.00	1,191,870.00
11/01/2004	590,000	4.000%	307,785.00	897,785.00	
05/01/2005			295,985.00	295,985.00	1,193,770.00
11/01/2005	615,000	4.000%	295,985.00	910,985.00	
05/01/2006			283,685.00	283,685.00	1,194,670.00
11/01/2006	640,000	5.000%	283,685.00	923,685.00	
05/01/2007			267,685.00	267,685.00	1,191,370.00
11/01/2007	670,000	4.000%	267,685.00	937,685.00	
05/01/2008			254,285.00	254,285.00	1,191,970.00
11/01/2008	700,000	4.100%	254,285.00	954,285.00	
05/01/2009			239,935.00	239,935.00	1,194,220.00
11/01/2009	730,000	5.000%	239,935.00	969,935.00	
05/01/2010			221,685.00	221,685.00	1,191,620.00
11/01/2010	770,000	5.000%	221,685.00	991,685.00	
05/01/2011			202,435.00	202,435.00	1,194,120.00
11/01/2011	805,000	4.400%	202,435.00	1,007,435.00	
05/01/2012			184,725.00	184,725.00	1,192,160.00
11/01/2012	850,000	5.500%	184,725.00	1,034,725.00	
05/01/2013			161,350.00	161,350.00	1,196,075.00
11/01/2013	895,000	5.500%	161,350.00	1,056,350.00	
05/01/2014			136,737.50	136,737.50	1,193,087.50
11/01/2014	945,000	5.500%	136,737.50	1,081,737.50	
05/01/2015			110,750.00	110,750.00	1,192,487.50
11/01/2015	1,000,000	5.500%	110,750.00	1,110,750.00	
05/01/2016			83,250.00	83,250.00	1,194,000.00
11/01/2016	1,055,000	5.000%	83,250.00	1,138,250.00	
05/01/2017			56,875.00	56,875.00	1,195,125.00
11/01/2017	1,110,000	5.000%	56,875.00	1,166,875.00	
05/01/2018			29,125.00	29,125.00	1,196,000.00
11/01/2018	1,165,000	5.000%	29,125.00	1,194,125.00	1,194,125.00
	14,255,000		7,164,573.17	21,419,573.17	21,419,573.17

BOND DEBT SERVICE

Downtown Development Authority of the City of Troy
County of Oakland, State of Michigan
Development and Refunding Bonds, Series 2001
Refunding of Callable 1995 DDA Bonds, Series A (Tax-Exempt)
Refunding Portion
Final Pricing

Dated Date	07/19/2001
Delivery Date	07/19/2001

Period Ending	Principal	Coupon	Interest	Debt Service	Annual Debt Service
07/19/2001					
11/01/2001	465,000	4.000%	132,448.42	597,448.42	
05/01/2002			224,432.50	224,432.50	821,880.92
11/01/2002	380,000	4.000%	224,432.50	604,432.50	
05/01/2003			216,832.50	216,832.50	821,265.00
11/01/2003	395,000	4.000%	216,832.50	611,832.50	
05/01/2004			208,932.50	208,932.50	820,765.00
11/01/2004	415,000	4.000%	208,932.50	623,932.50	
05/01/2005			200,632.50	200,632.50	824,565.00
11/01/2005	430,000	4.000%	200,632.50	630,632.50	
05/01/2006			192,032.50	192,032.50	822,665.00
11/01/2006	410,000	5.000%	192,032.50	602,032.50	
05/01/2007			181,782.50	181,782.50	783,815.00
11/01/2007	430,000	4.000%	181,782.50	611,782.50	
05/01/2008			173,182.50	173,182.50	784,965.00
11/01/2008	450,000	4.100%	173,182.50	623,182.50	
05/01/2009			163,957.50	163,957.50	787,140.00
11/01/2009	470,000	5.000%	163,957.50	633,957.50	
05/01/2010			152,207.50	152,207.50	786,165.00
11/01/2010	495,000	5.000%	152,207.50	647,207.50	
05/01/2011			139,832.50	139,832.50	787,040.00
11/01/2011	560,000	4.400%	139,832.50	699,832.50	
05/01/2012			127,512.50	127,512.50	827,345.00
11/01/2012	590,000	5.500%	127,512.50	717,512.50	
05/01/2013			111,287.50	111,287.50	828,800.00
11/01/2013	620,000	5.500%	111,287.50	731,287.50	
05/01/2014			94,237.50	94,237.50	825,525.00
11/01/2014	655,000	5.500%	94,237.50	749,237.50	
05/01/2015			76,225.00	76,225.00	825,462.50
11/01/2015	690,000	5.500%	76,225.00	766,225.00	
05/01/2016			57,250.00	57,250.00	823,475.00
11/01/2016	725,000	5.000%	57,250.00	782,250.00	
05/01/2017			39,125.00	39,125.00	821,375.00
11/01/2017	765,000	5.000%	39,125.00	804,125.00	
05/01/2018			20,000.00	20,000.00	824,125.00
11/01/2018	800,000	5.000%	20,000.00	820,000.00	820,000.00
	9,745,000		4,891,373.42	14,636,373.42	14,636,373.42

$5,600,000
CITY OF TROY
COUNTY OF OAKLAND, STATE OF MICHIGAN
MICHIGAN TRNSPORTATION FUND BONDS
(ROCHESTER ROAD)

SCHEDULE OF PRINCIPAL AND INTEREST REQUIRMENTS
on a fiscal year basis

Fiscal Year Bgn July 1	Interest Due November 1	Interest Rate	Prinicipal Due May 1, Next	Interest Due May 1, NEXT	Total
2000	$205,343.70	0.000%	$1,100,000	$136,893.75	$1,442,237.45
2001	110,768.75	4.750%	1,200,000	110,768.75	1,421,537.50
2002	82,268.75	4.750%	1,300,000	82,268.75	1,464,537.50
2003	51,718.75	4.700%	125,000	51,718.75	228,437.50
2004	48,718.75	4.800%	150,000	48,718.75	247,437.50
2005	45,043.75	4.900%	175,000	45,043.75	265,087.50
2006	40,668.75	5.000%	175,000	40,668.75	256,337.50
2007	36,293.75	5.000%	175,000	36,293.75	247,587.50
2008	31,918.75	5.000%	175,000	31,918.75	238,837.50
2009	27,456.25	5.100%	175,000	27,456.25	229,912.50
2010	22,950.00	5.150%	175,000	22,950.00	220,900.00
2011	18,356.25	5.250%	200,000	18,356.25	236,712.50
2012	13,006.25	5.350%	225,000	13,006.25	251,012.50
2013	6,875.00	5.450%	250,000	6,875.00	263,750.00
	$741,387.45		$5,600,000	$672,937.50	$7,014,324.95

Registrar/Transfer Agent - Old Kent Bank, Grand Rapids, Michigan

* Dated date, February 1, 2000, first interest payment due November 1, 2000 - 9 months.

$9,700,000
CITY OF TROY
DOWNTOWN DEVELOPMENT AUTHORITY OF THE CITY OF TROY
COUNTY OF OAKLAND, STATE OF MICHIGAN
COMMUNITY CENTER FACILITIES BONDS, SERIES 2002

SCHEDULE OF PRINCIPAL AND INTEREST REQUIREMENTS

On a Fiscal Year Basis

Fiscal Year Beginning July 1	Principal Due November 1	Interest Rate	Interest Due November 1	Interest Due NEXT May 1	Total Principal & Interest Requirements
2002	$0.00	0.000%	$0.00	$236,433.33 *	$236,433.33
2003	400,000.00	5.000%	177,325.00	167,325.00	744,650.00
2004	425,000.00	3.000%	167,325.00	160,950.00	753,275.00
2005	425,000.00	2.050%	160,950.00	156,593.75	742,543.75
2006	500,000.00	2.400%	156,593.75	150,593.75	807,187.50
2007	500,000.00	2.700%	150,593.75	143,843.75	794,437.50
2008	550,000.00	3.000%	143,843.75	135,593.75	829,437.50
2009	575,000.00	3.250%	135,593.75	126,250.00	836,843.75
2010	600,000.00	3.500%	126,250.00	115,750.00	842,000.00
2011	600,000.00	3.600%	115,750.00	104,950.00	820,700.00
2012	625,000.00	3.700%	104,950.00	93,387.50	823,337.50
2013	650,000.00	3.800%	93,387.50	81,037.50	824,425.00
2014	700,000.00	4.000%	81,037.50	67,037.50	848,075.00
2015	725,000.00	4.100%	67,037.50	52,175.00	844,212.50
2016	775,000.00	4.200%	52,175.00	35,900.00	863,075.00
2017	800,000.00	4.300%	35,900.00	18,700.00	854,600.00
2018	850,000.00	4.400%	18,700.00	0.00	868,700.00
	$9,700,000.00		$1,787,412.50	$1,846,520.83	$13,333,933.33

Registrar/Transfer Agent - Fifth Third Bank, Michigan, Grand Rapids, Michigan

$4,025,000
CITY OF TROY
DOWNTOWN DEVELOPMENT AUTHORITY OF THE CITY OF TROY
COUNTY OF OAKLAND, STATE OF MICHIGAN
COMMUNITY CENTER FACILITIES JUNIOR LIEN BONDS, SERIES 2003

SCHEDULE OF PRINCIPAL AND INTEREST REQUIREMENTS

On a Fiscal Year Basis

Fiscal Year Beginning July 1	Principal Due November 1	Interest Rate	Interest Due November 1	Interest Due NEXT May 1	Total Principal & Interest Requirements
2003	$0.00	0.000%	$59,984.38 *	$71,981.25	$131,965.63
2004	75,000.00	2.500%	71,981.25	71,043.75	218,025.00
2005	100,000.00	2.500%	71,043.75	69,793.75	240,837.50
2006	100,000.00	2.500%	69,793.75	68,543.75	238,337.50
2007	125,000.00	2.500%	68,543.75	66,981.25	260,525.00
2008	150,000.00	2.500%	66,981.25	65,106.25	282,087.50
2009	200,000.00	3.000%	65,106.25	62,106.25	327,212.50
2010	200,000.00	3.000%	62,106.25	59,106.25	321,212.50
2011	250,000.00	3.150%	59,106.25	55,168.75	364,275.00
2012	300,000.00	3.300%	55,168.75	50,218.75	405,387.50
2013	325,000.00	3.450%	50,218.75	44,612.50	419,831.25
2014	350,000.00	3.600%	44,612.50	38,312.50	432,925.00
2015	400,000.00	3.750%	38,312.50	30,812.50	469,125.00
2016	450,000.00	4.250%	30,812.50	21,250.00	502,062.50
2017	500,000.00	4.250%	21,250.00	10,625.00	531,875.00
2018	500,000.00	4.250%	10,625.00	0.00	510,625.00
	$4,025,000.00		$845,646.88	$785,662.50	$5,656,309.38

Registrar/Transfer Agent - Fifth Third Bank, Michigan, Grand Rapids, Michigan

* Dated date, June 1, 2003, first interest payment due November 1, 2003- 5 months.

TABLE 1
CITY OF TROY
COUNTY OF OAKLAND, STATE OF MICHIGAN
DOWNTOWN DEVELOPMENT AUTHORITY BONDS

SCHEDULE OF PROJECTED STATE EQUALIZED *(TAXABLE 1994 +) VALUES
(Actual through 2005)

Year	Total Real	Total Personal	Total Real & Personal	Initial Assessed Value	Captured *State Taxable Value
1993	342,342,400	86,936,130	429,278,530	429,278,530	0
1994	338,797,800	111,884,290	450,682,090	429,278,530	21,403,560
1995	334,906,240	147,415,050	482,321,290	429,278,530	53,042,760
1996	366,197,830	147,053,960	513,251,790	429,278,530	83,973,260
1997	391,782,920	191,001,470	582,784,390	429,278,530	153,505,860
1998	430,125,100	203,992,040	634,117,140	429,278,530	204,838,610
1999	432,998,790	220,783,831	653,782,621	429,278,530	224,504,091
2000	469,734,570	207,816,270	677,550,840	429,278,530	248,272,310
2001	493,426,640	193,834,470	687,261,110	429,278,530	257,982,580
2002	520,281,770	180,011,200	700,292,970	429,278,530	271,014,440
2003	524,793,130	162,817,310	687,610,440	429,278,530	258,331,910
2004	522,118,430	134,324,830	656,443,260	429,278,530	227,164,730
2005	531,379,920	133,550,880	664,930,800	429,278,530	235,652,270
2006	539,350,619	129,544,354	668,894,972	429,278,530	239,616,442
2007	547,440,878	125,658,023	673,098,901	429,278,530	243,820,371
2008	555,652,491	121,888,282	677,540,774	429,278,530	248,262,244
2009	563,987,279	118,231,634	682,218,912	429,278,530	252,940,382
2010	572,447,088	114,684,685	687,131,773	429,278,530	257,853,243
2011	581,033,794	111,244,144	692,277,938	429,278,530	262,999,408
2012	589,749,301	107,906,820	697,656,121	429,278,530	268,377,591
2013	598,595,541	104,669,615	703,265,156	429,278,530	273,986,626
2014	607,574,474	101,529,527	709,104,001	429,278,530	279,825,471
2015	616,688,091	98,483,641	715,171,732	429,278,530	285,893,202
2016	625,938,412	95,529,132	721,467,544	429,278,530	292,189,014
2017	635,327,488	92,663,258	727,990,746	429,278,530	298,712,216
2018	644,857,401	89,883,360	734,740,761	429,278,530	305,462,231

2006 and beyond has a 1.5% increase in real, and a 3% decrease in Personal Property

TABLE 2

CITY OF TROY
COUNTY OF OAKLAND, STATE OF MICHIGAN
DOWNTOWN DEVELOPMENT AUTHORITY BONDS
***(Actual through 2005)**
SCHEDULE OF IMPACT ON TAXING JURISDICTIONS

Year	Projected SEV (T/V after 1994) in District		Initial Assessed Value		Captured SEV (T/V after 1994) in District		(2002) Oakland Community College 1.5900	(2002) County of Oakland 4.6500	(2002) City of Troy (9.48 < 2002) 9.4500	Total Annual Capture
1993	429,278,530	*	429,278,530	*	0	*	$ -	$ -	$ -	$ -
1994	450,682,090	*	429,278,530	*	21,403,560	*	34,246	99,527	202,906	336,678
1995	482,321,290	*	429,278,530	*	53,042,760	*	84,868	246,649	502,845	834,362
1996	513,251,790	*	429,278,530	*	83,973,260	*	134,357	390,476	796,067	1,320,899
1997	582,784,390	*	429,278,530	*	153,505,860	*	245,609	713,802	1,455,236	2,414,647
1998	634,117,140	*	429,278,530	*	204,838,610	*	327,742	952,500	1,941,870	3,222,112
1999	653,782,621	*	429,278,530	*	224,504,091	*	359,207	1,043,944	2,128,299	3,531,450
2000	677,550,840	*	429,278,530	*	248,272,310	*	397,236	1,154,466	2,353,621	3,905,324
2001	687,261,110	*	429,278,530	*	257,982,580	*	412,772	1,199,619	2,445,675	4,058,066
2002	700,292,970	*	429,278,530	*	271,014,440	*	433,623	1,260,217	2,561,086	4,254,927
2003	687,610,440	*	429,278,530	*	258,331,910	*	413,331	1,201,243	2,441,237	4,055,811
2004	656,443,260	*	429,278,530	*	227,164,730	*	363,464	1,056,316	2,146,707	3,566,487
2005	664,930,800	*	429,278,530	*	235,652,270	*	374,687	1,095,783	2,226,914	3,697,384
2006	668,894,972		429,278,530	*	239,616,442		380,990	1,114,216	2,264,375	3,759,582
2007	673,098,901		429,278,530	*	243,820,371		387,674	1,133,765	2,304,103	3,825,542
2008	677,540,774		429,278,530	*	248,262,244		394,737	1,154,419	2,346,078	3,895,235
2009	682,218,912		429,278,530	*	252,940,382		402,175	1,176,173	2,390,287	3,968,635
2010	687,131,773		429,278,530	*	257,853,243		409,987	1,199,018	2,436,713	4,045,717
2011	692,277,938		429,278,530	*	262,999,408		418,169	1,222,947	2,485,344	4,126,461
2012	697,656,121		429,278,530	*	268,377,591		426,720	1,247,956	2,536,168	4,210,844
2013	703,265,156		429,278,530	*	273,986,626		435,639	1,274,038	2,589,174	4,298,850
2014	709,104,001		429,278,530	*	279,825,471		444,922	1,301,188	2,644,351	4,390,462
2015	715,171,732		429,278,530	*	285,893,202		454,570	1,329,403	2,701,691	4,485,664
2016	721,467,544		429,278,530	*	292,189,014		464,581	1,358,679	2,761,186	4,584,446
2017	727,990,746		429,278,530	*	298,712,216		474,952	1,389,012	2,822,830	4,686,795
2018	734,740,761		429,278,530	*	305,462,231		485,685	1,420,399	2,886,618	4,792,702
							$ 9,161,944	$ 26,735,755	$ 54,371,380	$ 90,269,080

2006 and beyond has a 1.5% increase in real and a 3% decrease in Personal Property

CITY OF TROY - DOWNTOWN DEVELOPMENT AUTHORITY
FIVE YEAR BUDGET PROJECTION
3/30/2005

	2006-07	2007-08	2008-09	2009-10	2001-11
REVENUE					
PROPERTY TAXES	$ 3,760,000	$ 3,825,000	$ 3,895,000	$ 3,969,000	$ 4,045,000
RE-APPROPRIATION FUND BALANCE	-	-	-	-	-
INVESTMENT INCOME	175,000	180,000	190,000	200,000	200,000
TOTAL	**$ 3,935,000**	**$ 4,005,000**	**$ 4,085,000**	**$ 4,169,000**	**$ 4,245,000**
EXPENDITURES					
OPERATING EXPENSES	$ 100,000	$ 100,000	$ 100,000	$ 100,000	$ 100,000
ST. ISLAND MAINTENANCE	393,000	405,000	417,000	430,000	442,000
DEBT SERVICE					
BIG BEAVER PHASE 2 & 3	1,192,000	1,193,000	1,195,000	1,192,000	1,195,000
MTF ROCHESTER RD.	257,000	248,000	240,000	231,000	222,000
REFUND SERIES 'A'	784,000	785,000	788,000	787,000	788,000
COMMUNITY CENTER	1,046,000	1,055,000	1,112,000	1,165,000	1,164,000
	3,279,000	3,281,000	3,335,000	3,375,000	3,369,000
AVAILABLE FOR PROJECTS	163,000	219,000	233,000	264,000	334,000
TOTAL	**$ 3,935,000**	**$ 4,005,000**	**$ 4,085,000**	**$ 4,169,000**	**$ 4,245,000**
CAPTURED TV	239,616,442	243,820,371	248,262,244	252,940,382	257,853,243
CAPTURED TAX RATE	**$ 15.69**	**$ 15.69**	**$ 15.69**	**$ 15.69**	**$ 15.69**
ESTIMATED FUND BALANCE	$ 5,990,000	$ 7,370,000	$ 7,370,000	$ 7,370,000	$ 7,370,000

BIG BEAVER - LIVERNOIS TO
ROCHESTER RD. ADVANCE
FUNDING REIMBURSEMENT
2004 $4,683,000
2007 $1,380,000

TAX INCREMENT PROCEDURE

Tax increment revenue to be transmitted to the DDA is generated when the current assessed value of all properties within a development area exceeds the initial assessed value of the properties. The initial assessed value is defined in Act 197 as the assessed value of all taxable property within the boundaries of the development area at the time the ordinance establishing the tax increment financing plan is approved, as shown by the most recent assessment roll of the municipality for which equalization has been completed at the time the ordinance is adopted. The current assessed value refers to the assessed value of all properties, real and personal, within the development area as established each year subsequent to the adoption of the tax increment financing plan. The amount in any one year by which the current assessed exceeds the initial assessed value, including real and personal property, is defined as the "captured assessed value." The tax increment revenue transmitted to the DDA results from applying the total tax levy of taxing units within the development area to the captured assessed value.

Increases in assessed values within a development area which result in the generation of tax increment revenues, can result from any of the following:

a. Construction of new developments occurring after the date establishing the "initial assessed value."

b. Construction of new rehabilitation, remodeling alterations, or additions accruing after the date establishing the "initial assessed value."

c. Increases in property values which occur for any other reason.

Tax increment revenues transmitted to the DDA can be pledged for debt service on general obligation tax increment bonds issued by the municipality or tax increment revenues bonds issued by the DDA.

If bonds are to be sold, the municipality may not pledge for annual debt service requirements in excess of 80% of the estimated tax increment revenue to be received from a development area for that year. In addition, the estimated annual debt service owed on bonds issued by the municipality may not exceed 80% of the estimated annual tax increment revenues. Should actual tax increment revenues fall below projections, any previously accumulated revenue would be devoted to retirement of the bonds. Any tax increment revenues collected in excess of the 80% measure described in Table 2 of the Development Plan will be used to pay current debt service on any bonds issued under the Plan. The bonds are subject to the Michigan Municipal Finance Act and may not mature in more than thirty years.

The DDA may expend tax increment revenues only in accordance with the tax increment financing plan; surplus revenues revert proportionally to the respective taxing jurisdictions. The tax increment financing plan may be modified upon approval of the governing body after notification and hearings as required by Act 197. When the governing body finds that the purposes for which the plan was established have been accomplished, they may abolish the plan.

CELEBRATING 50 YEARS 1955-2005 City of Troy Michigan

Downtown Development Authority

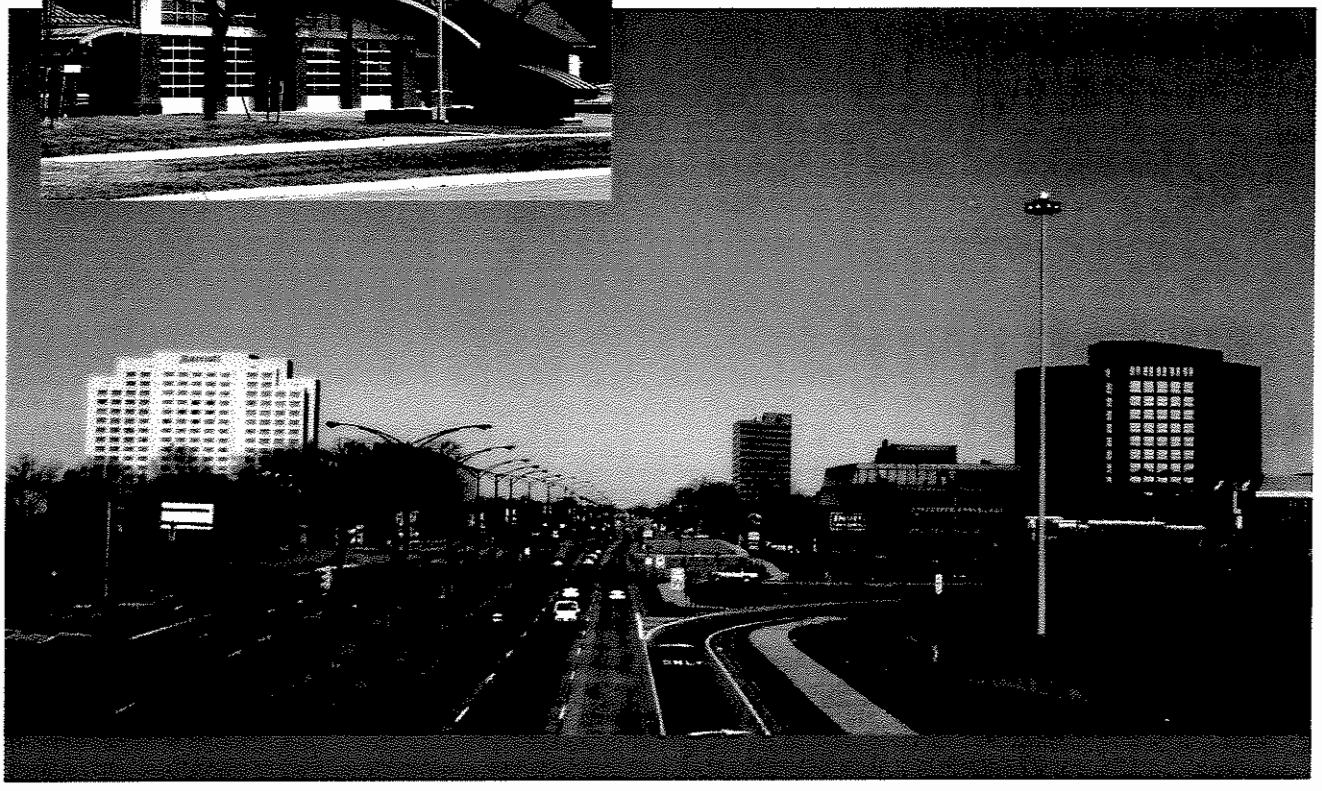
Proposed Annual Budget
Fiscal Year July 1, 2005 - June 30, 2006

Members

Michael W. Culpepper
Stuart Frankel
David R. Hay
Michele Hodges
William Kennis
Alan M. Kiriluk
Daniel MacLeish
Carol A. Price
Ernest C. Reschke
Louise E. Schilling
Douglas J. Schroeder
Harvey Weiss
G. Thomas York

Executive Director
John Szerlag

Secretary/Treasurer
John M. Lamerato



INTRODUCTION

In order to prevent further deterioration and to encourage economic development of the Downtown District, the City of Troy established the Downtown Development Authority of the City of Troy (the DDA) pursuant to Act 197 of 1975 (Act 197) and an Ordinance adopted by the City Council of the City of Troy on July 12, 1993, and amended on September 28, 1998 and February 7, 2000.

The DDA has identified specific sources of funding to finance the implementation of a plan for physical improvements to the Downtown District identified in this plan as the Development Area.

The purpose of the Tax Increment Financing and Development Plan is to provide for the construction and financing of the necessary streets, sidewalks, street lighting, landscaping, parking garage and other facilities for the Development Area; Kmart and Civic Center projects; widening of Rochester Road and Big Beaver to improve traffic flow; provide and expand existing public facilities on the civic center site to serve the needs of the DDA businesses and the citizens of the City of Troy and to carry out the objectives of the DDA so as to prevent the further deterioration of the Development Area while preserving and promoting economic growth for the benefit of all taxing units located within and benefited by the Development Area.

CITY OF TROY
DOWNTOWN DEVELOPMENT AUTHORITY
2005-06
BUDGET

REVENUE

Property Taxes	$	3,697,000
Re-appropriation of Fund balance		130,520
Investment Income		150,000
Total Revenue	**$**	**3,977,520**

EXPENDITURES

Administrative Expenses	$	53,300
Operating Expenses		175,000
Debt Service - Big Beaver Phase 2 & 3		1,195,000
Debt Service - MTF Bonds (Roch. Rd.)		265,500
Debt Service - Refund 1995 Dev. Bonds Series A		823,000
Debt Service - Community Center		984,000
Street Island Maint.		381,720
Economic Development-MEGA Match		100,000
Total Expenditures	**$**	**3,977,520**

CAPTURED TAXABLE VALUE
2004-05

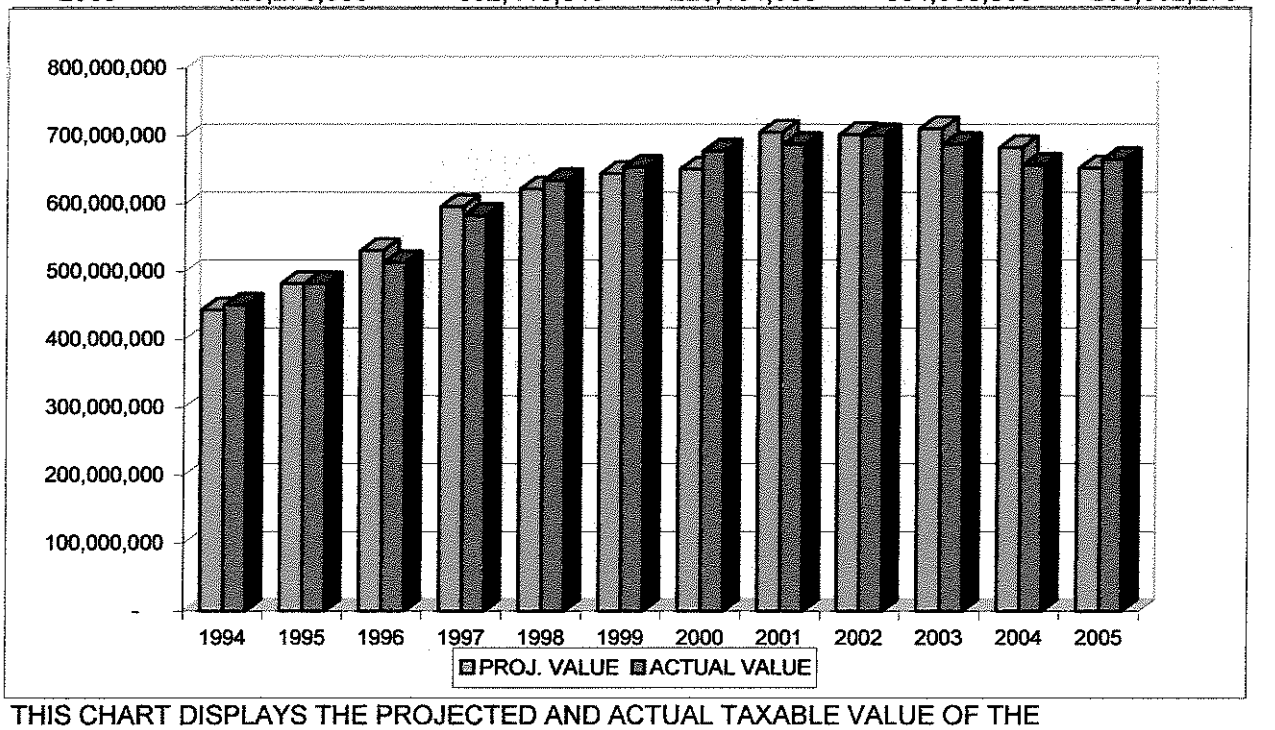
	Real Taxable	Personal Taxable	Total Taxable
1993 - Initial Value	342,342,400	86,936,130	429,278,530
2004 - Taxable Value	531,379,920	133,550,880	664,930,800
Captured Taxable Value	189,037,520	46,614,750	235,652,270

	Oakland County	Oakland Comm. College	City of Troy	Total
Millage Rates	$ 4.65	$ 1.59	$ 9.45	$ 15.69
Captured Yield				$ 3,697,000

CITY OF TROY DOWNTOWN DEVELOPMENT AUTHORITY
PROJECTED AND ACTUAL CAPTURED VALUATION
30-Mar-05

TOTAL DDA BASE

FISCAL YEAR	INITIAL VALUATION	PROJECTED VALUATIION	PROJECTED CAPTURED	ACTUAL VALUATION	ACTUAL CAPTURED
1994	429,278,530	443,579,055	14,300,525	450,682,090	21,403,560
1995	429,278,530	482,321,290	53,042,760	482,321,290	53,042,760
1996	429,278,530	531,054,797	101,776,267	513,251,790	83,973,260
1997	429,278,530	595,752,807	166,474,277	582,784,390	153,505,860
1998	429,278,530	622,051,685	192,773,155	634,117,140	204,838,610
1999	429,278,530	644,521,355	215,242,825	653,782,621	224,504,091
2000	429,278,530	650,903,679	221,625,149	677,550,840	248,272,310
2001	429,278,530	705,343,067	276,064,537	687,261,110	257,982,580
2002	429,278,530	702,063,909	272,785,379	700,292,970	271,014,440
2003	429,278,530	710,501,087	281,222,557	687,610,440	258,331,910
2004	429,278,530	682,725,921	253,447,391	656,443,260	227,164,730
2005	429,278,530	652,413,515	223,134,985	664,930,800	235,652,270



THIS CHART DISPLAYS THE PROJECTED AND ACTUAL TAXABLE VALUE OF THE ENTIRE DOWNTOWN DEVELOPMENT DISTRICT.

BOND DEBT SERVICE

Downtown Development Authority of the City of Troy
County of Oakland, State of Michigan
Development and Refunding Bonds, Series 2001
New Money
Final Pricing

Dated Date	07/19/2001
Delivery Date	07/19/2001

Period Ending	Principal	Coupon	Interest	Debt Service	Annual Debt Service
07/19/2001					
11/01/2001	505,000	4.000%	193,848.17	798,848.17	
05/01/2002			329,985.00	329,985.00	1,128,833.17
11/01/2002	545,000	4.000%	329,985.00	874,985.00	
05/01/2003			319,085.00	319,085.00	1,194,070.00
11/01/2003	565,000	4.000%	319,085.00	884,085.00	
05/01/2004			307,785.00	307,785.00	1,191,870.00
11/01/2004	590,000	4.000%	307,785.00	897,785.00	
05/01/2005			295,985.00	295,985.00	1,193,770.00
11/01/2005	615,000	4.000%	295,985.00	910,985.00	
05/01/2006			283,685.00	283,685.00	1,194,670.00
11/01/2006	640,000	5.000%	283,685.00	923,685.00	
05/01/2007			267,685.00	267,685.00	1,191,370.00
11/01/2007	670,000	4.000%	267,685.00	937,685.00	
05/01/2008			254,285.00	254,285.00	1,191,970.00
11/01/2008	700,000	4.100%	254,285.00	954,285.00	
05/01/2009			239,935.00	239,935.00	1,194,220.00
11/01/2009	730,000	5.000%	239,935.00	969,935.00	
05/01/2010			221,685.00	221,685.00	1,191,620.00
11/01/2010	770,000	5.000%	221,685.00	991,685.00	
05/01/2011			202,435.00	202,435.00	1,194,120.00
11/01/2011	805,000	4.400%	202,435.00	1,007,435.00	
05/01/2012			184,725.00	184,725.00	1,192,160.00
11/01/2012	850,000	5.500%	184,725.00	1,034,725.00	
05/01/2013			161,350.00	161,350.00	1,196,075.00
11/01/2013	895,000	5.500%	161,350.00	1,056,350.00	
05/01/2014			136,737.50	136,737.50	1,193,087.50
11/01/2014	945,000	5.500%	136,737.50	1,081,737.50	
05/01/2015			110,750.00	110,750.00	1,192,487.50
11/01/2015	1,000,000	5.500%	110,750.00	1,110,750.00	
05/01/2016			83,250.00	83,250.00	1,194,000.00
11/01/2016	1,055,000	5.000%	83,250.00	1,138,250.00	
05/01/2017			56,875.00	56,875.00	1,195,125.00
11/01/2017	1,110,000	5.000%	56,875.00	1,166,875.00	
05/01/2018			29,125.00	29,125.00	1,196,000.00
11/01/2018	1,165,000	5.000%	29,125.00	1,194,125.00	1,194,125.00
	14,255,000		7,164,573.17	21,419,573.17	21,419,573.17

BOND DEBT SERVICE

Downtown Development Authority of the City of Troy
County of Oakland, State of Michigan
Development and Refunding Bonds, Series 2001
Refunding of Callable 1995 DDA Bonds, Series A (Tax-Exempt)
Refunding Portion
Final Pricing

Dated Date	07/19/2001
Delivery Date	07/19/2001

Period Ending	Principal	Coupon	Interest	Debt Service	Annual Debt Service
07/19/2001					
11/01/2001	465,000	4.000%	132,448.42	597,448.42	
05/01/2002			224,432.50	224,432.50	821,880.92
11/01/2002	380,000	4.000%	224,432.50	604,432.50	
05/01/2003			216,832.50	216,832.50	821,265.00
11/01/2003	395,000	4.000%	216,832.50	611,832.50	
05/01/2004			208,932.50	208,932.50	820,765.00
11/01/2004	415,000	4.000%	208,932.50	623,932.50	
05/01/2005			200,632.50	200,632.50	824,565.00
11/01/2005	430,000	4.000%	200,632.50	630,632.50	
05/01/2006			192,032.50	192,032.50	822,665.00
11/01/2006	410,000	5.000%	192,032.50	602,032.50	
05/01/2007			181,782.50	181,782.50	783,815.00
11/01/2007	430,000	4.000%	181,782.50	611,782.50	
05/01/2008			173,182.50	173,182.50	784,965.00
11/01/2008	450,000	4.100%	173,182.50	623,182.50	
05/01/2009			163,957.50	163,957.50	787,140.00
11/01/2009	470,000	5.000%	163,957.50	633,957.50	
05/01/2010			152,207.50	152,207.50	786,165.00
11/01/2010	495,000	5.000%	152,207.50	647,207.50	
05/01/2011			139,832.50	139,832.50	787,040.00
11/01/2011	560,000	4.400%	139,832.50	699,832.50	
05/01/2012			127,512.50	127,512.50	827,345.00
11/01/2012	590,000	5.500%	127,512.50	717,512.50	
05/01/2013			111,287.50	111,287.50	828,800.00
11/01/2013	620,000	5.500%	111,287.50	731,287.50	
05/01/2014			94,237.50	94,237.50	825,525.00
11/01/2014	655,000	5.500%	94,237.50	749,237.50	
05/01/2015			76,225.00	76,225.00	825,462.50
11/01/2015	690,000	5.500%	76,225.00	766,225.00	
05/01/2016			57,250.00	57,250.00	823,475.00
11/01/2016	725,000	5.000%	57,250.00	782,250.00	
05/01/2017			39,125.00	39,125.00	821,375.00
11/01/2017	765,000	5.000%	39,125.00	804,125.00	
05/01/2018			20,000.00	20,000.00	824,125.00
11/01/2018	800,000	5.000%	20,000.00	820,000.00	820,000.00
	9,745,000		4,891,373.42	14,636,373.42	14,636,373.42

$5,600,000
CITY OF TROY
COUNTY OF OAKLAND, STATE OF MICHIGAN
MICHIGAN TRNSPORTATION FUND BONDS
(ROCHESTER ROAD)

SCHEDULE OF PRINCIPAL AND INTEREST REQUIRMENTS
on a fiscal year basis

Fiscal Year Bgn July 1	Interest Due November 1	Interest Rate	Prinicipal Due May 1, Next	Interest Due May 1, NEXT	Total
2000	$205,343.70	0.000%	$1,100,000	$136,893.75	$1,442,237.45
2001	110,768.75	4.750%	1,200,000	110,768.75	1,421,537.50
2002	82,268.75	4.750%	1,300,000	82,268.75	1,464,537.50
2003	51,718.75	4.700%	125,000	51,718.75	228,437.50
2004	48,718.75	4.800%	150,000	48,718.75	247,437.50
2005	45,043.75	4.900%	175,000	45,043.75	265,087.50
2006	40,668.75	5.000%	175,000	40,668.75	256,337.50
2007	36,293.75	5.000%	175,000	36,293.75	247,587.50
2008	31,918.75	5.000%	175,000	31,918.75	238,837.50
2009	27,456.25	5.100%	175,000	27,456.25	229,912.50
2010	22,950.00	5.150%	175,000	22,950.00	220,900.00
2011	18,356.25	5.250%	200,000	18,356.25	236,712.50
2012	13,006.25	5.350%	225,000	13,006.25	251,012.50
2013	6,875.00	5.450%	250,000	6,875.00	263,750.00
	$741,387.45		$5,600,000	$672,937.50	$7,014,324.95

Registrar/Transfer Agent - Old Kent Bank, Grand Rapids, Michigan

* Dated date, February 1, 2000, first interest payment due November 1, 2000 - 9 months.

$9,700,000
CITY OF TROY
DOWNTOWN DEVELOPMENT AUTHORITY OF THE CITY OF TROY
COUNTY OF OAKLAND, STATE OF MICHIGAN
COMMUNITY CENTER FACILITIES BONDS, SERIES 2002

SCHEDULE OF PRINCIPAL AND INTEREST REQUIREMENTS

On a Fiscal Year Basis

Fiscal Year Beginning July 1	Principal Due November 1	Interest Rate	Interest Due November 1	Interest Due NEXT May 1	Total Principal & Interest Requirements
2002	$0.00	0.000%	$0.00	$236,433.33 *	$236,433.33
2003	400,000.00	5.000%	177,325.00	167,325.00	744,650.00
2004	425,000.00	3.000%	167,325.00	160,950.00	753,275.00
2005	425,000.00	2.050%	160,950.00	156,593.75	742,543.75
2006	500,000.00	2.400%	156,593.75	150,593.75	807,187.50
2007	500,000.00	2.700%	150,593.75	143,843.75	794,437.50
2008	550,000.00	3.000%	143,843.75	135,593.75	829,437.50
2009	575,000.00	3.250%	135,593.75	126,250.00	836,843.75
2010	600,000.00	3.500%	126,250.00	115,750.00	842,000.00
2011	600,000.00	3.600%	115,750.00	104,950.00	820,700.00
2012	625,000.00	3.700%	104,950.00	93,387.50	823,337.50
2013	650,000.00	3.800%	93,387.50	81,037.50	824,425.00
2014	700,000.00	4.000%	81,037.50	67,037.50	848,075.00
2015	725,000.00	4.100%	67,037.50	52,175.00	844,212.50
2016	775,000.00	4.200%	52,175.00	35,900.00	863,075.00
2017	800,000.00	4.300%	35,900.00	18,700.00	854,600.00
2018	850,000.00	4.400%	18,700.00	0.00	868,700.00
	$9,700,000.00		$1,787,412.50	$1,846,520.83	$13,333,933.33

Registrar/Transfer Agent - Fifth Third Bank, Michigan, Grand Rapids, Michigan

$4,025,000
CITY OF TROY
DOWNTOWN DEVELOPMENT AUTHORITY OF THE CITY OF TROY
COUNTY OF OAKLAND, STATE OF MICHIGAN
COMMUNITY CENTER FACILITIES JUNIOR LIEN BONDS, SERIES 2003

SCHEDULE OF PRINCIPAL AND INTEREST REQUIREMENTS

On a Fiscal Year Basis

Fiscal Year Beginning July 1	Principal Due November 1	Interest Rate	Interest Due November 1	Interest Due NEXT May 1	Total Principal & Interest Requirements
2003	$0.00	0.000%	$59,984.38 *	$71,981.25	$131,965.63
2004	75,000.00	2.500%	71,981.25	71,043.75	218,025.00
2005	100,000.00	2.500%	71,043.75	69,793.75	240,837.50
2006	100,000.00	2.500%	69,793.75	68,543.75	238,337.50
2007	125,000.00	2.500%	68,543.75	66,981.25	260,525.00
2008	150,000.00	2.500%	66,981.25	65,106.25	282,087.50
2009	200,000.00	3.000%	65,106.25	62,106.25	327,212.50
2010	200,000.00	3.000%	62,106.25	59,106.25	321,212.50
2011	250,000.00	3.150%	59,106.25	55,168.75	364,275.00
2012	300,000.00	3.300%	55,168.75	50,218.75	405,387.50
2013	325,000.00	3.450%	50,218.75	44,612.50	419,831.25
2014	350,000.00	3.600%	44,612.50	38,312.50	432,925.00
2015	400,000.00	3.750%	38,312.50	30,812.50	469,125.00
2016	450,000.00	4.250%	30,812.50	21,250.00	502,062.50
2017	500,000.00	4.250%	21,250.00	10,625.00	531,875.00
2018	500,000.00	4.250%	10,625.00	0.00	510,625.00
	$4,025,000.00		$845,646.88	$785,662.50	$5,656,309.38

Registrar/Transfer Agent - Fifth Third Bank, Michigan, Grand Rapids, Michigan

* Dated date, June 1, 2003, first interest payment due November 1, 2003- 5 months.

TABLE 1
CITY OF TROY
COUNTY OF OAKLAND, STATE OF MICHIGAN
DOWNTOWN DEVELOPMENT AUTHORITY BONDS

SCHEDULE OF PROJECTED STATE EQUALIZED *(TAXABLE 1994 +) VALUES
(Actual through 2005)

Year	Total Real	Total Personal	Total Real & Personal	Initial Assessed Value	Captured *State Taxable Value
1993	342,342,400	86,936,130	429,278,530	429,278,530	0
1994	338,797,800	111,884,290	450,682,090	429,278,530	21,403,560
1995	334,906,240	147,415,050	482,321,290	429,278,530	53,042,760
1996	366,197,830	147,053,960	513,251,790	429,278,530	83,973,260
1997	391,782,920	191,001,470	582,784,390	429,278,530	153,505,860
1998	430,125,100	203,992,040	634,117,140	429,278,530	204,838,610
1999	432,998,790	220,783,831	653,782,621	429,278,530	224,504,091
2000	469,734,570	207,816,270	677,550,840	429,278,530	248,272,310
2001	493,426,640	193,834,470	687,261,110	429,278,530	257,982,580
2002	520,281,770	180,011,200	700,292,970	429,278,530	271,014,440
2003	524,793,130	162,817,310	687,610,440	429,278,530	258,331,910
2004	522,118,430	134,324,830	656,443,260	429,278,530	227,164,730
2005	531,379,920	133,550,880	664,930,800	429,278,530	235,652,270
2006	539,350,619	129,544,354	668,894,972	429,278,530	239,616,442
2007	547,440,878	125,658,023	673,098,901	429,278,530	243,820,371
2008	555,652,491	121,888,282	677,540,774	429,278,530	248,262,244
2009	563,987,279	118,231,634	682,218,912	429,278,530	252,940,382
2010	572,447,088	114,684,685	687,131,773	429,278,530	257,853,243
2011	581,033,794	111,244,144	692,277,938	429,278,530	262,999,408
2012	589,749,301	107,906,820	697,656,121	429,278,530	268,377,591
2013	598,595,541	104,669,615	703,265,156	429,278,530	273,986,626
2014	607,574,474	101,529,527	709,104,001	429,278,530	279,825,471
2015	616,688,091	98,483,641	715,171,732	429,278,530	285,893,202
2016	625,938,412	95,529,132	721,467,544	429,278,530	292,189,014
2017	635,327,488	92,663,258	727,990,746	429,278,530	298,712,216
2018	644,857,401	89,883,360	734,740,761	429,278,530	305,462,231

2006 and beyond has a 1.5% increase in real, and a 3% decrease in Personal Property

TABLE 2

CITY OF TROY
COUNTY OF OAKLAND, STATE OF MICHIGAN
DOWNTOWN DEVELOPMENT AUTHORITY BONDS
***(Actual through 2005)**
SCHEDULE OF IMPACT ON TAXING JURISDICTIONS

Year	Projected SEV (T/V after 1994) in District		Initial Assessed Value		Captured SEV (T/V after 1994) in District		(2002) Oakland Community College 1.5900	(2002) County of Oakland 4.6500	(2002) City of Troy (9.48 < 2002) 9.4500	Total Annual Capture
1993	429,278,530	*	429,278,530	*	0	*	$ -	$ -	$ -	$ -
1994	450,682,090	*	429,278,530	*	21,403,560	*	34,246	99,527	202,906	336,678
1995	482,321,290	*	429,278,530	*	53,042,760	*	84,868	246,649	502,845	834,362
1996	513,251,790	*	429,278,530	*	83,973,260	*	134,357	390,476	796,067	1,320,899
1997	582,784,390	*	429,278,530	*	153,505,860	*	245,609	713,802	1,455,236	2,414,647
1998	634,117,140	*	429,278,530	*	204,838,610	*	327,742	952,500	1,941,870	3,222,112
1999	653,782,621	*	429,278,530	*	224,504,091	*	359,207	1,043,944	2,128,299	3,531,450
2000	677,550,840	*	429,278,530	*	248,272,310	*	397,236	1,154,466	2,353,621	3,905,324
2001	687,261,110	*	429,278,530	*	257,982,580	*	412,772	1,199,619	2,445,675	4,058,066
2002	700,292,970	*	429,278,530	*	271,014,440	*	433,623	1,260,217	2,561,086	4,254,927
2003	687,610,440	*	429,278,530	*	258,331,910	*	413,331	1,201,243	2,441,237	4,055,811
2004	656,443,260	*	429,278,530	*	227,164,730	*	363,464	1,056,316	2,146,707	3,566,487
2005	664,930,800	*	429,278,530	*	235,652,270	*	374,687	1,095,783	2,226,914	3,697,384
2006	668,894,972		429,278,530	*	239,616,442		380,990	1,114,216	2,264,375	3,759,582
2007	673,098,901		429,278,530	*	243,820,371		387,674	1,133,765	2,304,103	3,825,542
2008	677,540,774		429,278,530	*	248,262,244		394,737	1,154,419	2,346,078	3,895,235
2009	682,218,912		429,278,530	*	252,940,382		402,175	1,176,173	2,390,287	3,968,635
2010	687,131,773		429,278,530	*	257,853,243		409,987	1,199,018	2,436,713	4,045,717
2011	692,277,938		429,278,530	*	262,999,408		418,169	1,222,947	2,485,344	4,126,461
2012	697,656,121		429,278,530	*	268,377,591		426,720	1,247,956	2,536,168	4,210,844
2013	703,265,156		429,278,530	*	273,986,626		435,639	1,274,038	2,589,174	4,298,850
2014	709,104,001		429,278,530	*	279,825,471		444,922	1,301,188	2,644,351	4,390,462
2015	715,171,732		429,278,530	*	285,893,202		454,570	1,329,403	2,701,691	4,485,664
2016	721,467,544		429,278,530	*	292,189,014		464,581	1,358,679	2,761,186	4,584,446
2017	727,990,746		429,278,530	*	298,712,216		474,952	1,389,012	2,822,830	4,686,795
2018	734,740,761		429,278,530	*	305,462,231		485,685	1,420,399	2,886,618	4,792,702
							$ 9,161,944	$ 26,735,755	$ 54,371,380	$ 90,269,080

2006 and beyond has a 1.5% increase in real and a 3% decrease in Personal Property

CITY OF TROY - DOWNTOWN DEVELOPMENT AUTHORITY
FIVE YEAR BUDGET PROJECTION
3/30/2005

	2006-07	2007-08	2008-09	2009-10	2001-11
REVENUE					
PROPERTY TAXES	$ 3,760,000	$ 3,825,000	$ 3,895,000	$ 3,969,000	$ 4,045,000
RE-APPROPRIATION FUND BALANCE	-	-	-	-	-
INVESTMENT INCOME	175,000	180,000	190,000	200,000	200,000
TOTAL	**$ 3,935,000**	**$ 4,005,000**	**$ 4,085,000**	**$ 4,169,000**	**$ 4,245,000**
EXPENDITURES					
OPERATING EXPENSES	$ 100,000	$ 100,000	$ 100,000	$ 100,000	$ 100,000
ST. ISLAND MAINTENANCE	393,000	405,000	417,000	430,000	442,000
DEBT SERVICE					
BIG BEAVER PHASE 2 & 3	1,192,000	1,193,000	1,195,000	1,192,000	1,195,000
MTF ROCHESTER RD.	257,000	248,000	240,000	231,000	222,000
REFUND SERIES 'A'	784,000	785,000	788,000	787,000	788,000
COMMUNITY CENTER	1,046,000	1,055,000	1,112,000	1,165,000	1,164,000
	3,279,000	3,281,000	3,335,000	3,375,000	3,369,000
AVAILABLE FOR PROJECTS	163,000	219,000	233,000	264,000	334,000
TOTAL	**$ 3,935,000**	**$ 4,005,000**	**$ 4,085,000**	**$ 4,169,000**	**$ 4,245,000**
CAPTURED TV	239,616,442	243,820,371	248,262,244	252,940,382	257,853,243
CAPTURED TAX RATE	**$ 15.69**	**$ 15.69**	**$ 15.69**	**$ 15.69**	**$ 15.69**
ESTIMATED FUND BALANCE	$ 5,990,000	$ 7,370,000	$ 7,370,000	$ 7,370,000	$ 7,370,000

BIG BEAVER - LIVERNOIS TO
ROCHESTER RD. ADVANCE
FUNDING REIMBURSEMENT
2004 $4,683,000
2007 $1,380,000

TAX INCREMENT PROCEDURE

Tax increment revenue to be transmitted to the DDA is generated when the current assessed value of all properties within a development area exceeds the initial assessed value of the properties. The initial assessed value is defined in Act 197 as the assessed value of all taxable property within the boundaries of the development area at the time the ordinance establishing the tax increment financing plan is approved, as shown by the most recent assessment roll of the municipality for which equalization has been completed at the time the ordinance is adopted. The current assessed value refers to the assessed value of all properties, real and personal, within the development area as established each year subsequent to the adoption of the tax increment financing plan. The amount in any one year by which the current assessed exceeds the initial assessed value, including real and personal property, is defined as the "captured assessed value." The tax increment revenue transmitted to the DDA results from applying the total tax levy of taxing units within the development area to the captured assessed value.

Increases in assessed values within a development area which result in the generation of tax increment revenues, can result from any of the following:

a. Construction of new developments occurring after the date establishing the "initial assessed value."

b. Construction of new rehabilitation, remodeling alterations, or additions accruing after the date establishing the "initial assessed value."

c. Increases in property values which occur for any other reason.

Tax increment revenues transmitted to the DDA can be pledged for debt service on general obligation tax increment bonds issued by the municipality or tax increment revenues bonds issued by the DDA.

If bonds are to be sold, the municipality may not pledge for annual debt service requirements in excess of 80% of the estimated tax increment revenue to be received from a development area for that year. In addition, the estimated annual debt service owed on bonds issued by the municipality may not exceed 80% of the estimated annual tax increment revenues. Should actual tax increment revenues fall below projections, any previously accumulated revenue would be devoted to retirement of the bonds. Any tax increment revenues collected in excess of the 80% measure described in Table 2 of the Development Plan will be used to pay current debt service on any bonds issued under the Plan. The bonds are subject to the Michigan Municipal Finance Act and may not mature in more than thirty years.

The DDA may expend tax increment revenues only in accordance with the tax increment financing plan; surplus revenues revert proportionally to the respective taxing jurisdictions. The tax increment financing plan may be modified upon approval of the governing body after notification and hearings as required by Act 197. When the governing body finds that the purposes for which the plan was established have been accomplished, they may abolish the plan.

May 16, 2005

TO: John Szerlag, City Manager

FROM: John Lamerato, Assistant City Manager/Finance
Doug Smith, Real Estate and Development Director

SUBJECT: AGENDA ITEM – Approval of Brownfield Redevelopment Authority 2005-06 Budget

To date the Brownfield Redevelopment Authority has approved three development plans, Midtown Square, Saleen Specialty Vehicles (SSV) and Masco. The Brownfield Redevelopment Authority approved the attached proposed budget at their April 21, 2005 meeting and recommends City Council approval.

CITY OF TROY

BROWNFIELD REDEVELOPMENT AUTHORITY

2005-06

BUDGET

DRAFT

4/5/2005

REVENUE

Property Tax	$792,000
	$792,000

EXPENDITURES

Payment to Grand/Sakwa Development Plan #1	728,900
Operating Supplies	1,500
Administrative Services	10,000
Consultant Services	10,000
Education & Training	4,000
Tax Appeals	600
Site Remediation	37,000
	$792,000

CAPTURED TAXABLE VALUE

2005-06

	Taxable Value
2003 - Total Value	56,912,680
2000 - Initial Value	5,421,830
Captured Taxable Value	**51,490,850**

	Oakland County	Oakland Comm. College	City of Troy	Total
Millage Rates	4.6497	1.5983	9.45	15.6980
Captured Yield				**808,303**

Note: Millage rates estimated - budget @ 98%

DATE: May 31, 2005

TO: John Szerlag, City Manager

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

SUBJECT: Agenda Item – Establishing Fee for
On Site Sewage Disposal System Inspections

As presented at the City Council meeting of May 23, 2005, City Staff has established policies and procedures to implement the septic system inspection program adopted by City Council as part of revisions to Chapter 19 of the Troy City Code. The one item that requires additional action by City Council is the establishment of the fee for the inspection. Based upon an analysis of the time necessary for staff to do the inspections, as well as cost estimates from outside inspectors, we propose that this fee be established at $200. At this amount we will cover expenditures of staff inspector's time or cover outside inspector's costs as well as administrative overhead for scheduling, performing, and maintaining records on the inspections.

Prepared by: Mark Stimac, Director of Building and Zoning

May 31, 2005

TO: John Szerlag, City Manager

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

SUBJECT: **Agenda Item**: Standard Purchasing Resolution 3: Option to Renew – General Consulting Engineering Services Contract

RECOMMENDATION

On June 17, 2002, Council approved a three (3) year contract for general consulting engineering services with an option to renew for three (3) additional years under the same terms and conditions, based on mutual consent of both parties (Res#2002-06-379). Hubbell, Roth & Clark, Inc. (HRC) and Spalding DeDecker Associates (SDA) have offered to renew their contracts for three (3) additional years under the same terms and conditions. In accordance with these terms, the first option year (and each year thereafter) an increase not to exceed 3% or the difference in the Consumer Price Index between the current year and the previous year as calculated by the Bureau of Labor Statistics, whichever is lower, would be accepted by the City of Troy.

Both consultants have agreed not to seek any increases for the next three (3) years, however; SDA requests that a clerical error be corrected on their hourly rate schedule for Construction Technicians (Inspectors). It is requested that overtime work by their technicians be charged at a rate equal 1.3 times their regular hourly rate, consistent with other SDA field personnel in our current agreement and consistent with our agreement with HRC which has a 1.5 multiplier for overtime.

An informal telephone survey of consultants, including Wade-Trim who was rated third during our 2002 selection process and Anderson, Eckstein and Westrick , has confirmed that our current consultant rates remain competitive within the market and also revealed that consultant rates in this area have increased 2-2.5% per year over the last few years.

The effective date of the resulting contracts will be July 1, 2005, or upon City Council approval whichever is later, through June 30, 2008.

SUMMARY

Hubbell, Roth & Clark, Inc. (HRC) and Spalding DeDecker Associates (SDA) have provided excellent services for the City of Troy. Among the notable design projects completed by HRC were reconstruction of Long Lake Road from Carnaby to Dequindre, which received an Award of Excellence from the Michigan Concrete Paving Association, reconstruction of Maplelawn in 2004 and this year's Coolidge Road Realignment project scheduled to get underway in June.

SDA has provided assistance on our Soil Erosion Control inspection program and completed noteworthy design projects including Stephenson Highway reconstruction, for which concrete slab replacement is currently underway, and Section 30 Water Main,

which is the first Troy project to use directional drilling for water main installation with minimal disturbance to roads, sidewalks and trees.

BUDGET

Engineering services completed for City Capital projects are funded from each project's funding source as identified in the budget.
Additionally, the Engineering Operating Budget for FY 2005-06 includes funds for Consultant Services in the following accounts:

442.7816 – Engineering Projects – Consultant Services
443.7816 – Engineering Subdivisions – Consultant Services
444.7816 – Engineering General – Consultant Services

ALL SUBMITTED PROPOSALS MUST INCLUDE: (Identify as Sections in the Proposal)

1. An outline of the technical approach to the services

2. The following major items of work should be discussed:

    a. **Preliminary or Design Report Phase** – preliminary studies, conceptual layout, cost estimates, etc.
    b. **Design Phase** – preparation of construction drawings, specifications and contract documents
    c. **Construction Management** – owner's representative during construction
    d. **Construction Observation and Construction Layout** – furnishing construction layout, construction observation and testing and/or testing coordination
    e. **Other Professional Engineering Services** – preparation of Master Plan reports, site plan reviews, easement acquisition assistance, bi-annual bridge inspections, etc.

3. A list identifying the key personnel proposed to be provided including name, classification, total hourly cost (to include pay rate, overhead, profit and all other costs), the time required for availability, the overall availability of key personnel and resumes where applicable, for the following services:

    a. Civil Engineering Services
    b. Land Surveyor
    c. Construction Inspector
        - Inspection Staff – provide a table of the available inspection staff detailing certifications and training
    d. Soil Erosion Inspector
    e. Survey Crew Services

4. The consultant design fee as a percentage of construction cost (as bid) for the preparation of complete plans, specifications and engineer's estimate for City projects.

5. The consultant fee as a percentage of construction cost (as bid) for the total construction management of City projects including construction engineering, surveying, inspection, testing and/or testing coordination, pay estimates, all record keeping, handling complaints, as builts, etc.

TERMS & CONDITIONS

1. **Signature:** Each consultant must sign the proposal with their usual signature and shall give their full business address. Proposals submitted by partnerships shall be signed with the partnership name by one of the members or by an authorized representative. Proposals by corporations shall be signed with the name of the corporation followed by the signature and designation of the President, Secretary, or other person authorized to bind it in the matter.

2. **Retain Proposals:** The City reserves the right to retain all proposals submitted and to use any ideas in the proposal regardless of whether that proposal is selected. Submission of a proposal indicates acceptance by the Consultant of the conditions contained in the RFP, unless clearly and specifically noted in the proposal submitted and confirmed in the Agreement between the City of Troy and the consultant selected.

3. **Laws:** All applicable State of Michigan and Federal laws, City and County ordinances, licenses and regulations of all Agencies having jurisdiction shall apply to the Award throughout and incorporated here by reference. The Agreement and all questions concerning the execution, validity or invalidity, capacity of the parties, and the performance of the Agreement, shall be interpreted in all respects in accordance with the Charter and Code of the City of Troy and the laws of the State of Michigan.

4. **Sub-Contractors:** No portion of the proposal may be subcontracted without the prior written approval by the City.

5. **Agreement:** The selected firms will be expected to sign an agreement for services acceptable to the Troy City Attorney (sample agreement attached). The City reserves the right to negotiate optional scope of work items with the successful Consultants.

6. **Award:** The evaluation and award of this proposal shall be a combination of factors including, but not limited to: the statement of qualifications, interview, detailed proposals and the correlation of the information submitted to the needs of the City of Troy and any other factors considered to be in the best interest of the City of Troy.

   The City of Troy reserves the right to award to the firms providing the best proposal, in whatever manner is deemed to be in the City's best interest; to award the proposal to the most effective total package which matches the City's needs; to reject a proposal which contains major deviations from specifications; to accept a proposal which has only minor deviations from specifications; to accept any or all of the optional features offered with additional pricing proposed, whatever is deemed to be in the City's best interest.

7. **Changes in the RFP:** Should any prospective respondent be in doubt as to the meaning or interpretation of any portion of this RFP, or should the respondent find any ambiguity, inconsistency or omission therein, the respondent may make a written request for an official interpretation or correction. Such requests, as well as requests for additional information, shall be submitted to the Engineering Department [Fax (248) 524-1838 or located at 500 W. Big Beaver Rd. not less than seven calendar (7) days prior to the final date of submittal of the proposals. If the information requested is available, the responses to the requests will be mailed to each firm recorded as having received a copy of the RFP.

8. **Contract Termination:** The City of Troy reserves the right to terminate the contract without penalty upon seven (7) days written notice due to poor performance or for any reason deemed to be in its best interest. The City of Troy designated representative will be solely responsible for determining acceptable performance levels. His/her decision will be deemed in the City of Troy's best interest and will be final. The City of Troy reserves the right to re-award or re-bid the contract in whatever manner is deemed to be in its best interest.

9. **Invoicing and Payment:** The City of Troy reserves the right to select the invoicing option deemed to be in its best interest at the time of implementation of the contract. No additional costs will be incurred for the invoicing option selected. Detailed billing will be required which minimally includes the project name, service(s) provided, hours worked, cost per hour, and a detailed breakdown of additional allowable expenses.

   Termination of service will be unacceptable for non-payment of a bill without the successful consultant contacting the designated City representative to resolve the problem. The City will have 45 days to resolve any billing problem from written notice of the termination of service.

10. Prices quoted shall remain firm for sixty (60) days or proposal award, whichever comes first, except the successful bidders whose prices shall remain firm from July 1, 2002 or date of award whichever is later and continue for three (3) calendar years until June 30, 2005 with an option to renew the contract for an additional three (3) year period under the same terms and conditions based upon mutual consent of both parties within sixty (60) days of contract termination.

The City can accept an increase at the beginning of the first option year (and each year thereafter) not to exceed the difference in the Consumer Price Index between the current year (as close to 12 months as possible) and previous year as calculated on the CPI Inflation Calculator available on the Bureau of Labor Statistics website www.bls.gov/cpi/home.htm. The CPI Inflation Calculator uses the average Consumer Price Index for a given year. This data represents changes in prices of all goods and services purchased for consumption by urban households. For the current year, the latest month index value is used.

COMPANY _____

ADDRESS _____ CITY _____ STATE _____ ZIP _____

PHONE NUMBER(___)_____ FAX NUMBER(____)_____

REPRESENTATIVE'S NAME _____(Print)

SIGNATURE OF AUTHORIZED COMPANY REPRESENTATIVE _____

TERMS_____

EXCEPTIONS:
Any exceptions, deviations, substitutions, etc. from the City specifications and this proposal must be stated below. The reason(s) for the exception, deviation, or substitution are an integral part of this proposal.

_____

_____

_____

CITY OF TROY
AGREEMENT FOR GENERAL CONSULTING ENGINEERING SERVICES

AGREEMENT

Pursuant to City Council Resolution No. 2002-06-379, the City of Troy (City) and Hubbell, Roth and Clark, Inc. (Consultant), based on the Proposal for General Engineering Services received from Hubbell, Roth and Clark, Inc. on May 30, 2002 (copy attached), agree as follows:

a) The Consultant shall conform to all applicable laws, ordinances, City standards and statutes of the Federal Government, State of Michigan and City of Troy, including but not limited to, the following:

- Civil Rights Act of 1964, as amended
- Davis Bacon Act, as amended (40 USC 327-330)
- Copeland "Anti-Kickback" Act (18 USC 874), as supplemented in the Department of Labor Regulations (20 CFR-Part 3)

b) The City reserves the right to terminate the contract at any time with the assurance that the contractor shall be entitled to reimbursement for any services rendered prior to the date of termination.

c) Provide a statement that the Consultant will not perform any services for the City in which there is a conflict of interest, or the appearance of a conflict of interest, with any builder, developer, contractor or private client who is or might be expected to be active in the City.

If the Consultant is currently performing services for a builder, developer, contractor or private client who is or might be expected to be active in the City, the consulting engineer shall provide a detailed listing of this work, as well as the anticipated date of completion.

d) The Consultant will be held responsible for additional costs resulting from negligence, mismanagement, delays or improper guidance. When it can be established that the Consultant is clearly at fault, these additional costs will be borne by the Consultant.

The City will require affirmative steps to be taken by the Consultant for the utilization of DBE/WBE firms for subcontracted services for Michigan Department of Transportation projects.

e) The Consultant shall not commence work under this agreement until it has obtained the following required insurance. All coverage shall be with insurance carriers acceptable to the City. **All insurance carriers shall be licensed and admitted to do business in the State of Michigan.** The Consultant shall require each its subcontractors to maintain the following required insurance. If

any insurance is written with a deductible or self-insured retention, the Consultant shall be solely responsible for said deductible or self-insured retention. The purchase of insurance and the furnishing of a certificate of insurance shall not constitute satisfaction of the Consultant's indemnification of the City.

The Consultant and its subcontractors shall procure and maintain during the life of the agreement the following coverage:

i. Workers compensation insurance in accordance with all applicable statutes of the State of Michigan. Coverage shall include a minimum $250,000 employers liability coverage.

ii. Commercial general liability insurance on an "occurrence" basis with limits of liability not less that $1,000,000 per occurrence and/or aggregate combined single limit, personal injury, bodily injury and property damage. Coverage shall include the following extensions:

- Per Contract Aggregate (Annual Aggregate Contract Limit)
- Contractual liability
- Products and completed operations
- Independent contractors coverage
- Broad form general liability extensions or equivalent

iii. Motor vehicle liability coverage, including Michigan no-fault coverage for all vehicles used in the performance of the contract.

Coverage shall include all owned vehicles, all non-owned vehicles and all hired vehicles. Limits of liability shall not be less than $1,000,000 per occurrence combined single limit bodily injury and property damage.

iv. Professional liability, issued on an "occurrence basis" or "claims made basis", with limits of liability of not less than $3,000,000 per occurrence/aggregate, or per claim/aggregate if on a "claims made basis". If written on a "claims made basis", the policy must continue for a period of two (2) years following the termination or end date of the contract. Whether on an "occurrence basis" or a "claims made basis", the policy shall include: a) per contract aggregate and b) deletion of all contractual liability exclusions and/or provisions.

v. Additional insured, commercial general liability insurance and motor vehicle liability coverage, as described above, shall include an endorsement stating the following shall be additional insureds:

"The City of Troy, including architects and engineers, all elected and appointed officials, all employees and volunteers, boards, commissions and/or authorities and their board members, employees, and volunteers "; additional insured on ISO form B or broader."

vi. Cancellation notice. Worker' compensation insurance, commercial general liability insurance, motor vehicle liability insurance and professional liability insurance, as described above shall include an endorsement stating that thirty (30) days' advance written notice of cancellation, non-renewal, reduction and/or material change shall be sent to:

City of Troy – Risk Management
500 W. Big Beaver
Troy, MI 48084

vii. Indemnification, except professional liability. To the fullest extent permitted by law, the Consultant expressly agrees to indemnify and hold the City harmless against all losses and liabilities arising out of personal injury, bodily injury or property damages, based upon any negligent act, grossly negligent act or omission, or willful or wanton misconduct, by the Consultant or anyone acting on the Consultant's behalf, in connection with, or incidental to, the contract or the work to be performed, except that the Consultant shall not be responsible to indemnify the City for losses or damages caused by or resulting from the City's gross negligence.

viii. Indemnification, professional liability.

a. The Consultant expressly agrees to indemnify and hold the City harmless against all losses and liabilities arising out of personal injury, bodily injury or property damages to the extent of any negligent act, grossly negligent act, error or omission of the Consultant or anyone acting on the Consultant's behalf, in connection with, or incidental to, the contract or work to be performed, except that the Consultant shall not be responsible to indemnify the City for any losses or damages to the extent that same are caused by or result from the gross negligence of the City or any other person or entity.

b. To the extent of the Consultant's actual degree of fault, the Consultant's obligation to indemnify and hold the City harmless shall include:

I. The obligation to defend the City from any such suit, action or proceeding, and;

II. The obligation to pay any and all judgments which may be recovered in any such suit, action or proceeding and/or any reasonable expenses including, but not limited to costs, attorney fees and settlement expenses which may be incurred, but only to the extent that such judgments and expenses are attributable to the Consultant's actual fault.

c. The Consultant agrees that it will not settle or resolve any claim or action against the Consultant based upon its acts which includes, or may include, a claim or count against the City or its employees without obtaining a full and complete release in favor of the City with respect to any and all claims or counts against the City except those based upon the gross negligence or willful or wanton misconduct of the City or its employees.

d. For the purpose of indemnity clauses in the agreement, "City" shall mean City of Troy, its elected and appointed officials, employees and volunteers working on behalf of the City; losses and liabilities shall mean loss, cost, expense, damage, liability or claims, whether groundless or not; personal injury shall mean false arrest, erroneous service of civil papers, false imprisonment, malicious prosecution, assault and battery, libel, slander, defamation of character, discrimination, mental anguish, wrongful entry or eviction, violation of property, or deprivation of any rights, privileges or immunities secured by the constitution and laws of the United States of America or the State of Michigan, for which the Consultant may be held liable to its injured party in an action-at-law or a suit in equity or other proceedings for redress; bodily injury shall mean bodily injury, sickness or disease and mental injury which may be sustained or claimed by any person or persons; and property damage shall mean the damage and destruction of any property including the loss of use thereof.

e. The Consultant and the City may agree to arbitrate any disputes with respect to the application of this indemnification clause.

E. Other Professional Engineering Services

1. The preparation of special reports, feasibility studies, or Master Plans, including updating;

2. The review of private development site plans and B.O.C.A. Building reviews;

3. Assistance on easement and right-of-way acquisition;

4. Miscellaneous other services as may be required, including the bi-annual bridge inventory;

5. Checking detailed construction drawings, shop and erection drawings, mill cost reports of materials and equipment submitted by contractors for compliance with design concept;

6. The assignment of certified storm water management operators for construction sites to assure MDEQ requirements are followed;

7. The assignment of certified soil erosion and sedimentation control operators to meet Act 451 of the Public Acts of 1994, Part 91.

Payments For Engineering Services

A. Preliminary or "Design Report" Phase

Due to the uncertain nature of the scope and extent of the preliminary phase work, we propose to invoice for services performed on a time basis as described below.

The fee for work done on a time basis will be the hourly rate of the employee doing the work, plus a factor of 1.8 times the hourly rate. This factor covers unemployment and payroll taxes, contributions for Social Security, retirement benefits, medical and life

insurance benefits, overhead plus a reasonable margin for contingencies, readiness to serve, and profit.

Attached is a list of our 2002 Hourly Rate Schedule which is divided inot categories based on employee classification. As requested, we have also provided the 2002 total hourly rate for various personnel which may be utilized during preparation of City projects.

B. **Design Phase**

The fees for the Design Phase of public works projects will be divided into two classes. Class 1 projects will include drain enclosures, channel improvements, sanitary sewers, water mains, pavement overlays or other projects not requiring detailed structural, mechanical or electrical design. Class 2 projects will include new road construction or reconstruction, sidewalks, bridges, pumping stations or others requiring detailed structural, mechanical, or electrical design.

The fees for said classes will be based on a percentage of the final construction cost, including Change Orders, during construction according to the following schedules:

Construction Cost	% Fee	
	Class 1	Class 2
Up to $100,000	7.0	8.3
400,000	5.7	6.4
600,000	5.4	6.2
1,000,000	5.1	5.9
3,000,000	4.5	5.5
5,000,000 & Over	4.3	5.1

The fee will be adjusted to the actual cost of construction at the completion of the work. Items of work that may have been designed and subsequently deleted will be paid for on the percentage fee applied to the estimated cost. For construction costs falling between the points enumerated above, the perfect fee will be interpolated on a straight line basis.

C. **Construction Phase**

For the Construction Phase our fee shall be a percentage of the final construction cost including Change Orders during construction.

Construction Cost	% Fee	
	Class 1	Class 2
Up to $100,000	2.4	2.7
400,000	1.9	2.1
600,000	1.7	2.0
1,000,000	1.6	2.0
3,000,000	1.3	1.7
5,000,000 & Over	1.3	1.6

For construction costs falling between the points enumerated above, the percent fee will be interpolated on a straight line basis.

D. **Construction Observation, Construction Layout, and Material Testing**

The fee for inspection and construction layout of construction projects will be on a time basis as described in Section A above.

E. **Other Professional Engineering Services**

The fee for miscellaneous additional services and other services as may be requested, including the bi-annual bridge inventory will be billed on a time basis unless other prior arrangements are made.

For the preparation of Special Reports, Feasibility Studies, or Master Plans, the fee may be agreed upon lump sum to be determined at the time of authorization to proceed with the work or on a time basis as described above.

The time required to obtain approvals from the Michigan Department of Environmental Quality will be on a time basis.

For review of private development site plans, the fee will be 1.3% of the estimated construction cost for the improvements being reviewed with a minimum fee of not less than $200 per site or subdivision or on a time basis as described above.
Payment by the City will be made monthly to the Engineer based on correct invoices.

Special services and compensation therefore:

The following items, if not otherwise furnished by the City, shall be provided by the Engineer and shall be paid for monthly, as billed, upon such terms as may be negotiated between the parties:

1. Soil and well investigations, including test borings, related analysis and recommendations.

2. Detailed mill, shop and/or laboratory inspection of materials and equipment.

3. Photogrammetry.

4. Extra travel and subsistence for Engineer (and its staff) beyond that normally required under basic circumstances.

5. Assistance to the City as an expert witness or otherwise in litigation arising from the development of an assignment or project.

6. Preparation of applications and supporting documents for governments grants or advances for public works projects.

7. Preparation of an Environmental Assessment Statement, if required.

8. Re-design, including additional work required if designed locations are revised.

2002
HOURLY RATE
AND REIMBURSABLE SCHEDULE
HUBBELL, ROTH AND CLARK, INC.

Category	Billable Rates (2.8 Multiplier)
Principal	134.40 - 134.40
Associate/Managing Engineering	85.40 - 123.20
Department Manager	81.90 - 98.00
Sr. Project Engineer/Architect	75.60 - 120.40
Project Engineer/Architect	81.20 - 82.60
Staff Engineer/Architect	68.60 - 79.80
Graduate Engineer II/Architect	57.68 - 74.20
Graduate Engineer I/Architect	56.28 - 72.80
GIS Specialist	51.10 - 88.20
Environmental Analyst	43.40 - 77.00
Senior Designer	78.40 - 78.40
Designer	66.08 - 85.40
Sr. Technician	55.58 - 78.40
Technician II	36.40 - 54.60
Transportation Specialist	61.60 - 98.00
Survey - Field Chiefs	94.22 - 94.22
Survey - Field Office Supervisor	81.48 - 81.48
Graduate Surveyor	68.88 - 68.88
Survey- Senior Office Tech	71.12 - 71.12
Survey- Office Tech	42.70 - 56.84
Survey Party Chief	54.60 - 75.60
Survey- Instrument Person	44.80 - 47.60
Survey- Instrument Operator	39.20 - 43.40
Survey - Survey Assistant	26.60 - 32.20
Field Project Representatives	56.00 - 104.44
Field- Supervisors	68.88 - 74.48
Field Senior Tech	53.76 - 60.20
Field Technician	37.80 - 57.40
Field Technician- In-Training	36.40 - 47.04
Construction Engineer	53.20 - 96.60
Testing Technician	30.80 - 53.20
Administrative Support**	34.30 - 83.44

Billable rates for Hubbell, Roth & Clark, Inc. include Unemployment and Payroll taxes, contributions for Social Security, Retirement benefits, Medical and Life insurance benefits, normal printing cost, telephones, fax, computer time, mileage, other overhead cost and profit.

Reimbursable expenses will be invoiced at our cost which is defined as the direct costs plus 10.0% to allow for Michigan Single Business Tax and Professional Liability Insurance.

**This Catagory Includes Computer, Reproduction, and Word Processing Staff.

HRC

CITY OF TROY
AGREEMENT FOR GENERAL CONSULTING ENGINEERING SERVICES

AGREEMENT

Pursuant to City Council Resolution No. 2002-06-379, the City of Troy (City) and Spalding DeDecker Associates, Inc. (Consultant), based on the Proposal for General Engineering Services received from Spalding DeDecker Asociates, Inc. on May 30, 2002 (copy attached), agree as follows:

a) The Consultant shall conform to all applicable laws, ordinances, City standards and statutes of the Federal Government, State of Michigan and City of Troy, including but not limited to, the following:

- Civil Rights Act of 1964, as amended
- Davis Bacon Act, as amended (40 USC 327-330)
- Copeland "Anti-Kickback" Act (18 USC 874), as supplemented in the Department of Labor Regulations (20 CFR-Part 3)

b) The City reserves the right to terminate the contract at any time with the assurance that the contractor shall be entitled to reimbursement for any services rendered prior to the date of termination.

c) Provide a statement that the Consultant will not perform any services for the City in which there is a conflict of interest, or the appearance of a conflict of interest, with any builder, developer, contractor or private client who is or might be expected to be active in the City.

If the Consultant is currently performing services for a builder, developer, contractor or private client who is or might be expected to be active in the City, the consulting engineer shall provide a detailed listing of this work, as well as the anticipated date of completion.

d) The Consultant will be held responsible for additional costs resulting from negligence, mismanagement, delays or improper guidance. When it can be established that the Consultant is clearly at fault, these additional costs will be borne by the Consultant.

The City will require affirmative steps to be taken by the Consultant for the utilization of DBE/WBE firms for subcontracted services for Michigan Department of Transportation projects.

e) The Consultant shall not commence work under this agreement until it has obtained the following required insurance. All coverage shall be with insurance carriers acceptable to the City. **All insurance carriers shall be licensed and admitted to do business in the State of Michigan.** The Consultant shall require each its subcontractors to maintain the following required insurance. If

any insurance is written with a deductible or self-insured retention, the Consultant shall be solely responsible for said deductible or self-insured retention. The purchase of insurance and the furnishing of a certificate of insurance shall not constitute satisfaction of the Consultant's indemnification of the City.

The Consultant and its subcontractors shall procure and maintain during the life of the agreement the following coverage:

i. Workers compensation insurance in accordance with all applicable statutes of the State of Michigan. Coverage shall include a minimum $250,000 employers liability coverage.

ii. Commercial general liability insurance on an "occurrence" basis with limits of liability not less that $1,000,000 per occurrence and/or aggregate combined single limit, personal injury, bodily injury and property damage. Coverage shall include the following extensions:

- Per Contract Aggregate (Annual Aggregate Contract Limit)
- Contractual liability
- Products and completed operations
- Independent contractors coverage
- Broad form general liability extensions or equivalent

iii. Motor vehicle liability coverage, including Michigan no-fault coverage for all vehicles used in the performance of the contract.

Coverage shall include all owned vehicles, all non-owned vehicles and all hired vehicles. Limits of liability shall not be less than $1,000,000 per occurrence combined single limit bodily injury and property damage.

iv. Professional liability, issued on an "occurrence basis" or "claims made basis", with limits of liability of not less than $3,000,000 per occurrence/aggregate, or per claim/aggregate if on a "claims made basis". If written on a "claims made basis", the policy must continue for a period of two (2) years following the termination or end date of the contract. Whether on an "occurrence basis" or a "claims made basis", the policy shall include: a) per contract aggregate and b) deletion of all contractual liability exclusions and/or provisions.

v. Additional insured, commercial general liability insurance and motor vehicle liability coverage, as described above, shall include an endorsement stating the following shall be additional insureds:

"The City of Troy, including architects and engineers, all elected and appointed officials, all employees and volunteers, boards, commissions and/or authorities and their board members, employees, and volunteers "; additional insured on ISO form B or broader."

vi. Cancellation notice. Worker' compensation insurance, commercial general liability insurance, motor vehicle liability insurance and professional liability insurance, as described above shall include an endorsement stating that thirty (30) days' advance written notice of cancellation, non-renewal, reduction and/or material change shall be sent to:

City of Troy – Risk Management
500 W. Big Beaver
Troy, MI 48084

vii. Indemnification, except professional liability. To the fullest extent permitted by law, the Consultant expressly agrees to indemnify and hold the City harmless against all losses and liabilities arising out of personal injury, bodily injury or property damages, based upon any negligent act, grossly negligent act or omission, or willful or wanton misconduct, by the Consultant or anyone acting on the Consultant's behalf, in connection with, or incidental to, the contract or the work to be performed, except that the Consultant shall not be responsible to indemnify the City for losses or damages caused by or resulting from the City's gross negligence.

viii. Indemnification, professional liability.

a. The Consultant expressly agrees to indemnify and hold the City harmless against all losses and liabilities arising out of personal injury, bodily injury or property damages to the extent of any negligent act, grossly negligent act, error or omission of the Consultant or anyone acting on the Consultant's behalf, in connection with, or incidental to, the contract or work to be performed, except that the Consultant shall not be responsible to indemnify the City for any losses or damages to the extent that same are caused by or result from the gross negligence of the City or any other person or entity.

b. To the extent of the Consultant's actual degree of fault, the Consultant's obligation to indemnify and hold the City harmless shall include:

I. The obligation to defend the City from any such suit, action or proceeding, and;

II. The obligation to pay any and all judgments which may be recovered in any such suit, action or proceeding and/or any reasonable expenses including, but not limited to costs, attorney fees and settlement expenses which may be incurred, but only to the extent that such judgments and expenses are attributable to the Consultant's actual fault.

c. The Consultant agrees that it will not settle or resolve any claim or action against the Consultant based upon its acts which includes, or may include, a claim or count against the City or its employees without obtaining a full and complete release in favor of the City with respect to any and all claims or counts against the City except those based upon the gross negligence or willful or wanton misconduct of the City or its employees.

d. For the purpose of indemnity clauses in the agreement, "City" shall mean City of Troy, its elected and appointed officials, employees and volunteers working on behalf of the City; losses and liabilities shall mean loss, cost, expense, damage, liability or claims, whether groundless or not; personal injury shall mean false arrest, erroneous service of civil papers, false imprisonment, malicious prosecution, assault and battery, libel, slander, defamation of character, discrimination, mental anguish, wrongful entry or eviction, violation of property, or deprivation of any rights, privileges or immunities secured by the constitution and laws of the United States of America or the State of Michigan, for which the Consultant may be held liable to its injured party in an action-at-law or a suit in equity or other proceedings for redress; bodily injury shall mean bodily injury, sickness or disease and mental injury which may be sustained or claimed by any person or persons; and property damage shall mean the damage and destruction of any property including the loss of use thereof.

e. The Consultant and the City may agree to arbitrate any disputes with respect to the application of this indemnification clause.

SPALDING DeDECKER ASSOCIATES, INC.

SPALDING DEDECKER ASSOCIATES, INC.

HOURLY BASIS FEE SCHEDULE
(Effective until June 30, 2005*)

PROFESSIONAL SERVICES

Where it is agreed that fees for our services will be based upon the time worked on the project, such fees will be computed at the following rates:

Classification	Hourly Rates
Department Manager	$145
Project Manager	$115
Senior Project Engineer/Senior Project Surveyor	$112
Project Engineer/Project Surveyor	$96
Engineer +	$87
Designer/Mapping Specialist +	$80
Drafter/Technician +	$67
Two-person Survey Crew (Crew Chief and Instrumentman w/truck and equipment) or Sewer Crew +	$146
Three person Survey Crew + (w/truck and equipment)	$186
Additional Survey Assistants (if necessary) +	$50
Three person Sewer Crew +	$196
Four person Sewer Crew +	$225
Construction Technician	$55-$75

The Engineering/Survey Officer, if necessary, would serve on special projects, litigation, or as an expert witness at a rate $235.00 per hour.

+Overtime work will be charged at a rate equal to 1.3 times the indicated rate. "Overtime" is time worked in excess of 8 hours per day.

*See attached Operations and Maintenance related equipment charges.

SPALDING DeDECKER ASSOCIATES, INC.

OPERATION & MAINTENANCE DEPARTMENT
FIXED EXPENSE TABLE

Item	Rate
Sewer Monitoring Vehicle (SMV)	$45.00/day
Confined Space Equipment	$70.00/day plus expendables
Personnel Protective Equipment (Level B)	$15.00/entry
Sewer Flow Meter	$350.00/week, or $850.00/mo.
Rain Gauge	$75.00/week, or $150.00/mo.
Blower	$25.00/day
Supplied Air Equipment	$375.00/day
Instantaneous Velocity Meter	$25.00/day
Type "A" Arrow Board	$50.00/day
Run Time Meter	$55.00/week, or $175.00 mo.
Data Logger	$60.00/week, or $185.00 mo.
Pump Station Monitoring	$250.00/week, or $850.00/mo.
Video Equipment	$100.00/day
Smoke Testing Candles	$60.00/dozen

Consultant Design Fee as a Percentage of Construction

In the nearly 50 years of Consulting Engineering services to our Municipal Engineering clients, Spalding DeDecker Associates, Inc. has developed a formula for computing the "design fee" as a percentage of construction. West Bloomfield Township, Macomb Township, Clinton Township, and Lenox Township are currently using the following formula in our Engineering Services Agreements:

$$\% \text{ fee} = 10.5 - \frac{\text{(construction cost)}}{\$200{,}000} - (1/2\% \text{ if preliminary sketches and estimates of cost have been paid for on an hourly basis})$$

$$|\longleftarrow \text{minimum } 5.5\% \longrightarrow|$$

While the design is underway, progress payments will be made to SDA based upon the included "hourly basis fee schedule" with the preliminary estimate serving to approximate the design fee. The final design fee will be adjusted based upon the "as-bid" construction cost.

As can be seen from the following table, the % fee calculated using the formula shown above, is less than the fee based upon ASCE curve A.

SDA DESIGN FEES				
BASED ON % OF TOTAL CONSTRUCTION COST				
	BASED ON SDA FORMULA		**BASED ON ASCE CURVE A**	
Total Construction Cost	% Design Fee	Design Fee	% Design Fee	Design Fee
$ 100,000.00	10.00	$ 10,000.00	11.60	$ 11,600.00
$ 200,000.00	9.50	$ 19,000.00	10.25	$ 20,500.00
$ 500,000.00	8.00	$ 40,000.00	8.52	$ 42,600.00
$ 1,000,000.00	5.50	$ 55,000.00	7.53	$ 75,300.00
$ 5,000,000.00	5.50	$ 275,000.00	6.42	$ 321,000.00
$ 10,000,000.00	5.50	$ 550,000.00	6.03	$ 603,000.00
$ 50,000,000.00	5.50	$ 2,750,000.00	5.70	$ 2,850,000.00
$ 100,000,000.00	5.50	$ 5,500,000.00	5.64	$ 5,640,000.00

Consultant Construction Engineering Services Fee as a Percentage of Construction Cost (as bid)

Consultant Construction Engineering Services Fee as a Percentage of Construction Cost (as bid).

Spalding DeDecker Associates, Inc. has maintained a consistent and uniform rate schedule for computing the "Construction Engineering Services Fee", in the nearly 50 years of Consulting Engineering Services to our Municipal Engineering clients. The majority of our fees are based upon an hourly not-to-exceed basis, with the initial budget being determined as a percentage of Construction Cost (as bid), including project contingency. It should be noted that we encourage our clients to utilize the practice of "Construction Observation Crew Days" in the construction proposal. This technique does not increase the owner's cost of project Construction Observation Services, primarily because the Contractor bears the cost of projects time overruns.

SDA is currently providing Construction Engineering Services to several municipalities including West Bloomfield Township, White Lake Township, City of Royal Oak, City of Orchard Lake Village, Macomb Township, Clinton Township, Lenox Township and the City of Trenton. The variety of this municipal experience provides SDA with a network of good working relationships throughout the Detroit Metro area, which ultimately will bring benefits to the City of Troy.

While the project is under construction, monthly progress payments will be made to SDA based upon the included "hourly basis fee schedule", with the As-Bid cost serving to set the upper limit of the Construction Engineering Services Fee.

Consultant Construction Engineering Services Fee:

10 % of Engineers Opinion of Probable Cost (including Construction Contingency), "As-Bid"

Construction Contract requirements vary by project. For construction staking the percentage shown below should be used for budgeting purposes, however contract requirements for contractor staking will impact these percentages, generally reducing the owner's cost.

Includes:

- Contract Administration — 2.00 %
- Construction Staking/Layout/Record Drawings — 2.50 %
  (Final Cost of staking/layout/record drawings will vary depending on the level of quality assurance requested by the City of Troy, while developing a project's quality assurance programs).
- Construction Observation Services and Coordination of Construction Material Testing — 5.50 %

PRINCIPALS
Gerald F. Knapp
Thomas E. Biehl
Walter H. Alix
George E. Hubbell
Peter T. Roth
Michael D. Waring
Keith D. McCormack
Curt A. Christeson

CHIEF FINANCIAL OFFICER
J. Bruce McFarland

SENIOR ASSOCIATES
Frederick C. Navarre
Gary J. Tressel
Lawrence R. Ancypa
Kenneth A. Melchior
Dennis M. Monsere
Randal L. Ford
David P. Wilcox
Timothy H. Sullivan

1915 - 2005™

HRC

HUBBELL, ROTH & CLARK, INC.

ASSOCIATES
Thomas G. Maxwell
Nancy M.D. Faught
Jonathan E. Booth
Michael C. MacDonald
Marvin A. Olane
James C. Hanson
Richard F. Beaubien
William R. Davis
James J. Aiello
Daniel W. Mitchell
Jesse B. VanDeCreek
Robert F. DeFrain
Marshall J. Grazioli
Thomas D. LaCross

May 16, 2005

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

Attention: Mr. Steven J. Vandette, P.E., City Engineer

Re: General Consulting Engineering Services
Contract Renewal

Dear Mr. Vandette:

It has been our pleasure to have worked with the City of Troy for over 30 years. It is hard to believe that our current contract entered into in July 1, 2002, for three years is now time to renew for another three years until June 30, 2008. HRC would gladly consent to the same terms and conditions that are included in our existing contract.

We value our relationship with the City of Troy and look forward to the next three years. Thank you and your staff for your, and their, continued support.

Very truly yours,

HUBBELL, ROTH & CLARK, INC.

Walter H. Alix

Walter H. Alix, P.E., P.S.
Vice President

WHA/dc

pc: HRC; File

RECEIVED
MAY 18 2005
ENGINEERING

2001 Centerpoint Pkwy • Suite 109 • Pontiac, MI 48341 • Telephone: (248) 454-6300 • FAX: (248) 454-6359 • www.hrc-engr.com

U:\Walix\General\Ltr79.doc
© 2005 Hubbell, Roth & Clark, Inc.

ISO 9001 CERTIFIED

SPALDING DeDECKER ASSOCIATES, INC.

Engineering & Surveying Excellence
Since 1954

May 19, 2005

Steven J. Vandette, P.E.
City Engineer
City of Troy
500 West Big Beaver
Troy, MI 48084

Re: Extension of General Engineering Services Contract
City of Troy, Michigan

Dear Mr. Vandette:

As you know, Spalding DeDecker Associates, Inc. (SDA) is nearing the end of the current 3 year agreement with the City of Troy for providing General Engineering Services. There is a provision in the agreement for an optional 3 year extension for which SDA would be most happy to offer to the City of Troy.

We believe that we have performed satisfactorily for the City, and in some cases exceeded your expectations in the design and inspection services we have provided. We have also worked very well with City Staff during this time. Accordingly, we are hereby requesting an extension and expressing our commitment to the terms of the current agreement.

Please advise us if you require any additional information.

Sincerely,

SPALDING DEDECKER ASSOCIATES, INC.

Jay B. Shah, P.E.
President

RECEIVED
MAY 20 2005
ENGINEERING

905 South Boulevard East • Rochester Hills, MI 48307
Phone (248) 844-5400 • Fax (248) 844-5404
Web Site: www.spaldingdedecker.com

ISO 9001 CERTIFIED

SPALDING DeDECKER ASSOCIATES, INC.

Engineering & Surveying Excellence
Since 1954

May 31, 2005

Steven J. Vandette, P.E.
City Engineer
City of Troy
500 West Big Beaver
Troy, MI 48084

Re: Extension of General Engineering Services Contract
Amendment to Address Inspection Overtime
City of Troy, Michigan

Dear Mr. Vandette:

We are interested in extending the terms of the current Engineering Services Agreement with a commitment to freezing our hourly fee schedule with the exception of one item. When we submitted our proposal to the City 3 years ago, we neglected to place a check next to the inspection category which indicates that overtime would be charged at a rate equal to 1.3 times the normal hourly rate. Therefore, for the last 3 years we have not charged the City for overtime although we had to pay our field personnel for the overtime they worked.

Accordingly, we respectfully request that in considering the extension to our contract, you allow us to charge overtime for our field personnel at a rate of 1.3 times the normal hourly rate (which will be frozen).

Please advise us if you require any additional information.

Sincerely,

SPALDING DEDECKER ASSOCIATES, INC.

Jay B. Shah, P.E.
President

905 South Boulevard East • Rochester Hills, MI 48307
Phone (248) 844-5400 • Fax (248) 844-5404
Web Site: www.spaldingdedecker.com

DATE: May 31, 2005

TO: John Szerlag, City Manager

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

SUBJECT: AGENDA ITEM – PRELIMINARY SITE CONDOMINIUM REVIEW – Longfellow Site Condominium, west side of Rochester Road, north side of Longfellow, Section 15 – R-1C

RECOMMENDATION

At the May 10, 2005 Regular Meeting, the Planning Commission recommended approval of the Longfellow Site Condominium application as submitted, with the following conditions:

1. That Unit #5 has an easement to the future private road.
2. That the Master Deed be amended to improve the access easement.
3. That a bond be posted by the petitioner for future construction of a driveway to the private road.

The three conditions shall be addressed by the petitioner prior to Final Site Condominium Approval. The access easement shall be shown on the Final Site Condominium Plan and described in the Site Condominium Master Deed. The bond shall be posted prior to Final Site Condominium Approval.

City Management agrees with the Planning Commission and recommends approval of the Longfellow Site Condominium application as submitted, subject to the following conditions:

1. That Unit #5 has an access easement for future access to the property to the north. This would allow the elimination of the existing driveway on Rochester Road.
2. That the Master Deed be amended to include the access easement and require a future driveway connection with the property to the north to be constructed at that time that the property to the north is redeveloped.
3. That a bond be posted by the petitioner for future construction of a driveway to the road to the north and removal of the existing driveway on Rochester Road.

GENERAL INFORMATION

Name of Owner / Applicant:
The owner and applicant is Franco Mancini of Quattro Development.

Location of subject property:
The property is located on the west side of Rochester Road and the north side of Longfellow, in section 15.

Size of subject parcel:
The parcel is approximately 1.85 net acres in area.

Description of proposed development:
The applicant is proposing a 5-unit site condominium, with access to both Rochester and Longfellow.

Current use of subject property:
Two single-family homes presently sit on the property. The applicant proposes to remove one of the homes and retain the other home.

Current use of adjacent parcels:
North: Single family residential.
South: Single family residential.
East: Single family residential.
West: Single family residential.

Current zoning classification:
The property is currently zoned R-1C One Family Residential.

Zoning classification of adjacent parcels:
North: R-1C One Family Residential.
South: R-1C One Family Residential.
East: R-1T One Family Attached.
West: R-1C One Family Residential.

Future Land Use Designation:
The property is designated on the Future Land Use Plan as Medium Density Residential.

ANALYSIS

Compliance with area and bulk requirements of the R-1C One Family Residential District:

Lot Area: Minimum lot area in the R-1C district is 10,500 square feet. However, the applicant is utilizing the Lot Averaging Option, which permits a 10 percent reduction in lot area to 9,450 square feet.

Lot Width: The minimum required lot width is 85 feet. The applicant has utilized the lot averaging option, which permits a 10 percent reduction in lot widths, to 76.5 feet.

Height: Maximum permitted height is 2 stories or 25 feet.

Setbacks: Front: 30 feet required. 30 feet provided.
Side (least one): 10 feet. 10 feet provided.
Side (total two): 20 feet. 20 feet provided.
Rear: 40 feet. 40 feet provided.

Minimum Floor Area: 1,200 square feet.

Maximum Lot Coverage: 30%.

The applicant meets the area and bulk requirements of the R-1C One Family Residential District.

Off-street parking and loading requirements:
The applicant will be required to provide 2 off-street parking spaces per unit.

Environmental provisions, including Tree Preservation Plan:
The applicant has submitted a Tree Survey and Landscape Plan.

A wetland determination was prepared for the site by S & R Environmental on April 15, 2005. The determination states there are no regulated wetlands on the property.

Storm water detention:
The applicant proposes to utilize the existing detention basin in Shallowbrook Subdivision on the east side of Rochester Road.

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

Subdivision Control Ordinance, Article IV Design Standards

Lots: All units meet the minimum area and bulk requirements of the Zoning Ordinance. The site plan is unclear regarding the potential of the Convertible Condominium area.

Streets: The proposed development has direct vehicular access to both Rochester and Longfellow. The applicant will be utilizing existing streets.

Sidewalks: The applicant is proposing an 8-foot wide sidewalk on the west side of Rochester Road. There is an existing 5-foot wide sidewalk on the north side of Longfellow.

Utilities: The parcel is served by public water and sewer.

Attachments:

1. Maps.
2. Minutes from May 10, 2005 Planning Commission Regular Meeting.
3. Wetland determination prepared by S & R Consulting, dated April 15, 2005.
4. Letters of opposition.

cc: Applicant
File/Longfellow Site Condominium

Prepared by RBS/MFM

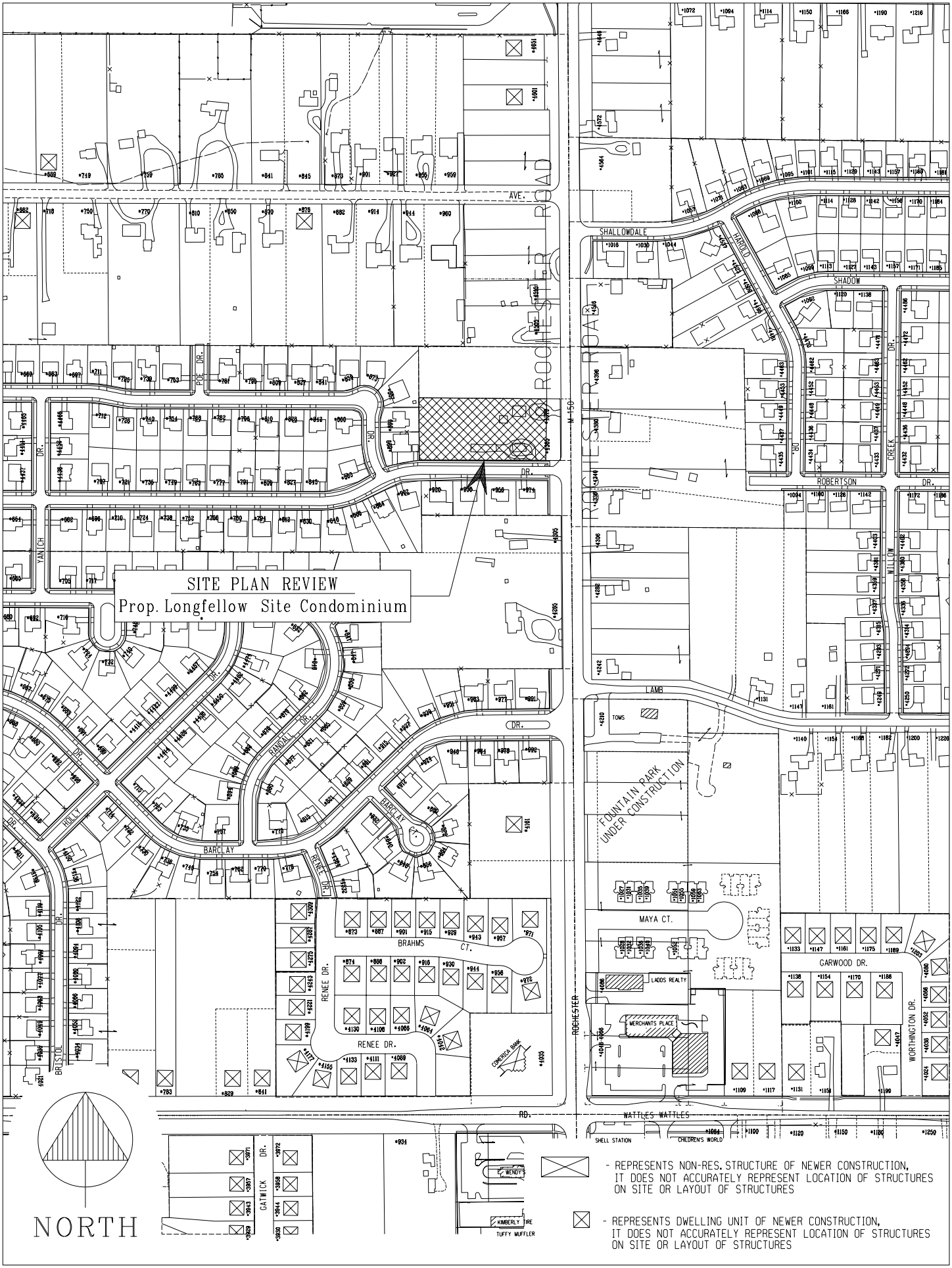
G:\SUBDIVISIONS & SITE CONDOS\Longfellow Site Condo Sec. 15\CC Prelim Approval Longfellow Site Condo 06 06 05.doc

CITY OF TROY

PREPARED BY CITY OF TROY PLANNING DEPT.

SITE PLAN REVIEW
PROPOSED LONGFELLOW SITE CONDOMINIUM
W SIDE OF ROCHESTER RD., N SIDE OF LONGFELLOW
SEC. 15 (R-1C 5 LOT/UNITS)
SITE PLAN REVIEW
LONGFELLOW SITE CONDOMINIUM
ECKFORD
SHALLOWDALE
HAROLD
SHADOW
REILLY
MAYO
POE
THURBER
ROCHESTER
WILLOW CREEK
ROBERTSON
YANICH
LONGFELLOW
REILLY CT
RANDALL
RANDALL CT
HOLLY
BARCLAY
LAMB
Feet
0 50 100 200 300 400

SITE PLAN REVIEW
PROP. LONGFELLOW SITE CONDOMINIUM
LONG LAKE ROAD
WATTLES ROAD
ROCHESTER ROAD
C·F
CR·1
R·1C
R·1C
R·1C
15
NORTH


SITE PLAN REVIEW
Prop. Longfellow Site Condominium
ROCHESTER ROAD
M-150
AVE.
SHALLOWDALE
HAROLD
SHADOW
ROBERTSON
DR.
CREEK
WILLOW
LAMB
TOMS
FOUNTAIN PARK UNDER CONSTRUCTION
MAYA CT.
GARWOOD DR.
LADDS REALTY
MERCHANTS PLACE
WORTHINGTON DR.
WATTLES WATTLES
RD.
SHELL STATION
CHILDREN'S WORLD
YANTICH
HOLLY
BRISTOL
BARCLAY
RANDALL
RENEE DR.
BRAHMS
CT.
COMERICA BANK
GATWICK
WENDY'S
KIMBERLY
TUFFY MUFFLER
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

10. SITE PLAN REVIEW – Longfellow Site Condominium, 5 units/lots proposed, West side of Rochester, North side of Longfellow, Section 15, Zoned R-1C (One Family Residential) District

Mr. Savidant presented a summary of the Planning Department report for the proposed Longfellow Site Condominium. He noted the petitioner, at the request of the Planning Department to clarify the convertible condominium area, provided an 8.5 x 14 drawing that shows a potential layout of the property to the north. Copies of the drawing have been provided to the members prior to the beginning of tonight's meeting. Mr. Savidant reported that it is the recommendation of the Planning Department to approve the Longfellow Site Condominium as submitted.

The petitioner, Franco Mancini of 47858 Van Dyke, Shelby Township, was present. Mr. Mancini said the project engineer was present also should there be any questions.

Chair Strat opened the floor for public comment.

There was no one present who wished to speak.

The floor was closed.

Mr. Littman asked if there is a risk that the convertible condominium area would become landlocked.

Mr. Mancini replied that an agreement would be made between the condominium association and the City that the three parcels along Longfellow would convert back to the landowners should development of the property to the north not occur,

Mr. Miller noted that the existing detention basin in Shallowbrook Subdivision would be utilized for the development and that Unit #5 would have access off of Rochester Road.

There was discussion with respect to the Rochester Road driveway access of the existing home within the proposed development and its connection to a private road should the property to the north be developed.

Mr. Mancini agreed to connect the driveway to a private road should the property to the north be developed.

Jennifer Chehab, 53445 Grand River, New Hudson, project engineer for the proposed development, was present. Ms. Chehab suggested that a deed restriction to the Master Deed would accommodate the driveway connection to a private road and the driveway approach onto Rochester Road would be abandoned.

Mr. Savidant stated that the Master Deed should then be modified to reflect that.

Chair Strat said there would be no way to enforce the deed restriction.

It was determined that the petitioner should post a bond at an amount determined by the Engineering Department to cover the expense of providing a driveway connection of the existing home to a private road and eliminating the driveway approach onto Rochester Road.

Resolution # PC-2005-05-076
Moved by: Khan
Seconded by: Schultz

RESOLVED, That the Planning Commission recommends to City Council that the Preliminary Site Plan (Section 34.30.00 Unplatted One-Family Residential Development), as requested for Longfellow Site Condominium, including 5 units, located on the west side of Rochester and north side of Longfellow, Section 15, within the R-1C zoning district be granted, subject to the following conditions:

1. That Unit #5 has an easement to the future private road.
2. That the Master Deed be amended to improve the access easement.
3. That a bond be posted by the petitioner for future construction of a driveway to the private road.

Discussion on the motion on the floor.

Mr. Littman commented that Unit #5 would have access to a road that would be maintained by the private condominium association.

Mr. Miller said it would be a clear public good to eliminate the driveway on Rochester Road in this situation.

Chair Strat confirmed that the arrangement could be accomplished legally.

Vote on the motion on the floor.

Yes: All present (6)
No: None
Absent: Chamberlain, Vleck, Waller

MOTION CARRIED

S & R
Environmental
Consulting

P.O. Box 157 • St. Charles, Michigan 48655 • Phone (989) 865-6297

April 15, 2005

Mr. Franco Mancini
Champagne Building Company, Inc.
47858 Van Dyke, Suite 410
Shelby Township, MI 48317

Dear Mr. Mancini:

At your request, I examined a property at Longfellow and Rochester Roads in the City of Troy. Based on analyses of topography, hydrology, soils and vegetation I found an area in the southwestern one-third of the property that has wetland characteristics. However, this area is much too small and isolated to be regulated as a wetland under state law. It is less than one-half acre in size and is not contiguous with a lake, pond or stream. The area is within 500 feet of a ditch; however, the ditch should not be considered a stream because it is enclosed at the property ends and does not carry surface flows off the site. Therefore, I have concluded there are no regulated wetlands on the site.

Please write or call if you have any questions about my findings and opinion.

Sincerely,

S & R Environmental Consulting

Patrick J. Rusz

Patrick J. Rusz, Ph.D.
Chief Wetlands Ecologist

"specialists in ecological analysis and resource management"

REC'D
MAY 12 2005
PLANNING DEPT

4699 Alton Dr
Troy, MI 48085
May 11, 2005

Troy Planning Commission

It has just come to my attention that the planning commission is giving the go ahead to a developer to construct condos on the woodlands on John R. between Long Lake + Wattles. I strongly oppose this decision. I live in the subdivison next to this wooded area and have lived here 33 years. I have always loved the woods - the changes of color, the soothing sounds of all the different insects + frogs, the hoot of the owls.

Why must we destroy every natural inch of land in Troy? We do not need or want any more houses, condos, or anything else on this property. Please consider the quality of life for the citizens of Troy.

Aris Lawson
Marc Lawson
Scott Lawson

Ms. Judith A. Humphrey
893 Thurber Dr.
Troy, Michigan 48085
April 26, 2005

APR 28 2005

cc: P.C.

Planning Dept.
City of Troy
500 W. Big Beaver Rd.
Troy, Michigan 48084

Re: Longfellow Site Condominium

Thank you for notifying me of the meeting on May 10 to review the proposed new condominium. The property for which it is proposed abuts my home. I would very much like to attend the meeting, but I will be out of Michigan on that date. My thoughts and concerns are described below.

First, a residential development of five units on a 2.19 acre parcel seems reasonable, and given the quality of other nearby construction, both single family and condominium, I am assuming that this will be an attractive development on an economic par or better than that in my subdivision. But I am troubled by a condominium of just five units. Condominiums are supposed to be governed by an elected Board of Directors of their owners. With just five units, I can't see how they could ever establish and maintain a Board of Directors to manage their common property. Thus, it appears to me that the developer and/or managing company is setting up a situation that requires their long-term oversight of the property. I doubt that this is in the best interests of the future owners of these five units. I conclude that it makes better sense to erect five single family units, wholly owned and managed by their respective owners.

My other concerns are:

Drainage and elevation - For the 26 years that I have lived in my home, there has been standing water on the proposed for development property, both after heavy rains and when the snow melts in the spring. I want some assurance that the development will remedy this condition and that there will be no runoff of water onto my lot. I have a very small lot . Any runoff of water onto my lot could cause my basement to flood (a problem I've never had).

View - The proposed site is adjacent to my small back yard. I have a deck with outdoor table and enjoy gardening. I don't mind having someone's back yard at a reasonable distance from my lot, but I don't want to look at a driveway or garbage can storage or dog pen or storage shed or jungle gym or any such other unsightly scene that would destroy my ability to enjoy my LITTLE back yard.

Sun - Since I garden, I would object to any tall structures that block sun from my lot.

Separation Boundary - What is proposed to separate my property from this development? A fence, a wall, or nothing?

Wildlife - The development site is alive with a wide variety of wildlife, many birds, squirrels, bunnies, a woodchuck, a pair of Mallard ducks, raccoons and even skunks. Many of these critters are already nesting , so I hope there are some environmental considerations given to the timing of the destruction of the site, particularly the woods.

Noise and Dirt- I am a retired senior citizen. My bedroom, eating area and family room are all on the back of my house. I don't get up early and go to work. I'm home all day. Thus, please restrict construction to no earlier than 8AM and quit by 5PM and none on weekends. And, what can be done to keep my house and deck from being covered with dust and dirt?

I would appreciate your attention and response.

Judith A. Humphrey

DATE: May 25, 2004

TO: John Szerlag, City Manager

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

SUBJECT: AGENDA ITEM - PRELIMINARY SITE CONDOMINIUM REVIEW – Athens Parc Site Condominium, north of Wattles, on the north side of Rockfield between John R and Eleanor, Section 14 – R-1C

RECOMMENDATION

At the May 10, 2005 Regular Meeting, the Planning Commission recommended approval of the Athens Parc Site Condominium application, as submitted, with the following condition:

1. The City Engineer look into the construction access to the site and provide consideration to the safety of pedestrians and residents and to insure the developer is responsible for any damage to the road.

The City Engineer considers safety and other potential impacts, including fiscal responsibility, when determining construction access. This will be addressed prior to Final Site Condominium Approval. City Management recommends approval of the Athens Parc Site Condominium as submitted.

GENERAL INFORMATION

Name of Owner / Applicant:
The owner and applicant is Franco Mancini of Milano Development Co. Inc.

Location of subject property:
The property is located north of Wattles, on the north side of Rockfield between John R and Eleanor, in section 14.

Size of subject parcel:
The parcel is approximately 4.7 acres in area.

Description of proposed development:
The applicant is proposing a 12-unit site condominium, with access to Rockfield. The proposed street runs north from Rockfield and ends in a stub road to the west.

The applicant proposes two alternate site plans, Alternate Site Plan 1A and Alternate Site Plan 1B. Alternate Site Plan 1A has a similar street layout as the proposed layout, with two detention basins, one in the southeast corner and one in the northeast corner. The detention basin in the northeast corner is inaccessible from a public street. This layout yields 13 units. Alternate Site Plan 1B proposes a simple cul-de-sac, with no future stub street to the west. This layout yields 12 units. The Planning Department prefers the proposed layout, with a future street connection to the west, as preferred by the petitioner.

Current use of subject property:
A single-family home presently sits on the property. The applicant proposes to remove the home.

Current use of adjacent parcels:
North: Single family residential.
South: Single family residential.
East: Athens High School.
West: Single family residential.

Current zoning classification:
The property is currently zoned R-1C One Family Residential.

Zoning classification of adjacent parcels:
North: R-1C One Family Residential.
South: R-1C One Family Residential.
East: R-1C One Family Residential.
West: R-1C One Family Residential.

Future Land Use Designation:
The property is designated on the Future Land Use Plan as Low Density Residential.

ANALYSIS

Compliance with area and bulk requirements of the R-1C One Family Residential District:

Lot Area: Minimum lot area in the R-1C district is 10,500 square feet. However, the applicant is utilizing the Lot Averaging Option, which permits a 10 percent reduction in lot area to 9,450 square feet.

Lot Width: The minimum required lot width is 85 feet. The applicant has utilized the lot averaging option, which permits a 10 percent reduction in lot widths, to 76.5 feet.

Height: Maximum permitted height is 2 stories or 25 feet.

Setbacks: Front: 30 feet required. 30 feet provided.
Side (least one): 10 feet. 10 feet provided.
Side (total two): 20 feet. 20 feet provided.
Rear: 40 feet. 40 feet provided.
Minimum Floor Area: 1,200 square feet.

Maximum Lot Coverage: 30%.

The applicant meets the area and bulk requirements of the R-1C One Family Residential District.

Off-street parking and loading requirements:
The applicant will be required to provide 2 off-street parking spaces per unit.

Environmental provisions, including Tree Preservation Plan:
The applicant has submitted a Tree Preservation Plan. The plan was approved by the Landscape Analyst.

A wetland determination was prepared for the parcel on March 18, 2005, by S & R Environmental Consulting. The report states that there is a wetland on the parcel however it is not state regulated.

Stormwater detention:
The applicant proposes a storm water detention basin on the east side of the entry drive, north of Rockfield. The detention basin must have a maximum slope of 1 on 6 and must remain unfenced.

Natural features and floodplains:
The Natural Features Map indicates there are woodlands and a drain located on the property.

Subdivision Control Ordinance, Article IV Design Standards

Lots: All units meet the minimum area and bulk requirements of the Zoning Ordinance.

Streets: The proposed development has direct vehicular access to Rockfield.

Sidewalks: The applicant is proposing to construct a 5-foot wide sidewalk on both sides of Apollo Drive. The applicant is also proposing to construct a 5-foot wide sidewalk on the north side of Rockfield.

Utilities: The parcel is served by public water and sewer.

Attachments:

1. Maps.
2. Minutes from May 10, 2005 Planning Commission Regular Meeting.
3. Wetland determination prepared by S & R Environmental Consulting, dated March 18, 2005.
4. Letters of opposition.

cc: Applicant
File/Athens Parc Site Condominium

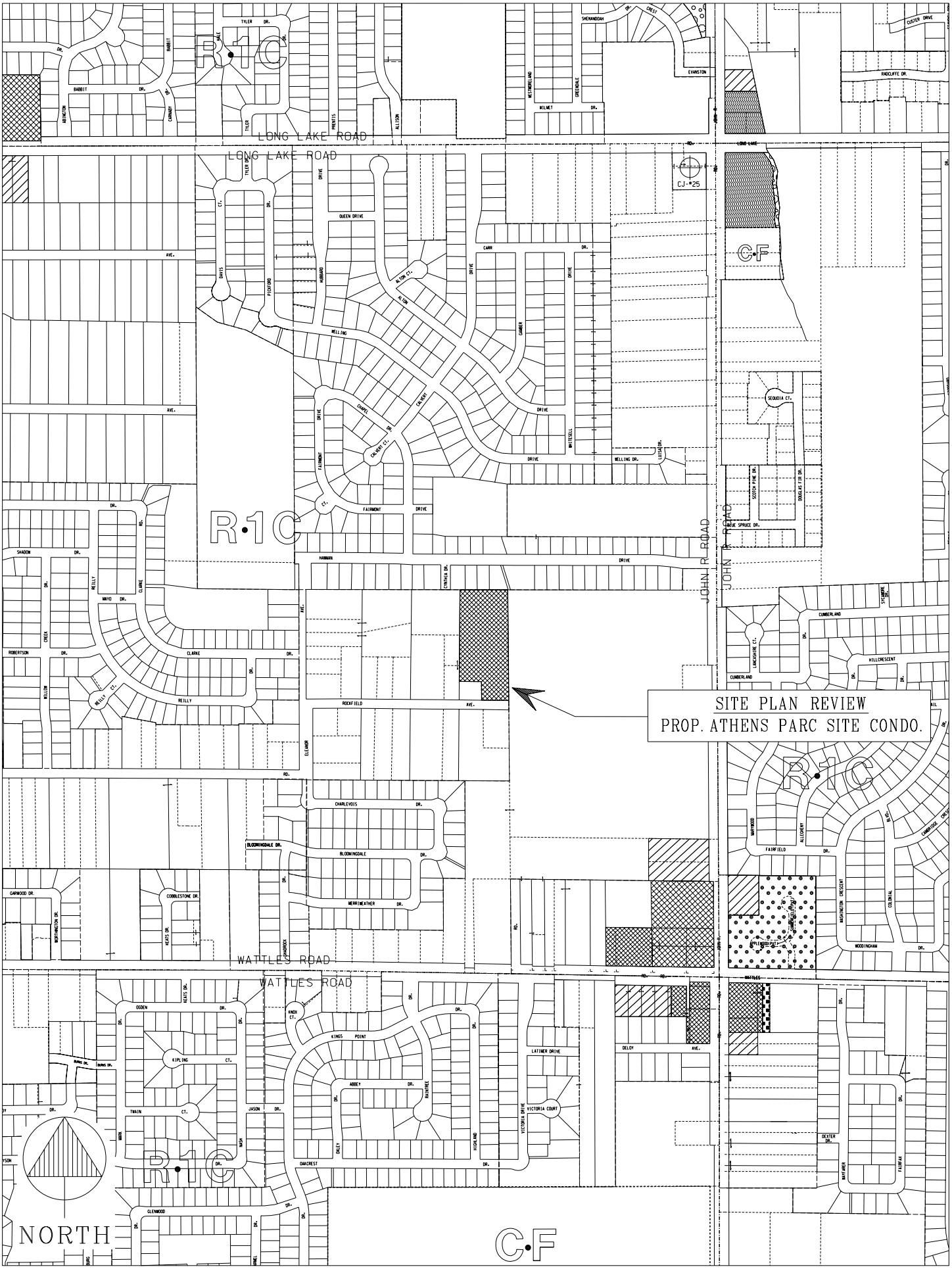
Prepared by RBS/MFM

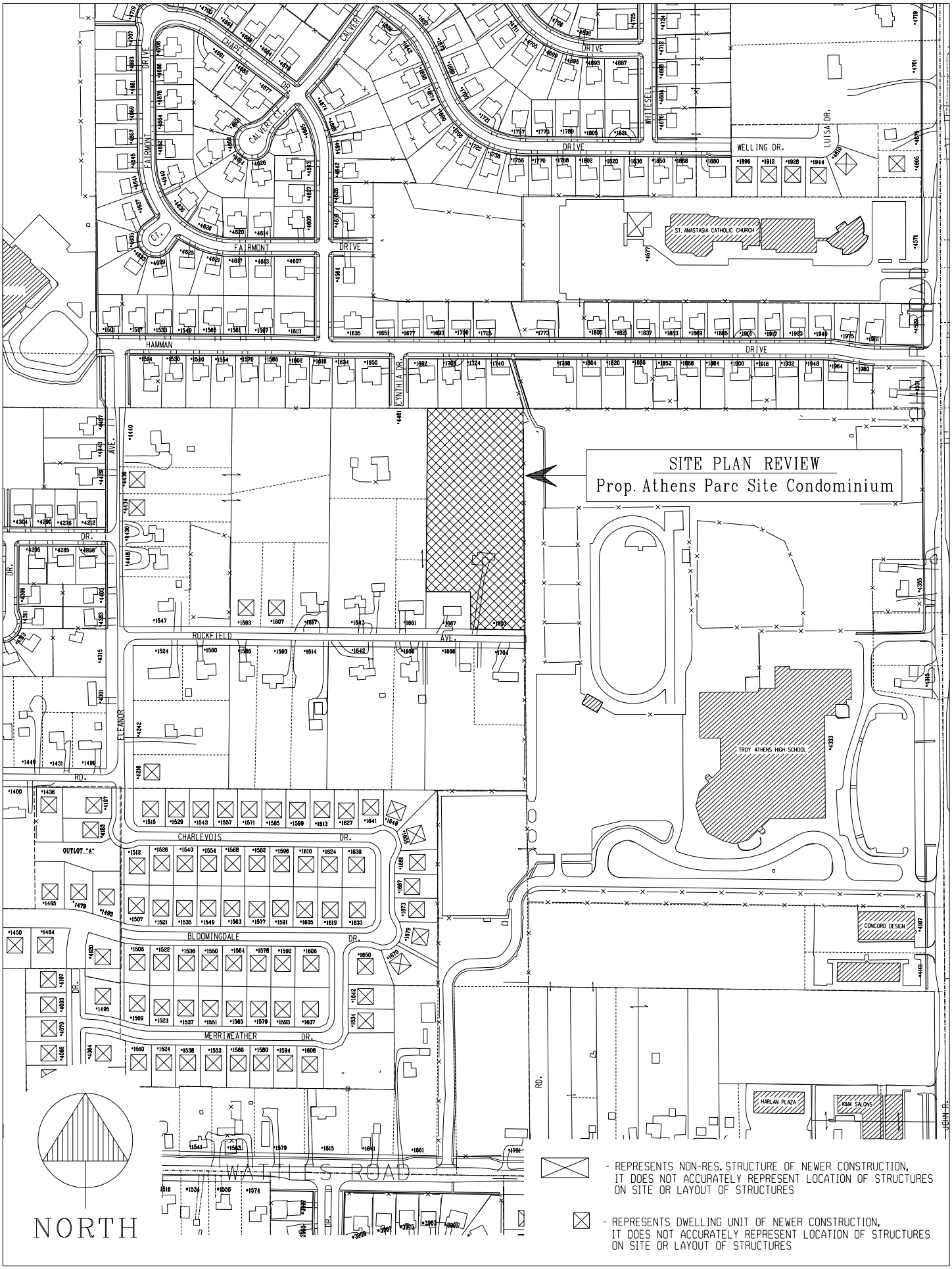
G:\SUBDIVISIONS & SITE CONDOS\Athens Parc Site Condo Sec. 14\CC Prelim Approval Athens Parc Site Condo 06 06 05.doc

CITY OF TROY

PREPARED BY CITY OF TROY PLANNING DEPT.

SITE PLAN REVIEW
PROP. ATHENS PARC SITE CONDOMINIUM
W OF JOHN R, N SIDE OF ROCKFIELD RD.
SEC. 14 (R-1C 12 LOT/UNITS)
SITE PLAN REVIEW
ATHENS PARC SITE CONDOMINIUM
FAIRMONT
CHAPEL
HAMMAN
CYNTHIA
CLARKE
REILLY
ELEANOR
ROCKFIELD
JOHN R
LAMB
CHARLEVOIS
Feet
0 50 100 200 300 400


SITE PLAN REVIEW
PROP. ATHENS PARC SITE CONDO.
LONG LAKE ROAD
JOHN R ROAD
WATTLES ROAD
R-1C
C-F
CJ-*25
NORTH



ATHENS PARC SITE CONDO. / SEC. 14 / 04-22-05

11. SITE PLAN REVIEW – Athens Parc Site Condominium, 12 units/lots proposed, North side of Rockfield, East of Eleanor, Section 14, Zoned R-1C (One Family Residential) District

Mr. Savidant presented a summary of the Planning Department report for the proposed Athens Parc Site Condominium. He reviewed the differences between the two proposed alternate site plans (1A and 1B). Mr. Savidant reported that it is the recommendation of the Planning Department to approve the application as submitted. He indicated that the Planning Department prefers the proposed site plan 1A because it provides for future development of the property to the west.

The petitioner, Franco Mancini of 47858 Van Dyke, Shelby Township, was present. Mr. Mancini said the project engineer was present should there be any questions.

Chair Strat opened the floor for public comment.

Rachel Leo of 1611 Welling, Troy, was present. Ms. Leo indicated her comments are for both agenda items #11 and #12. Ms. Leo addressed the potential affect that the proposed developments might have on the traffic pattern, the number of entrances into the subdivision, and safety concerns. Ms. Leo cited two accidents near her home [Welling and Calvert] and a conversation she had with a friend regarding the subdivision trees. She said the residents are entitled to peace and safety.

James Berar of 1708 Hamman, Troy, was present. Mr. Berar's property would abut the proposed development. He questioned if the developer would be putting up a brick wall or shrubs. Mr. Berar commented on the trees tagged for removal and expressed concern with the elevation of the proposed development in relation to potential additional water in his backyard.

Nancy Garling of 4826 Hubbard, Troy, was present. Ms. Garling is the president of Long Lake Village Homeowners Association. She has concerns for both agenda items #11 and #12. Ms. Garling addressed the trees that would be cut down, and the loss of foliage and color during the seasons.

Neal Harris of 4762 Whitesell, Troy, was present. Mr. Harris said that should the proposed developments [agenda items #11, #12 and #13] be approved, the City would effectively destroy whatever is left of that square mile. Mr. Harris said he is sick about it.

Jean King of 1071 Shallowdale, Troy, was present. Ms. King addressed the potential flow of traffic and expressed concerns for safety.

Dave Purvis of 4461 Cynthia, Troy, was present. Mr. Purvis said he was attracted to the area because of the large lots and paid a premium for the lot. He addressed

the density of the proposed development. Mr. Purvis said the proposed development is not desirable for the neighborhood, would lower the property values and negatively affect the quality of life of the neighboring residents. He asked the members to consider less density and less destruction of the natural resources and quality of life that the residents enjoy today. Mr. Purvis asked if the residents would have any say or input on re-platting the existing property.

Mr. Motzny replied that the interpretation based on the attorney general opinion is that there is no requirement to re-plat; i.e., a site condominium can exist over the subdivision plat.

Michael Ames of 1661 Rockfield, Troy, was present. Mr. Ames addressed the removal of trees and expressed concern that the developer might take down trees located on his property. He asked that the developer put a stake at the southwest corner. Mr. Ames voiced concern with potential vandalism. He said it might be difficult to sell the new homes because of the pedestrian traffic and high school functions, which would leave the homes empty. Mr. Ames addressed the construction access and sidewalks.

Tina Rackley of 1704 Rockfield, Troy, was present. Ms. Rackley voiced opposition to the proposed 12 homes going in. She said every single home is on a big parcel of land, and they chose to live at the end of the subdivision because it was quiet and had no traffic. Ms. Rackley voiced concerned with traffic, access, and density of the project.

Marvie Nickole of 1724 Hamman, Troy, was present. Ms. Nickole asked if there is any way to restrict the amount of trees that would be cut down from the property. Ms. Nickole also addressed concerns relating to density, property values and increased traffic.

Shirley Harris of 4762 Whitesell, Troy, was present. Ms. Harris voiced concerns with the density and traffic. She said she did not understand the new development now called site condominiums. Ms. Harris addressed the wetlands. She said she was for the proposed wetlands ordinance and should have spoken at the public meetings that were held a few years ago. Ms. Harris said her property is under water all the time.

Mr. Wright related that the City did attempt to draft a wetlands and natural features ordinance.

Doug Palmer of 1896 Welling, Troy, was present. Mr. Palmer voiced concern with the safety of school children and the construction traffic.

Richard Hughes of 1321 Roger Court, Troy, was present. Mr. Hughes said that if it were the same mindset back years ago that there should not be any trees cut

down, no one would be living in Troy! He said trees do replenish themselves, and site condominiums are actually single-family homes.

Ken Crum of 1643 Rockfield, Troy, was present. Mr. Crum, owner of 4 acres of land in the subdivision, plans to construct one home on each acre and not destroy the neighborhood by increasing the density. He is opposed to the density of the proposed development and encouraged the developer to connect the street to Cynthia. Mr. Crum expressed concern with the potential increase in traffic and cut-through traffic. He said he is very sensitive to traffic because of his two small children. Mr. Crum would favor the plan that shows the cul-de-sac.

Dominic Leo of 1611 Welling, Troy, was present. Mr. Leo questioned why the City would want to saturate the east side of Troy with condominiums.

The floor was closed.

Chair Strat informed the residents that the City Council would make the final decision based on the recommendation of the Planning Commission. He encouraged the residents to express their concerns to the City Council. Chair Strat provided information with respect to the City's tree preservation ordinance. He encouraged the residents to review the tree layout and plans at the Planning Department. He also encouraged the residents to read the *Comparison of Site Condominiums and Plats*, a handout provided by the Planning Department.

Mr. Littman said site condominiums are single family homes and it appears from the plan that the developer is saving a significant number of trees with the proposed development. Mr. Littman said he would support the cul-de-sac so the development would not connect to the north and additional trees could be saved.

Mr. Schultz addressed the preservation of trees as relates to the engineering, drainage and utilities. He emphasized that the proposed development would comprise of single family homes. Mr. Schultz said he might be in favor of the plan that shows the cul-de-sac.

Mr. Khan said the cul-de-sac would create more problems for emergency access. He would be in favor of the site plan preferred by the Planning Department. Mr. Khan addressed comments related to property values and said that Mr. Mancini builds very expensive homes that would not lower property values for the residents.

Chair Strat agreed that the site directly to the west would be almost landlocked with the cul-de-sac, and he would also support the recommendation of the Planning Department.

Resolution # PC-2005-05-
Moved by: Khan
Seconded by: Drake-Batts

RESOLVED, That the Planning Commission recommends to City Council, that the Preliminary Site Plan as presented (Section 34.30.00 Unplatted One-Family Residential Development), as requested for Athens Parc Site Condominium, including 12 units, located on the north side of Rockfield, east of Eleanor, Section 14, within the R-1C zoning district, be granted.

Discussion on the motion on the floor.

Mr. Littman asked when the proposed development might go before City Council for review and approval.

Mr. Miller replied that it would most likely be the second meeting in June. He said that residents would be able to get updated information from the Planning Department.

Chair Strat addressed the construction access and traffic.

Resolution # PC-2005-05-077
Moved by: Khan
Seconded by: Drake-Batts

RESOLVED, That the motion on the floor be amended to read that the City Engineer look into the construction access to the site and provide consideration to the safety of pedestrians and residents and to insure the developer is responsible for any damage to the road.

Vote on the amendment to the motion on the floor.

Yes: All present (6)
No: None
Absent: Chamberlain, Vleck, Waller

MOTION CARRIED

Resolution # PC-2005-05-078
Moved by: Khan
Seconded by: Drake-Batts

RESOLVED, That the Planning Commission recommends to City Council, that the Preliminary Site Plan as presented (Section 34.30.00 Unplatted One-Family Residential Development), as requested for Athens Parc Site Condominium,

including 12 units, located on the north side of Rockfield, east of Eleanor, Section 14, within the R-1C zoning district, be granted, subject to:

1. The City Engineer look into the construction access to the site and provide consideration to the safety of pedestrians and residents and to insure the developer is responsible for any damage to the road.

Discussion on the amended motion on the floor.

Mr. Schultz said he concurs that the stub street to the west would be a better alternative than the cul-de-sac.

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

MOTION CARRIED

Mr. Littman would prefer no road connection from the site condominium development to the adjacent subdivision. He said the City has found good ways to have emergency access without having to put a road through to an adjacent neighborhood.

S & R
Environmental
Consulting

P.O. Box 157 • St. Charles, Michigan 48655 • Phone (989) 865-6297

RECEIVED
APR 12 2005

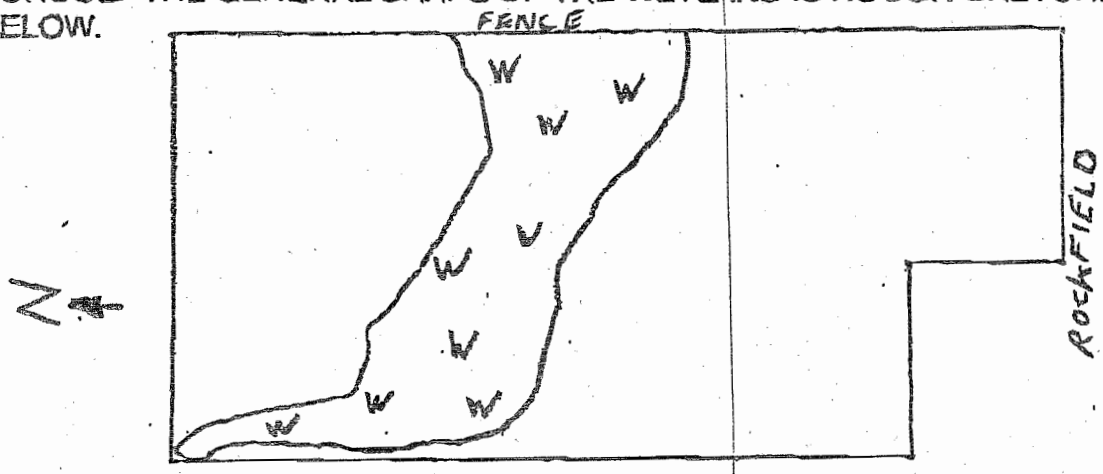
March 18, 2005

TO: MARK WILSON, AEW FROM: PAT RUSZ
RE: ROCKFIELD SITE CONDOMINIUMS, CITY OF TROY

I LOCATED A WETLAND THAT SHOULD BE CONSIDERED UNREGULATED ON THE SITE. IT IS MUCH SMALLER THAN 5 ACRES, BUT IS WITHIN 500 FEET OF TWO OPEN DITCHES. IN MY OPINION NEITHER DITCH IS LONG ENOUGH TO BE CONSIDERED A STREAM UNDER STATE RULES. YOU SHOULD PROBABLY SHOW IT AS AN UNREGULATED WETLAND ON YOUR SITE PLANS USING THE LOCATIONS OF THE FOLLOWING NUMBERED TREES TO SET THE BOUNDARIES:

NORTH EDGE MOVING EAST TO WEST FROM THE FENCE ALONG THE EAST PROPERTY LINE --

558 - 660 - 674 - 672 - 669 - 877 - 883 - 955 - 1023 - 1019 AT THIS POINT YOU WILL BE VERY CLOSE TO THE NORTHWEST CORNER OF THE PROPERTY AND NEXT TO AN ASPHALT DRIVEWAY. THE WETLAND IS ABOUT 16 FEET WIDE THERE. NOW FOLLOW A LINE ABOUT 12 FEET EAST OF THE DRIVEWAY HEADING SOUTH-SOUTHEAST. (THERE WERE NO TAGGED TREES IN THIS LOCATION.) STRAIGHT EAST OF THE HOUSE TO THE WEST, THE FIRST TAGGED TREE WAS 1030. YOU CAN FOLLOW THE SOUTH EDGE OF THE WETLAND BY LOCATING (HEADING EAST): 1030 - 1031 - 1032 - 951 - 889 - 892 - 894 - 895 -897 - 911 - 635 - 605 - 604 - 597 - 608 - 609 - 612 - 611 - 615. THAT TAKES YOU BACK TO THE FENCE ALONG THE EAST PROPERTY LINE. THERE, THE WETLAND FACE IS PERPENDICULAR TO THE NORTH EDGE OF THE TENNIS COURTS OF THE HIGH SCHOOL. THE GENERAL SHAPE OF THE WETLAND IS ROUGH-SKETCHED BELOW.



INTRODUCING....

S & R ENVIRONMENTAL *Consulting And Management*
PO Box 157
St. Charles, MI 48655
989-865-6297

Since 1974, S & R Environmental has served a wide variety of clients including federal, state and local agencies, industries, commercial and residential developers, engineering firms, and private landowners. Our firm specializes in preparation of environmental impact assessments, resource inventories, land use planning, natural resources management and site selection for development projects. We are well known for our expertise and experience in wetland mitigation and site restorations.

Our firm has conducted intensive studies for siting large-scale projects such as power plants, highways, utility lines, and shopping malls. Our well-established "track record" includes projects in 15 different states and in Australia. We also serve many clients involved in smaller-scale real estate development or acquisition. We conduct Phase I Environmental Inspections of properties, delineate the boundaries of regulated wetlands, inventory trees, and manage vegetation. Our firm maintains a wetland plants nursery and we have exceptional expertise in aquatic vegetation control.

Lists of representative clients and references by project-type are provided upon written requests.

SERVICES (Partial List)

Wetland Delineations
Wetland Mitigation Design
Wetland Restoration
Control Of Invasive Plant Species
Tree Surveys And Preservation Plans
Bioengineering For Erosion Control - Design And Installation
Lake Rehabilitation And Nuisance Plant Control
Large-scale Landscaping For Site Restorations
Stream Restoration
Prairie Restoration
Phase I Environmental Assessments
Plant, Wildlife, And Fish Surveys
Water Quality Monitoring
Environmental Impact Assessment
Land use plans
Nature Center Design

Paula P Bratto

From: John K Abraham
Sent: Thursday, April 28, 2005 10:12 AM
To: Mark F Miller; 'Ken Crum'; Paula P Bratto
Cc: Steven J Vandette; William J Huotari; Brian P Murphy
Subject: RE: Rockfield Development

Dear Mr. Crum:

Here are some responses to your concerns:

Traffic is a huge concern for me and several of my neighbors. Is that a consideration at this point? I know this is Mr. Abraham's area of expertise but he has not responded to earlier questions on this matter. At what point does the traffic volumes out grow the current road? Mr. Abraham will have to answer this.

>>>Yes. Traffic is always a consideration for any new development. Please bear in mind that most of our residential roads carry between 300 and 5000 vehicles in a day. In the past there have been no roads widened in residential areas due to increased traffic. Traffic improvements have been required of developers in the past only for large developments such as large office complexes (that generate hundreds of trips during peak hours) and large residential developments (around 100 homes). Traffic generated by the proposed 12 home residential subdivision does not warrant any improvements to the existing roadways.

At who's expense does the expansion of the road come?

>>>we have not required a developer to upgrade a previously paved street to meet the requirements of a new development. The new street(s) within the development would be required to be 28' pavement according to the Development Standards.

>>>Rockfield was paved back in the late 80's and is a City street, so maintenance now and in the future is by the City with no direct cost to the resident.

This project will result in a 65% increase in homesites using Rockfield, which quite frankly, I don't think is ready to support that traffic volume. I'm even more concerned that a thru street will be designed that will generate even greater volumes of traffic as parents and students seek alternate routes to drop-off and pick-up students of Troy Athens High School.

>>>The new development proposes to add around 12 homes, and is a very small residential development.. At the moment traffic volumes on Rockfield may be in the range of around 200-300 vehicles in a day. The new homes may generate between 80 and 120 trips in a day (between 8-12 trips during peak hour). I do agree that there may be parents and students that use (and probably are already using) the end of Rockfield for drop off / pick up, this may be addressed at the traffic committee in the future and if found to be a major concern, possible solutions to this may be restricted parking the area during school hours. As you may see, even with the addition of traffic from the new subdivision, Rockfield will still be a Low volume street when compared to all other residential streets in the City.

If you need more information, please do contact me.

Sincerely,

John Abraham

Deputy City Engineer / Traffic Engineer
City of Troy
500 West Big Beaver Road
Troy, Michigan 48084

(248) 524 3379
(248) 524 1838 (Fax)

Paula P Bratto

From: Ken Crum [kcrum@wideopenwest.com]
Sent: Monday, April 25, 2005 10:52 AM
To: Mark F Miller; Paula P Bratto
Subject: RE: Rockfield Development

Importance: High

Mr. Miller,

I've just heard from my neighbor regarding the Athens Parc Site Condominium development project. I have several questions and concerns.

1. Is a site plan available that shows the proposed splits and road?
2. What can myself and neighbors expect to learn during the May 10th meeting regarding this development? Will there be a presentation by the builder/developer on the project?
3. How much input will we have and does our approval or disapproval weigh in the decision making process?
4. Traffic is a huge concern for me and several of my neighbors. Is that a consideration at this point? I know this is Mr. Abraham's area of expertise but he has not responded to earlier questions on this matter. At what point does the traffic volumes out grow the current road? At who's expense does the expansion of the road come? I certainly hope the City of Troy is not going to ask the current residence on Rockfield to pay for street/sewer improvements that wouldn't otherwise be necessary if this project were rejected.
5. Where can I get information about the builder/developer? Will they be at the May 10th meeting?
6. If Preliminary Site Plan approval is granted, does this project become a train that can't be stopped?

This project will result in a 65% increase in homesites using Rockfield, which quite frankly, I don't think is ready to support that traffic volume. I'm even more concerned that a thru street will be designed that will generate even greater volumes of traffic as parents and students seek alternate routes to drop-off and pick-up students of Troy Athens High School.

Sounds like this may be decided on May 10th, so I'm just trying to make sure we are as informed as possible going into the meeting about the cost/benefits of this project to us personally and the City of Troy.

Thanks for all your help and information. I appreciate your time.

Ken Crum
1643 Rockfield

-----Original Message-----
From: Mark F Miller [mailto:MillerMF@ci.troy.mi.us]
Sent: Thursday, March 17, 2005 10:48 AM
To: Ken Crum
Subject: RE: Rockfield Development

The rumors appear to be correct. I just recieved a phone call from AEW an engineering firm representing Frank Mancini. No application has been submitted.

Mark F. Miller AICP/PCP
Planning Director

City of Troy
500 W. Big Beaver
Troy MI 48084
248-524-3364
248-524-3382 fax
millermf@ci.troy.mi.us

-----Original Message-----
From: Ken Crum [mailto:kcrum@wideopenwest.com]
Sent: Monday, March 14, 2005 3:14 PM
To: Mark F Miller
Subject: RE: Rockfield Development

Hi Mr. Miller,

Any change in the status of the property at 1703 Rockfield? I'm hearing 4 units/acre so I'm not sure if that means homes or condos. By the way, is the current street adequate to accommodate more traffic? Also, what is the purpose of a Tree Preservation Plan (I think that's the name)? Is it to reduce the number of trees removed to the bare minimum or simply to keep developers from flattening the whole parcel? I guess a more concise question is, how scrutinized are those plans?

Sorry to keep bothering you with questions. It's just that I was going to develop (split) at 1642 Rockfield this year and 1643 next year but have postponed that due to these changes. Once I understand what is going to happen at 1703, I may decide to proceed differently at either 1642 and/or 1643.

If you can provide me with the builder's name and number for 1703, I'd like to discuss this with him. If you're not comfortable with that, please share my contact info with him and encourage him to call me. Someone said, Mancini but there's just too many of those with builder's license's in the area.

Thanks for all your help.

Ken Crum
(248) 740-0964
1642/1643 Rockfield

-----Original Message-----
From: Mark F Miller [mailto:MillerMF@ci.troy.mi.us]
Sent: Monday, February 14, 2005 11:04 AM
To: Ken Crum
Subject: RE: Rockfield Development

I'm sorry that Paula didn't reply. There has been some invesigation regarding development of that area identified. However, no plans are officially submitted. Also, the Planning Department will only review site condos and subdivisions. If someone does a property split and builds individual homes, then the builder can by pass the Planning Department.

Mark F. Miller AICP/PCP
Planning Director
City of Troy
500 W. Big Beaver
Troy MI 48084
248-524-3364
248-524-3382 fax
millermf@ci.troy.mi.us

-----Original Message-----
From: Ken Crum [mailto:kcrum@wideopenwest.com]
Sent: Sunday, February 13, 2005 3:35 PM
To: Mark F Miller
Subject: RE: Rockfield Development

Hi Mark,

I still haven't heard from Paula. Any information on this matter is appreciated. I'm trying to plan my own construction project and your response is a determining factor.

Thanks.

-----Original Message-----
From: Mark F Miller [mailto:MillerMF@ci.troy.mi.us]
Sent: Tuesday, February 08, 2005 3:23 PM
To: kcrum@wideopenwest.com
Subject: RE: Rockfield Development

Paula, please respond. Mark.

-----Original Message-----
From: kcrum@wideopenwest.com [mailto:kcrum@wideopenwest.com]
Sent: Monday, February 07, 2005 4:19 PM
To: Mark F Miller
Subject: Rockfield Development

Hi Mark,

I live on Rockfield Drive and rumors are going around about a condo development located at 1703 Rockfield. It's a 4.5 acre parcel along the Troy Athens High School property line.

Have you or anyone in your department been contacted regarding such a development?

I'd appreciate any information you can provide on the subject.

Thanks.

Ken Crum

DATE: May 23, 2005

TO: John Szerlag, City Manager

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

SUBJECT: Agenda Item - Announcement of Public Hearing
Commercial Vehicle Appeal
1820 E. Wattles

On October 27, 2003 Mr. Steven Pary received a variance from City Council to park a commercial vehicle on his property at 1820 E. Wattles Road. That variance, set to expire in October of this year, was for the outdoor parking of a wrecker mounted on a white Ford F-350 chassis. Recently, on a visit to the site, my staff noted a different wrecker parked on the site. That vehicle is a red GMC flat bed wrecker. Our inquiries with Mr. Pary indicate that he now wishes to park the GMC wrecker on his site instead of the previously approved Ford wrecker. He was informed that approval for this would require further action by City Council. On May 12, 2005, Mr. Pary filed the application for appeal. A public hearing has been scheduled for your meeting June 20, 2005 in accordance with Section 44.02.01 of the Zoning Ordinance.

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

Attachments

Prepared by: Mark Stimac, Director of Building and Zoning

COMMERCIAL VEHICLE
APPEAL APPLICATION

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

NAME: STEVEN PARK

ADDRESS: 1820 E. WATTLES

CITY: TROY MI. ZIP: _____ PHONE: _____

ADDRESS OF SITE: 1820 E. WATTLES

NUMBER OF VEHICLES: 1

VEHICLE IDENTIFICATION NUMBER(S)
1BDG6H1J1N5 522460

LICENSE PLATE NUMBER(S) 0725 AU

DESCRIPTION OF VEHICLE(S) 1992 GMC WRECKER

REASON FOR APPEAL (see A - D below) B C D

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

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

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

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

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

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

COMMERCIAL VEHICLE APPEAL APPLICATION

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

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

Julieann Pary

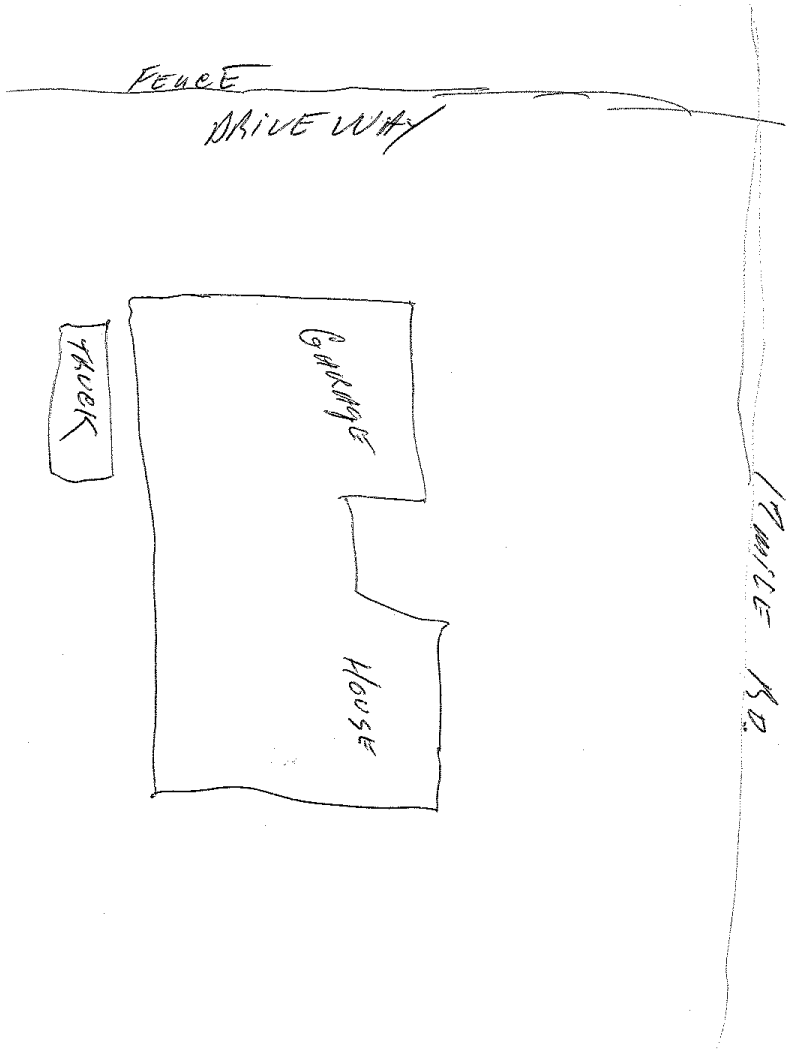
Steve Pary
(signature of applicant)

STATE OF MICHIGAN
COUNTY OF Oakland

On this 12 day of May, 2005 before me personally appeared the above named person who depose and sayeth that he/she signed this application with full knowledge of its contents and that all matters stated therein are true.

Mary Lorraine McGinnis - Oakland
Notary Public, County, Michigan

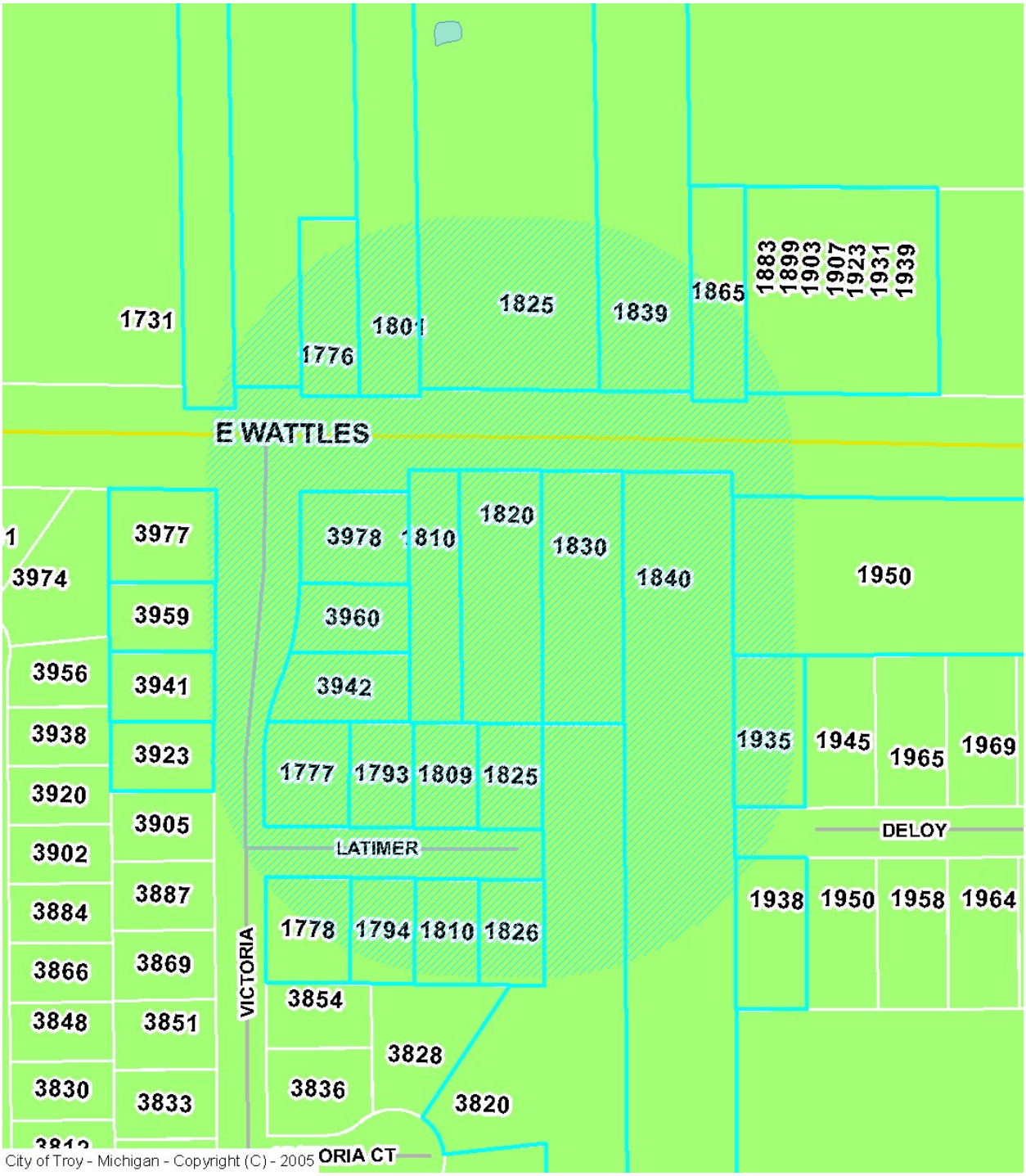
My Commission Expires: 5-30-2007



RECEIVED
MAY 27 2003
BUILDING DEPARTMENT

Jewell's TOWING
GMC

WESCZEK



City of Troy - Michigan - Copyright (C) - 2005

May 26, 2005

TO: John Szerlag, City Manager

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

SUBJECT: AGENDA ITEM – ANNOUNCEMENT OF PUBLIC HEARING (JUNE 20, 2005) – REZONING APPLICATION – From R-1E and E-P to P-1 and E-P, Al-Zouhayli Office Building (Z 683-B), North side of Big Beaver between Rochester Road and John R Road, Section 23

NOTE: The Clerk's Office received a valid protest petition opposing this application on April 11, 2005. A copy of the protest petition was provided to the Planning Commission at the April 12, 2005 Regular Meeting. This rezoning application shall not be approved except by a two-thirds vote by City Council, as per Article 03.21.07 of the City of Troy Zoning Ordinance. The application has been slightly modified since the protest petition was submitted.

RECOMMENDATION

The application is compatible with surrounding land uses and zoning districts and is consistent with the intent of the Future Land Use Plan. The Planning Commission recommended approval of the rezoning request at the May 10, 2005 Regular Meeting. City Management also recommends approval of the rezoning application.

GENERAL INFORMATION

Name of Owner / Applicant:
Dr. Kheir Al-Zouhayli.

Location of Subject Property:
The property is located on the north side of Big Beaver between Rochester Road and John R Road, in section 23.

Size of Subject Parcel:
The applicant's entire parcel is approximately 4.6 acres in size (not including right-of-way).

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

Current Zoning Classification:
The front half of the property is zoned O-1 Office Building. The rear half is zoned P-1 Vehicular Parking, E-P Environmental Protection and R-1E One Family Residential.

Parcel History:
On November 18, 2002, City Council rezoned 1.5 acres of the parcel to P-1 and a 0.4-acre portion of the parcel to E-P.

Proposed Zoning of Subject Parcel:
The applicant is proposing to extend the northern boundary of the E-P zoning district approximately 78.75 feet further to the north. In addition, the applicant proposes to rezone a portion of the parcel from E-P to P-1. This will extend P-1 50 feet to the north, however the northern boundary of the parcel will be defined by the southern boundary of the gas pipeline easement. This additional 50 feet will enable the applicant to provide additional parking for the proposed office building.

The expansion to the north will allow for a double-loaded street to run east-west through the northern portion of the property, with 3 single-family lots on each side of the street. Each lot would be 130 feet deep. The northern limit of the P-1 district will line up with the northern limit of the O-1 district on the property to the east. This limit is approximately 907.05 feet north of the Big Beaver right-of-way.

Note that the Planning Commission resolution of May 10, 2005 incorrectly states that a portion of property will be rezoned from R-1E to P-1. The only proposed rezonings are from R-1E to E-P and from E-P to P-1.

Proposed Uses and Buildings on Subject Parcel:
The applicant has submitted a site plan for the proposed uses and building. The applicant is proposing a 2-story office building with approximately 37,536 gross square feet of space.

Current Use of Adjacent Parcels:
North: Single family residential neighborhood.
South: Post office processing and shipping facility (south of Big Beaver).
East: Vacant.
West: Office Building and West Oak 1 and 2 Subdivision.

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

ANALYSIS

Range of Uses Permitted in Proposed Zoning District and Potential Build-out Scenario:
Property rezoned to E-P Environmental Protection may be used as a land use buffer pursuant to Section 8.10.00 and 8.50.07 of the Zoning Ordinance. A detention pond may be designed as part of the land use buffer, if approved by the Planning Commission.

Vehicular and Non-motorized Access:
Access to the parcel will be provided from Big Beaver Road, a major thoroughfare.

Potential Stormwater and Utility Issues:
There does not appear to be any potential stormwater or utility issues associated with this application.

Natural Features and Floodplains:
The Natural Features Map indicates that there are some woodlands in the northern third of the property.

Compliance with Future Land Use Plan:
The application is consistent with the intent of the Future Land Use Plan, which calls for Low Rise Office on the Big Beaver frontage with Low Density Residential to the north.

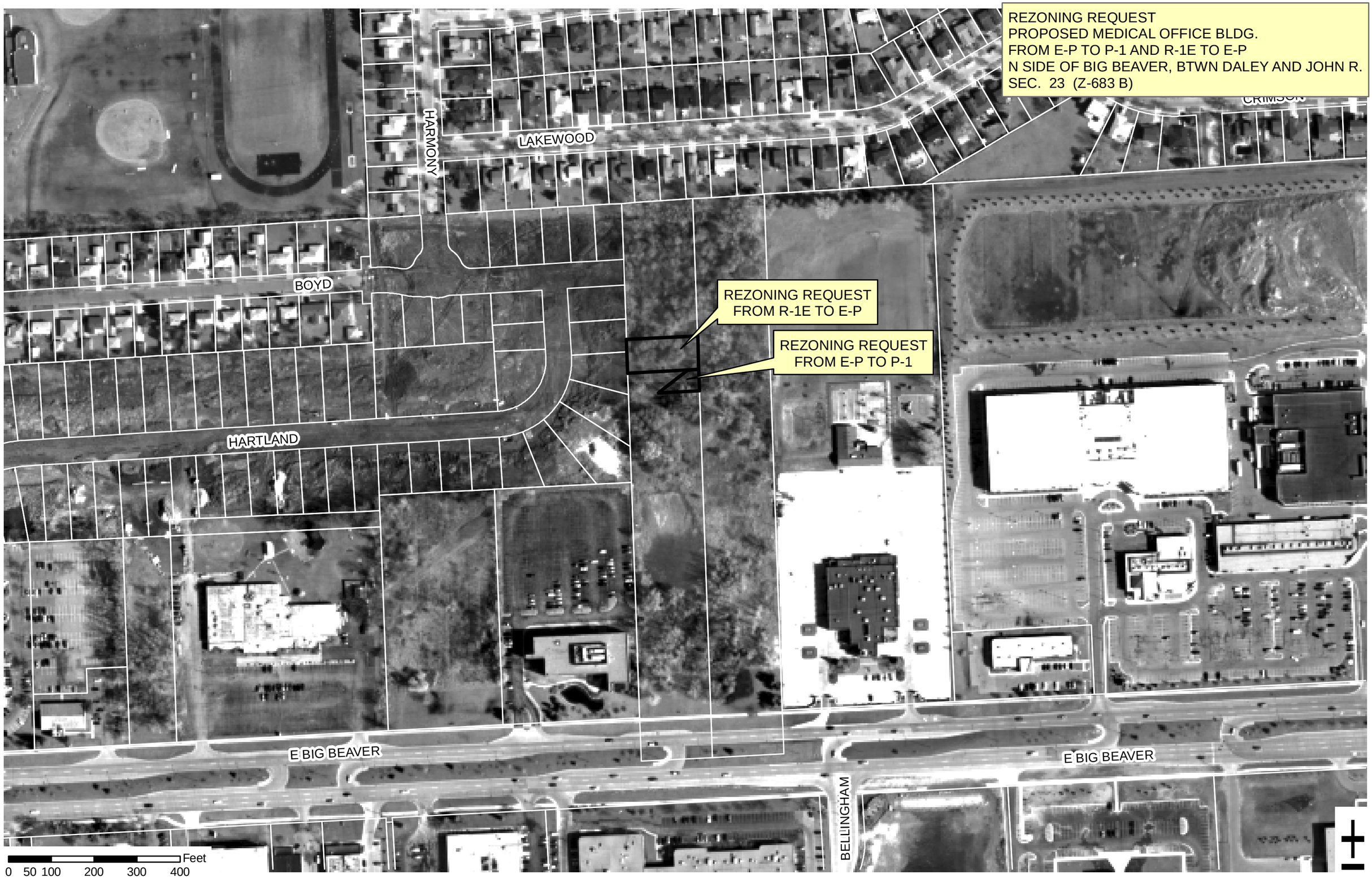
Attachments:
1. Maps.
2. Minutes from the April 12, 2005 Planning Commission Regular Meeting.
3. Minutes from the May 3, 2005 Planning Commission Special/Study Meeting.
4. Minutes from the May 10, 2005 Planning Commission Regular Meeting.
5. Copy of valid protest petition, submitted to Clerk's Office on April 11, 2005.

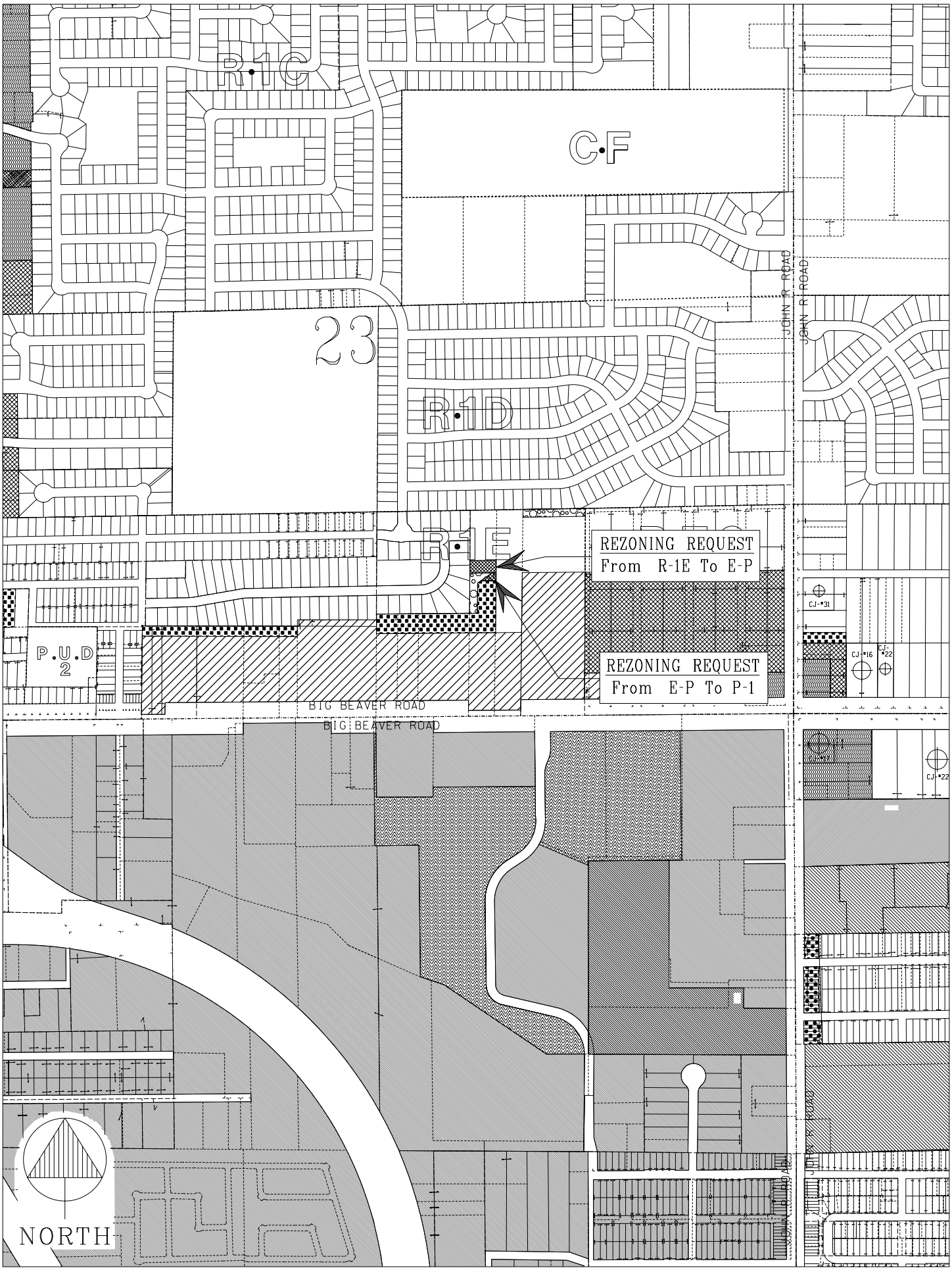
cc: Applicant
File/ Z 683-B

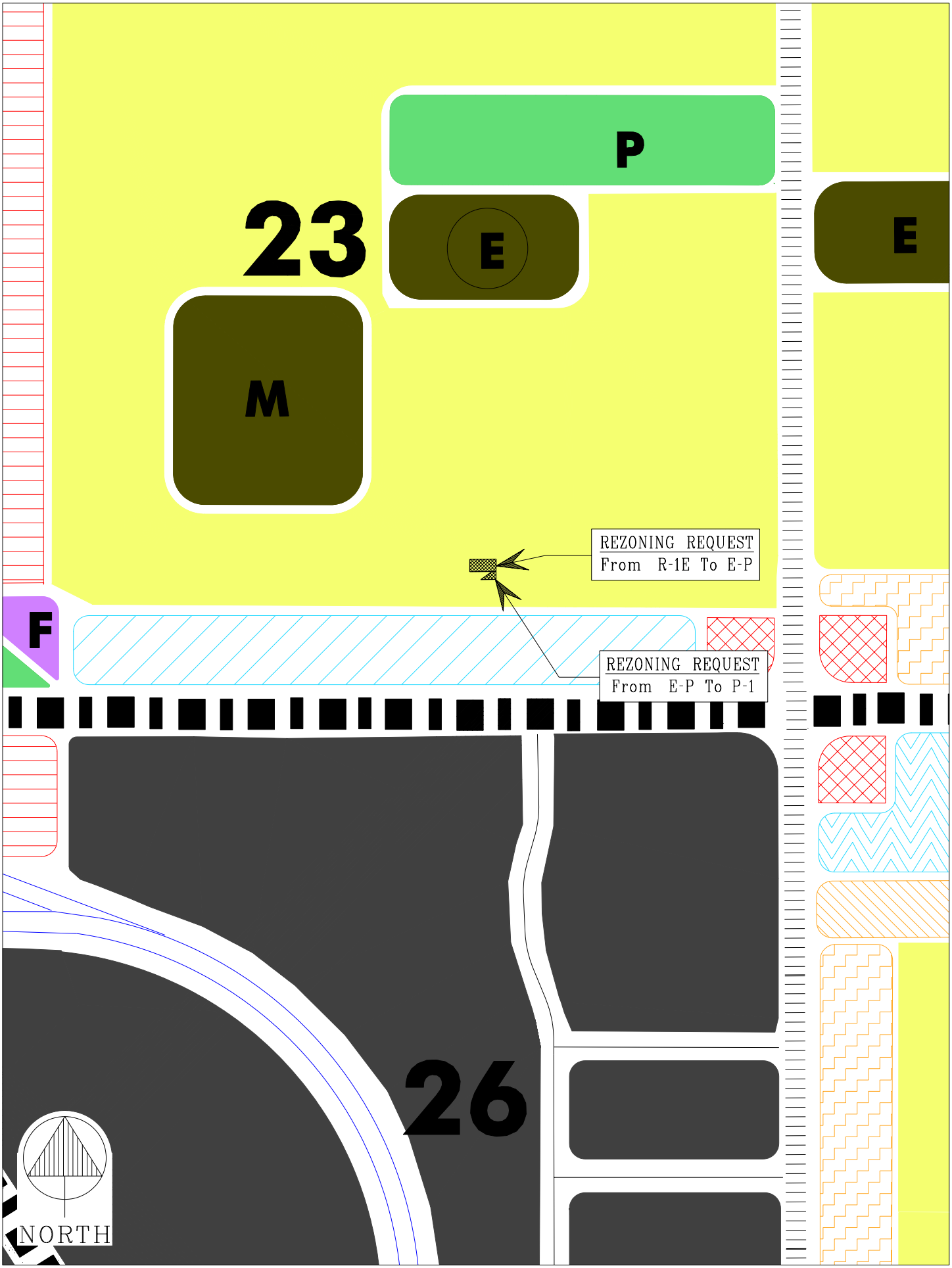
G:\REZONING REQUESTS\Z-683 B Al-Zouhayli Office Building Sec 23\Announcement of CC Public Hearing Z-683B 06 06 05.doc

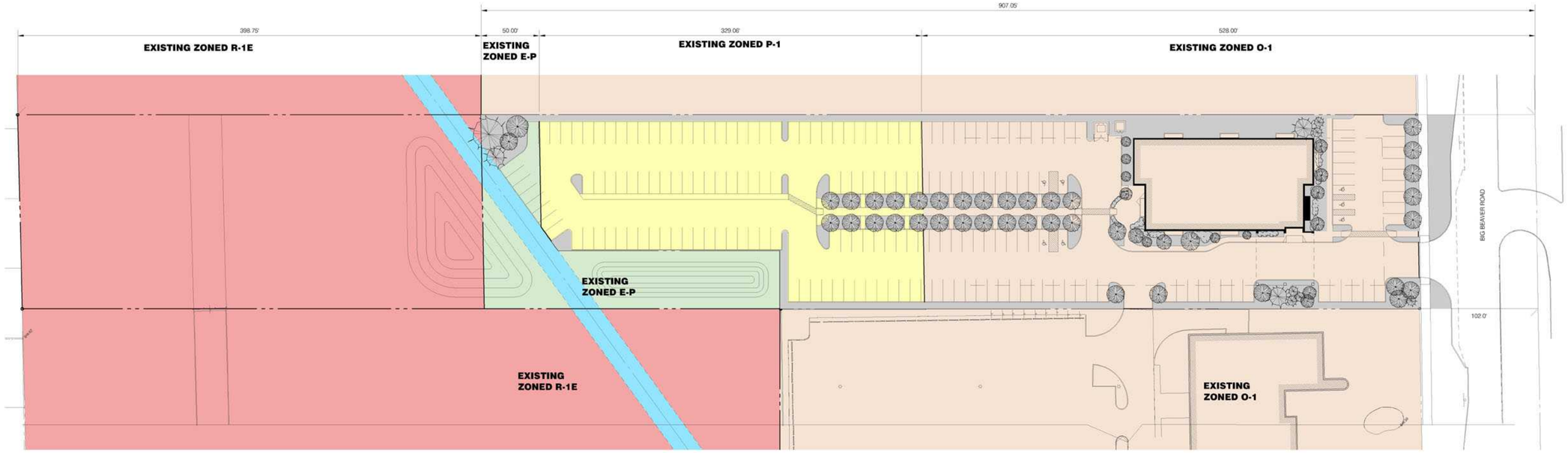
CITY OF TROY

PREPARED BY CITY OF TROY PLANNING DEPT.

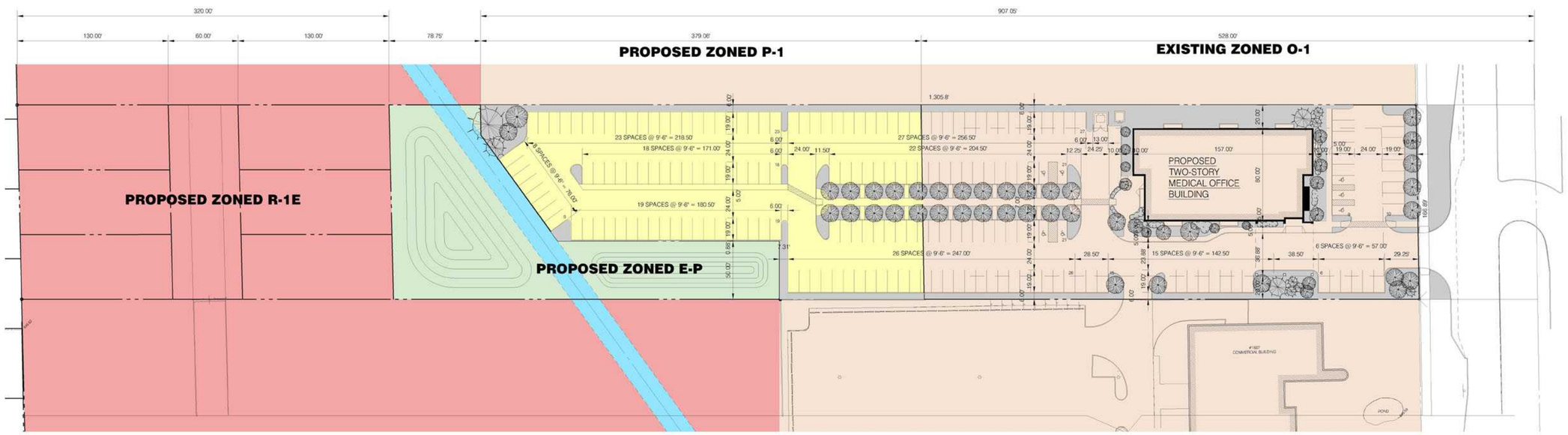

REZONING REQUEST
PROPOSED MEDICAL OFFICE BLDG.
FROM E-P TO P-1 AND R-1E TO E-P
N SIDE OF BIG BEAVER, BTWN DALEY AND JOHN R.
SEC. 23 (Z-683 B)
CRIMSON
LAKEWOOD
HARMONY
BOYD
HARTLAND
REZONING REQUEST
FROM R-1E TO E-P
REZONING REQUEST
FROM E-P TO P-1
E BIG BEAVER
E BIG BEAVER
BELLINGHAM
Feet
0 50 100 200 300 400


R-1C
C-F
23
R-1D
R-1E
REZONING REQUEST
From R-1E To E-P
REZONING REQUEST
From E-P To P-1
P.U.D
2
BIG BEAVER ROAD
BIG BEAVER ROAD
JOHN R ROAD
JOHN R ROAD
CJ-#31
CJ-#16
CJ-#22
CJ-#22
NORTH


P
23
E
E
M
REZONING REQUEST
From R-1E To E-P
F
REZONING REQUEST
From E-P To P-1
26
NORTH



EXISTING ZONING
SCALE: 1" = 40'-0"



AERIAL IMAGE
NOT TO SCALE

SITE LOCATION MAP
NOT TO SCALE

PROPOSED ZONING
SCALE: 1" = 40'-0"

E-P TO P-1

LAND IN THE SOUTHEAST ¼ OF SECTION 23, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS:

COMMENCING AT THE SOUTH ¼ CORNER OF SAID SECTION 23, THENCE S 89°31'00" E, 587.85 FEET, ALONG THE SOUTH SECTION LINE, THENCE N 01°24'30" E, 658.00 FEET, THENCE S 89°31'00" E, 50.00 FEET, THENCE N 01°24'30" E, 190.63 FEET, THENCE N 55°28'19" E, 25.13 FEET, TO THE POINT OF BEGINNING, THENCE N 55°28'19" E, 87.14 FEET, THENCE S 89°31'00"E, 25.98 FEET, THENCE S 01°24'30" W, 50.00 FEET, THENCE N 89°31'00" W 96.54 FEET TO THE POINT OF BEGINNING. CONTAINING 0.070 ACRES OF LAND, MORE OR LESS.

R-1E TO E-P

LAND IN THE SOUTHEAST ¼ OF SECTION 23, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS:

COMMENCING AT THE SOUTH ¼ CORNER OF SAID SECTION 23, THENCE S 89°31'00" E, 587.85 FEET, ALONG THE SOUTH SECTION LINE, THENCE N 01°24'30" E 907.05 FEET, TO THE POINT OF BEGINNING, THENCE N 01°24'30" E, 78.75 FEET, THENCE S 89°31'00" E, 166.89 FEET, THENCE S 01°24'30" W, 78.75 FEET, THENCE N 89°31'00" W, 166.89 FEET, TO THE POINT OF BEGINNING. CONTAINING 0.302 ACRES OF LAND, MORE OR LESS.

BUILDING INFORMATION AND PARKING CALCULATIONS
PER ZONING ORDINANCE

BUILDING LEVEL	GROSS FLOOR AREA SQ. FT.	NET USABLE FLOOR AREA SQ. FT.	PARKING SPACES REQUIRED @ 1 SPACE PER 100 SQ. FT. (MEDICAL)	TOTAL PARKING PROVIDED	BARRIER FREE REQ'D/ PROVIDED
SECOND FLOOR	13,536	10,470			
FIRST FLOOR	12,000	9,096			
BASEMENT	12,000	0			
TOTAL	37,536	19,566	196 SPACES	203	7

CDPA ARCHITECTS

CDPA ARCHITECTS, INC.

26600 Telegraph Rd.
Suite 450
Southfield, Michigan 48034

TEL: (248) 354-2441
FAX: (248) 354-4214

E-mail: cdpa@cdpa-architects.com

Key Plan: NO SCALE

Project Name and Client:

SUMA MEDICAL CENTER

TROY, MICHIGAN

DR. KHEIR AL-ZOUHAYLI

Seal:

Date	Issued For
03/14/2005	REZONING
05/05/2005	REZONING

Drawn:	LMH
Checked:	NNS
Approved:	NNS

Sheet Title:

PROPOSED SITE PLAN

Project Number: 05-045

Sheet Number:

© 2004 CDPA Architects, Inc.

REZONING REQUEST

10. PUBLIC HEARING – PROPOSED REZONING (Z 683-B) – Proposed Medical Building, North side of Big Beaver, between John R and Rochester, Section 23 – From R-1E to E-P, From R-1E to P-1 and From E-P to P-1

Mr. Savidant presented a summary of the Planning Department report for the proposed rezoning. Mr. Savidant reported that the request is compatible with surrounding land uses and zoning districts and is consistent with the intent of the Future Land Use Plan. As a courtesy, a copy of a protest petition in opposition to the proposed rezoning was provided members prior to the beginning of tonight's meeting. Mr. Savidant indicated that the petition would be considered at the time of City Council review.

Mr. Chamberlain suggested that all of the R-1E area be rezoned to E-P, not just the 50 feet as proposed by the petitioner. He said that would line up all of the properties.

Mr. Schultz concurred. He would like to see the 33.75 feet included in the E-P zoning so all of the lots would be the same depth. Mr. Schultz said the high-pressure transmission line that runs under the piece of property would most likely inhibit building a parking lot.

The petitioner, Najim Saymuah of CDPA Architects, 26600 Telegraph, Southfield, was present. Mr. Saymuah asked to see the protest petition. He explained the hardship as relates to the proposed rezoning. Mr. Saymuah, in reviewing the site plan, acknowledged the existence of a gas line easement. He said the development does not encroach on the easement and indicated the easement stops the development from moving further north.

Chair Strat stated that the site plan provided serves as clarification in the rezoning request but should not be considered in the review process of the rezoning request.

Dr. Kheir Al-Zouhayli, owner of the property, was also present.

Mr. Saymuah and Dr. Al-Zouhayli did not fully understand the concept proposed by the members.

A lengthy and detailed discussion and review of the site plan followed in an attempt to clarify the members' position on the proposed rezoning.

Mr. Saymuah indicated they would have no opposition to rezone the 33.75-foot property to E-P.

It was the consensus of the members to table the rezoning request so that the boundaries could be better clarified.

PUBLIC HEARING OPENED

Shih Hwang Wu ("John") of 1577 Boyd, Troy, was present. Mr. Wu said the protest petition submitted was signed by approximately 66% of residents who would be affected and are opposed to the proposed rezoning. He shared the major concerns of the residents: (1) Safety of the young children of the 70 families in the West Oaks Subdivision. (2) Encroachment of commercial and industrial development into residential areas, as relates to property values of their homes. (3) Flood lights from the commercial buildings. (4) Preservation of the existing natural barrier, beauty and balance to the neighborhood. (5) Increase of noise. Mr. Wu asked why commercial development could go on the gas line easement, but not residential.

Sanjay Dixit of 1590 Hartland, Troy, was present. Mr. Dixit expressed concern with the parking lot being extended further into single family residential. He said the proposed rezoning request would spoil a well-planned subdivision. He questioned when commercial development from the Big Beaver Road corridor would stop extending into the residential area. Mr. Dixit said the residents cannot fight business owners and developers and rely on the Planning Commission and City Council members to protect their interests.

Ashtiaq Khokhar of 1566 Hartland, Troy, was present. Mr. Khokhar has a wooded lot behind his home and he said the proposed development would destroy the beauty of the subdivision. Mr. Khokhar's request to build a gazebo was denied because of the gas line easement, and he questioned why a parking lot could be built on top of it.

Chair Strat informed the audience that there would be no parking lot on the gas line easement.

PUBLIC HEARING CLOSED

Mr. Saymuah asked that he be provided the names and addresses of the residents who spoke this evening.

Resolution # PC-2005-04-052
Moved by: Littman
Seconded by: Khan

RESOLVED, That the Planning Commission hereby recommends that the R-1E to E-P, R-1E to P-1 and E-P to P-1 rezoning request, located on the north side of Big Beaver Road, between John R and Rochester, within Section 23, be tabled to the May 10, 2005 Regular Meeting, for the following reason:

1. Review the request for further definition where the boundaries are and how they might line up with surrounding areas.

FURTHER RESOLVED, that the request be reviewed at a Study Session Meeting prior to the May 10, 2005 Regular Meeting.

Yes: All present (8)
No: None
Absent: Waller

MOTION CARRIED

4. PUBLIC HEARING – PROPOSED REZONING (Z 683-B) – Proposed Medical Building, North side of Big Beaver, between John R and Rochester, Section 23 – From R-1E to E-P, From R-1E to P-1 and From E-P to P-1

Mr. Miller reviewed the proposed rezoning that was tabled at the April 12, 2005 Regular Meeting and displayed slides of the rezoning proposal.

The petitioner, Najim Saymuah of CDPA Architects, 26600 Telegraph, Southfield, was present. Mr. Saymuah briefly presented the proposed revisions to the rezoning and displayed two sketches that represented the changes.

The members expressed favorable comments.

Mr. Miller requested the petitioner provide legal descriptions to the Planning Department as soon as possible in order for the Planning Department to complete its review for the May 10, 2005 Regular Meeting.

Mr. Schultz said the revised proposal shows great concern for both the existing neighbors and potential new neighbors to the north because the lots are the same depth and width and an environmentally protected area abuts the residential property.

Mr. Saymuah said the neighbors are happy, and he apologized for the misunderstanding at the last meeting.

9. PUBLIC HEARING – PROPOSED REZONING (Z 683-B) – Proposed Medical Building, North side of Big Beaver between John R and Rochester, Section 23 – From R-1E to E-P, From R-1E to P-1, and From E-P to P-1

Mr. Miller reported that the rezoning request has been modified based on Planning Commission comments made at their April 12, 2005 Regular Meeting. Mr. Miller reported that it is the recommendation of the Planning Department to approve the rezoning application.

Mr. Schultz asked if the Planning Department received the appropriate legal descriptions for the proposed rezoning.

Mr. Savidant replied that the Planning Department has received legal descriptions and confirmed their accuracy.

The petitioner, Najim Saymuah of CDPA Architects, 26600 Telegraph, Southfield, was present.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

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

RESOLVED, That the Planning Commission hereby recommends to the City Council that the R-1E to E-P rezoning request, located on the north side of Big Beaver Road, between John R and Rochester, within Section 23, being approximately 4.6 acres in size, be granted, for the following reason:

1. The proposed rezoning request complies with the Future Land Use Plan.

Discussion on the motion on the floor.

Mr. Schultz questioned if the proper zoning requests were incorporated in the Resolution. It was determined that the Resolution should incorporate three different rezoning requests.

Resolution # PC-2005-05-074
Moved by: Wright
Seconded by: Schultz

RESOLVED, To amend the Resolution to read that the rezoning request is from R-1E to E-P, R-1E to P-1 and E-P to P-1.

Yes: All present (6)
No: None
Absent: Chamberlain, Vleck, Waller

MOTION CARRIED

Resolution # PC-2005-05-075
Moved by: Khan
Seconded by: Schultz

RESOLVED, That the Planning Commission hereby recommends to the City Council that the R-1E to E-P, R-1E to P-1 and E-P to P-1 rezoning request, located on the north side of Big Beaver Road, between John R and Rochester, within Section 23, being approximately 4.6 acres in size, be granted.

Yes: All present (6)
No: None
Absent: Chamberlain, Vleck, Waller

MOTION CARRIED

DEPT. CIRCULATION
☑ DIRECTOR
☐ PRINCIPAL PLANNER
☐ ZONING
☐ PLANNER
☐ SECRETARY

RECEIVED
CITY OF TROY
2005 APR 11 AM 9:26
RECD

#10

APR 11 2005

PLANNING DEPT.

Rezoning Protest Petition

Submit this form to: **City Clerk's Office**
City of Troy
500 W. Big Beaver
Troy, MI 48084

Date: 4/9/2005

Contact Person: SANJAY DIXIT
Address: 1590 HARTLAND
City: TROY State: MI Zip: 48083
Telephone: (313) 224 6616

Rezoning case being protested:
Case #: Z-683B Applicant Name: NAJIM SAYMUAH ON BEHALF OF DR K. AL-ZOUHAYLI

What is a valid rezoning protest petition?

If a valid rezoning protest petition is filed in opposition to a rezoning request, the City Council cannot approve the request unless it does so by a vote of two-thirds of all Council members. A simple majority can approve all other rezoning requests. To be considered valid, the protest petition must:

(1) Be signed by the owner(s) of twenty percent (20%) or more of the area of land included in the proposed change ***or*** be signed by the owner(s) of twenty percent (20%) or more of the area of land included within an area extending outward 100 feet from any point on the boundary of the land included in the proposed change. **Publicly owned land shall be excluded in the calculating the twenty percent (20%) land area requirement.**

(2) Be signed by all persons having an ownership interest in the property as represented on the property deed - i.e., both spouses, the managing partner of a partnership, etc.

(3) Include a statement of opposition on each page of signatures at the top of the petition. The statement should be simply and clearly worded.

(4) Be submitted to the office of the City Clerk, 500 W. Big Beaver, at or before 12:00 p.m. on the date the Rezoning is scheduled for action by the City Council.

Attach signatures to this sheet on the form provided. The signature form may be duplicated if necessary.

City of Troy

RECEIVED
CITY OF TROY
2005 APR 11 AM 9:34

Rezoning Protest Petition
Case #: Z- 683 B

Statement of Opposition:

We, the undersigned property owners, hereby **protest** the proposed Rezoning from the R1-E, R1-E, E-P zoning district(s) to the E-P, P-1, P-1 zoning district(s) Rezoning case identified above, applicant name NAJIM SAYMUAH ON BEHALF OF DR. K. AL-ZOUHAYLI

The Rezoning is scheduled for action by the City Council on 04/12/2005 (date)

The reason(s) for this protest is/are: Rezoning will take away the privacy of the residential properties, and will reduce the property value in the new subdivision.

✓ Print Name (clearly): AJITHA & GEORGE VILLANASSERY Date: 4/9/05
Description or Parcel # of Parcel(s) Owned: 88-20-23-408-002
Signature: Villanassery
Address: 1602 HARTLAND TROY MI 48083

✓ Print Name (clearly): GIRISH THROVAGUNTA Date: 4/9/05
Description or Parcel # of Parcel(s) Owned: 88-20-23-408-001
Signature: Girish Throvagunta
Address: 1614 HARTLAND TROY MI - 48083

NOT W/IN 100' BUFFER
Print Name (clearly): Shih Hwang Wu Date: 4/9/05
Description or Parcel # of Parcel(s) Owned: 88-20-23-407-024
Signature:
Address: 1577 Boyd, Troy MI 48083

NOT W/IN 100' BUFFER
Print Name (clearly): RAHUL BANEJA Date: 4/9/05
Description or Parcel # of Parcel(s) Owned: 88-20-23-409-007
Signature:
Address: 1591 HARTLAND, TROY, MI 48083

NOT W/IN 100' BUFFER
Print Name (clearly): VINOD SHARMA Date: 4-9-05
Description or Parcel # of Parcel(s) Owned: 88-20-23-407-022
Signature:
Address: 1553 Boyd St. Troy MI 48083

NOT W/IN 100' BUFFER
Print Name (clearly): Sundararam & Mahalakshmi Bhagavatula Date: 4-9-05
Description or Parcel # of Parcel(s) Owned: 88-20-23-408-006
Signature: B. Sundaram Mahalakshmi
Address: 1554, Hartland St, Troy MI-48083

Rezoning Protest Petition

100' BUFFER = 92960.01 S.F.
20% OF BUFFER = 18592.00 S.F.
SIGNATURES REPRESENT 27103.80 S.F. = 29%

Rezoning Protest Petition

RECEIVED
CITY OF TROY
2005 APR 11 AM 9:34

Submit this form to: **City Clerk's Office**
City of Troy
500 W. Big Beaver
Troy, MI 48084

Date: 4/9/2005

Contact Person: SANJAY DIXIT
Address: 1590 HARTLAND
City: TROY State: MI Zip: 48083
Telephone: (313) 224 6616

Rezoning case being protested:
Case #: Z- 683 B Applicant Name: NAJIM SAYMUAH ON BEHALF OF DR. K. AL-ZOUHAYLI

What is a valid rezoning protest petition?

If a valid rezoning protest petition is filed in opposition to a rezoning request, the City Council cannot approve the request unless it does so by a vote of two-thirds of all Council members. A simple majority can approve all other rezoning requests. To be considered valid, the protest petition must:

(1) Be signed by the owner(s) of twenty percent (20%) or more of the area of land included in the proposed change ***or*** be signed by the owner(s) of twenty percent (20%) or more of the area of land included within an area extending outward 100 feet from any point on the boundary of the land included in the proposed change. **Publicly owned land shall be excluded in the calculating the twenty percent (20%) land area requirement.**

(2) Be signed by all persons having an ownership interest in the property as represented on the property deed - i.e., both spouses, the managing partner of a partnership, etc.

(3) Include a statement of opposition on each page of signatures at the top of the petition. The statement should be simply and clearly worded.

(4) Be submitted to the office of the City Clerk, 500 W. Big Beaver, at or before 12:00 p.m. on the date the Rezoning is scheduled for action by the City Council.

Attach signatures to this sheet on the form provided. The signature form may be duplicated if necessary.

City of Troy

RECEIVED
CITY OF TROY

2005 APR 11 AM 9:34

Rezoning Protest Petition

Case #: Z-683 B

Statement of Opposition:

We, the undersigned property owners, hereby **protest** the proposed Rezoning from the R1-E, R1-E, EP zoning district(s) to the E-P, P-1, P-1 zoning district(s) Rezoning case identified above, applicant name NAJIM SAYMUAH ON BEHALF OF DR. K. AL-ZOUHAYLI

The Rezoning is scheduled for action by the City Council on 04/12/2005 (date)

The reason(s) for this protest is/are: Rezoning will take away the privacy of the residential properties, and will reduce the property value in the new subdivision.

NOT W/IN 100' BUFFER
Print Name (clearly): NIGAR KHAN Date: 4-9-05
Description or Parcel # of Parcel(s) Owned: 88-20-23-408-007
Signature:
Address: 1542 Hartland Troy, MI 48083

NOT W/IN 100' BUFFER
Print Name (clearly): Munazza Mufti / Ashtiaq Ichhchar Date: 4-9-05
Description or Parcel # of Parcel(s) Owned: 88-20-23-408-005
Signature:
Address: 1566 Hartland, Troy, MI 48083

✓ Print Name (clearly): SANJAY DIXIT Date: 4/9/05
Description or Parcel # of Parcel(s) Owned: 88-20-23-408-003
Signature:
Address: 1590 HARTLAND TROY MI 48083

✓ Print Name (clearly): Keyur Vyas & Urjita Shukla Date: 4/10/05
Description or Parcel # of Parcel(s) Owned: 88-20-23-408-004
Signature:
Address: 1578 Hartland Troy MI 48083

NOT W/IN 100' BUFFER
Print Name (clearly): JAYKISHAN & VEENA MOTWANI Date: 4/10/05
Description or Parcel # of Parcel(s) Owned: 88-20-23-407-023
Signature:
Address: 1565 BOYD ST. TROY, MI 48083

Print Name (clearly): Date:
Description or Parcel # of Parcel(s) Owned:
Signature:
Address:

May 26, 2005

TO: John Szerlag, City Manager

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

SUBJECT: AGENDA ITEM - ANNOUNCEMENT OF PUBLIC HEARING (JUNE 20, 2005) - REZONING APPLICATION – Proposed Buscemi's Party Shoppe, Northeast corner of Hartland and Rochester Road, Section 23 – R-1E and B-3 to B-1 (Z-701)

RECOMMENDATION

The subject parcel is comprised of two parcels. The residential property is proposed to be developed in combination with the vacant parcel to the west. The applicant has a purchase agreement with the City of Troy, the current owner, which is proposing to sell the vacant parcel under a remnant parcel sale. The combination of these two properties will create a larger and more viable parcel for development. The purchase of this parcel will also be an agenda item on the June 20, 2005 City Council meeting.

The rezoning application is compatible with surrounding land uses and zoning districts. The Non-Center Commercial Future Land Use designation does not correlate to the proposed B-1 district, but is compatible with the H-S and B-3 districts.

The Planning Commission recommended approval of the request at the May 10, 2005 Planning Commission Regular Meeting. City Management agrees with the Planning Commission and recommends approval of the rezoning application.

GENERAL INFORMATION

Name of Owner / Applicant:
The owner of the property is Paul Buscemi and the City of Troy. The applicant is Paul Buscemi.

Location of Subject Property:
The property is located on the northeast corner of Hartland and Rochester Road in Section 23.

Size of Subject Parcel:
The parcel is approximately 16,505 square feet in area.

Current Use of Subject Property:
The subject parcel is comprised of two parcels, Parcel A and Parcel B. A single family home currently sits on Parcel A, the easternmost parcel, which is 5,505 square feet in area. Parcel B is a vacant 11,000 square feet parcel that is currently vacant. This is a remnant parcel presently owned by the City of Troy.

Current Zoning Classification:
R-1E One Family Residential and B-3 General Business.

Proposed Zoning of Subject Parcel:
B-1 Local Business.

Proposed Uses and Buildings on Subject Parcel:
The applicant is proposing to demolish the existing home and construct a convenience store.

Current Use of Adjacent Parcels:
North: Office.
South: Troy Masonic Temple and single family residential.
East: Single family residential.
West: Life Christian Church.

Zoning Classification of Adjacent Parcels:
North: B-3 General Business.
South: B-3 General Business.
East: R-1E One Family Residential.
West: B-3 General Business

ANALYSIS

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

PRINCIPAL USES PERMITTED:

Local retail businesses which supply commodities on the premises, for persons residing in adjacent residential areas, such as but not limited to: Groceries, meats, dairy products, baked goods or other foods dispensed for consumption off the site, hardware, drugs and pharmaceuticals.

Specialty shops such as, but not limited to: Antique shops, craft shops, and shops for the sale of gifts and notions.

Personal service establishments which perform services on the premises, such as, but not limited to: repair shops (watches, radio, television, shoe, etc.) beauty parlors and barber shops, and self-service laundries.

Dry cleaning establishments, or pick-up stations, dealing directly with the consumer.

Business establishments which perform services on the premises such as but not limited to: banks, credit unions, savings and loan associations, loan companies, insurance companies, and real estate offices.

Professional services including the following: __ medical clinics, (out-patient only) and offices of doctors, dentists, osteopaths and similar or allied professions.

Post office and similar governmental office buildings, serving persons living in the adjacent residential area. Other uses similar to the above uses.

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

USES PERMITTED SUBJECT TO SPECIAL CONDITIONS:

City and School District buildings, public utility buildings, telephone exchange buildings, electric transformer stations and substations, gas regulator stations, and water and sewage pumping stations, without storage yards.

Nursery schools, day nurseries and child care centers (not including dormitories).

Incidental Customer Seating as an accessory to food sales establishments.

Vehicular and Non-motorized Access:
The parcel fronts both Rochester Road and Hartland.

Potential Storm Water and Utility Issues:
The applicant will have to provide on-site storm water detention and all 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 parcel is classified on the Future Land Use Plan as Non-Center Commercial. The Non-Center Commercial designation has a Primary Correlation with the B-3 General Business Zoning District and a Secondary Correlation with the H-S Highway Service Zoning District. The Non-Center Commercial designation does

not correlate with the B-1 Zoning District. The rezoning application therefore does not comply with the letter of the City of Troy Future Land Use Plan.

Note that almost all of the uses permitted in the B-1 district are permitted in the B-3 district. The B-1 district is a commercial district, however the range of uses is wider and the potential impacts are higher in the B-3 district. However, the front yard setback and rear yard setback requirements are slightly greater in the B-3 district (40 feet and 30 feet) than in the B-1 district (25 feet and 20 feet).

The section of Rochester Road between Wattles Road and Big Beaver Road is characterized by a dramatic mix of commercial zoning districts, including B-1, B-2, B-3 and H-S. The property to the south, which is zoned B-3 and P-1, extends three lots further to the east than the subject parcel.

The rezoning application is compatible with these surrounding land uses and zoning districts. Although the Non-Center Commercial Future Land Use designation does not correlate to the proposed B-1 district, this B-1 works well with the small subject parcel.

Compliance with Location Standards

The B-1 Local Business Zoning District does not have Location Standards to apply to rezoning requests.

Attachments:

1. Maps.
2. Letter from applicant, received by Planning Department March 22, 2005.
3. Minutes from May 10, 2005 Planning Commission Regular Meeting.
4. Letter of opposition, dated April 26, 2005.

Prepared by RBS/MFM

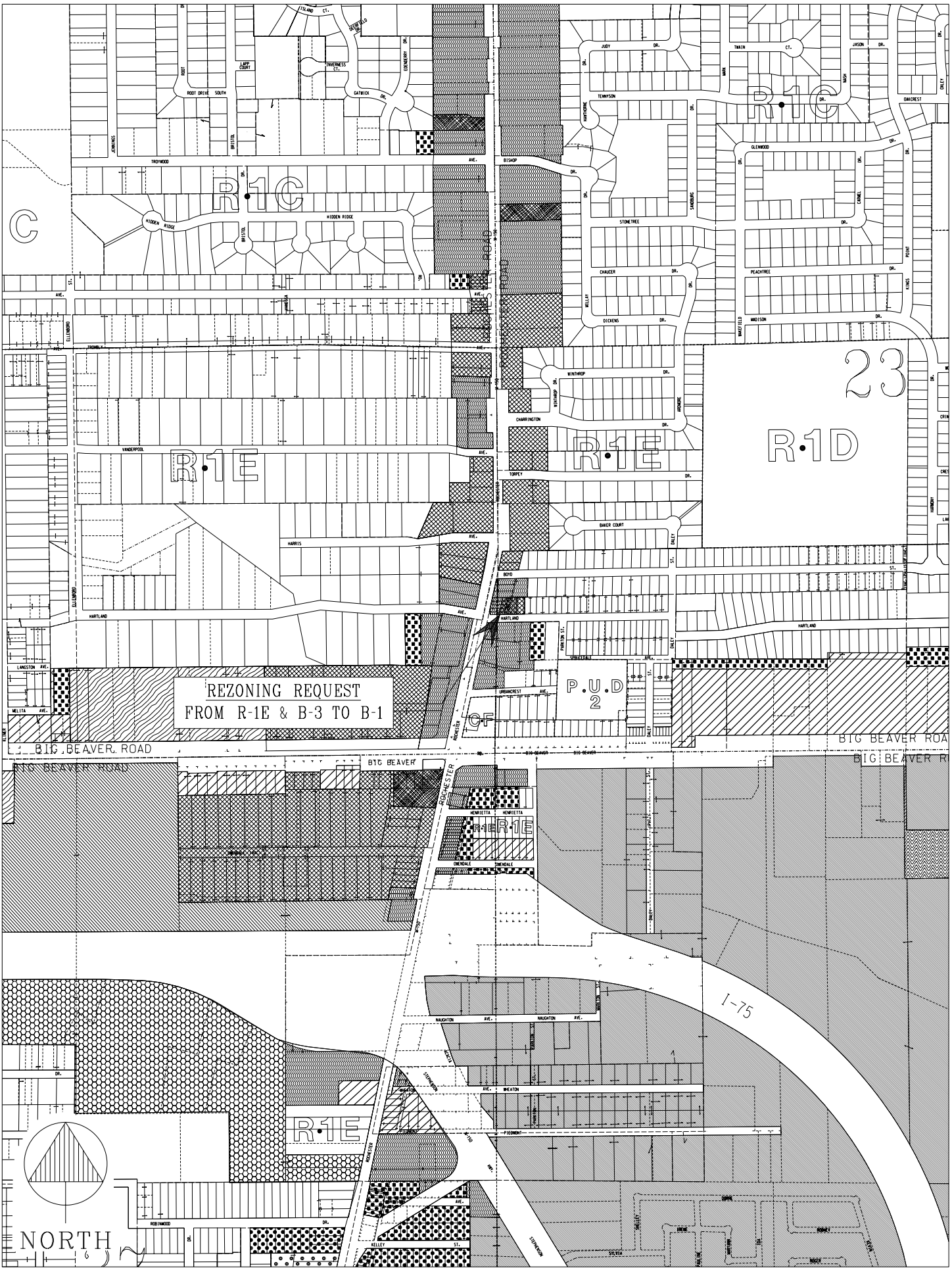
cc: Applicant
File (Z- 701)

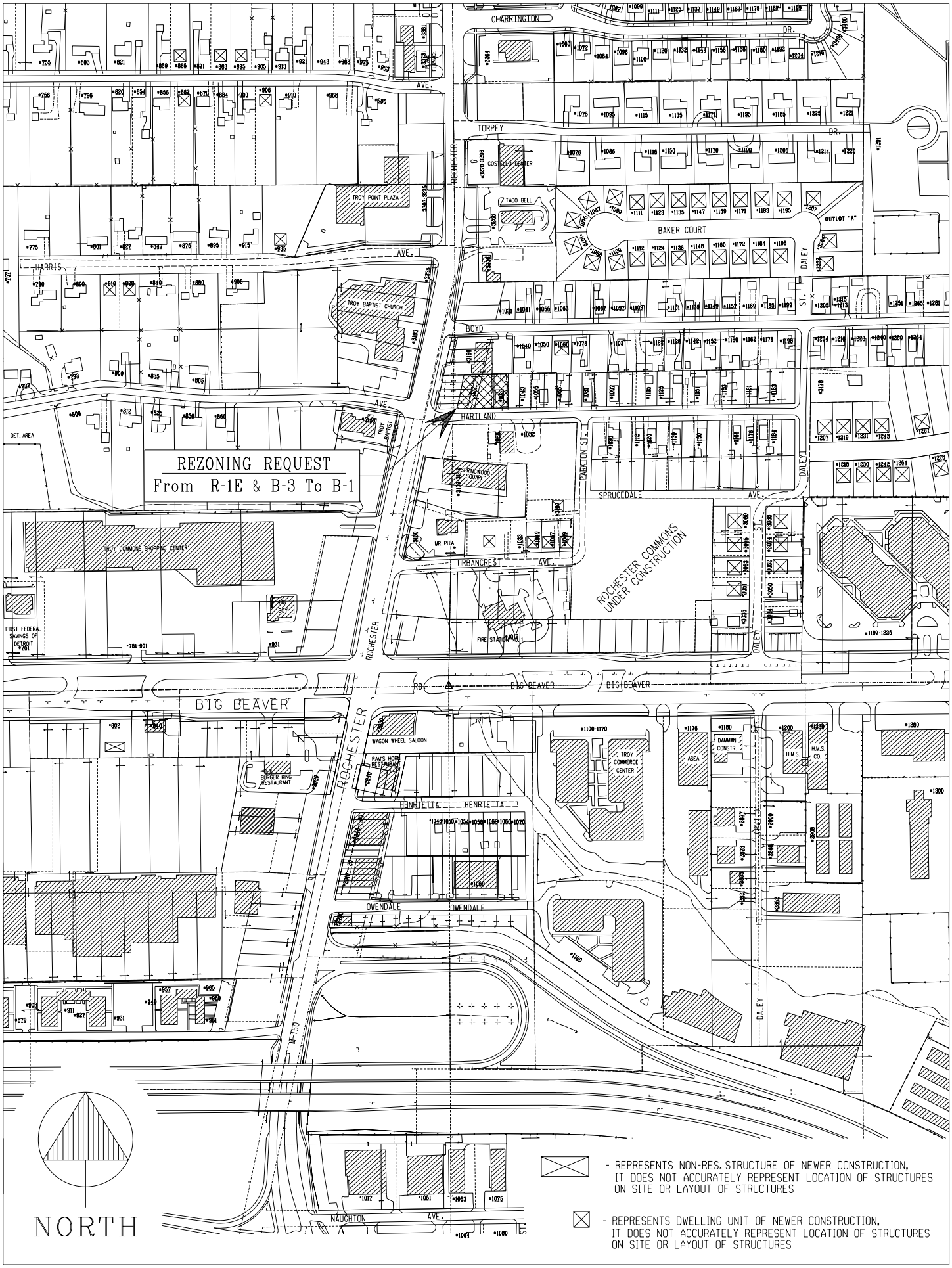
G:\REZONING REQUESTS\Z-701 BUSCEMI'S B-1 SEC 23\Announcement CC Public Hearing Buscemi's 06 06 05.doc

CITY OF TROY

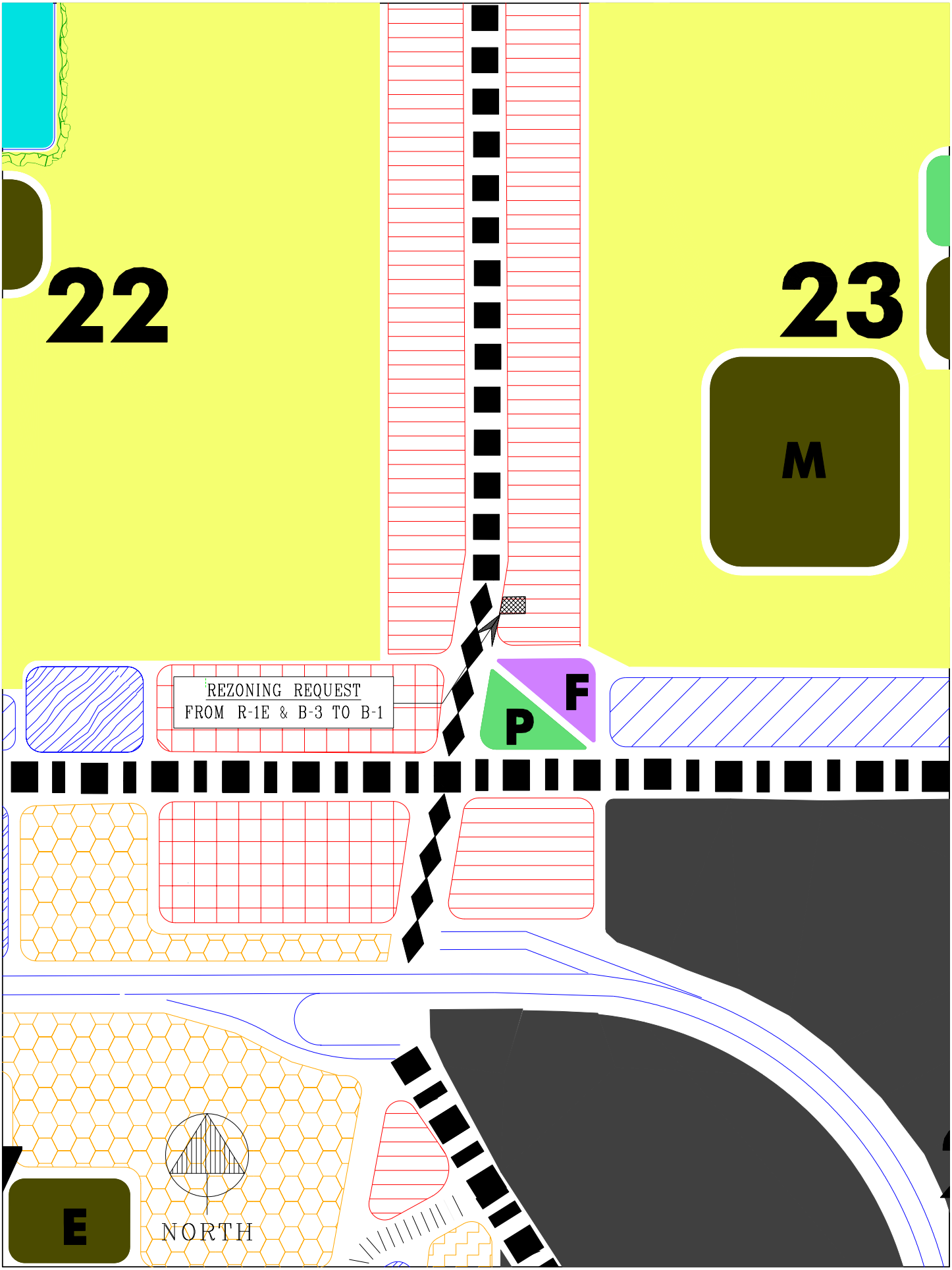
PREPARED BY CITY OF TROY PLANNING DEPT.

REZONING REQUEST
PROPOSED BUSCEMI'S PARTY SHOPPE
FROM R-1E & b-3 TO B-1
NE CORNER OF HARTLAND & ROCHESTER RD.
SEC. 23 (Z-701)
VANDERPOOL
TORPEY
BAKER
HARRIS
BOYD
REZONING REQEUST
FROM B-3TO B-1
HARTLAND
HARTLAND
REZONING REQEUST
FROM R-1E TO B-1
HARTLAND
ROCHESTER
PARKTON
FOXBORO
ROCHESTER COMMONS
UNDER CONSTRUCTION
URBANCREST
BEAVER RUN
DALEY
E BIG BEAVER
E BIG BEAVER
Feet
0 50 100 200 300


REZONING REQUEST
FROM R-1E & B-3 TO B-1
R-1C
R-1E
R-1D
P.U.D
2
23
C
CF
BIG BEAVER ROAD
ROCHESTER ROAD
I-75
NORTH



Z-701 / SEC. 23 / 04-14-05



2005 z 701 buscemis.dgn 4/15/2005 11:49:43 AM

Buscemis Party Shoppe
3296 Rochester
troy MI 48348
(248) 689-5959

RECD
MAR 22 2005
PLANNING DEPT.

We believe the rezoning of this property will turn a partially vacant piece of land that has no aesthetic value or benefit to the City of Troy into a functional , well-maintained, tastefully-landscaped, family-owned business that has been operating in the City of Troy for more than 15 years.

As this piece of property is located between already-existing commercial buildings, the business that will reside on the property will complete the landscape on Rochester Road. In addition, the resident's that are located behind this property will be shielded from the traffic on Rochester Road. We are also hoping that the new building will revitalize this older part of the City and offer a new retail market for the enjoyment of the residents in the near vicinity.

14. PUBLIC HEARING – PROPOSED REZONING (Z 701) – Proposed Buscemi Party Shoppe, North of Harland, East of Rochester, Section 23 – From R-1E and B-3 to B-1

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

The petitioner, Paul Buscemi of 3296 Rochester Road, Troy, was present. Mr. Buscemi said they would like to stay in the same vicinity of Troy so they could keep their clientele of 15 years. He distributed a sketch of the proposed building.

Mr. Littman referenced a letter received by the Planning Department from neighboring residents Steve and Heather Clement of 1040 Boyd. The Clement's state their concern of the negative affects the proposed development would have on their home; i.e., decrease in property value, lack of privacy, noise.

Mr. Buscemi said he was not aware of the neighbor's concern. He suggested that a wall could be provided for privacy, and noted that the new building might buffer noise from Rochester Road. Mr. Buscemi said he would contact the neighbor to discuss their concerns.

Ms. Drake-Batts asked about the surrounding neighbors.

Mr. Buscemi noted the locations of the Masonic Temple and the home of the Butcher's. Mr. Buscemi said the Butcher 's are in support of the rezoning.

Ms. Drake-Batts said she would like to hear from the surrounding neighbors.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2005-05-083
Moved by: Schultz
Seconded by: Wright

RESOLVED, That the Planning Commission hereby recommends to the City Council that the R-1E and B-3 to B-1 rezoning request, located on the north side of Hartland, east of Rochester, within Section 23, being approximately 16,505 square feet size, be granted.

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

MOTION CARRIED

Ms. Drake-Batts said she understands that commercial is across the street but she believes the commercial will devalue the residential home.

Mr. Savidant confirmed that property owners within 300 feet of the proposed rezoning were notified by mail.

Paula P Bratto

From: Heather Clement [hclement76@comcast.net]

Sent: Tuesday, April 26, 2005 8:11 PM

To: Paula P Bratto

Subject: Paul Buscemi's Rezone request

We live in the house diagonally behind the said property on the corner of Hartland and Rochester Road. Our house is located at 1040 Boyd (directly behind the doctor's office). The property that Mr. Buscemi is referring to is virtually in our backyard. We feel that having a business in that location will cause our home to depreciate in value. It will also make our privacy situation go from bad to worse. We have no privacy whatsoever in our backyard, and the thought of seeing and hearing party store patrons while we sit on our living room couch, or try to sleep is unappealing. It will increase the outdoor noise level, which already floods into our home, since we are close to the main road. We are frequent patrons of Buscemi's Party Shoppe, and have the utmost respect for Mr. Buscemi as a business owner. However, we must consider our own interest as homeowners. We do not want the resale value of our home to decrease, nor do we wish to be uncomfortable while we are living in this location. While we wish Mr. Buscemi success, the rezoning request is not something that we can agree to.

Sincerely,
Steve and Heather Clement
1040 Boyd

RECEIVED
APR 27 2005

TO: Mayor and Members of Troy City Council
FROM: John Szerlag, City Manager
Lori Grigg Bluhm, City Attorney
Brian P. Murphy, Assistant City Manager/ Services
Carol Anderson, Director of Parks and Recreation
Carolyn F. Glosby, Assistant City Attorney
DATE: May 31, 2005
SUBJECT: Proposed Revisions to Chapter 30- Municipal Golf Course(s)

At the March 7, 2005 City Council meeting, the Troy City Council was presented with proposed revisions to Chapter 30, Municipal Golf Course(s), which would facilitate the application for a liquor license at Sanctuary Lake Golf Course. However, there were some other items in the existing ordinance that were questioned by Councilmember Eisenbacher. A copy of the earlier correspondence is attached for your convenience.

Since these items did not directly impact the liquor license request, and any delay in approving ordinance amendments could further delay the processing of the liquor license application, City Council passed the ordinance amendments as proposed, and requested a thorough review of the remaining provisions of Chapter 30, which would be brought back to Council on or before the first Council meeting in July 2005.

City Administration has since reviewed the ordinance, and offers the following alternative language for your consideration. First, there was a concern with section one, which states: "The operation of Municipal Golf Courses is hereby determined to be desirable and necessary for the public health, safety and welfare of the City of Troy." This language addresses the public purpose requirement for the City of Troy. Alternative language could read: "The operation of municipal golf courses is a public purpose, and is within the lawful powers of the City of Troy."

Second, there was a concern with section four, which delegates "(t)he operation, maintenance, alteration, repair and management of the Golf Course" to City Council. This provision could also be interpreted to authorize Council to directly hire a manager of the golf course. This language is inconsistent with the language governing all other parks in the City. As such, Council may wish to replace the language of Chapter 30, Section four with slightly amended language from Chapter 26, Section 16. The alternative language could be as follows: "The City Manager is empowered to make such rules and regulations, subject to the approval of City Council, pertaining to the conduct and use of the municipal golf courses, parks, and public grounds as are necessary to administer the same and to protect public property and the safety, health, morals and welfare of the public, and no person shall fail to comply with such rules and regulations."

If you have any questions, please let us know.

CITY OF TROY
AN ORDINANCE TO AMEND
CHAPTER 30 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 30, Municipal Golf Course(s), of the Code of the City of Troy.

Section 2. Amendment

Chapter 30, Section 1, shall be amended as follows:

1. The operation of ~~M~~municipal ~~G~~golf ~~C~~courses is a proper public purpose, and is within the lawful powers of the City of Troy. is ~~hereby determined to be desirable and necessary for the public health, safety and welfare of the City of Troy.~~

Chapter 30, Section 4, shall be amended as follows:

4. The City Manager is empowered to make such rules and regulations, subject to the approval of City Council, pertaining to the conduct and use of the municipal golf courses, parks, and public grounds as are necessary to administer the same and to protect public property and the safety, health, morals and welfare of the public, and no person shall fail to comply with such rules and regulations.

~~The operation, maintenance, alteration, repair and management of the Golf Course shall be under the supervision and control of the City Council The Council may employ such person or persons in such capacity or capacities as it deems advisable to carry on the efficient management and operation of the Golf Course and may make such rules, orders and regulations as it deems advisable and necessary to assure the efficient management and operation of the Golf Course.~~

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 E. Schilling, Mayor

_____
Tonni Bartholomew. City Clerk

May 25, 2005

TO: John Szerlag, City Manager

FROM: John M. Lamerato, Assistant City Manager/ Finance and Administration
James Nash, Financial Services Director
Sandra Kasperek, City Treasurer
Jeanette Bennett, Director of Purchasing

SUBJECT: **Agenda Item**: Bid Waiver - Contract Extension – Banking Services

RECOMMENDATION

On July 19, 1999, Troy City Council approved a three-year contract to Fifth Third Bank (formerly Old Kent Bank) for banking services with an option to renew the contract for three (3) additional years (Resolution #99-349-E-2c). On May 6, 2002 the option was exercised for an additional three (3) year period (Resolution # 2002-05-288-E-2) under the same prices, terms, and conditions expiring September 30, 2005.

City management recommends the contract be extended with Fifth Third Bank for banking services expiring October 1, 2008. Fifth Third Bank has offered to extend the contract under the same prices, terms, and conditions with a fee reduction in two areas. They have offered to reduce the monthly maintenance charge for Controlled Disbursement Accounts 50% from $100.00 per account per month to $50.00 per account per month. Secondly, they have offered a 16.6% reduction in the deposit fee from $.60 per deposit to $.50 per deposit.

Also, the original resolution granted approval to negotiate with Fifth Third Bank to provide additional banking services, as the City was ready to implement them. Since the beginning of the contract, we have added lock box services and a procurement card program. The implementation of the Procurement Card Program was approved by City Council on August 6, 2001 [Resolution #2001-08-404(a)].

BACKGROUND

The recommendation to extend the contract with Fifth Third Bank is made for the following reasons:

- Fifth Third Bank (formerly Old Kent Bank) was the recommended bidder as the result of a request for proposal process. The estimated total cost of banking services was substantially less than the other banks, which in turn required a substantially lower monthly compensating balance.

  Both factors were in the City's best interests in 1999, and since the same prices, terms, and conditions are being proposed to be extended from that time, would continue to be in the City's best interests.

BACKGROUND - continued

- Staff recommends extending the contract with Fifth Third since several banking products have been implemented to enhance payment collections. A partial list of these products include lock box collection for tax and water payments, auto-debit program for water bills and recreation fees, and credit card services for recreation fees (i.e. educational and fitness programs, golf course fees, etc). All of these products require the joint effort of staff from both the City of Troy and Fifth Third Bank in the process of integrating appropriate technology, implementing security procedures, creating and printing forms, training end-users to work with features of new software packages, developing reporting procedures, and maintaining feedback for optimal performance.

  Changing banking services at this time would divert staff time to a very complex task of discontinuing current services and procedures, establishing new services at a new banking institution, implementing new software, and educating all users. Furthermore, not only would the payment collection products be affected, but also the products used for internal purposes such as payroll, accounts receivable, accounts payable, investing etc. Clearly, a change of this magnitude would impact the services we offer our customers and employees.

- The implementation of the Procurement Card Program is relatively new (approved Aug 2001) and required training all participants to learn on-line account reconciliation.

  New banking services would require the City to implement a new card program and require all cardholders to be retrained in the use of new software and processes, which increases the opportunity for errors as cardholders would need to become familiar with another reporting system.

MARKET SURVEY

The City of Troy currently enjoys a good business relationship with Fifth Third Bank to uphold fiscal integrity and maintain high levels of service in a cost-effective manner.

Although pricing is just one factor in the selection process, the proposal submitted by Fifth Third was substantially lower than the other banks submitting proposals at the time of the last RFP and still holds true based on a recent informal survey.

BUDGET

Costs for banking services are an offset to interest earnings and not a direct charge paid from a City account.

Fifth Third Bank

May 13, 2005

Ms. Jeanette Bennett
Purchasing Director
City of Troy
500 W. Big Beaver Road
Troy, Michigan 48084

Re: City of Troy Banking Contract Extension

Dear Ms. Bennett

I would like to thank you for the banking relationship Fifth Third Bank (formerly Old Kent Bank) has had with the City of Troy.

As pertaining to RFP-99-01, we Fifth Third Bank would like to extend to the City a renewal extension for an additional three-year period beginning October 1, 2005, expiring October 1, 2008.

Fifth Third Bank is offering that all pricing and terms and conditions remain in place for the additional three-year period expiring on October 1, 2008. In addition, we are offering to the City fee reductions in two categories. I would like to offer a 50 % reduction in the monthly maintenance charge for your Controlled Disbursement Accounts. The current charge is $100.00 per account per month and our proposal is to reduce the charge to $50.00 per account per month. In addition, we are offering a 16.6% reduction in the deposit fee. The current charge is 60 cents per deposit and we are offering 50 cents per deposit.

As stated in the previous contract, the City or the Bank reserves the right to terminate the contract providing one hundred and twenty (120) days written notice to that of either party with intent to terminate.

We are excited about our growth in the City with the recent signing of the lease for our new branch on Rochester and Bishop Roads. The City of Troy is a wonderful place to work, live and conduct business.

Again, I would like to thank you for your previous business and look forward to a continued mutually rewarding relationship.

Should you have any questions or concerns, please feel free to call me at 248.458.5817.

Sincerely,

Aron Kominars
Vice President
2280 West Big Beaver Road
Troy, Michigan 48084

CC: Mr. John Lamerato
Assistant City Manager

E-2 Standard Purchasing Resolution 3: Exercise Renewal Option – Banking Services

Resolution #2002-05-288-E-2

WHEREAS, On July 19, 1999, a three-year contract with an option to renew for three additional years to provide banking services was awarded to Fifth Third Bank (formerly Old Kent Bank) (Resolution #99-349-E-2c); and

WHEREAS, Fifth Third Bank has agreed to exercise the option to renew the contract for an additional three years under the same prices, terms, and conditions.

NOW, THEREFORE, BE IT RESOLVED, That the option to renew the contract is hereby exercise with Fifth Third Bank to provide Banking Services, under the same contract prices, terms, and conditions for three years expiring September 30, 2005.

E-3 Request from C. A. MUER CORPORATION: (a) To Transfer Stock Through Merger in 2001 Class C Licensed Business, Located at 5498 Crooks, Troy, by Adding LSRI HOLDINGS, INC. as New Stockholder Through Issuance of 1,000 Shares of Stock from the Corporation, and by Dropping Anthony Adams, et al, Through Transfer of Their 1,166,066 Shares of Stock Back to the Corporation [MLCC REQ ID# 151240]; (b) Approval of Agreement

(a) License Transfer

Resolution #2002-05-288-E-3a

RESOLVED, That the request from C.A. Muer Corporation, to transfer stock in 2001 Class C licensed business, located at 5498 Crooks, Troy, by adding LSRI Holdings, Inc. as new stockholder, and dropping Anthony Adams, et al, be considered for approval. It is the consensus of this legislative body that the application be recommended for issuance.

(b) Agreement

Resolution #2002-05-288-E-3b

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

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Troy hereby approves an agreement with C. A. Muer Corporation., which shall become effective upon approval of the request to transfer stock to LSRI Holdings, Inc., and dropping Anthony Adams, et al; and the Mayor and City Clerk are authorized to execute the document, a copy of which shall be attached to the original Minutes of this meeting.

April 26, 2002

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager
John M. Lamerato, Assistant City Manager/ Finance and Administration
James Nash, Financial Services Director
Jeanette Bennett, Purchasing Director

Subject: Standard Purchasing Resolution 3: Exercise Renewal Option – Banking Services

RECOMMENDATION

On July 19, 1999, the Troy City Council approved a three-year contract to Fifth Third Bank (formerly Old Kent Bank) for banking services with an option to renew the contract for three (3) additional years (Resolution 99-349-E-2c). Fifth Third Bank has agreed to extend their contract under the same prices, terms, and conditions. The Finance Division has been satisfied with the performance of Fifth Third Bank during the past three years and recommends exercising the option to renew the contract for three additional years to expire September 30, 2005.

ADDITIONAL INFORMATION

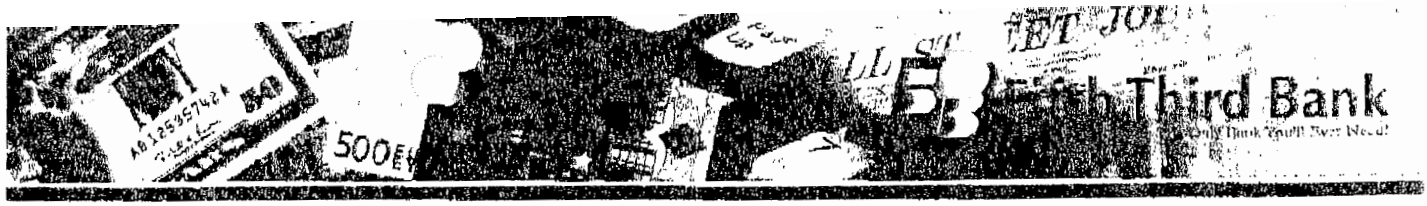
The recommended bidder was selected as a result of a request for proposal process. The original resolution granted approval to negotiate with Fifth Third Bank to provide additional banking services, as the City was ready to implement them. Since the beginning of the contract, we have added lock box services and a procurement card program. The implementation of the Procurement Card Program was approved by City Council on August 6, 2001 [Resolution #2001-08-404(a)].

MARKET SURVEY

A market survey was not deemed necessary since the bank was selected as a result of a request for proposal process. Pricing is just one factor in the selection process, although their pricing was substantially lower than the other banks submitting proposals.

BUDGET

Costs for banking services are an offset to interest earnings and not a direct charge paid from a City account.



January 14, 2002

Ms. Jeanette Bennett
Purchasing Director
City of Troy
500 W. Big Beaver Rd.
Troy, MI 4804

Re: City of Troy Contract Extension

Dear Ms. Bennett:

We would like to thank you for the banking relationship Fifth Third Bank (previously Old Kent Bank) has had with the City of Troy for almost three years now.

As pertaining to RFP-99-01, we Fifth Third Bank (previously Old Kent) would like to extend to the City a renewal for an additional three year contract period beginning October 1, 2002, expiring three calendar years later in the year 2005.

October 1 of 1999 was the implementation date of all accounts and products set up at Old Kent Bank now Fifth Third Bank. The award date by the City of Troy Council was July 19, 1999. Fifth Third (previously Old Kent Bank) agrees that all pricing and terms and conditions remain the same for an additional three year period thru the month of October 2005.

The City or the Bank reserves the right to terminate the contract providing one hundred and twenty (120) days written notice to that of either party with intent to terminate.

Again, we thank you and look forward to a mutual rewarding relationship.

Sincerely,

Dan Viant
Vice President

cc: Mr. John Lamerato
Assistant City Manager

Accepted on this 6 day of May 2002

Title Asst. City Manager/ Finance & Administratio
City of Troy
500 W. Big Beaver Rd.
Troy, MI 48084

Resolution #2002-05-288-E-2
Approved May 6, 2002
Attached

CONSENT AGENDA – CONTINUED

Bid Awards – Continued **E-2**

(c) Banking Services

Resolution #99-349-E-2c

RESOLVED, that a three year contract to provide Banking Services with an option to renew the contract for three additional years is hereby approved to Old Kent Bank at an estimated annual cost of $ 18,995.75, which could be covered by maintaining an estimated monthly compensating balance of $ 414,186.00, contingent upon contractor submission of properly executed proposal and contract documents, including bonds, insurance certificates and all other specified requirements. In addition, Optional Banking Services contained in the Request for Proposal may be negotiated at the time the City is ready to implement those services.

Award of Office Supply Contract **E-3**

Resolution #99-349-E-3

WHEREAS, a "piggy back" addendum with Los Angeles County and the National Cooperative Purchasing Alliance (NACo) allows the Tri-County Purchasing Cooperative of which the City of Troy is a member to participate in the contract for Office Supplies competitively bid and awarded to Office Depot, the best value bidder; and

WHEREAS, the NACo program is a highly visible $40 Million-plus contract with over 2,500 participating government agencies which enjoys the best pricing, inventory commitment, and service from one of the nations' largest office supply dealers; and

NOW, THEREFORE, BE IT RESOLVED, that the "piggy back" addendum is hereby approved to Office Depot which will allow the City of Troy to participate in the contract for Office Supplies as part of the Tri-County Purchasing Cooperative at an estimated total of $125,000 per year expiring April 1, 2001 at the following discount structure:

Catalog of 4,000 frequently ordered items	Discounts up to 61% off manufacturer's list price

Additional discounts as follows:

A) 105 High Usage	Items Average of 70% off Suggested List Price
B) Office Furniture	44% off Manufacturer's Suggested List Price
C) Electronic Equipment/Business Machines	Retail Superstore Pricing
D) Miscellaneous Items	35% off Manufacturer's Suggested List Price
E) Wholesale Items	20% off Manufacturer's Suggested List Price

Program Incentives:

Electronic ordering system

40% of Total Transactions	0.5% of Annual Sales
80% of Total Transactions	1.0% of Annual Sales

F-6 Bid Waiver – Exhibition Tents for Troy Daze Festival

Resolution #2001-08-403
Moved by Pallotta
Seconded by Kaszubski

WHEREAS, A market analysis has been conducted to rent exhibition tents for the Troy Daze Festival; and

WHEREAS, It has been determined by all participants that the festival needs to improve traffic flow and relieve congestion in the walkway areas; and

WHEREAS, The Parks and Recreation Department and Troy Daze Committee members have changed the sizing requirements of the tents in an effort to reconfigure and improve the layout of the Troy Daze Festival;

NOW, THEREFORE, BE IT RESOLVED, That formal bidding procedures are hereby waived and a contract to provide exhibition tents for the 2001 Troy Daze Festival is hereby awarded to Special Events Rental at an estimated total cost of $12,240.00.

Yes: All-7

F-7 Approval of a Procurement Card Program and Accompanying Bank Resolution from Fifth Third Bank

(a) Resolution A

Resolution #2001-08-404(a)
Moved by Pallotta
Seconded by Kaszubski

RESOLVED, That a Purchasing Card Program is hereby approved with the City of Troy's bank service provider, Old Kent Bank soon to be Fifth Third Bank in compliance with the provisions of Public Act 266 of 1995.

Yes: All-7

TO: Honorable Mayor and City Council

FROM: James C. Bacon, Jr., City Manager
John M. Lamerato, Assistant City Manager-Finance & Administration

RE: Banking Services

DATE: July 13, 1999

We have completed our extensive review of the banking service proposals received from Bank One, Comerica, Michigan National, National City, Old Kent and Standard Federal Bank. These banks were pre-selected by City Council.

We have attached the bid tabulation to give you an idea of the type of required and optional services we are seeking. In addition to the bid tabulation, we have also compiled a fact sheet that lists other elements that were taken into consideration in the selection process.

It is our recommendation that Old Kent Bank provide banking services for the City of Troy for a three-year period, with the option to renew for an additional three-year period upon mutual consent. The estimated annual cost for required banking services is $18,995.75, which could be covered by maintaining an estimated monthly compensating balance of $ 414,186.00. In addition to the required banking services, we are also seeking approval to negotiate with Old Kent Bank to provide any optional services contained in the request for proposal at such time the City is ready to implement them.

We are presently using Old Kent Bank as Trustee and Transfer Agent for the TDDA Parking Structure bonds and have been very pleased with their performance to date. We also have several certificates of deposit with Old Kent Bank.

NOTE: 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.

6 Request for Proposals Sent
6 Request for Proposals Received
0 No Bids

E-2c

Opening Date -- 4/30/99
Date Prepared -- 7/13/99

CITY OF TROY
BID TABULATION
BANKING SERVICES

NOTE

INSTITUTION NAME:		#1 MICHIGAN NATIONAL		#2 NBD BANK, A BANK ONE COMPANY		#3 COMERICA		#4 NATIONAL CITY BANK		#5 OLD KENT BANK		#6 STANDARD FEDERAL BANK	
REQUIRED BANKING SERVICES:													
SERVICE DESCRIPTION	ESTIMATED ANNUAL VOLUME	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
ACCOUNT MAINTENANCE FEES:													
CURRENT CHECKING ACCOUNT (6)	72	$ 22.00	$ 1,584.00	(5) $ 17.00	$ 1,020.00	$ 15.00	$ 1,260.00	$ 11.00	$ 792.00	$ 10.00	$ 720.00	$ 15.00	$ 1,080.00
CONTROL DISBURSEMENT (1)	12	$ 180.00	$ 2,160.00	(1) $ 50.00	$ 600.00	NOT PROPOSED		$ 50.00	$ 600.00	$ 100.00	$ 1,200.00	$ 100.00	$ 1,200.00
OTHER FEES (Identify and Detail)				NOTE: GENERAL ACCT IS		NOTE: BASED ON (7) DEMAND ACCTS							
SWEEP ACCT MONTHLY BASE FEE	72			RECOMMENDED AS AN ARP		$ 50.00	$ 3,600.00			N/C	N/C		
SWEEP FEE - GENERAL ACCT	12			ACCOUNT AND PRICED		(ASSUMES $25M TARGET BAL)						$ 15.00	$ 180.00
SAFEKEEPING ACCT -MTNCE	12			AS FOLLOWS:								$ 15.00	$ 180.00
SWEEP ACCT FUNDING TRANSFERS	1440					$ 0.50	$ 720.00						
ZERO BAL MONTHLY BASE FEE	24					$ 15.00	$ 360.00						
ZERO BAL FUNDING TRANSFERS	480					$ 0.35	$ 168.00						
ZBA								$ 10.00					
CONTROLLED DISBURSEMENT				CASHNET REPORTING--				$ 50.00					
MONTHLY PRODUCT CHARGE	12			$ 60.00	$ 720.00								
TERMINAL OUTPUT PER ACCESS	252			$ 1.60	$ 403.20								
TERMINAL OUTPUT PER FIELD	756			$ 0.12	$ 90.72								
				CONTROLLED DISBURSEMENT RPT--									
MONTHLY PRODUCT CHARGE	12			$ 30.00	$ 360.00								
TERMINAL OUTPUT PER DAY	252			$ 1.60	$ 403.20								
TERMINAL OUTPUT PER ACCOUNT	504			$ 0.12	$ 60.48								
MISCELLANEOUS DEBITS	252			$ 0.45	$ 113.40								
MISCELLANEOUS CREDITS	252			$ 0.80	$ 201.60								
CHECKS PAID:													
CONTROLLED DISBURSEMENT	12,000	$ 0.21	$ 2,520.00	$ 0.18	$ 2,160.00	SEE ZERO BAL ACCT BELOW		$ 0.165	$ 1,980.00	$ 0.10	$ 1,200.00	$ 0.15	$ 1,800.00
PAYROLL	19,000	$ 0.16	$ 3,040.00	$ 0.18	$ 3,420.00	$ 0.19	$ 3,610.00	$ 0.18	$ 3,420.00	$ 0.09	$ 1,710.00	$ 0.15	$ 2,850.00
OTHER FEES (Identify and Detail)													
1500 T&A / 1500 GENERAL CHECKS	3,000			$ 0.18	$ 540.00	$	$						
PAYABLE CHECKS (ON ZBA ACCT)	12,000			$	$	$ 0.19	$ 2,280.00						
CHECK RENDERING FEE								$ 0.03					
POSITIVE PAY(0-5,000 MNTHLY ITEMS)	12							$ 67.50	$ 810.00				
UNCOLLECTED FEE - PER DAY												$ 25.00	
OVERDRAFT FEE - PER ITEM												$ 25.00	
ITEMS DEPOSITED:													
CURRENT CHECKING ACCOUNT	1,600	$ 1.15	$ 1,840.00	$ 1.15	$ 1,840.00	0.09	$ 144.00	$ 0.80	$ 1,280.00	$ 0.60	$ 960.00	$ 0.09	$ 144.00
CHECKS DEPOSITED	150,000	$ 0.085	$ 12,750.00	$ 0.105	$ 15,750.00	0.09	$ 13,500.00	$ 0.075	11,250.000	$ 0.02	$ 3,000.00	$ 0.09	$ 13,500.00
DEPOSIT ITEMS RETURNED	150	$ 4.00	$ 600.00	$ 4.50	$ 675.00	5.25	$ 787.50	$ 4.00	$ 600.00	$ 2.00	$ 300.00	$ 4.50	$ 675.00
OTHER FEES (Identify and Detail)													
REDEPOSITED ITEMS	108	$ 2.00	$ 216.00			$	$					$ 1.25	$ 135.00
FDIC ASSESSMENT		* An add'l Fed Reserve price of				$.01/$1,000 AVG LEDGER BAL							
CHECK ENCODING		$.025 is charged for non-local						($.035)					
DEPOSITS		clearing house items.										$ 0.80	
MISC CREDITS												$ 0.80	
MISC DEBITS												$ 0.22	
ACCOUNT RECONCILEMENT FEES:						(2) ACCOUNTS:							
MONTHLY MAINTENANCE	24	$ 30.00	$ 720.00	$ 50.00	$ 1,200.00	$ 100.00	$ 2,400.00	$ 30.00	$ 720.00	$ 65.00	$ 1,560.00	$ 70.00	$ 1,680.00
RECONCILED CHECKS PAID	31,000	$ 0.06	$ 1,860.00	N/C	$ -	$ 0.03	$ 930.00	$ 0.05	$ 1,550.00	$ 0.09	$ 2,790.00	$ 0.025	$ 775.00
OTHER FEES (Identify and Detail)													
Data Transmission - Paid Items File - 1st Acct	12			$ 40.00	$ 480.00	SEE ARP SCHEDULE IN							
Data Transmission - Paid Items - Add'l Accts	12			$ 6.00	$ 72.00	EXHIBITS SEC (6)							
DATA TRANSMISSION	24							$ 5.00	$ 120.00				

INSTITUTION NAME:		#1 MICHIGAN NATIONAL		#2 NBD BANK, A BANK ONE COMPANY		#3 COMERICA		#4 NATIONAL CITY BANK		#5 OLD KENT BANK		#6 STANDARD FEDERAL BANK	
ACCOUNT RECONCILEMENT FEES: (Cont'd)		UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
POSITIVE PAY - INCL W/FULL RECON										N/C	N/C		
PAID NOT ISSUED FEE										$ 2.50			
VOIDED ITEM FEE										$ 0.03			
PAID ITEMS FEE - PER ITEM ISSUED	31,000											$ 0.025	$ 775.00
PAID ITEMS - PER TRANMISSION	1											$ 20.00	$ 20.00
PERSONAL COMPUTER EXPENSES:		TOTAL PRICE	TOTAL PRICE	TOTAL PRICE	TOTAL PRICE	TOTAL PRICE	TOTAL PRICE	TOTAL PRICE	TOTAL PRICE	TOTAL PRICE	TOTAL PRICE	TOTAL PRICE	TOTAL PRICE
SOFTWARE AND SETUP (One Time Only)		N/C	0	N/C	$ -	LAN	$ 500.00		$ 295.00	N/C	$ -	CASHPRO+	WAIVED
OTHER FEES (Identify and Detail)													
MONTHLY MAINTENANCE	12	$ 55.00	$ 660.00	$ 12.00	$ 144.00	$ 100.00	$ 1,200.00			$ 95.00	$ 1,140.00	$ 50.00	$ 600.00
PER FIELD CHARGE	1440	$ 0.25	$ 360.00			SEE SCHEDULE IN EXHIBITS				NOTE: For the first (4) Accounts;			
MONTHLY ACTIVITY FEE	12					SECTION (6) FOR ADD'L FEES		$ 70.00	$ 840.00	each Add'l Account - N/C -			
ITEMS IN EXCESS OF 400 :								NOTE: Includes (5) Accounts, 750					
CHECKS	30,600							Credit and/or Debit Transactions,		$ 0.05	$ 1,530.00		
DEPOSITS	1,600							and 60.00 ACH Transactions.		$ 0.05	$ 80.00		
WIRES	100									$ 0.05	$ 5.00		
STOP PAYMENTS	15									$ 0.05	$ 0.75		
MTHLY PRIOR DAY RPT MODULE	12											$ 35.00	$ 420.00
MTHLY PRIOR DAY RPT PER ACCT												$ 15.00	
PRIOR DAY REPORT - PER ITEM												$ 0.05	
SAFEKEEPING FEES:													
FEDERAL RESERVE BANK (per item)		$ 25.00		N/C	$ -	N/C	$ -	$ 18.00	/ISSUE/YEAR	N/C	$ -	N/C	$ -
DEPOSITORY TRUST (per item)		$ 25.00		N/C	$ -	N/C	$ -	$ 18.00	/ISSUE/YEAR	N/C	$ -	N/C	$ -
NEW YORK CORRESPONDENT (per item)		$ 75.00		N/C	$ -	N/C	$ -	$ 18.00	/ISSUE/YEAR	N/C	$ -	N/C	$ -
INTEREST BEARING ACCOUNT PROPOSAL: BASIS FOR DETERMINING RATE												BECAUSE INT BEARING DDA ACCTS PAY < OUR EARNINGS CREDIT RATE, WE DO NOT RECOMMEND AN INT BEARING ACCT. WE RECOMMEND THE SWEEP TO REPO ACCT WHICH IS INT BEARING	
RESPONSES:		SEE REQUIRED SERVICES SECTION OR COMPENSATION SECTION		AS OF 4/29/99 THE GOV'L OPERATING MONEY MARKET FUND IS 4.59% (SEE SECTION 11 FOR HISTORICAL RATE INFORMATION)		SEE SECTION (4) V. COMPENSATION		MUNICIPAL INVESTMENT FUND: Portfolio priced daily and averaged at month-end to pay interest.		REFER TO BAL AND INTEREST RATE CALCULATION SECTION			
WIRE TRANSFERS:	ESTIMATED ANNUAL VOLUME	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
INCOMING	50	N/C	0	N/C	0	$ 8.00	$ 400.00	$ 8.00	$ 400.00	N/C	$ -	$ 5.00	$ 250.00
OUTGOING	50	N/C	0	N/C	0	$ 12.00	$ 600.00	$ 10.50	$ 525.00	$ 7.00	$ 350.00	$ 6.00	$ 300.00
		NOTE: N/C WHEN INITIATED BY OUR PUBLIC FUNDS DEPT		NOTE: N/C WHEN INITIATED FROM POOL INVESTMENT ACCTS									
OTHER FEES:													
INCOMING WIRE NOTICE VIA FAX	50					$ 1.40	$ 70.00						
ON-LINE SERVICE MODULE FEE	12											$ 25.00	$ 300.00
STOP PAYMENTS:	15	$ 25.00	$ 375.00	$ 25.00	$ 375.00	$ 25.00	$ 375.00	$ 25.00	$ 375.00	$ 6.00	$ 90.00	$ 13.00	$ 195.00
												NOTE: Based on convenience & cost, the Stop Payment Fee is utilizing the on-line service.	
AUTOMATED CLEARING HOUSE (ACH):													
MONTHLY MAINTENANCE	12	$ 25.00	$ 300.00	$ 45.00	$ 540.00	N/C	$ -		$ -	$ 10.00	$ 120.00	N/C	$ -
ORIGINATED ITEMS	30,000	$ 0.085	$ 2,550.00	$ 0.12	$ 3,600.00	$ 0.08	$ 2,400.00	$ 0.06	$ 1,800.00	$ 0.07	$ 2,100.00	$ 0.12	$ 3,600.00
OTHER FEES (Identify and Detail)													
EFT UPLOAD INPUT	12			$ 4.50	$ 54.00	$	$						
(Assume Monthly)				$	$	$	$						
DATA TRANSMISSION (MAX $100/MO)	12					$ 100.00	$ 1,200.00						
DATA TRANSMISSION												$ 25.00	
REJECTS/RETURNED ITEMS												$ 7.50	
NOTICE OF CHANGE												$ 1.00	
REVERSALS/DELETIONS												$ 15.00	
REDEPOSITS												$ 0.20	

Opening Date -- 4/30/99
Date Prepared -- 7/13/99

CITY OF TROY
BID TABULATION
BANKING SERVICES

INSTITUTION NAME:		#1 MICHIGAN NATIONAL		#2 NBD BANK, A BANK ONE COMPANY		#3 COMERICA		#4 NATIONAL CITY BANK		#5 OLD KENT BANK		#6 STANDARD FEDERAL BANK	
CREDIT CARDS FOR PURCHASES:	1	NOT AN ISSUER OF CREDIT CARDS.								NO PROPOSAL			
ANNUAL FEES		CITY CAN OPEN A CHECKING			N/C	NO PROPOSED FEES			$ 25.00				$ 50.00
INTEREST RATE		ACCT LINKED TO DEBIT CARDS.			PRIME + 2%	SEE OPTIONAL SERVICES			18%				13.75%
GRACE PERIOD: NUMBER OF DAYS					25 DAYS	SEC (7) FOR A DESCRIPTION			25 DAYS				25 DAYS
OTHER FEES:						OF COMERICA'S PROCUREMENT							
LATE PAYMENT						CARD PROGRAM.		$	$			$ 25.00	
OVERLIMIT FEE								$	$			$ 25.00	
MINIMUM FINANCE CHG.												$ 0.50	
PAYMENT BY CREDIT/DEBIT CARDS:		TOTAL PRICE	TOTAL PRICE	TOTAL PRICE	TOTAL PRICE	TOTAL PRICE	TOTAL PRICE	TOTAL PRICE	TOTAL PRICE	TOTAL PRICE	TOTAL PRICE	TOTAL PRICE	TOTAL PRICE
SETUP CHARGES (One Time Only)			0		0	N/C	$ -		$ 350.00		$ 50.00	N/C	$ -
MONTHLY MAINTENANCE	12	$ 1.50	$ 18.00	0	0	$ 10.00	$ 120.00	$ 5.00	$ 60.00	$ 7.50	$ 90.00	$ 5.00	$ 60.00
OTHER FEES BASED ON RFP:													
AMEX: PER AUTHORIZATION		$ 0.15		OPTION 1: TIERED PRICING RATE				$ 0.20			$	$ 0.15	
DISCOVER: PER AUTHORIZATION		$ 0.15		1.98%	QUALIFED			$ 0.20			$	$ 0.15	
VISA PER ITEM FEE		$ 0.05		2.63%	MID QUALIFIED			$ 0.20		$ 0.08		N/C	
MASTERCARD PER ITEM FEE		$ 0.10		3.03%	NON QUALIFIED			$ 0.20		$ 0.08		N/C	
FIXED PROCESSING RATE: Visa/MC		1.75%		- OR -				EST EFFECTIVE RATE 60% SWIPED		1.81%			
DEBIT CARD				OPTION 2: CARD NOT PRESENT RATE				1.97%		$ 0.30			
PROPOSED DISCOUNT RATES:				2.49%	USING AVS*			EST EFFECTIVE RATE 80% SWIPED		NOTE: Payment by Credit/Debit			
COMM CTR, GOLF COURSE, AQ CTR						1.81%		1.90%		Card Fees were not reported in the			
TAX COLLECTIONS				*AVS = Address Verification Service		2.15%				Required Monthly Available			
NOTE: BOTH RATES ASSUME CARD IS PRESENT										Compensating Balance to offset fees.			
FOR SWIPING AT POINT OF SALE.												1.89%	QUALIFIED
PAYROLL SERVICES IN ACCORDANCE WITH PROVISIONS ESTABLISHED IN THE ATTACHED 'BANKING SERVICES REQUIREMENTS', PAGES 17 & 18													
MONTHLY MAINTENANCE	12	$ 25.00	$ 300.00	$ 40.00	$ 480.00	NO APPLICABLE FEES		$ 10.00	$ 120.00			$ 20.00	$ 240.00
ORIGINATED ITEMS	4,680	$ 0.085	$ 397.80							QUOTED UNDER ACH			
ACH DATA TRANSMISSIONS *	48	$ 5.00	$ 240.00							NOTE: City of Troy can provide it's			
ACH RETURN PAPER *	60	$ 2.50	$ 150.00							Employees w/direct deposit of			
ACH NOC PAPER *	144	$ 2.50	$ 360.00							payroll utilizing the Automated			
*NOTE: Three above services were pulled from current account analysis statement.										Clearing House (OKB ACH) Service.			
DDP UPLOAD INPUT	26			$ 4.50	$ 117.00								
PER CREDIT AMOUNT	12,480			$ 0.12	$ 1,497.60								
SOFTWARE (ONE TIME)									$ 150.00				
PC/ACH LOGON								$ 0.50					
PC/ACH FILE DOWNLOAD FOR								$ 2.00					
DEBIT/CREDIT								$ 0.10					
TRANSMISSION												$ 25.00	
PER ITEM												$ 0.12	
EMPLOYEE US SAVINGS BOND PROGRAM IN ACCORDANCE WITH THE PROVISIONS ESTABLISHED IN THE ATTACHED 'BANKING SERVICES REQUIREMENTS' PAGE 21		NO CHARGE		NO CHARGE									
SAVINGS BONDS MTHLY FILE DEL CHG	12	Add'l info found under, Banking				$ 75.00	$ 900.00	N/A	$ -	N/C		NC	
		Services Requirements, II.											
		Required Services, H. U.S. Savings											
		Bond Program											
TOTAL--			$ 33,125.80		$ 36,917.20		$ 37,524.50		$ 28,116.00		$ 18,995.75		$ 31,009.00
EARNINGS CREDIT RATE (MAR 1999)		4.46%		4.45%		4.35%		4.48%		4.50%		4.53%	
FACTOR RATE		3.345%		3.4015		3.325		3.4244		3.8219%		3.4626	
REQUIRED MONTHLY COMPENSATING BALANCE			$ 825,257		$ 904,434		$ 940,464		$ 684,207		$ 414,186		$ 746,284
FACTOR RATE FORMULA		(ECR/12)*.90		(ECR*31/365)*.90		(ECR*31/365)*.90		(ECR*31/365)*.90		(ECR/365)*31		(ECR*31/365)*.90	

NOTE: THE HIGHER THE FACTOR RATE, THE LOWER THE COMPENSATING BALANCE.

INSTITUTION NAME:		#1 MICHIGAN NATIONAL		#2 NBD BANK, A BANK ONE COMPANY		#3 COMERICA		#4 NATIONAL CITY BANK		#5 OLD KENT BANK		#6 STANDARD FEDERAL BANK	
ADDITIONAL FEES:													
ADDITIONAL LIST ATTACHED AND IDENTIFIED AS --						REFER TO EXHIBITS SECTION		SEE SECTION III, PG 4					
OPTIONAL SERVICES:													
SERVICE DESCRIPTION	ESTIMATED ANNUAL VOLUME	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
LOCK-BOX FEES:													
MONTHLY MAINTENANCE	12	$ 100.00	$ 1,200.00	$ 100.00	$ 1,200.00	$ 100.00	$ 1,200.00	$80.00 (MIN)	$ 960.00	NO PROPOSAL		$ 150.00	$ 1,800.00
PER ITEM CHARGES - PAYMENT STUBS	190,000	$ 0.09	$ 17,100.00	$ 0.218	$ 41,420.00	$ 0.15	$ 28,500.00	$ 0.22	$ 41,800.00			$ 0.03	$ 5,700.00
PER ITEM CHARGES - CHECKS	190,000	$ 0.09	$ 17,100.00			$ 0.08	$ 15,200.00	0	0			$ 0.09	$ 17,100.00
		Price is tiered on monthly volume.*											
		TOTAL PRICE	TOTAL PRICE	TOTAL PRICE	TOTAL PRICE	TOTAL PRICE	TOTAL PRICE	TOTAL PRICE	TOTAL PRICE	TOTAL PRICE	TOTAL PRICE	TOTAL PRICE	TOTAL PRICE
SETUP CHARGES (One Time Only)		NO CHARGE			$ 2,000.00	NO CHARGE		0	0				WAIVED
OTHER FEES (Identify and Detail)		* See Pricing Section for Add'l											
DATA TRANSMISSION	12	fees the City may incur.		$ 100.00	$ 1,200.00	$ 100.00	$ 1,200.00						
DOCUMENT DELIVERY - Per Day (Est)	250 *			$ 4.15	$ 1,037.50								
MICROFICHE REPORT	12			$ 75.00	$ 900.00								
BOX RENTAL	12							$ 2.50	$ 30.00				
PICK UP	250 *							$ 20.00	$ 5,000.00				
ADD'L DOCUMENTS - PER ITEM												$ 0.07	
SCANLINE REJECTS - PER ITEM												$ 0.12	
LOCK BOX DEPOSITS	250 *											$ 2.00	$ 500.00
	* Normalized												
ATM MACHINE: EACH INSTALLATION		$	$	$	$	NO CHARGE		$	$	$	$	$	$
CRITERIA FOR PLACEMENT OF EQUIPMENT--		/INTERVAL	/INTERVAL	/INTERVAL	/INTERVAL	/INTERVAL	/INTERVAL	/INTERVAL	/INTERVAL	/INTERVAL	/INTERVAL	/INTERVAL	/INTERVAL
		Cost will vary on transaction volume.		Varies depending on volume.		1) High volume location		Building must have 24 hour access		Cost of installing a 2-outlet std		Refer to Exhibit Section #5 for	
		The City will only be responsible for		Refer to Section #14 for add'l info		2) Signage leading to location		if placed inside.		voltage dedicated electrical line		Review Purposes Only.	
		the utilities.								terminating where the ATM will reside.			
										Cost of electrical power needed for			
										the operation of the ATM.			
TRUST DEPARTMENT FEES:						PRICING / INTERVAL							
BOND PAYING AGENT & REGISTRAR		$300 /YR		$275 /YR				$ 400.00 TWICE YEARLY		VARIES		NO PROPOSAL	
CUSTODIAL/SAFEKEEPING SERVICES		NO CHARGE								NOTE: Depends on the specific type			
*NO CHARGE IF SECURITIES PURCHASED THROUGH MICHIGAN NATIONAL.										of account: Transfer Agent, Paying			
ESCROW FEES: ACCEPTANCE FEE				$500 ONE TIME						Agent, Custodian, Trustee, Master			
ANNUAL FEE				$500 /YR						Trustee, 401K, etc.			
CUSTODY ACCOUNTS								$ 40.00 PER SWAP					
CUSTODY ACCOUNTS								$ 20.00 PER ASSET HELD					
PROCUREMENT CARD PROGRAM:		NO PROPOSAL								NO PROPOSAL			
ANNUAL FEES	4	Michigan National procurement card		Refer to Section #16 for Detail		$ 20.00	$ 80.00	NONE					$ 45.00
INTEREST RATE		program is under development it is		Pricing.		N/A		18%					0%
GRACE PERIOD: NUMBER OF DAYS		expected out late summer of 1999.				THREE		25 DAYS					5 DAYS
NOTE: PLEASE SEE QUESTIONNAIRE, PAGE 8								REFER TO PROCUREMENT					
SET-UP FEE								CARD PROPOSAL - SECTION VI -					$ 200.00
LATE FEE													$ 50.00
INTEREST ON LATE PAYMENT													19.8%
												NOTE: On-Line reporting fees not	
												provided until specific service	
												selected.	

Opening Date -- 4/30/99
Date Prepared -- 7/13/99

CITY OF TROY
BID TABULATION
BANKING SERVICES

INSTITUTION NAME:		#1 MICHIGAN NATIONAL	#2 NBD BANK, A BANK ONE COMPANY	#3 COMERICA	#4 NATIONAL CITY BANK	#5 OLD KENT BANK	#6 STANDARD FEDERAL BANK
OTHER FEES: ADDITIONAL SERVICES							
CD ROM IMAGING SERVICE (DebitView):							
SOFTWARE (One Time Charge)		$ 100.00	$ 250.00	$ 200.00 /SETUP	$ 400.00		
PER CD (Assume One Per Month)	12	$ 40.00 $ 480.00	$ 25.00 $ 300.00	$ 17.50 $ 210.00	$ 20.00 $ 240.00		$ 50.00 $ 600.00
PER IMAGE	32,500	$ 0.02 $ 650.00	$ 0.04 $ 1,300.00	$ 0.045 $ 1,462.50	$ 0.02 $ 650.00		$ 0.05 $ 1,625.00
IMAGE CAPTURE/STORAGE					$.20/ITEM		
IMAGE RETRIEVAL					$3.00/IMAGE		
ARP IMAGE MTNCE							$ 50.00
RELATED ARP SERVICES:					OTHER SERVICE PROPOSALS:	OTHER SERVICE PROPOSALS:	NOTE: CD-ROM AVAILABLE ON
POSITIVE PAY SERVICE			WORK W/REGISTER RECONCILIATION ACCT		POSITIVE PAY P-1	POSITIVE PAY	CONTROLLED DISBURSEMENT
DAILY FAX REPORT - PER MONTH			$ 60.00		LOCKBOX P-2	EMPLOYEE BANKING	ACCOUNT ONLY - MID SUMMER
RETURNED CHECKS			$ 10.00		IMAGE PROCESSING P-3	KENT FUNDS	1999.
ARP STOP PAYMENT/INQUIRY:						TREASURY PRODUCTS	
MONTHLY PRODUCT CHARGE			$ 25.00				
PER STOP PLACED			$ 10.00				
ARP CHECK INQUIRY			$ 0.25				
PHOTOCOPY REQUEST			$ 4.00				SWEEP SERVICE:
ADDITIONAL CASHNET REPORTING OPTIONS:							FOR ALL ACCOUNTS
STATEMENT-TO-DATE REPORT:							UTILIZING THE SWEEP TO REPO
MONTHLY PRODUCT CHARGE			$ 40.00				SERVICE -- $150.00 MTHLY FEE
TERMINAL OUTPUT - PER ACCESS			$ 1.60				FOR EA ACCT, WAIVED,
TERMINAL OUTPUT - PER TRANSACTION			$ 0.12				PROVIDED $250,000 AVE BAL
DEBIT/CREDIT DETAIL REPORT							MAINTAINED IN REPO
MONTHLY PRODUCT CHARGE			$ 75.00				INVESTMENT ACCT.
TERMINAL OUTPUT - PER ACCESS			$ 1.60				
TERMINAL OUTPUT - PER FIELD			$ 0.12				
STANDARD REPORT PKG (PAPER REPORTS)				$ 50.00			
LOCK BOX FEES:				For Electronic Reporting Pkg			
CORRESPONDENCE - PER ITEM				& Other Fees, See Schedule in			$ 0.05
MICR CAPTURE - PER ITEM				Exhibits Section.			$ 0.02
CHECK ONLY PROCESSING - PER ITEM							$ 0.28
(INCL PHOTOCOPY OF CHECK)							
POSITIVE PAY:							
CHECK PAID - PER ITEM							$ 0.025
CHECK ISSUED - PER ITEM							$ 0.025
CASHPRO+ MODULE - PER ACCOUNT							$ 25.00
INSURANCE:	Can Meet	XX	BANKERS' BLANKET BOND	XX	XX	XX	XX
	Cannot Meet		IN LIEU OF INSURANCE				
TERMS:		BLANK	BLANK	BLANK	THREE YEARS	THREE YEARS	AGREES TO CITY STATED TERMS
COMMENCEMENT DATE:		BLANK	BLANK	DATE OF AWARD;	JULY 1, 1999	BID PROPOSAL AWARD DATE	AGREES TO CITY'S TIMELINE
				EXPIRING THREE YEARS LATER			
Y2K COMPLIANT:	Y/N	YES	YES	YES	YES	YES	YES
	DATE	LETTER ATTACHED TO PROPOSAL	JUNE 30,1999	LETTER ATTACHED TO PROPOSAL	JUNE 30, 1999	12/98	6/30/99
					LETTER ATTACHED TO PROPOSAL	LETTER ATTACHED TO PROPOSAL	
EXCEPTIONS:		BLANK	BLANK	REFER TO SECTION #3, PG.10	BLANK	NONE	BLANK

ATTEST:
ESTER CORBIN
JEANETTE BENNETT
JOHN M LAMERATO

JEANETTE BENNETT
PURCHASING DIRECTOR

NOTE: BOLDFACE TYPE DENOTES LOWEST ACCEPTABLE BIDDER

G:\BANKING SERVICES

	#1 MICHIGAN NATIONAL	#2 NBD BANK, A BANK ONE COMPANY	#3 COMERICA	#4 NATIONAL CITY BANK	#5 OLD KENT BANK	#6 STANDARD FEDERAL BANK
OTHER SERVICE PROPOSALS: ADDITIONAL SHEET ATTACHED AND IDENTIFIED AS --						
ACCOUNT MAINTENANCE INFORMATION: SERVICE PROPOSED -- DAILY BALANCE REPORTING	8:00 AM NEXT BANKING	AVAILABLE BY 8:30 AM	6:30 AM DAILY	10:00 AM	10:00 AM	8:00 AM EST
DAILY STATEMENTS	CHECKING ACCOUNTS: 8:00 AM NEXT BANKING	RECOMMEND USE OF ON-LINE BALANCE REPORTING	6:30 AM DAILY	2:00 PM	PREVIOUS DAY DAILY BALANCES AND DETAILED INFO CAN BE OBTAINED UTILIZING OKB CONNECT +, WHICH IS UNDER "PERSONAL COMPUTER EXPENSES."	N/A
MONTHLY STATEMENTS	MAILED OUT BY THE 5TH OF EACH MONTH	TEN BUSINESS DAYS FOLLOWING THE LAST CALENDAR DAY OF THE MONTH	SEVEN BUSINESS DAYS	SEVEN BUSINESS DAYS	THREE BUSINESS DAYS	TEN BUSINESS DAYS
DEPOSITS ACCEPTED UNTIL THE CLOSE OF BUSINESS AT: (LIST BRANCH & ADDRESS)	MICHIGAN NATIONAL ALL BRANCHES	SOMERSET BRANCH #121 2155 W BIG BEAVER TROY, MI	BRANCH #242 - CROOKS AT MAPLE 1495 CROOKS TROY, MI	BIG BEAVER/COOLIDGE 3001 W BIG BEAVER RD BIG BEAVER/ROCHESTER 725 E BIG BEAVER ROAD	TROY 2280 W BIG BEAVER RD	ALL SIX TROY LOCATIONS

MICHIGAN NAITONAL AGREES TO ACCEPT DEPOSITS MON-THURS UNTIL 2:30PM AT ANY OF OUR BRANCHES, FOR GOOD LEDGER CRÉOIT. FRI ALL DAY, AND SAT UNTIL 1:00PM THE DEPOSIT RECEIVES LEDGER CREDIT AS A FRI DEPOSIT.

CITY OF TROY
FACT SHEET
BANKING SERVICES
JULY 11,1999

INSTITUTION	REQ. SERV. BANKING FEES	REQ. MO. COMP. BAL.	NO.# BRANCH LOC. - TROY	COMMUNITY REINVESTMENT ACT RATING	CREDIT/ DEBIT CARD DISCOUNT RATE	Y2K COMPLIANT	MOODY'S RATING	S&P RATING
OLD KENT	$ 18,995.75	$414,186.00	1	SATISFACTORY	1.81%	Y	A1	A
NATIONAL CITY	$ 28,116.00	$684,207.00	3	OUTSTANDING	1.90%	Y	A1	A
STANDARD FEDERAL	$ 31,009.00	$746,284.00	6	OUTSTANDING	1.89%	Y	Aa2	N/A
MICHIGAN NATIONAL	$ 33,125.80	$825,257.00	7	SATISFACTORY	1.75%	Y	Aa3	AA
BANK ONE	$ 36,917.20	$904,434.00	3	OUTSTANDING	1.98%	Y	Aa3	AA-
COMERICA	$ 37,524.50	$940,464.00	5	OUTSTANDING	1.81%	Y	A1	A

BIDDERS

Mailing Name / Address Line 4	Address Line 1 / City	ST	Address Line 2 / Postal Code	Address Line 3
ATTN GERALD T RITO, VP	COMERICA BANK DETROIT	MI	500 WOODWARD AVE 48275-3354	P O BOX 75000
ATTN ROBERT H DUSCHINSKE, VP	NATIONAL CITY BANK MICHIGAN/ ILLINO BIRMINGHAM	MI	1001 SOUTH WORTH 48009-6943	
ATTN RONALD JESZKE P O BOX 9065	PUBLIC FUNDS DEPARTMENT FARMINGTON HILLS	MI	MICHIGAN NATIONAL BANK 48333-9065	27777 INKSTER RD
ATTN D'ARCY GONZALES, VP	NATIONAL BANK OF DETROIT WATERFORD	MI	3245 ELIZABETH LAKE RD 48328-3004	
ATTN PAMELA J HARDY, VP	STANDARD FEDERAL BANK TROY	MI	2600 WEST BIG BEAVER RD 48084-3703	P O BOX 3703
ATTN DAN VIANT, VP	OLD KENT BANK AND TRUST COMPANY TROY	MI	2280 W BIG BEAVER RD 48084	

RFP 99-01 BANKING SERVICES
COMMODITY CODE: 946-25
BANKING SERVICES

RESOLUTION

WHEREAS, On July 19, 1999, City Council approved a three (3) year contract to provide Banking Services with an option to renew the contract for an additional three (3) year period to Fifth Third Bank (formerly Old Kent Bank), the most qualified and lowest bidder as a result of a request for proposal process (Resolution #99-349-E-2c), and on May 6, 2002, exercised the renewal option for an additional three years under the same prices, terms and conditions expiring September 30, 2005 (Resolution #2002-05-288-E2); and

WHEREAS, Fifth Third Bank has offered to extend their contract for three years under the same prices, terms and conditions with a reduction in the monthly maintenance charges for Controlled Disbursement Accounts and deposit fees; and

WHEREAS, The City has successfully implemented lock box and procurement card services to enhance payment collection and improve efficiencies of purchasing procedures;

NOW, THEREFORE, BE IT RESOLVED, That a three-year contract to provide Banking Services is hereby approved with Fifth Third Bank under the same pricing, terms, and conditions expiring October 1, 2008, with fee reductions in Controlled Disbursement Accounts from $100.00 to $50.00 per account per month and deposit fees from $.60 cents to $.50 cents per deposit.

PARKS AND RECREATION ADVISORY BOARD
Minutes of March 10, 2005

Present: Orestes Kaltsounis, member
Tod Gazetti, member
Meaghan Kovacs, member
Ida Edmunds, member
Kathleen Fejes, member
Carol K. Anderson, staff
Stuart Redpath, member
Tom Krent, member
Brad Henson, student representative
Janice Zikakis, member
Jeff Biegler, staff

Absent: Merrill Dixon, Jeff Stewart, Stuart Alderman

Visitors: Brian Wattles

Resolution # PR - 2005 - 03 - 003
Moved by Krent
Seconded by Kovacs

Resolved, that the minutes from January 13, 2005 are approved as submitted.

Yes: All
No: None
MOTION CARRIED

NEW BUSINESS

A. Aquatic Center Fees - A rate increase for daily passes and the punch cards has been approved by the City Manager. These increases are expected to help offset expenses.

The MRPA is conducting a state initiative for all Parks and Recreation departments to raise awareness of recreation benefits to the public and the impact on the quality of life to the community. The program will bring consistency between communities with regards to the value of recreation programs and services. The initiative is called the VIP program for vision, impact and planning. Look to hear more about this in the future.

B. Golf Course Ordinance Change - Chapter 30 of the Charter has been revised to include both golf courses. The substance of the ordinance remains the same, with modifications to include Sanctuary Lake Golf Course.

C. Civic Center Priority Task Force Plan - Tom Krent presented the CCPTF plan to the Parks and Recreation Board. Their plan was to develop the land in phases and add amenities as time and budget allows with the goal that this site would be a destination point and there would be something to do for all ages. Discussion from the group followed.

Resolution
Motion by Edmunds
Seconded by Kovacs

Whereas, the Civic Center Priority Task Force was established by the City Council in July, 2003 and member appointed in August, 2003,

Whereas, the Civic Center Priority Task Force main objective was to identify and prioritize public site plan elements,

Whereas, the Civic Center Priority Task Force presented their plan on February 16, 2004 and amended the report on June 21, 2004,

RESOLVED, that the Civic Center Priority Task Force report has been reviewed, noted and filed.

Discussion followed regarding the amenities, funding and programming on the Civic Center site.

Resolution to Amend

Resolution # PR - 2005 - 03 - 004
Motion by Kovacs
Seconded by Edmunds

RESOLVED, that the resolution be **AMENDED** by **INSERTING** "and will be reassessed after the Parks and Recreation Master Plan is complete."

Yes: 6 (Kovacs, Kaltsounis, Edmunds, Redpath, Zikakis, Gazetti)
No: 2 (Fejes, Krent)
MOTION CARRIED

Discussion followed regarding the site and the possible amenities for it.

Vote on Resolution as Amended

Resolution # PR - 2005 - 03 - 005
Motion by Edmunds
Seconded by Kovacs

Whereas, the Civic Center Priority Task Force was established by the City Council in July, 2003 and member appointed in August, 2003,

Whereas, the Civic Center Priority Task Force main objective was to identify and prioritize public site plan elements,

Whereas, the Civic Center Priority Task Force presented their plan on February 16, 2004 and amended the report on June 21, 2004,

RESOLVED, that the Civic Center Priority Task Force plan has been reviewed, noted and filed and will be reassessed after the Parks and Recreation Master Plan is complete.

Yes: 5 (Edmunds, Gazetti, Kovacs, Redpath, Zikakis)
No: 3 (Fejes, Kaltsounis, Krent)
MOTION CARRIED

OLD BUSINESS

A. Community Center Shuffleboard/Bocce/Horseshoe Courts - this item is postponed until the next meeting when Merrill Dixon will be in attendance.

Member Comments - Tom Krent asked if the model of the reflective head could be put in the library for all to see and a biography of the artist with it. Carol Anderson will explore how we can track this model and securely display it as this is a valuable, historical asset belonging to the City.

Ida Edmunds mentioned that "Live and Learn" in Troy will be at the Community Center this weekend. This is an effort to attract families to Troy.

Staff Reports

Director/Recreation Report - The budget had not been fully reviewed by the Assistant City Manager in time for this meeting. It will be presented at the April meeting.

The security lights at Boulan Park were checked and may have been left on from the last part of softball or the football season.

Parks Report - The contractor that is removing trees has now removed 2400. City staff have removed approximately 1200 trees.

A tree trimmer has been hired so that we are now up to full staff. Seasonal staff will be hired within the next few weeks.

Monday, April 4 is Park Shelter Reservation Day. Get here early to reserve a park shelter for your family event.

Resolution # PR - 2005 - 03 - 006
Moved by Kaltsounis
Seconded by Krent

Resolved, that absent members are excused.

Yes: All
No: None
MOTION CARRIED

The meeting adjourned at 9:28 p.m.

_____ _____

Kathleen Feges, Chairwoman Mary Williams, Recording Secretary

I. CALL TO ORDER

A regular meeting of the Troy Daze Advisory Committee was held **Tuesday, April 5, 2005** at Troy City Hall – Conference Room C. Meeting was called to order at 7:11 p.m.

II. MEMBERS PRESENT

Present:
- Flora Tan
- Charles Yuan
- Hailu Robele
- Padma Kuppa
- Amin Hashmi
- Kara Huang
- Jeff Hyun
- Oniell Shah

Absent:
- Anju Brodbine
- Tom Kaszubski

Guest:
- Jim Berar

III. APPROVAL OF MINUTES

Moved by Amin Hashmi
Seconded by Flora Tan

RESOLVED that the minutes from the March 1, 2005 Ethnic Issues Advisory Board Meeting are approved.

Yeas: All
Nays: None
MOTION CARRIED

IV. CORRESPONDENCE

- Proclamation Diversity Month

V. NEW BUSINESS

VI. OLD BUSINESS

A. Sights and Sounds – April 9, 2005
- Set up begins at 10:00 a.m.
- All EIA Board will be there
- EIA table at entrance with resource guide and EIA Information Sheet

B. Resource List – updates to Cindy

C. Troy Daze - EthniCity
- Amin will go to April Meeting
- Padma will remind Tom K to attend Troy Daze

D. Diversity Month
- Next year send information to schools in September regarding 2006
- Diversity Month - Padma will contact school board regarding making Diversity Month more consistent with schools
- Athens May 3 event
- Hill 3rd Graders

- Thursday, April 14 Troy Interfaith Group
  First United Methodist 7:30 p.m. next meeting

Padma gave an overview of the National Day of Prayer issue, locally as well as nationally

Steering Committee
- Pastor Peacock – Ministerial Alliance
- Padma Kuppa – Temple
- Michael Silverstein – Shir Tikvah
- Nadine Robele – Bahai Faith
- Puchard Beal – Unitarian
- Mansoor Ahmad – IAGD

Location to be determined for event on Thursday, May 5th 7:00 p.m.

Padma has done research through the Pluralism Project and Americans United for the Separation of Church and State
- Recommended reading "A New Religious America" by Diana Eck
- Troy Interfaith Group will offer an event all-inclusive for people of many faiths. Padma said she never was asking for Lou Wagner's permission to hold an event.
- "We Gather Together" – article in Family Circle November 25, 2003

E. Law Brochures – send text again to EIA Board
F. Museum Brochure – Flora has person to translate in German, Kara still trying to translate in Spanish

VII. STAFF REPORT

- Kara Huang graduates in June – going to study Chemical Engineering at Cal Tech. Her last Meeting June

Moved by Oniell Shah
Seconded by Flora Tan

RESOLVED that the Ethnic Issues Advisory Board Meeting be adjourned at 8:18 p.m.

Yeas: All
Nays: None
MOTION CARRIED

_____
Padma Kuppa, EIA Co-Chair

_____
Cindy Stewart, EIA Recording Secretary

LIQUOR ADVISORY COMMITTEE MINUTES – FINAL April 11, 2005

A regular meeting of the Liquor Advisory Committee was held on Monday, April 11, 2005 in Conference Room C of Troy City Hall, 500 West Big Beaver Road. Chairman Max K. Ehlert called the meeting to order at 7:00 p.m.

ROLL CALL:

PRESENT: Max K. Ehlert, Chairman
Henry W. Allemon
Alex Bennett
W. Stan Godlewski
Patrick C. Hall
James R. Peard
Bohdan L. Ukrainec
Sergeant Thomas J. Gordon

Resolution to Approve Minutes of March 14, 2005 Meeting

Resolution #LC2005-04-010
Moved by Allemon
Seconded by Ukrainec

RESOLVED, that the Minutes of the March 14, 2005 meeting of the Liquor Advisory Committee be approved.

Yes: All - 7
No: None
Absent: None

Agenda Items:

1. **MORTON'S OF CHICAGO/TROY, LLC (A DELAWARE LIMITED LIABILITY COMPANY)**, requests to transfer ownership of a 2004 Class C licensed business with official permit (food), located in escrow at 25938 Middlebelt, Farmington Hills, MI 48336, Oakland County, from Stearn & Company, L.L.C.; transfer location (governmental unit), (MCL 436.1531) to 888 W. Big Beaver Rd, Troy, MI 48084, Oakland County, and requests a new SDM license to be held in conjunction. [MLCC REQ ID# 280550]

A representative of Morton's of Chicago was not present at the meeting. This item has been tabled.

---

2. **DELAWARE CALIFORNIA PIZZA KITCHEN, INC. (A DELAWARE CORPORATION)**, requests to transfer ownership thru merger of a 2004 12 months Resort Class C licensed business (MCL 436.1531(4); non-transferable) with official permit (food), located at Somerset Collection North, 2800 W. Big Beaver, Space N 126, Troy, MI 48084, Oakland County, from California Pizza Kitchen, Inc. (A California Corporation). [MLCC REQ ID# 274929]

A representative of Delaware California Pizza Kitchen, Inc. was not present at the meeting. Sergeant Thomas Gordon presented the issue.

Resolution #LC2005-04-011
Moved by Allemon
Seconded by Hall

RESOLVED, that DELAWARE CALIFORNIA PIZZA KITCHEN, INC. (A DELAWARE CORPORATION), be allowed to transfer ownership thru merger of a 2004 12 months Resort Class C licensed business (MCL 436.1531(4); non-transferable) with official permit (food), located at Somerset Collection North, 2800 W. Big Beaver, Space N 126, Troy, MI 48084, Oakland County, from California Pizza Kitchen, Inc. (A California Corporation).

Yes: All - 7
No: None
Absent: None

Resolution #LC2005-04-012
Moved by Ukrainec
Seconded by Hall

RESOLVED, that name changes or corporate reorganization license changes be allowed without the necessity of applicant or applicant's counsel to attend the Liquor Advisory Committee meeting.

Yes: All - 7
No: None
Absent: None

The meeting adjourned at 7:10 p.m.

_____
Max K. Ehlert, Chairman

_____
Sergeant Thomas J. Gordon

A meeting of the Employees' Retirement System Board of Trustees was held on Wednesday, April 13, 2005, at Troy City Hall, 500 W. Big Beaver Rd., Troy, MI. The meeting was called to order at 12:07 p.m.

TRUSTEES PRESENT:	Mark Calice Michael Geise Thomas Houghton, Chair John M. Lamerato William R. Need Steven A. Pallotta John Szerlag
ABSENT:	David A. Lambert
ALSO PRESENT:	Lori Grigg Bluhm Laura Fitzpatrick Rebecca Sorensen, UBS

EXCUSE ABSENT MEMBERS

Resolution # ER – 2005 – 04 - 013
Moved by Szerlag
Seconded by Calice

RESOLVED, That Lambert be excused.

Yeas: All 6
Absent: Lambert

MINUTES

Resolution # ER – 2005 – 04 - 014
Moved by Lamerato
Seconded by Calice

RESOLVED, That the minutes of the February 9, 2005 as amended and the March 9, 2005 meeting be approved.

Yeas: All 6
Absent: Lambert

OTHER BUSINESS – PRIOR GOVERNMENTAL SERVICE

The Board Received and filed the requests of Marvin Moore, Jeffrey Stacey and Michael Lyczkowski.

OTHER BUSINESS – DECEMBER 31, 2004 INVESTMENT PERFORMANCE REPORT

Rebecca Sorensen of UBS reviewed the performance results of December 31, 2004 with the Board.

OTHER BUSINESS – SUSPENDED PENSION CHAPTER 10

The Board reviewed a letter from Vanoverbeke, Michaud & Timmony and a memo from Lori Grigg Bluhm, City Attorney regarding Chapter 10, Section 52 Pension suspending language. The Board will consider amending that section at their next meeting.

INVESTMENTS

Resolution # ER – 2005 – 04- 015
Moved by Pallotta
Seconded by Geise

RESOLVED, That the following investments be sold:
Sell: Allegheny Energy; BMC Software; Cambrex Corp. and AT & T.

Yeas: All 6
Absent: Lambert

The next meeting is May 11, 2005 at 12:00 p.m. at City Hall, Conference Room C, 500 W Big Beaver, Troy, MI.

The meeting adjourned at 1:43 p.m.

_____
Thomas Houghton, Chairman

_____
John M. Lamerato, Secretary

JML/bt\Retirement Board\2005\4-13-05 Minutes_Final.doc

PARKS AND RECREATION ADVISORY BOARD
Minutes of April 14, 2005

Present:	Merrill Dixon, member	Ida Edmunds, member
	Tod Gazetti, member	Tom Krent, member
	Meaghan Kovacs, member	Brad Henson, student representative
	Janice Zikakis, member	Stuart Redpath, member
	Jeff Stewart, member	Jeff Biegler, staff
	Stuart Alderman, staff	Carol K. Anderson , staff

Absent: Kathy Fejes, Orestes Kaltsounis

Visitors: Jo Rhodes, JoAnn Thompson

Resolution # PR-2005-04-007
Moved by Edmunds
Seconded by Zikakis

Resolved, that the minutes from March 10, 2005 are approved.

Ayes: All Nays: None
MOTION CARRIED

OLD BUSINESS
A. Community Center Shuffleboard/Bocce/Horseshoe Courts - Merrill Dixon presented the ~~Senior Advisory Boards~~ Advisory Committee for Senior Citizens request for Shuffleboard and Bocce courts. Shuffleboard and Bocce are becoming very popular with the senior population and this would be a good amenity to have at the Community Center for all ages. Funding was not discussed at the Senior Advisory Board meeting. Staff will look at the costs and see if it is plausible and present our findings at a future meeting.

NEW BUSINESS
A. Budget - Parks and Recreation - Discussion followed regarding the Parks and Recreation budget. Overall the percentage of expenses recovered is approximately 54% in the recreation division, 38% in the department, the golf course is 100% and the Aquatic Center is close to 100% if depreciation is eliminated. Staff has looked at areas to cut expenses without a decrease in service. This budget will help to attain that goal.

Resolution # PR-2005-04-008
Moved by Krent
Seconded by Dixon

Resolved that, the Parks and Recreation Advisory Board recommend to City Council approval of the Parks and Recreation budget.

Yeas: All Nays: None
MOTION CARRIED

B. Budget - Golf Course - Discussion followed regarding the budget for the golf courses. There is an increase in personal service and a decrease in the contracted services. There is also a large debt service to the new golf course and it will be a challenge to meet it.

Resolution # PR 2005-04-009
Moved by Stewart
Seconded by Dixon

Resolved, that the Parks and Recreation Advisory Board recommend to City Council approval of the Golf Course budget.

Yeas: All Nays: None
MOTION CARRIED

C. Budget - Aquatic Center - It is projected that daily pass sales may increase whereas the season pass sales may decrease due to the cooler temperatures of last summer. There is no change to personal services.

Resolution # PR 2005-04-010
Moved by Edmunds
Seconded by Zikakis

Resolved, that the Parks and Recreation Advisory Board recommend to City Council to approve the Aquatic Center budget.

Yeas: All Nays: None
MOTION CARRIED

D. Capital Budget - There is some ADA compliance work to do in the restrooms of the parks, pathways in the parks, and a golf cart payment and replacement of a pumping station at Sylvan Glen. Expenditures in the capital budgeted are proposed to decrease compared to recent years. The park development reserve fund is budgeted at an additional $500,000 for 2005-2006.

Resolution # PR-2005-04-011
Moved by Zikakis
Seconded by Stewart

Resolved, that the Parks and Recreation Advisory Board recommends to City Council to approve the Parks and Recreation, Golf Course and Aquatic Center Capital budgets.

Yeas: All Nays: None
MOTION CARRIED

Staff Reports

A. Directors Report - Kmart did an extreme makeover of their store on Maple and Livernois. As part of their makeover they wanted to donate to the community so they gave the Parks and Recreation department $20,000. This money will be used to complete phase II of the skatepark. A big "thank you" to Kmart for their generous donation.

City Council approved planting of annuals on the street islands between I-75 and Rochester Rd. This will be the first year for annuals along this stretch of Big Beaver.

B. Recreation Report - Aquatic Center passes are on sale. There was an early bird special in December - if you purchased the pass in December, you got it for the 2003 season prices.

The Community Center brochure was updated.

Two staff members that have been out sick are expected to return in May. Ann Blizzard who has been out on maternity leave and Chuck Barnes who was injured in a fall are planning on returning in May.

C. Parks Report - Arbor Day is May 6. We will be celebrating at Firefighters Park by planting a tree and giving away kites to the first 50 children.

Park Shelter Reservation day was April 4. To date, 261 shelters have been reserved.

Landscape contractors have begun weeding, pruning, mowing and fertilizing. Annuals will be planted the second week of May.

Troy was named Tree City USA for the 15th year.

The meeting adjourned at 9:10 p.m.

_____ _____

Kathleen Fejes, Chairwoman Mary Williams, Recording Secretary

The Chairman, Matthew Kovacs, called the meeting of the Board of Zoning Appeals to order at 7:30 P.M., on Tuesday, April 19, 2005 in Council Chambers of the Troy City Hall.

PRESENT: Kenneth Courtney
Christopher Fejes
Marcia Gies
Michael Hutson
Matthew Kovacs
Mark Maxwell
Wayne Wright

ALSO PRESENT: Mark Stimac, Director of Building & Zoning
Allan Motzny, Assistant City Attorney
Pamela Pasternak, Recording Secretary

ITEM #1 – APPROVAL OF MINUTES – MEETING OF MARCH 15, 2005

Motion by Gies
Supported by Courtney

MOVED, to approve the minutes of the meeting of March 15, 2005 as written.

Yeas: 5 – Fejes, Gies, Kovacs, Maxwell, Courtney
Abstain: 2 – Hutson, Wright

MOTION TO APPROVE MINUTES AS WRITTEN CARRIED

ITEM #2 – INTERPRETATION REQUEST. GEORGE REED, BETTY REED & THOMAS KRENT, 3129 ALPINE, appealing the issuance of a building permit to construct a garage at 3129 Alpine.

Mr. Stimac explained that the petitioners are appealing the issuance of a building permit to construct a garage at 3129 Alpine. In support of that appeal they are requesting interpretation of Sections 1.30.00, 2.30.00, 2.50.02, 4.20.01, 4.20.03, 4.20.65, 4.20.71, 4.20.139, 10.10.00, 3.40.03 and 40.57.02 of the Troy Zoning Ordinance as they apply to that structure. The permit for this structure was issued in 2003 because the structure was found to be in compliance with the requirements of the Troy Zoning Ordinance. This item last appeared before this Board at the meeting of March 15, 2005 and was postponed at the request of the petitioner.

Additional documents, provided by one of the petitioners and their attorney, as well as responses by the Building Department and City Attorney's Office are provided in your agenda packet.

ITEM #2 – con't.

Mr. Kovacs explained that the Board members had received additional literature and asked for a breakdown of that literature, which includes feedback from the City Staff, Mr. Motzny, Mr. Kingsepp and Mr. Piscopo's attorney, Jill A. Bankey of Siegel, Greenfield, Hayes & Gross.

Mr. Courtney asked what the restrictions would be if this structure was a house addition. Mr. Stimac indicated that if it were habitable area there would be certain additional building requirements, which would include insulation levels, and if used for sleeping rooms it would require egress windows and other things like that. If it was a large recreation room without additional heating there would be no requirements for changes to the structure.

Mr. Kingsepp was present and stated that he has not had an opportunity to examine the position of council for the City or the Building Officials response so he is not aware of their position. Mr. Kingsepp said that he would like to save his comments as part of a rebuttal once the position of the City is expressed and once the position of the petitioner is expressed as it is probably set forth in the memorandum from Mr. Piscopo's attorney. Mr. Kingsepp also said that in the event that either Mr. Piscopo or Mr. Piscopo's attorney gets up regarding their position, he has a number of questions, which he distributed, that is obviously up to the discretion of the Board to use as needed.

Mr. Stimac provided Mr. Kingsepp with the documents prepared by the City.

Mr. Kovacs stated that this was a very unique situation and asked if the Board wished to go Ordinance by Ordinance. Mr. Maxwell stated that he just wished to ask questions on the material the Board members had received.

Mr. Maxwell said that Mr. Stimac had determined that this structure did not fit the description of an accessory building and did not feel that the questions of size or use in Section 04.20.01 applied to this structure. Mr. Maxwell also had questions regarding Mr. Stimac's statement that the legislative body that adopted the 1956 Troy City Zoning Ordinance, and deleted the phrase "or a portion of the main" building made a conscious act to delete this phrase. Mr. Stimac said that in providing the response to this request, he had researched the origin of the language and documentation provided to Council regarding changes. In looking at the definition of accessory building as it is currently defined in the Ordinance, that exact text was identical to that which was adopted in the 1956 Troy City Zoning Ordinance. The Troy Township Ordinance that preceded that was adopted in March 1955 and that document included the text, "or portion of the main building". He stated that is the text is used by other cities when they wish to regulate attached garages as accessory buildings. In the adoption of the City of Troy Ordinance this language was deleted. It is Mr. Stimac's opinion that all the words in the Ordinance have a meaning or purpose and because these words were deleted they did so purposely and the effect that the "portions of the main building" are no longer accessory

ITEM #2 – con't.

buildings. Therefore, the definition of an accessory building does not apply to an attached garage and any additional language in that definition that applies other restrictions also do not apply. If it is not an accessory building you cannot apply standards of accessory buildings to it under that definition.

Mr. Maxwell also asked which Ordinance referred to an accessory building that is attached to a main building. Mr. Stimac said that this Section is 40.57.02. Mr. Stimac said that in his opinion Section 40.57.02 is there to give direction as to what to do with accessory buildings that are attached to the main building; they should be treated as the main building. If you apply the accessory building standards elsewhere in the Ordinance you will have conflicts that you cannot resolve such as accessory buildings have to be in the rear yard; yet if they are attached to the main building that is where the rear yard starts.

Mr. Maxwell also paraphrased Section 10.10.00. Mr. Maxwell said that Mr. Stimac said that the language of this section was not enforceable unless it is specifically referenced by other sections of the Zoning Ordinance containing mandatory language. Mr. Maxwell said that in his opinion one of the main things that the Board of Zoning Appeals does is to grant permission to break the law and we have to provide "special findings" to grant these variances. One of the special findings includes "literal enforcement of the Zoning Ordinance precludes full enjoyment of the permitted use and makes conformance unnecessarily burdensome. In this regard, the Board shall find a lesser variance does not give substantial relief and relief requested can be granted within the spirit of the Ordinance in the interest of public safety and welfare". Intent is purpose and lays out the foundation of the Ordinance and this Board looks at intent as part of what they do. Mr. Maxwell does think that intent is something that can be enforced. Mr. Maxwell also said that he believes that intent of the Ordinance is just as important as the letter of the law. This permit was issued according to "the letter of the law", and Mr. Maxwell did not wish to dispute the lot size, height, or coverage or any of those things, but does question whether or not this Building Permit meets the intent regarding the spirit of the Ordinance and he believes that intent should be part of their decision in making this interpretation decision.

Mr. Courtney stated that he felt that the deletion of the language regarding "a portion of the main building" was so that people could have garages that were attached somewhere near the front of the house. If that section was left in you would outlaw just about every attached garage in Troy. Mr. Stimac said that he did not have the 1955 Troy Township Ordinance in front of him, but if the same language existed restricting an accessory structure to a rear yard was there, he would agree that Mr. Courtney's interpretation would be correct.

Mr. Kovacs read Section 40.56.00 regarding the definition of a garage and in all of the documentation provided by the attorneys, petitioners and City Staff this structure is referred to as a garage. There is 100% agreement that this is a garage as defined by

ITEM #2 – con't.

the Zoning Ordinance. Mr. Kovacs asked why Mr. Stimac no longer considered this an accessory structure and why a garage would be listed as an accessory structure in Section 40.56.00. Mr. Stimac explained that if there is a detached building that is used to park vehicles it is defined as a garage under the accessibility standards, but does not mean that every building used for that purpose is an accessory building. Every building used for the parking of vehicles that is detached from the main building is a garage, but does not mean that every building used for the parking of vehicles is necessarily an accessory structure. Mr. Kovacs questioned the language in 40.56.00 stating that a garage was an accessory building. Mr. Stimac said that the front-end definition of an accessory building states that it must be a supplemental building, a separate building. Mr. Kovacs then questioned whether Mr. Stimac defined this structure as a garage. Mr. Stimac stated that in his opinion this was a garage, but not an accessory building. Mr. Kovacs then asked why there was language in 40.57.01, 05 & 06 talking about detached accessory buildings, if an attached building is now part of the main building. Mr. Kovacs asked what the intent of this language was. Mr. Stimac said that the additional language in there is regarding detached buildings, and there is only one section that deals with attached, Section 40.57.02. The rest of the sections deal with detached buildings. The fact that is says a detached accessory building does not necessarily mean that there are different rules for an attached accessory building. By the definition, all accessory buildings are detached.

Mr. Courtney said that he disagreed with the language because all accessory buildings are not detached because 40.57.02 says that where accessory buildings are structurally attached, they are required to follow the restrictions of the main building. Mr. Courtney also stated that he feels the requirements are different between a detached accessory building and an attached accessory building.

Mr. Kovacs said that he did not feel Section 40.57.02 needs to exist. Mr. Stimac said that he thinks this Section is there for clarification. Mr. Kovacs said that under 40.55 this is just a general definition of an accessory building and that this structure does not have to meet the general requirements of this Section. Mr. Stimac said that based on the definition of accessory buildings found in Chapter 4 of the Ordinance, an attached garage is not an accessory building.

Mr. Fejes asked Mr. Motzny for clarification regarding the use of the building and what the intent was for putting up the building and what the building was going to be used for. If the intent was not to use this building as a garage, and it would be used for something else, were they planning on running a commercial business out of it. If this building is to be used as a garage to park vehicles in, then it should not be used for anything else. Mr. Fejes also asked about clarification of the definition of garage. Mr. Fejes further stated that he did not feel Mr. Stimac made any mistake in judgment granting this permit, but if the building was put up for the purpose of anything other than a garage, he should have the right to tell Mr. Piscopo to take it down. Mr. Motzny said that if the evidence before this Board leads the Board to believe that this building cannot be used

ITEM #2 – con't.

for a residential purpose, and if this Board reaches the conclusion that this building can only be used for commercial purposes, then the Board would have the power to make that interpretation. On the other hand, if the evidence suggests that this building can be used for permitted residential purposes, and there is no evidence contrary to that, the Board would have to assume that the building was going to be used for residential purposes as allowed. Mr. Fejes asked if the Board could tell him to take the structure down if it was not used for residential purposes. Mr. Motzny said that after tonight, if this building is allowed to exist and if there is evidence that the building is not being used for permitted residential uses, it would become an enforcement issue, and the City would be obligated to prosecute for a Zoning violation for a use that is not permitted in a residential district.

Mr. Fejes asked for clarification regarding a statement made by Mr. Piscopo's attorney, that if this Board decided that this building had to come down, the City would not be able to enforce this action because of estoppels. Mr. Motzny explained that the case provided by counsel of the property owner was an equitable case where the defense of estoppel prevented the municipality from enforcing its Ordinance, but that issue is not before the Board and that the Court would decide issue. In that particular case, the Court stated that because the permit was issued, there was reliance on the permit and in that particular case the Court decided the municipality was estopped from enforcing its Ordinance on equitable principles. The Board would not have the right to make that decision, it would come further down the line as an enforcement action.

Mr. Fejes asked if Mr. Piscopo would speak tonight. Ms. Bankey, Mr. Piscopo's attorney stated that both she and Mr. Piscopo were present and would be willing to speak. Mr. Fejes stated that he would like to be able to hear from Mr. Piscopo and ask questions as necessary. Mr. Kovacs asked if the Board would be allowed to hear from Mr. Piscopo. Mr. Motzny said that this Board would have the right to ask questions of Mr. Piscopo or his attorney, allowing him to make a presentation would probably require the Public Hearing to be re-opened. If there are specific questions that need to be answered, Mr. Piscopo or his attorney could be addressed.

Mr. Kingsepp stated that Mr. Piscopo's counsel has submitted a memorandum and said that they would like to address this body, and his opinion was that they should be allowed to the opportunity to address the Board so there would be a complete record.

Mr. Piscopo and Ms. Jill Bankey, his attorney were present. Ms. Bankey said that Mr. Piscopo followed the Zoning Ordinance and received his Building Permit in 2003. Construction is just about complete. Ms. Bankey said that they oppose the request of Mr. George Reed, Ms. Betty Reed and Tom Krent and are in support of the interpretation made by Mr. Stimac.

Ms. Bankey proceeded to give a history of this case. Mr. Piscopo has a large collection of vehicles and went before City Council regarding the storage of his commercial

ITEM #2 – con't.

vehicles. It was by the suggestion of City Council that a structure be built to house these vehicles. Mr. Piscopo went to the Building Department and received the interpretation that as long as the building is attached to the main structure and did not exceed 30% of the lot coverage, it would comply with the Ordinance and a variance would not be required. Mr. Piscopo had a petition signed by several of his neighbors indicating approval of a detached structure that would be larger than what is permitted by the requirements for an accessory building. The last time Mr. Piscopo appeared before City Council, Mr. Stimac educated City Council on the status of the Building Permit and the garage. The Piscopo's hired an architect and had them go over the Ordinance and come up with plans that would comply with the Ordinance. Nothing that Mr. Piscopo did, "blinded" City Council or "tricked" anyone into giving him a Building Permit.

Ms. Bankey addressed Mr. Fejes regarding the use of this structure. Ms. Bankey said that actually there are two issues involved here, one, being how Mr. and Mrs. Piscopo can make use of the property they own. The City of Troy has issued guidelines as to how he could use this property and Mr. Piscopo's application and drawings met the letter of the Ordinance. This is an attached garage. They met all the criteria regarding this property and the City of Troy Ordinance requires that all commercial, recreational, or other equipment, camping equipment, etc. be stored in an enclosed building. Mr. Piscopo abided by the rules of the Ordinance, he is living in the house, he owns the house, and he is the owner of the vehicles that are going in the garage, and his home and garage do not occupy more than 30% of his lot. Under the Zoning Ordinance, it meets the requirements of lot coverage, and the City Ordinance requires commercial vehicles, etc. to be stored inside an enclosed structure. Everyone is saying this is a "commercial structure", but there is no evidence to support this claim. Mr. Piscopo has never referred to it as a commercial building. The size of it does not stamp it as a "commercial structure". You have to look at the use and Mr. Piscopo is using it to store his vehicles that the City allowed him to park outside on the streets. Mr. Piscopo did what the City wanted him to do. Twenty months and $90,000.00 later, when the neighbors saw the steel beams they came to the City. Ms. Bankey said that they should have tried to get injunctive relief from the Courts to have this construction stopped before all of the money and materials were invested in this structure. Ms. Bankey said that if you look at 40.57.02 you automatically look at what restrictions apply to the main building. This will also link you into the R-1B Zoning regulations and covers the density requirements, and 30.10.02 covers the 30% of lot coverage by all buildings. Ms. Bankey said that she knows the neighbor do not like looking at this building, but Mr. Piscopo own this property and did follow the requirements of the City and the Zoning Ordinance. This building has passed every inspection called for and is just waiting for the final inspection. The Zoning Ordinance contains published criteria which governs the construction of this garage.

Mr. Kovacs said that Ms. Bankey states that in a R-1B Zoning District, a garage constitutes an accessory building and is subject to the controls of 40.55.00 and City of

ITEM #2 – con't.

Troy Zoning Ordinance 40.56.00. Mr. Stimac's interpretation is that this structure is not an accessory building, and is not governed by 40.55.00 because it is attached to the main building. Ms. Bankey said that in the definition of accessory buildings contained in Chapter 4, 4.20.01, which says an accessory building is incidental, and then you refer to Section 40.55.00, which states that a garage is an accessory building, and from there you are referred to 40.57.02 which defines an attached structure then you go back to the restrictions that cover the main building. Mr. Kovacs asked if Ms. Bankey believes this structure should be governed by Section 40.55.02, which states that an accessory building or structure by definition and nature, shall be secondary and clearly incidental to the principal building on a parcel of land. Ms. Bankey said that this garage whether attached or detached is both secondary and incidental. Secondary and/or incidental is not defined in the Ordinance by size, height or material, but is defined by use. Mr. and Mrs. Piscopo plan to live on this property and use this garage to house their personal vehicles. Incidental is never defined as being smaller. Mr. Kovacs asked what Ms. Bankey's definition of incidental was. Ms. Bankey said it was just as she stated, the main purpose of this property is that live there, and eat their meals there and have family visit there and incidentally they have a very large garage where they store vehicles and equipment. Ms. Bankey said that the way she looks at it, is what the main reason for people to go there. Ms. Bankey also asked where in the Zoning Ordinance is the maximum size of a garage regulated. Ms. Bankey said that based on the Zoning Ordinance the size limitations of a garage is arbitrary and only Section 40.57.02 contains the only public guidelines for the size of a garage that is attached to your house. Under 40.56.00 the Ordinance addresses the minimum size. There is nothing in the Ordinance that dictates the maximum size.

Mr. Kovacs asked if Ms. Bankey felt that the petitioners had other recourse before coming to this Board. Ms. Bankey said that she knew they appeared before City Council, and have written letters, but the City has never placed a Stop Work Order on this property and she believes that the reason for this was because this structure did conform to the Zoning Ordinance. Mr. Kovacs then asked if she felt the petitioners could have done anything else regarding this structure, and she stated that she felt there were other avenues that they could have pursued. Ms. Bankey also said that she thought this petition could have been filed when they first saw the steel beams on the property. Ms. Bankey also indicated that she felt that someone had advised them to come before this Board.

Mr. Courtney pointed out that Mr. Piscopo stated that the cost of this structure was $88,000.00 and not $90,000. 00 as stated and also that the neighbors are in harmony with the fact that they do not want this structure to remain. Ms. Bankey indicated that she understood that, however, she only wished that they could be in harmony with Mr. Piscopo.

Mr. Kovacs asked if Ms. Bankey thought the neighbors understood what they were signing with Mr. Piscopo's petition. The petition states that "….. hereby support the

ITEM #2 – con't.

below named petitioner and join in his request to seek relief from the City of Troy Zoning Ordinance thereby allowing the erection of an out building (for parking of vehicles and storage) greater than fifty percent (50%) of his residence at 3129 Alpine, Troy, Michigan". Mr. Kovacs went on to say that the footprint of the building was basically 2,000 square feet and under that, he believes the neighbors would have thought this garage was going to be about 1,000 square feet and not 6,000 square feet. Ms. Bankey said that at this point Mr. Piscopo said this was going to be a very large detached building. Mr. Kovacs asked what the size of the building was going to be at this point and Ms. Bankey said that the petition stated that the building was going to be 50% larger than the home. Ms. Bankey said that Mr. and Mrs. Piscopo were in contact with the neighbors indicating that he was going to build a very large structure. Mr. Kovacs said he did not believe these neighbors were aware of how large this structure was going to be.

Mr. Piscopo said that he was a friend to all of his neighbors and showed them the plans for the structure. Ms. Bankey said at the time the Building Permit was issued, the surrounding property owners were not notified because this structure complied with the regulations of the Zoning Ordinance and did not require any variances.

Mr. Maxwell said that the petition was for a detached structure and the petition does have the signatures of George Reed and Tom Krent. Now these petitioners are against this. Ms. Bankey said at the time of this petition, the Piscopo's were not the owners of this property, but became the owners and designed this home with the attached garage. They also felt that as long as the garage was attached and was not in violation of 30% of the lot coverage it would comply with the Ordinance.

Mr. Kovacs asked Mr. Krent what he thought was going to be constructed at the time he signed the petition. Mr. Krent, 3184 Alpine said that when Mr. Piscopo brought the petition he was not the owner of the home and was renting it from his father. The existing Ordinance for an accessory structure allows for 50% of the ground floor area of the main building or 600 square feet whichever is greater. It stated in the petition that this was going to be an out-building that was 50% greater than his residence, and at that time his residence was approximately 1,000 square feet. They expected that this structure would be between 700 and 750 square feet, but it would have to come before this Board to be approved and therefore the neighbors felt that they would be protected. They did believe it would be larger that a 500 square foot garage.

Mr. Piscopo said that Mr. Krent had submitted the preliminary drawing of his house and garage, which was approximately 2300 square feet, and at that time this drawing had the 14' high garage door, and the 9' high garage door and the entry way door. Mr. Krent did not have any objections to these plans. Mr. Krent gave Mr. Piscopo some great ideas that Mr. Piscopo incorporated into the building of his home.

ITEM #2 – con't.

Mr. Fejes asked how the size of the garage went from 2,300 square feet to 6,000 square feet. Mr. Piscopo said that as he learned what was allowed by the Ordinance, he decided not to settle for something small. Mr. Fejes asked what Mr. Piscopo was going to do with a 6,000 square foot garage and Mr. Piscopo said "whatever he wants".

Mr. Fejes then asked what he was going to put in the garage and at the time he applied for his Building Permit he stated that was applying for a permit for garage to store his extra equipment, etc. Mr. Piscopo said that the City made him build a garage, because they told him they would no longer grant any variances unless he put up a garage. Mr. Fejes said that they wanted Mr. Piscopo to store his commercial buildings in a garage. Mr. Piscopo said that he was going to put his commercial vehicles, his equipment and his vehicles in the garage. Mr. Piscopo said that everyone in this building had miscellaneous things that they store in their garages. Mr. Piscopo also indicated that he could have made his garage 50' larger, but did not think he needed the extra room. Mr. Fejes said that from everything he has in front of him, Mr. Piscopo has done everything correctly. Mr. Fejes also said that seeing the situation as it now is what would Mr. Piscopo had done differently. Mr. Piscopo said that he probably would have done something else. Mr. Fejes then asked how much square footage Mr. Piscopo thought was really necessary. Mr. Piscopo said that he could not answer as to the amount of square footage however he has nine (9) vehicles, yard equipment, a trailer in the yard. Mr. Fejes asked what Mr. Piscopo's occupation was and Mr. Piscopo said that he is a master plumber. Mr. Fejes then asked how many commercial vehicles Mr. Piscopo owns. Mr. Piscopo said that he has two vehicles that he uses to make service calls. Mr. Fejes asked if these vehicles would be parked inside the garage and Mr. Piscopo stated that they would be along with the other miscellaneous vehicles.

Mr. Fejes asked why Mr. Piscopo built this 6,000 square foot steel garage. Mr. Piscopo said that he already owns nine (9) cars that he cannot put in his driveway. Mr. Fejes said that as long the vehicles are correctly tagged and up to date, they could be parked there. Mr. Piscopo said that he did not believe that. Mr. Fejes said that neither Mr. Piscopo nor Mark Stimac made a mistake, the City made no mistake. The City is not saying that there is a mistake but it is the neighbors. Mr. Piscopo said that he did not think this ever would have come to this if they had not planned to put in the condo complex down the street. Mr. Piscopo said that he had a real estate agent come to his home and offer to buy both of the houses he owns and Mr. Piscopo believes the development company sent him there as they do not want the garage. Mr. Piscopo also said that if they wished to offer him a lot of money for his home, he would be more than willing to sell it. Mr. Kovacs asked if that is the reason he built this structure. Mr. Piscopo stated that he was not aware that the condo complex was going in.

Mr. Courtney asked how many business vehicles Mr. Piscopo had. Mr. Piscopo said that he has two that he uses for service calls. There are others that are owned by the Company that would also be considered commercial vehicles, although they are cars. Mr. Courtney then asked if someone comes to Mr. Piscopo's home to pick up a vehicle

ITEM #2 – con't.

and Mr. Piscopo states that they take the vehicle home. Mr. Piscopo said that the City is cracking down on the workingman and that is what brought this City to where it is at now. Eventually they will run the small businessman out of the City and not all of us have the education or up bringing to be a pencil pusher. Mr. Courtney said that a lot of people go somewhere else to pick up their commercial vehicles. Mr. Piscopo said that is the reason he lets him take the vehicle home, he has no intention of storing the vehicle on his property unless it is absolutely necessary. Mr. Kovacs said that Mr. Piscopo cannot use the garage for commercial purposes. Mr. Courtney said that only Mr. Piscopo would be allowed to take the vehicles in and out of the garage. Mr. Kovacs said that the other small business owners keep their vehicles on commercial property and this is where they get them. Mr. Kovacs also said that if Mr. Piscopo has employees coming in and out of the building, he would be cited by the City for a violation of the use of this building. Mr. Piscopo said that in his subdivision there are at least ten (10) in home businesses. Mr. Kovacs said that when you have your home office and he would say that there are at least 95% of his neighbors that are against this building and if they see people other than Mr. Piscopo coming in and out of the building, they will contact the City and Mr. Piscopo will be cited for a use violation. Mr. Kovacs then asked if when Mr. Piscopo built this structure it was with the intention of only him using it and Mr. Piscopo said that it was. Mr. Piscopo did say that the information Mr. Kovacs had given him regarding someone else pulling a vehicle out of the garage was a surprise to him. Mr. Kovacs said that he wanted Mr. Piscopo to be aware of this as his neighbors would probably be paying close attention and report any unusual activity. Mr. Piscopo said he was sure that could happen based on his experience with his next-door neighbor who he had considered a good friend. Mr. Piscopo said that he purchased the neighbor's home in order to make him happy and he thinks the value of the property is going to up once the condo complex goes in.

Ms. Gies asked how Mr. Piscopo would feel if he lived next door to this structure and did not have a car collection. Mr. Piscopo said that he would look at it as a privacy fence and the people that he rented the property next door to, think it is the next best thing to sliced bread. Mr. Piscopo said that the neighbor has one of the most secluded back yards in Troy. Mr. Piscopo said he believes the right person would be very happy with it. Ms. Gies then asked if there were any landscaping plans in the future to camouflage this structure. Mr. Piscopo said that he had contacted a landscaper and did have plans drawn up. He said that he has never try to fool or hurt any of his neighbors and was shocked when he found out that they objected to it. Ms. Gies asked Mr. Piscopo if he thought this garage was a little extreme and Mr. Piscopo said that he could have made it bigger and spitefully he now wishes he would have. Mr. Piscopo said that he is very hurt, these neighbors were his friends, he talked to them every day, and now they no longer speak to him. He feels that if they had a problem they should have come to him. The neighbor that sold his house came to Mr. Piscopo first. This neighbor had been a friend to Mr. Piscopo and at one time Mr. Piscopo had given him a boat. Mr. Piscopo feels badly that this neighbor does not feel he received a fair amount of money for his

ITEM #2 – con't.

home. He had no intention of hurting him financially and if he had extra money would gladly give it to him.

Mr. Courtney asked if Mr. Piscopo planned to implement the landscaping plan. Mr. Piscopo said that he plans to put in trees, pines as well as shrubbery. Mr. Courtney asked if that would help to hide this structure. Mr. Piscopo said that Channel 7 drove right by the house and could not find the location. Mr. Piscopo also said that he is very disappointed that his neighbors feel this way. Mr. Kovacs asked Mr. Piscopo if in his opinion it was difficult to find this structure. Mr. Piscopo said that unless you are looking for it, you cannot find it. Mr. Kovacs asked Mr. Piscopo if he was trying to say that a 150' long structure that is 24' high is difficult to see when driving by and Mr. Piscopo said that it was. Mr. Kovacs said that he had driven by many times and did not find it at all difficult to see.

Mr. Kovacs said that he was going to re-open the Public Hearing and they have a lot of facts and documents before the Board. They know how many people do not want the structure and they have a petition signed by every person in the subdivision objecting to this garage. This in an interpretation request and if someone in the audience has comments regarding the interpretation request, the Board would be very interested in hearing them. If someone just wants to complain, the Board really does not need to hear it. The Board is looking for valuable input to come to a decision. Mr. Kovacs said that they understand the neighbors think this structure is big and ugly. Mr. Maxwell said that anyone in support of this structure should also be allowed to speak.

The Chairman opened the Public Hearing.

Suzan Bamford, 3244 Alpine was present and stated that she liked Mr. Piscopo and he had approached her stating that he was going to build a very nice house and a large garage because he was sick of the City giving him citations for the huge pile of junk in his back yard. Mr. Piscopo said that he needed a place to store his cars and the other stuff that was in the yard.

Mr. Courtney asked a question regarding a petition with three signatures on it. Mr. Kovacs stated that it was not part of the public record. Mr. Piscopo said that he had not submitted it and basically when confronted with the objections of his neighbors, took a petition around and asked if the neighbors were for or against this structure. Mr. Piscopo said that three (3) of the neighbors signed it but the rest of the neighbors were against the structure.

Michael Bartnick, 3842 Burkoff was present and stated that in interpreting the Ordinance for 47 or 48 years it has been interpreted there has never been another structure like this put up. Mr. Bartnick also said that in listening to the comments it is pretty clear that he is running a business out of back yard. If you want to go into business either as a tradesmen or professional, the rules are very clear that you should

ITEM #2 – con't.

rent a commercial building in a commercial district, an industrial building in an industrial district or office space in an office building. If you are working out of your home you have to be very clear on exactly what it is you are going to do and have to be very restrictive as to what you are going to do.

Ms. Barr, 3165 Alpine was present and said that she was delighted to hear Mr. Maxwell explain the definition of intent. Ms. Barr thought that both Mr. Stimac and Ms. Bankey had difficulty explaining their interpretation of the Ordinance and also say that the intent is irrelevant. Ms. Barr said that the intent is very relevant and the current failing here may be honesty and truth or evasion of the truth. Ms. Barr said that she feels the truth is with intent, and that is to do with commercial activity and believes it is very obvious what is going to happen here. Ms. Barr does think this is a garage, for a SUV or lawn tractor, but because it is 6,000 square feet it is not just a garage.

Ronnie Moski, 3109 Alpine was present and stated that he has had five (5) different people come to his door because they could not find this garage. If you know the garage is there you will find it, because it is enormous, but if you do not know where it is he believes it is very difficult to see. In his opinion this structure makes a great privacy fence and truly believes that unless you are looking for it, you will not see it. There is a nice line of trees that are next to the garage. Mr. Kovacs asked if Mr. Moski was north or south of 3129 Alpine. Mr. Moski said that he is on the south side of this address and there are a large number of trees on this side. Mr. Moski said that gawkers go past this garage every day. Mr. Moski also said that Mr. Piscopo had put vinyl siding on the front of the garage to tie it into his house to make it look nice. Mr. Kovacs questioned this as the last time he had driven by the front of the garage was corrugated steel. Mr. Moski said that Mr. Piscopo was trying to make everyone happy. Mr. Moski also said that if he could he would build a structure like this so that he could put whatever he wanted to in it. If you want to see a beautiful home being built, Mr. Moski suggested stopping in front of 3129 Alpine and this is exactly what you will see.

Steve Japar, 4518 Whisper Way was present and stated that at the previous meeting there was a section that addressed the construction of structure that would decrease the value of surrounding property. There are several quotes from realtors that said that this building would have a negative impact to the surrounding property. Mr. Japar believes this has to be part of the Board's consideration. Mr. Japar also said that he had driven by this building once and had no trouble finding it. The fact that no one else can find it is not germane. Anyone wishing to buy property in this area would certainly know that this building is there. Mr. Japar also said that he believes the point of this meeting is was the City proper in allowing the building of this structure in the first place. It is good that Mr. Piscopo followed all the rules in the first place, but the issue is if the City made a mistake in allowing the building to be put up.

ITEM #2 – con't.

Valerie Piscopo, Mr. Piscopo's mother was present. As a young man he rented the house for 15 years and always said that someday he would have his dream. His father did not live to see his dream come true but she did and feels he is very deserving of it.

Charles Miller, 6793 Limerick Lane was present and stated that he knows Paul both personally and professionally. He has seen a lot of words used and he thinks intent is going to "what is Paul going to do with this garage" and believes it is incorrect to take that approach. He has known Paul going on fifteen (15) years and he would not do anything to cause someone else problems. Mr. Miller does not believe there is anything in the Ordinance that addresses intrinsic property values. Mr. Miller also said that he understands that in Cities it is important to be good neighbors and to try and do what is right, but at the same point you can't make everyone happy and intent should be used as neutrally as possible to try to accommodate the people.

Zak Abuzaid was present and stated that he lives across the street from Mr. Piscopo. When he was first approached by Paul he had signed his petition, but did not know how big or large it was going to be. As he now sees, the number of neighbors that are against it, makes him believe that there may be something wrong with it and is not able to judge whether it should pass or not. Mr. Abuzaid believes that the neighbor's opinions and property values should be taken into consideration. He does not think the front of it looks bad, it is just very large. Mr. Abuzaid said that he is neither for nor against the building.

Eugene West, 3205 Alpine was present and stated that he lives approximately four houses away from Paul. Paul has his dream, they have his nightmare. This garage is not a garage, it is a commercial structure. If it was a garage there would not be anyone here complaining. Steel I beams, steel sides and 20' high walls are not a garage.

Ms. Barr, 3165 Alpine came up to speak again and stated that she thinks the people that are for the garage, are very new residents and are appearing for the courtesy of Mr. Piscopo.

Geoffrey Barr, 3165 Alpine came up to speak and stated that every time he goes into his back yard this huge building is there and he is very annoyed.

John Hunter, 3356 Alpine was present and stated that when he saw the house going up he was very pleased as the house is beautiful but the garage is really out of proportion. Mr. Hunter said that he is both drawn to it and appalled by it and compared it to a car wreck. You look at it because you can't quite believe it. This is a terrible structure and not appropriate in a residential area. Mr. Hunter wished Mr. Piscopo well and felt that he deserves what he has because he has worked very hard for it and he also encouraged the Board to find a moderate solution, a residential garage and not anything that smacks of commercialism.

ITEM #2 – con't.

Brenda Bodenbach, 3355 Alpine was present and stated that she has lived here for 52 years. There has been so much spin put on the Ordinances and in 52 years she has never seen such an obscene injustice done as far as the Building Code goes. We have all improved our homes, worked very hard, and as a widow cannot afford to lose $40,000 - $60,000 and because she owns the lot next door feels that she will lose twice as much. This was supposed to give them some security in their old age, and now that she is spending her old age alone and this is the worst spin that she has ever heard in her life that the City perpetrated on the residents in this subdivision. Ms. Bodenbach believes this is wrong because of the size and use of the building.

Shirley Jordan, 3268 Alpine was present and asked what the rules were on an out building or garage. Mr. Kovacs said that as far as the structure this garage has, the structure itself meets all City Codes. If it was detached it would also meet that requirement. Mr. Stimac said that the requirements of the exterior shell for a garage are identical whether the structure is attached or detached. The same rules and requirements regarding the method of construction are both the same. Inspections have been done and the building is in compliance with the building code. Ms. Jordan said that when she first saw the concrete going in, she thought they were building a tennis court and felt that it could be reverted to something like that without being a big expense for Mr. Piscopo. This is really wrong and she was just trying to look for something in the Code. Mr. Kovacs also said that this is the reason the petitioner is here, is for the Board to look at the Code and determine if it was interpreted correctly. Ms. Jordan also said that they were not aware of the condo complex coming in at the end of the street. Mr. Kovacs said that this Board was not the body to address that issue.

Mr. Kingsepp came up to speak and mentioned what Mr. Stimac had said regarding interpretation. It is good to back into history to determine what the legislature intended when they enacted or modified certain Ordinances. In Mr. Kingsepp's opinion there was a deletion of language that was restrictive in that particular Ordinance, but the existing language has a very plain meaning especially with the definition of a garage.

With respect to intent, the intent of the Zoning Code is for the purpose of giving direction to the residents and the Building Official of what the planners and legislative body deemed to be important regarding those considerations. Mr. Kingsepp used the Billboard Ordinance as an example and stated that the Court upholds this intention as an appropriate expression of a legislative body as to what is important to a community. Therefore the intention in this case, in that it is in an R-1 district is the most restrictive use gives you guidance regarding what is important in a residential district and really not to depart from the character of what exists, and that is a low density type of community. Where you have a change that is as dramatic as the one that is here, you have to question whether that flies in the intention.

ITEM #2 – con't.

The Ordinance talks about Home Occupation that will not be detrimental to the surrounding community and will not cause the loss of property values to the surrounding community. That is an intention that is expressed regarding Home Occupation and should be addressed as given credence with respect to this development.

The next thing that needs to be taken into consideration is the intention of the applicant himself. He was the only one who knew what he had in mind with what he had in mind what he was going to do. Mr. Kingsepp said that he had the opportunity to express in the application exactly what his intention was. The Building Department would have the benefit of that information as well as any resident that wanted to know what his intention was. In two documents garage and attached garage was referenced; in a supplemental document large garage was referenced in order to store his equipment and/or a commercial vehicle. Tonight it has been said that there are going to be collector vehicles as well as other vehicles in the name of the Corporation. Mr. Piscopo also indicated that the use of the structure will be for "whatever he wants to put in it". This indicates to Mr. Kingsepp that this will be above and beyond the home occupation, something above and beyond what would normally be the use of a residential accessory, detached, attached building. Garage is clearly defined within the Community and is expressive and limited. The intention expressed by Mr. Piscopo this evening goes beyond what is in the Ordinance. The documentation that was shown to Mr. Kingsepp's client shows a structure that was 2,000 square feet and not 6,000 square feet. An additional document talks about a size that is 50% greater that the size of the residence, which was substantially a less size than that which is now constructed. As the process went along Mr. Piscopo, the only person with the knowledge of what was going to go in there, to expand the structure. Mr. Kingsepp said that this has to be looked on with respect to the interpretation given by the City. The City can rely on certain things that are presented to it and give its interpretation. If in some point and time the applicant by their own decision goes above and beyond by what has been presented to the Building Official, then that individual runs the risk of entering into the zone where objection and criticism is appropriately leveled against them. Mr. Kingsepp said that he thinks this is what happened in this case.

Mr. Kingsepp stated he was not hired by the developer of the proposed condo complex, but was referred to his client by an official within this community. Mr. Kingsepp said that he is not tied into the proposed development and does not have any knowledge of who the developer is.

Mr. Kingsepp then stated that there has been a reference made that landscaping is going to be put up. This body has authority to impose conditions, but feels that Mr. Motzny would recommend that these conditions be realistic in relationship to the subject matter that is under the Board's consideration. In this instance the main issue is merely an interpretation of whether or not the Building Permit was issued was proper in accordance with common sense meaning and definition contained in the zoning text, which everyone had the right to rely on based on the representations by the applicant.

ITEM #2 – con't.

To that extent, Mr. Kingsepp stated that he does not believe you can impose conditions that might be zoning issues or landscaping. Mr. Kingsepp does not believe this Board has the enforcement power regarding these conditions. This is a rare circumstance asking for an interpretation. Record is complete with the information that we have.

Everyone within this community has the right to rely on the common clear meaning of the Ordinance as they apply. They have the right to rely on the fact that where there are questions the Building Department will refer that to you, because that is where the variance power is. Too many variations that go on. Flexibility must exist and the Building Official has to say no, to allow these matters to appear before the Zoning Board. This matter should have come here but it did not. We suggest a number of reasons why this did not occur in this case, but it should have. This Board is confronted with an interpretation that was made by a very competent Building Official. Mr. Kingsepp stated that he is not challenging his qualifications or credibility. The situation here is the language of the Ordinance and if there is a problem, it is up to the Building Department to advise the administration what changes should be made to the Zoning Text. The language is clear, simple and applicable to this situation and cries out for an interpretation that says that in this instance the Building Permit should not have been issued. What happens after that is not this Board's concern. Mr. Kingsepp respectfully requests that based on the documentation that was presented that the Board would support the request of the petitioners.

Ms. Bankey stated that she had one quick response and that was that Mr. Piscopo was not the only person that knew what was going to be constructed, the City was totally aware of what type of building was going up. The challenge when interpreting the Ordinance is that you find the provision that if the accessory building is attached to a main building then the density requirements apply. If that provision is not given meaning and you look at the accessory building controls, and it only has a minimum size, how does the Building Department know what you want to be built. Where do you look in the Ordinance to tell you what the area and density requirements, side yard setbacks for an attached garage. The only place it is found is in the interpretation of the Building Department. Only reasonable interpretation to give it meaning is 40.57.02.

No one else wished to be heard and the Public Hearing was closed.

The meeting recessed at 9:35 P.M. on Tuesday, April 19, 2005.

The meeting reconvened at 9:42 on Tuesday, April 19, 2005.

Mr. Kovacs said that if the Board finds that the interpretation of the Zoning Ordinance by the Building Department was correct there would be no need to go through the Ordinance section by section. Mr. Kovacs asked for a motion indicating that the Ordinance as interpreted by Mr. Stimac was correct. If the Board finds that this is the case there is no need to do anything else.

ITEM #2 – con't.

If the Board finds that he did not interpret the Ordinance correctly, they would have to go through line by line to determine where they feel the Ordinance was interpreted incorrectly. Each section would have to be mentioned and they would have to go through and state which sections were not interpreted correctly.

Mr. Kovacs then asked if anyone wished to make a motion at this time. Mr. Maxwell said that he agrees with Mr. Kovacs and believes they should only discuss the sections that they think were not interpreted correctly and state the reasons for this conclusion.

Mr. Kovacs said that in Mr. Stimac's opinion this is part of the main structure and not an accessory structure and therefore Section 40.55 does not apply. Mr. Kovacs then asked Mr. Stimac if he had ruled this garage as an accessory building, if he would have granted a permit. Mr. Stimac said that both he and Ms. Bankey took two different routes, but came to the same conclusion that this is a portion of the main building is not an accessory building, therefore these rules do not apply. Mr. Piscopo's attorney took the route that it is an accessory building, but because it is attached to the main building, these rules do not apply. One-half the ground floor area of the main structure does not apply, the 14' height limitation would not apply, or the limitation of the 6' setback and the mandatory location in the rear yard do not apply.

Mr. Fejes clarified that what they were going to do was to determine if Mr. Stimac made an error in issuing this Building Permit. Mr. Kovacs stated that was correct that this was all they were here to do and that was to interpret the Ordinance. Mr. Fejes said this is very difficult as Mr. Piscopo did not do anything wrong and the City did not do anything wrong, but there is a structure that is wrong. Mr. Fejes said that he cannot go through each section and point out what was wrong and say that Mr. Stimac made a bad judgment because he did not make a bad judgment. Mr. Fejes also said that he could tell you that there are people that were grieved by the size of this garage and he does not feel in his heart that this is a garage. Mr. Fejes further stated that regardless of whatever you are going to do with it, people are grieved by the size of this structure, even though Mr. Stimac was right. Mr. Fejes said that he cannot vote that Mr. Stimac made a mistake because he did not. Mr. Fejes felt that he is going to be forced to vote someway that is incorrect because he needs something to go with this structure. What about the personal side? Mr. Piscopo did nothing wrong and the City did nothing wrong, but Mr. Fejes cannot sit there and not say that this structure needs to be dealt with. Mr. Fejes said that he is having a problem dealing with this.

Mr. Kovacs said that in his opinion if someone on the Board feels that there was an error made by the City staff, it is up to them to convince Mr. Fejes of that and therefore vote accordingly. Mr. Kovacs said that right now Mr. Fejes is saying that the City staff did not make a mistake and interpreted the Ordinance correctly. All they have before them is the language. Mr. Fejes said that in the City's Attorney words, there is something written about someone being grieved. Mr. Kovacs said that there is a particular section that discusses property values. Mr. Motzny stated that in his memo

ITEM #2 – con't.

regarding a party being grieved that was only in respect if someone had standing just to be here. The Board's final determination is not whether or not someone is aggrieved, but somebody has to be an aggrieved party to have the Board make this interpretation.

Mr. Stimac said that Mr. Courtney had made a statement at a previous meeting that if the Board had the power to make this determination, he would like to go back and change other buildings in the City. Mr. Courtney would have to show in what way these other buildings made him an aggrieved party. The party that files the application has to show how they have been aggrieved by Mr. Stimac's decision. The parties that are adjacent to this property have been aggrieved by this decision, but that only gets them to be able to appear before this Board. They would have to show how the building impacts them.

Mr. Stimac said that unfortunately there are things that happen, which are totally compliant with the Zoning Ordinance that have an impact on surrounding property. Re-zoning a piece of property, a road construction, a freeway exit certainly has the ability to impact adjacent property owners. This does not mean that it is wrong or that there was an error, this is the result of a decision that was made through the application of the Ordinance. If the property next door to Mr. Reed or Mr. Krent were deemed to be appropriate to be re-zoned to industrial, this would have an adverse effect on their property values, but it does not mean that the property owner shouldn't be able to develop that property to the full extent that would be permitted in that Zoning Classification.

Mr. Wright said that he was looking at a memo written by the City Assessor and in his memo states that this structure is not in compliance with any other home in the area and poses the greatest threat to property values in this area. This memo went on to say that he thought this structure could impact property values by as much as 10% or possibly more. Mr. Wright went on to say that he thought the decision was going to come down to the use of this structure. Mr. Wright stated that based on Section 4.20.71 Home Occupation is to be *carried on within the walls of the dwelling, having no employees who are not themselves residents. Said occupations shall not be visible or noticeable in any manner or form from outside the walls of the dwelling and accessory structures.* Once you look at the building you can see that it is a warehouse and not a garage. Mr. Wright had stated that there were enforcement violations regarding employees on the property and the equipment they were using. Residents had complained that there were eight (8) vehicles parked in the yard and the enforcement officer had determined that these were employees of Mr. Piscopo's. Mr. Piscopo has other vehicles that belong to employees. In Mr. Wright's opinion this is not a Home Occupation.

Mr. Hutson stated that he has been practicing laws for thirty-seven (37) years and has learned to analyze each situation especially when it comes to interpreting law. Everyday he is called upon to interpret the law in helping people make decisions as to how their lives are going to be run. When Mr. Hutson heard this case in February, he

ITEM #2 – con't.

applied his training to look and try to analyze this situation. He read Mr. Kingsepp's presentation and examined the Zoning Ordinance section by section, both from Mr. Kingsepp's client's viewpoint and also from the viewpoint of the City. Mr. Hutson then read minutes from the Planning Commission, excerpts from the City Council, correspondence from the City Attorney, from Mr. Piscopo, the Building Director's report and the fog cleared. Mr. Hutson believes that this Board is confusing two issues before them, one of which was the proper permit issued or did Mr. Stimac make an error in issuing this permit. The other question is what use is this building being put to. If you analyze that you are going to find that there are minimal requirements for a garage and there are no caps, although there is a violation. Codes are written and published so that society and the people in the City of Troy know what the regulations are and be guided accordingly. Mr. Hutson states that he is a firm believer in this case, that as distasteful as the end product is, this building meets all the building code requirements and the Building Permit was issued properly.

Mr. Hutson said regarding the use of the building: whether it is constructed of steel girders or plywood has no bearing on whether this is a garage or not. If in fact that is used as a commercial building for plumbing, it is proper procedure for the City to take care of that that would be a zoning violation a criminal matter and the City could shut them down. Mr. Motzny, advised this Board that it can be used as a garage. Mr. Hutson also said that until there is a demonstration that it is a commercial structure, he does not see any impediment in issuing a final certificate of occupancy if it meets the code, and Mr. Hutson feels that they have to separate their thinking regarding this structure.

Mr. Courtney stated that he agrees with Mr. Hutson, even though he does not like the building and would like it not be there, and he feels it is a warehouse, but they are being asked to vote on whether the Ordinance was followed and he does believe that Section 40.57.02 was followed. That section means he can build that gigantic thing and if in fact there is no question about the legality of building it, which is why the Planning Commission and City Council are in the process of changing the Ordinance in order to prevent a structure like this in the future. It is obvious that it can be done at the present time.

Motion by Courtney
Supported by Gies

MOVED, that the Building Department issued the Building Permit under the Ordinance and it was a proper permit.

Mr. Kovacs said that there was a motion and support that Mr. Stimac did interpret the Code correctly and the structure should stay standing.

ITEM #2 – con't.

Mr. Maxwell stated that he agreed with Mr. Piscopo's attorney that it is an accessory building and disagrees with the interpretation. Mr. Maxwell believes that 40.57.02 is not a statement that supercedes the other language regarding accessory buildings, but is a clarification to that. A stricter standard should be applied to a structure that is attached to a main building. Mr. Maxwell said this is the reason that he disagrees with the interpretation and believes that accessory buildings should be subordinate to the main buildings. Mr. Maxwell went on to say that he does not think this a good thing because of the impact on surrounding property values.

Mr. Maxwell further addressed the issue of intent, the spirit of the law, the purposes, the reasons we have them and the letter of the law. Mr. Maxwell feels that whenever the letter of the law is followed only, and the intent is not, even though it fulfills all the regulations and sections of the Ordinance and if you know that the end product is not what we want in the City, it is not what we intended in the City, and you know something is wrong, that should be the time when interpretation takes over. When he looks at this structure, it is plain to him that this is a commercial building attached to a house. Mr. Maxwell said that he may not be able to define it but he knows it when he sees it and firmly believes that this is a commercial building attached to a house. Mr. Maxwell stated that is not a garage and violates the intent of residential use. Mr. Maxwell said that he represents other citizens of Troy and many of the people he had spoken too also believe this is a commercial building on a residential street. Mr. Maxwell pointed out that he is not making any aspersions that it is presently being used as a commercial building, but this is the appearance of the building. Mr. Maxwell said that the overall intent of the Ordinance was not followed and going strictly by the letter of the law has led them up to this point without considering the intent. Mr. Maxwell said that his interpretation is that this is an accessory building, and should be subordinate to the main building, and Section 40.57.02 also sees this as a statement that adds to and does not supercede the definition of accessory buildings.

Mr. Kovacs stated that in his opinion this is an accessory building and Mr. Piscopo's attorney has also stated that this is an accessory building and he understands that Mr. Stimac disagrees. According to Section 40.55.02 – *accessory buildings and structures by their definition and nature shall be secondary and clearly incidental to the principle building on a parcel of land.* This language according to Mr. Kovacs clearly states that you can't have a garage without a house, and the garage should be secondary and clearly incidental to the main structure, this should not be a garage with an attached house, and therefore, he believes the language is very clear. Mr. Kovacs also said that he had been going over the Zoning Ordinance and in Section 40.30.00, Parking Structure Development Standards, it states that a parking structure should enhance the overall development and not have a negative effect to surround property. It is further intended that the provision of such facility shall not negatively impact the safety and security of the public. Mr. Kovacs states that this section also refers to garages. There is also language in 40.30.02, 40.30.04, 05 and 40.30.06 and he believes this refers to a commercial parking structure. Section 40.30.03 refers to the outside appearance of the

ITEM #2 – con't.

outside of a structure that it would be substantially the same as the main building and in his opinion this building is in violation of Sections 40.55.02, 40.30.00 and 40.30.03 and his conclusion is that Mr. Stimac did make a mistake in interpreting the Ordinance.

Mr. Stimac stated that Section 40.30.00 was not brought up in the petitioner's application and explained that this Section was drafted to deal with commercial parking structures and he has never applied those standards to an attached garage, or a detached garage on a single-family site. Many of the sub sections in Section 40.30.00 in effect make no sense when you try to make that application, such as mandatory landscape requirements, guards, sprinkler systems, etc. Mr. Stimac said that these standards cannot be applied to a single-family garage. Mr. Kovacs said that the reason he brought that up was because they had spoken regarding intent, and even though this section refers to a parking structure, in his opinion a garage is a parking structure and therefore Section 40.30.00 should apply. The language is 40.30.03 is very clear and this structure does not comply with that language. Mr. Kovacs stated that he still holds firm that this garage is in violation of Section 40.55.02 and this is the cornerstone of his objection to the interpretation.

Mr. Courtney asked if he had read Section 40.57.02, which states clearly that once they are attached they take on the same requirements as the main building. Mr. Kovacs said that as he reads 40.57.02 he still thinks this structure has to satisfy 40.55.02. In his opinion this structure does satisfy 40.57.02, but he does not agree that it meets 40.55.02. The words that keep coming back to him is that this building would be secondary and clearly incidental to the main building. Mr. Kovacs said that he thinks this is a garage with an attached house.

Mr. Kovacs called for a vote on Mr. Courtney's motion.

Yeas: 3 – Gies, Hutson, Courtney
Nays: 4 – Kovacs, Maxwell, Wright, Fejes

MOTION THAT MR. STIMAC'S INTERPRETATION WAS CORRECT FAILS

Mr. Kovacs stated that because of this vote, he felt that it was up to the Board to determine exactly which language suits the description. Mr. Kovacs also said that he does not believe this does not meet the requirement of Section 40.55.02 because both the language and intent are clear. He was not going to include Section 40.30.00 and 40.30.02 because he does feel Mr. Stimac was correct in stating these Sections apply to commercial parking structures. Mr. Kovacs said that he does believe Section 40.55.02 is the cornerstone of this matter.

Mr. Kovacs also said that everyone who voted no, owes it to this Board, the petitioner and to the Circuit Court to define exactly under which Sections they feel Mr. Stimac erred. Mr. Maxwell stated that he felt he was quite clear when he stated that this is an

ITEM #2 – con't.

accessory building, 40.57.02 does not supercede other language, and an accessory building should be subordinate to the main structure. Mr. Maxwell also said that under Section 10.10.00, this structure is not designed as appealing to the widest spectrum of the population. This structure does not meet the intent of the Ordinance regarding single-family residential district.

Mr. Courtney said that he feels since this was a request for an interpretation, the Board should interpret the sections one by one. Mr. Maxwell said that he is not going to say much regarding any of the other sections besides the ones he mentioned. Mr. Courtney said that the petitioner had listed the Sections that they wanted an interpretation of and he feels that this is what they should give him. Mr. Maxwell said that he does not have anything to say regarding the other sections.

Mr. Kovacs said that he agrees with Mr. Maxwell's statement and he finds the objection with Section 40.55.02 and the intent. Mr. Courtney asked if the Board had a list of the Sections the petitioner was asking the Board to interpret. Mr. Stimac said that they did and Mr. Courtney said he felt the Board should go through each section.

Mr. Stimac said that he bows to the authority of the Board to grant the interpretation, but he wished to caution the Board. Regarding Mr. Maxwell's statement that in addition to Section 40.57.02, that the other provisions regarding accessory buildings would apply, which would mean that the height limit would be 14' or one-story, the area is going to be 600 square feet of ½ the ground floor area of the house. Mr. Stimac also said that this would stop a lot of work in the City as there are a lot of attached garages in the City that exceed the 14' height limit as well as exceed the 600 square foot limit. Once the Board grants this interpretation, this becomes the rule until the Ordinance has been amended, or some court of competent jurisdiction overturns that. Mr. Stimac suggested that the Board use caution because after this meeting that is the rule that we will live by.

Mr. Courtney asked what happens to all the other attached garages in the City. Mr. Stimac said that garages under construction would be subject to this ruling.

Mr. Maxwell said that there should be swift action to amend the Ordinance if there was disagreement or displeasure with going to this format. Mr. Courtney said that the Planning Commission and Council have been going through this matter for a very long time and have not come to a conclusion. Mr. Maxwell said that he himself can live with this because the alternative is not what he wants to see. Mr. Maxwell said that this has a detrimental effect to property values or attracting new citizens here and is not a good deal for the general welfare of this town. It may benefit a few, but will hurt the majority of the citizens. Mr. Courtney stated that he agrees but the Council and Planning Commission are in the process of reviewing the Ordinances and making amendments so this can't be repeated but they actually have to do it. Mr. Maxwell said that he is just giving his opinion as to how he interpreted the Ordinances, like it or not.

ITEM #2 – con't.

Mr. Wright said that the Planning Commission got this in October of last year and had proposed text amendment to Council in early December but there was disagreement between the Planning Commission and City Management regarding the height of garage doors. The Planning Commission still does not agree with Administration as they feel that a residential garage should have a maximum 8' height of a garage door, and Administration does not feel that there should be any restrictions on the height of a garage door, which allows for a 14' high industrial garage door. There was a joint meeting between City Council and the Planning Commission on March 28th, and he cannot say any of the Council members moved to their position or not, but they are still looking at footprint sheet. The Planning Commission is always concerned that if they went to a 50% or a 75% limit of the ground floor footprint, how many non-conformities they would create throughout the City. At one of the recent meetings he had suggested that they look at 75% of the ground floor footprint, or 50% of the total square footage of the home and see how many non-conformities that would create. Mr. Wright has not seen that information come back from the City Assessor's office yet, but personally he feels that this would be reasonable. Mr. Wright has a 3-½-car garage and it is not 50% of the ground floor area of his home.

Mr. Kovacs asked if they find that this garage is in violation of 40.55.02, which states that accessory buildings should be secondary and clearly incidental, and if they define that as being smaller than the footprint of the house, would that then revert back to everything having to be 600 square feet? Mr. Kovacs said that his vote is that this structure being 6,000 square feet and the footprint of the house being 2,000 square feet, clearly violates Section 40.55.02. It is not his interpretation that an attached garage that is maybe 800 square feet with a 1,000 square foot house would be in violation. It is his interpretation and secondary and clearly incidental means that it is smaller than the house. Mr. Stimac said that if it his interpretation or the Board's interpretation of Section 40.55.02 that secondary and clearly incidental means that it cannot exceed the ground floor area, that is different than what Mr. Maxwell had stated. Mr. Kovacs asked for clarification regarding 40.57.04. Mr. Stimac said that they would still apply that interpretation throughout, but did not know how many structures that would impact and he would agree with Mr. Courtney's statement that you cannot put an attached garage in a rear yard. This could cause a lot of havoc with new houses under construction with attached garages. The interpretation that "secondary or clearly incidental" means less than the ground floor area would certainly have less of an impact.

Mr. Maxwell said that he could certainly live with the interpretation that the accessory structure is less than the footprint of the main structure and would be totally acceptable to him.

Mr. Kovacs asked if anyone wished to make a motion. Mr. Maxwell asked what kind of motion Mr. Kovacs wanted and Mr. Kovacs said that they have agreed that the interpretation was incorrect.

ITEM #2 – con't.

Motion by Courtney

Moved, to take the application of George Reed, Betty Reed and Thomas Krent, 3129 Alpine, for an interpretation regarding the issuance of a Building Permit section by section and give their interpretation of each section as requested.

Motion failed for lack of a second

Mr. Motzny said that in his opinion it was not necessary to go through each Section. Apparently, the Board made a decision that the Building Official issued a permit in error, but this Board needs to make a motion indicating what structure would comply with the Ordinance. Mr. Stimac has to send a letter to the property owner telling him what he has to do to comply with the Ordinance. It is not necessary to go through each section of the Ordinance to do that, but someone implied that any accessory building must be smaller than the footprint of the main building, and if that is how you want to interpret the Ordinance you should specify again as part of the motion your reason for that finding, because if they don't do that and it does go to Circuit Court, the Court will send it back and tell them to give reasons for your findings. Whatever motion is made needs to be specific enough to direct our Building Official to contact the property owner to advise him specifically what needs to be done so that he can comply with the Ordinance.

Mr. Courtney said that since we have not voted that the Building Director issued a permit in error, we have just denied a motion that he did not. Mr. Courtney stated that he believes the Board has an obligation to give the petitioner an interpretation of the sections that they have requested and not add sections. Mr. Courtney believes that they should go through the application and give the petitioner the interpretation they are asking for. Mr. Kovacs said that he did not know if they had to vote on this. He disagrees with this, because if the Board can come to a conclusion and determine where the error has been made this is the direction the Board needs to go. Mr. Kovacs thinks it would be ridiculous to go through section by section. Mr. Courtney stated that he had made a motion and he felt that they should vote on it.

Mr. Stimac said that Section 40.55.02 is not part of the applicant's request so this is something that should be considered if there is a second to Mr. Courtney's motion.

Mr. Kovacs said that Section 40.57.02 is a part of the request and believes that other sections are directly related, and even though the petitioner directly mentioned it, Mr. Kovacs does feel that the Board should rule on it. Mr. Stimac said that he was not trying to say whether the Board should or should not rule on other Sections, he was just pointing out that Section 40.55.02 was not part of the applicant's request. Mr. Kovacs said that he agrees but he feels that this is a section that needs to be examined because he does not feel this structure meets the requirements of 40.55.02.

ITEM #2 – con't.

Mr. Fejes asked if it is up to this Board tonight to make a determination regarding the size of an accessory structure. Mr. Fejes said he thought all they were doing was making a determination that the interpretation of the Ordinance was incorrect in allowing this structure to be built. Mr. Fejes said that they have cited Section 40.55.02 and the Intent of the Ordinance was not followed. Mr. Fejes asked why this Board had to come up with the dimensions tonight, as he feels this is the job of the Planning Commission and City Council. The extent of this Board's decision should be to determine whether or not this Building Permit was issued in error. If the Board makes an incorrect decision tonight, other people would come before this Board. Mr. Fejes said that he thought it would be up to someone else to come up with the allowable footprint.

Mr. Stimac said that the Planning Commission and City Council are empowered to amend the Ordinance and to change the language of the Ordinance. This Board is being asked to interpret the current language. If they change the language it will not do any good in this situation. If this Board is saying that the building is too big, Mr. Stimac needs clarification of "how too big" this building is. If the building is too tall, what is the height limit. Mr. Stimac has to tell this applicant and whoever comes to the Building Department tomorrow exactly what the limits are. Mr. Fejes said that he needs to tell people that the decision is pending and when that decision is made, he will inform them. Mr. Fejes said he does not feel this Board is the right Board to make that determination. Mr. Stimac said that this Board is the correct body, as the question before the Board is that the Ordinance is unclear as to what the maximum size of the garage is, the petitioners have asked this Board to tell them if this building is in compliance or not. Mr. Fejes asked if it would be sufficient if he tells them it has to be secondary to the main building. Mr. Stimac said that this would not help at all because he is asking this Board to tell him exactly what secondary means. Mr. Fejes said that in his opinion it means that it is smaller than the main building.

Mr. Maxwell said that he would like to see the rules pertaining to accessory buildings apply, and anything other than that, they can apply for a variance. Mr. Fejes said that this a problem because this is not an accessory building.

Ms. Gies asked how many Building Permits have been issued for attached garages within the last three (3) years. Mr. Stimac said that we issue approximately 300 plus new house permits each year and 95% or greater have attached garages that are not in the rear yard. Ms. Gies said that they have one person that took it to the extreme because of the lot size. Ms. Gies also said that most people do not ask for a 6,000 square foot garage. Ms. Gies stated that she believes this permit was issued correctly.

Mr. Kovacs said that the question is that at this point they said that there was an error. Mr. Courtney and Ms. Gies disagreed with this interpretation. Mr. Kovacs said that he wanted an exact legal description as to what was passed. Mr. Courtney said that there was a motion to say that what was done was proper, and was not passed. It does not

ITEM #2 – con't.

mean it was improper and now a resolution is needed to say that what was done was not proper.

Mr. Motzny said that Mr. Courtney is correct, and a motion was made to affirm the Building Officials decision and that motion failed. Now this Board has to make a decision interpreting what the proper guidelines are for the Building Official to follow in these type of situations as he now has to contact the property owner and specify what needs to occur in order for him to be in compliance. If this is not done, there will be a problem if this case goes to Circuit Court as they will not understand the basis of the Board's decision and the property owner does not have sufficient guidance as to what in compliance with the Ordinance. You failed to pass a motion affirming the Building Official's decision so now it is your job to say what the proper interpretation of the Ordinance is and to say what type of structure is allowed under our Ordinances.

Mr. Kovacs asked what happens if this Board cannot pass a resolution regarding how he misinterpreted the Ordinance. Mr. Courtney said that the Building Official will be exactly where he was earlier today and the warehouse stays with no problem.

Mr. Wright said that Mr. Kovacs previous explanation that the structure was not in compliance was very good and although he does not have all of them in front of him, he would like to suggest that the footprint of the garage being a foot smaller than the footprint of the house. If the Planning Commission and City Council went to 50% of the living area of the house, this is a colonial style house, then a garage that would be equal to or less than 1' foot smaller than the footprint of the house would meet that 50% requirement. The Planning Commission has also discussed, but has not reached a decision regarding the fact that there was not habitable living area above the garage that the garage roof height should probably max out at 14'.

Mr. Kovacs said that in his interpretation the Ordinance is not clear as to the maximum size or any height restriction whatsoever. In his opinion the Ordinance is extremely unclear and believes 40.57.02 should apply, but the roof height is not out of compliance. In his interpretation, Mr. Kovacs believes that this building does not comply with the wording of "secondary and clearly incidental".

Motion by Kovacs
Supported by Wright

MOVED, that there is an error in judgment by the Building Official that this structure is in conflict with 40.55.02 and that "secondary and clearly incidental" means less than the footprint of the main structure.

Ms. Gies said that they are trying to do zoning on all future building focusing on what has been done with one building. Mr. Kovacs said that he is trying to define what "secondary and clearly incidental" means. Ms. Gies said that she feels the Board needs

ITEM #2 – con't.

to be careful. Mr. Kovacs said that regardless of what happens here it will go to Circuit Court and he is trying to make this as clear as possible that this is his interpretation.

Mr. Kovacs said that he did not mean to stifle Ms. Gies comments and asked if she wished to add anything else. Ms. Gies said that they are focusing on this one garage and you are trying to make restrictions to future building without looking. Ms. Gies said that she knows that he does not want this type of garage again, no one does. That is why the City is trying to reduce it. All this Board was supposed to do was interpret this Ordinance by sections and feels that you have to set limits. Mr. Maxwell said that there are limits if this is an accessory building.

Mr. Hutson said that the Planning Commission and City Council have been working on this for six (6) months and have not been able to come up with a solution. Right now this will throw a monkey wrench into any construction that is going on. Mr. Hutson also said that we have a man now who has relied on the inactivity of this City, and conversely the affirmative action of the Building Department and he has expended $88,000 and fifteen months has passed and now there is a dilemma. Mr. Hutson said that the Board members have not thought this thing through. Mr. Stimac is asking what he needs to do now. This Board is not the legislative body but that is exactly the problem that this Board is facing now.

Mr. Kovacs asked if Mr. Hutson thinks Section 40.55.02 applies to this structure. Mr. Hutson stated that he feels Mr. Stimac's interpretation is correct. Mr. Stimac and Ms. Bankey reached the same goal using two different paths and in Mr. Hutson's opinion it was done correctly.

Mr. Maxwell asked if there was a motion on the table.

Mr. Kovacs stated that his motion was that this structure is in violation of 40.55.02 and part of his motion is that this is an accessory building. Mr. Kovacs is trying to clarify that. Mr. Maxwell asked if he would be interested in adding anything regarding intent to his motion. Mr. Kovacs said that this building does violate intent, 10.10.00.

- Structure is an accessory building.
- Structure violates the intent of residential zoning.

The second still holds by Mr. Wright.

Yeas: 4 – Kovacs, Maxwell, Wright, Fejes
Nays: 3 – Hutson, Courtney, Gies

MOTION THAT THIS STRUCTURE IS IN VIOLATION OF 40.55.02 AND SECTION 10.10.00 CARRIED

ITEM #2 – con't.

Mr. Stimac stated that he understands the motion that was passed by the Board, and asked if there were any other sections that the Board did not feel were in compliance with the Ordinance.

Mr. Courtney said that Section 40.55.02 was not on the application and feels that the Board is ignoring the application. Mr. Kovacs said that the petitioner's application clearly states that they feel this is an accessory building and Section 40.55.02 clearly applies to this. Mr. Kovacs said that in their presentation they had only used one section, but they are all intertwined and feel they deserve an interpretation of all of them.

Motion by Courtney

Moved, to interpret the Ordinance Section by Section as they appear on the application in case other Board members disagree with the interpretations.

Motion dies due to lack of support.

Mr. Stimac stated that included in the petitioner's application was a request for an interpretation of Section 04.20.01, which is the definition of an accessory building. Mr. Stimac suggested that the language *subordinate building, the use of which is clearly incidental to that of the main building* is very similar to the language in Section 40.55.02. This may be a way to resolve the issue.

Mr. Stimac suggested that what the Board may want to do is to make a motion that in the interpretation of Section 04.20.01 the Board finds that an accessory building in order to be subordinate, needs to be less than the footprint area of the main building.

Mr. Kovacs said that he thought this was covered when they discussed Section 40.55.02. Mr. Stimac stated that the petitioner had asked for an interpretation of Section 04.20.01 and not 40.55.02.

Mr. Motzny concurred with Mr. Stimac and stated that perhaps someone would make a motion to amend and refer to Section 04.20.01 and not 40.55.02. Proper procedure would be to make a motion to reconsider and substitute the section that Mr. Stimac pointed out.

Mr. Kovacs asked if he could withdraw his original motion, but Mr. Motzny said that it already had been approved.

Mr. Kovacs said that they still need some help in making this motion. Mr. Stimac said that the language in Section 40.55.02 states that the building shall be "secondary and clearly incidental" and the language is 04.20.01 states that it has to be "subordinate".

ITEM #2 – con't.

Mr. Stimac said that in one case you have the word subordinate and the other states that it has to be "secondary and clearly incidental".

Motion by Kovacs
Supported by Wright

MOVED, to reconsider the motion made by Mr. Kovacs regarding Section 40.55.02.

Yeas: All – 7

MOTION TO RECONSIDER MOTION CARRIED

Motion by Kovacs
Supported by Wright

MOVED, to substitute the following for the original motion.

- Building is in violation of Section 04.20.01 and is not subordinate to the main building.
- An accessory structure in order to be subordinate to the main building, must be smaller that the ground floor area of the main building.
- Structure is in violation of Section 10.10.00

Yeas: 4 – Maxwell, Wright, Fejes, Kovacs
Nays: 3 – Courtney, Gies, Hutson

MOTION STATING BUILDING IS IN VIOLATION OF SECTION 04.20.01 AND SECTION 10.10.00 CARRIED

Mr. Kovacs said that the other issue that came up was Home Occupation and since the building has not been completed at this time did not feel this issue was something the Board could deal with. Mr. Kovacs said at this time Section 4.20.71 did not apply.

ITEM #3 – VARIANCE REQUEST. MARK NEWSOME, 114 LYONS, for relief of Zoning Ordinance to maintain a deck with a 0' side yard setback where a 5' setback is required by Section 30.10.05 and to maintain above ground pool with a 3' side yard setback where a 6' side yard setback is required by Section 40.57.05.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to maintain a deck and above ground pool that were constructed without first obtaining the required Building Permits. The site plan submitted indicates that the deck has been constructed abutting the side property line on the north and the above ground pool installed 3' from the same property line. Section 30.10.06 of the Ordinance requires a 5' minimum side

ITEM #3 – con't.

yard setback for the attached deck and Section 40.57.05 requires a 6' minimum side yard setback to the above ground pool.

Mark Newsome was present and stated that last spring they installed a pool and a deck. This was the only location they could put the pool because they have an ongoing problem with flooding. There are quite a number of yards in this area that flood. Mr. Newsome's property has a brick fence along the back yard of the property, the neighbor has an in ground pool in his backyard surrounded by concrete. This concrete is 4" higher that our yard. The property on the east side is 4" – 12" higher around the garage. Mr. Newsome has completed the yard and to offset the flooding they placed the pool on the north side of the yard, which is higher than the rest of the lot. The driveway is on the south side of the lot and they have increased drainage in this area. Mr. Newsome has also placed gravel around the edge of the yard to help increase drainage. 90% of their backyard activities occur on the patio, and the location of the pool on the side of yard increases the visibility of the children's play area. If the pool were moved to the center of the yard, they would not be able to see the children playing behind the pool. The pool is secured with locking gates. They were unaware of the flooding when they bought the home. In order to provide a useful back yard and maintain drainage this was the best location for the pool and deck.

Mr. Maxwell asked why Mr. Newsome's yard floods. Mr. Newsome said that there is only 4" to 5" of topsoil for most of the homes in this area. Most of the dirt is clay and other neighbors have also had a problem with flooding. Mr. Maxwell asked if Mr. Newsome had contacted the City and he stated that he had spoken to them approximately one year ago. When they were installing the pool, they had someone from the City come out because there was so much water in the hole they were digging. Mr. Maxwell asked who he called and what they told him to do. Mr. Newsome said he could not remember who he talked to, but the engineer told him that water lines were not located in the yard.

Mr. Maxwell asked if there was still a flooding problem since the pool was installed and Mr. Newsome stated that there was not. Mr. Maxwell then asked out large the pool was and Mr. Newsome said it was 15' x 25'.

The Chairman opened the Public Hearing.

Otto Bence, 48 Lyons was present and stated that he lives two houses south of this resident. Mr. Bence stated that this is a very nice, young family and they have done a great dealer to improve this home. Flooding is a big problem in this area, although Mr. Bence does not have a problem because he has an in ground pool. There is a floodplain on Fourteen and Stephenson and the run off from rain and/or snow goes into this area. Mr. Bence approves this request.

No one else wished to be heard and the Public Hearing was closed.

ITEM #3 – con't.

There are three (3) written approvals on file. There is one (1) objection.

Mr. Kovacs stated that he went to the petitioners home and stood on the deck and even though the neighbors feel that there privacy has been violated, he stood 5' back from the property line and if they had the petitioner move their deck 5' from the property line, it would do nothing to help the privacy of the neighbors. Mr. Kovacs said this a very small yard, and the petitioner did move the pool too close to the neighbor's property. If the petitioner had appeared before this Board, before construction Mr. Kovacs felt that he would have had a very good case because of the size of the yard and the flooding issue. Mr. Kovacs also asked if the Board could put stipulations on this variance that the 6' fence had to remain.

Mr. Motzny stated that the Board has the right to impose conditions on a variance as long as they are related to the land. Mr. Stimac said he is not sure whose fence this was. Mr. Wright said that according to the paper work, both neighbors paid for the fence. Mr. Stimac said that he didn't know if the petitioner had control over the fence. The Board does have the right to impose reasonable restrictions. Mr. Kovacs said that if this passes, they would like to restrict the petitioner to have a 6' high fence as part of the safety issue.

Mr. Courtney said that flooding has nothing to do with this request. Mr. Kovacs said that in his opinion this is a restriction imposed by the property.

Ms. Gies asked for clarification regarding fences around pools being mandatory. Ms. Stimac said that an in ground pool requires a fence, but it could actually be 4' high.

Motion by Maxwell
Supported by Courtney

MOVED, to grant Mark Newsome, 114 Lyons, relief of the Zoning Ordinance to maintain a deck with a 0' side yard setback where a 5' setback is required by Section 30.10.05 and to maintain an above ground pool with a 3' side yard setback where a 6' side yard setback is required by Section 40.57.05.

- 6' high privacy fence must be maintained.
- Variance applies only to the property in question.
- Deck height may not be increased.
- Size of pool cannot be increased.

Yeas: All – 7

MOTION TO GRANT VARIANCE REQUEST CARRIED

ITEM #4 – VARIANCE REQUEST. GFA DEVELOPMENT, 1064 ARTHUR, EXISTING ADDRESS, 1060 & 1072 ARTHUR (PROPOSED ADDRESSES), for relief of the Zoning Ordinance to split an existing parcel of property into two single family home sites that will be 7200 square feet each where Section 30.10.05 requires a minimum of 7,500 square feet for each lot.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to split a parcel of property that will result in two (2) lots that are each 7,200 square feet in size. The original parcel consists of three lots that were platted with 40' of width and a depth of 120'. The petitioner proposes to split these into two single-family home sites that would be 60' x 120'. Although this property is in the R-2 (Two-Family Residential) Zoning District, Section 13.20.01 of the Zoning Ordinance allows for the development of the property in accordance with the provisions of the R-1E Zoning Classification. Section 30.10.05 of the Zoning Ordinance requires a minimum of 7,500 square feet for each lot in the R-1E Zoning District.

Mr. Stimac clarified that this request is actually for a split in an existing parcel of property that would result in 7,440 square feet in size rather than 7,200 square feet as published in the Public Hearing notice. The lots in question are actually 124' in depth rather than 120'. Due to the fact that the variance request would actually be less than what was published, Mr. Stimac stated that there was no reason to re-publish this matter.

Mr. Stimac also said that Item #5 was very similar to this request and asked that the Board consider both items together, although a separate vote would be required for each item. The same petitioner is presenting both items. Item #4 would result in a lot area of 7,440 square feet and Item #5 would result in a lot area of 7,200 square feet.

ITEM #5 – VARIANCE REQUEST. GFA DEVELOPMENT, 1045 VERMONT, EXISTING ADDRESS, 1055 & 1071 VERMONT (PROPOSED ADDRESSES), for relief of the Zoning Ordinance to combine three (3) platted lots and split them into two (2) single family home sites that are 7,200 square feet each. Section 30.10.05 requires a minimum 7,500 square foot for each lot.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to split a parcel of property that will result in two (2) lots that are each 7,200 square feet in size. The original parcel consists of three lots that were platted with 40' of width and a depth of 120'. The petitioner proposes to split these into two single-family home sites that would be 60' x 120'. Although this property is in the R-2 (Two-Family Residential) Zoning District, Section 13.20.01 of the Zoning Ordinance allows for the development of the property in accordance with the provisions of the R-1E Zoning Classification. Section 30.10.05 of the Zoning Ordinance requires a minimum of 7,500 square feet for each lot in the R-1E Zoning District.

Mr. Hutson asked if a duplex could be constructed if these lot splits were denied. Mr. Stimac stated that this area is zoned R-2 and would allow for the construction of a

ITEM #4 & #5 – con't.

duplex. Mr. Hutson asked how many families usually occupy a duplex and Mr. Stimac stated two. Mr. Stimac also said that a single-family home requires more lot area. Mr. Stimac also said that there are three (3) lots on Arthur and another three (3) lots on Vermont. The same conditions regarding a duplex apply on both Arthur and Vermont.

Mike Johnson, representing GFA Development was present and stated that he had spent a great deal of time with the neighbors, and everyone that he talked too would rather see single family homes than a duplex. Mr. Johnson said that right next to the property on Arthur there are four (4) duplexes and this is a very high traffic area. Mr. Johnson said that he grew up in this area has lived on Birchwood for eleven years. This is home to Mr. Johnson. When the opportunity came up to do something for this area, he jumped at the chance to increase the value in this area. Mr. Johnson also said that he believes these single-family homes would add value to the area. Mr. Johnson also said that if they put in single -family homes, they would be the owners of the property and would not be rental property.

Mr. Johnson contacted Mrs. Clifford whose property backs up to the property on Arthur and brought in a written approval from her regarding this new construction. Ms. Clifford indicated that she has been a resident of Troy for sixty- (60) years. Her attached garage goes to the back of the property and is 13' from the property line. In Mr. Johnson's opinion, this property would be non-conforming and therefore he would not be able to purchase any additional property from here. On the west side there is a duplex with a garage and the driveway runs right next to the property line.

The property to the east has a garage that is 3-1/2' from the property line and their driveway runs right along side the property line. Mr. Johnson said that he does not want to put duplexes in this area, he really would like to put in single-family housing. Mr. Johnson said the reason they want to put these homes in is to provide affordable housing for people wanting to live in Troy, and wants to keep the price range right around $280,000.00. These homes would help people that have moderate incomes. These new homes would increase the property values in this area.

The Chairman opened the Public Hearing.

Gary Laura, 1086 Arthur was present and stated that they have lived there for eight (8) years. There are a lot of houses that are between 1000 and 1200 square feet and these new houses, worth more than $200,000.00 will overshadow the existing homes. The current house on this property has recently been remodeled and fits in very well with this area. These neighbors are concerned because they feel the surrounding property will lose value and will actually hurt their property values. Mrs. Clifford's house is up for sale, and Mr. Laura does think she would really care if they build on this property or not. Mr. Laura says that he is not familiar with all the Ordinances, but if these lots were split they would be non-conforming lots. Mr. Courtney asked if Mr. Laura would rather see a duplex or single family homes in this area. Mr. Laura said that

ITEM #4 & #5 – con't.

two houses of $280,000.00 would help the area. Mr. Courtney asked again if he would rather see a duplex and Mr. Laura said that he would rather see the house remain the way it is or would prefer a duplex.

Mr. Kovacs asked Mr. Laura if he thought their property values would be increased if a duplex was constructed more than two single-family homes. Mr. Laura said that he would prefer to see the house remain the same. Mr. Kovacs said that is not one of the choices available. The point is that this property is going to be sold and the developer has the option to put a duplex on that property, or could obtain a lot split and put in two single-family homes. The proposal for the two homes would meet setback requirements if this Board granted a variance. Mr. Stimac said that all provisions of the Ordinance would be met other than the square footage of the lot. Mr. Laura said that he thinks the duplex would not be as outrageous as two new homes, and he believes the duplex would fit in better. Mr. Kovacs disagreed and stated that a new home would add to the value of their homes.

Ms. Gies said that this new construction would bring the value up of the surrounding property. Mr. Laura said that he did not want to see them tear down a perfectly good house to put in new houses. Ms. Gies said that you never want to be the high end in a subdivision, but if you are at the lower end, you will get the maximum value for your home. Mr. Kovacs said that he was just trying to clarifying his objections. Mr. Laura said that with the larger houses you get more than one family living there. Mr. Kovacs said that that is against the code and if there is a problem Mr. Laura should contact the City. Mr. Laura also said that he does not believe the lots are big enough to support homes of this size.

Mr. Stimac said that he believes the speaker's preference to see one home on the site, his second choice would be to see a duplex and his third choice would be to see two single-family homes on the site.

Ms. Lombardo, 1047 Arthur was present and stated that she has lived there for thirty-(30) years. This is the second time she has appeared before this Board and objected to the request of splitting this lot. Ms. Lombardo feels that they are too small and the homes are too close together. If her home is only worth $100,000.00 and the new homes are over $200,000.00 no one will want to buy her house. There are a number of homes for sale in this area and they are not selling very quickly. People cannot afford to come in, but Ms. Lombardo says that if she had a choice, she would rather see a duplex.

Alexander Bennett of 1065 Arthur was present and stated that he has lived there for 24 years. This is a quiet street and the construction will affect the tranquility of the street and he is against this construction. Mr. Bennett believes this is one of the most beautiful streets in the City.

ITEM #4 – con't.

Mr. Johnson came up and said that he has built 25 homes in Troy and as far as he knows there have not been any complaints against this construction. Mr. Johnson went on to say that whether they build a duplex there or two single-family homes, he will make his personal phone number available to all residents and will take care of any problems that may come up.

No one else wished to be heard and the Public Hearing was closed.

There are seven (7) written objections for Item #4, 1064 Arthur. There are no written approvals.

There are two (2) written objections for Item #5, 1045 Vermont. There are three (3) written approvals.

Mr. Kovacs stated that he finds this very interesting because these residents would rather have a duplex than a single-family home. Mr. Kovacs believes that property values would increase with the construction of the new homes.

Mr. Courtney stated that he is asking for a 60 square foot variance that he feels is minimal. Mr. Kovacs said the number of neighbors that have objected to this request surprised him. This would constitute less than a 1% variance and the proposed homes would add value to the area.

Mr. Courtney said if you look at some of the objections they do not want anything constructed on the lots and this is something that would not happen. Mr. Kovacs said one of the objections stated that they did not want any more renters on the street and a single-family home would be more beneficial.

Motion by Maxwell
Supported by Wright

MOVED, to grant the request of GFA Development, 1064 Arthur, existing address, 1060 & 1072 Arthur (proposed addresses), for relief of the Zoning Ordinance to split an existing parcel of property into two single family home sites that will be 7,440 square foot each where Section 30.10.05 requires a minimum of 7,500 square feet for each lot.

- Variance request is minimal.
- Variance would not be contrary to public interest.
- Literal enforcement of the Ordinance would be unnecessarily burdensome.

Yeas: 5 – Courtney, Fejes, Gies, Maxwell, Wright
Nays: 2 – Hutson, Kovacs

MOTION TO GRANT VARIANCE CARRIED

ITEM #4 – con't.

Mr. Hutson explained that he voted no because he feels that a duplex would fit in with the character of the homes on Arthur rather than a large home. Mr. Kovacs stated that he was voting no because of the objections by the neighbors and feels that it is contrary to public interest.

ITEM #5 – VARIANCE REQUEST. GFA DEVELOPMENT, 1045 VERMONT, EXISTING ADDRESS, 1055 & 1071 VERMONT (PROPOSED ADDRESSES), for relief of the Zoning Ordinance to combine three (3) platted lots and split them into two (2) single family home sites that are 7,200 square feet each. Section 30.10.05 requires a minimum 7,500 square foot for each lot.

Mr. Kovacs said that in his opinion the structure at 1045 Vermont is in a much larger state of disrepair.

Mr. Fejes asked if there was a Public Hearing on this item. Mr. Kovacs stated that Items #4 and Items #5 were combined and asked if everyone in the audience had understood that. At this time the Public Hearing was closed.

Motion by Fejes
Supported by Wright

Moved, to grant the request of GFA Development, 1045 Vermont, existing address, 1055 & 1071 Vermont (proposed addresses), for relief of the Zoning Ordinance to combine three (3) platted lots and split them into two (2) single family home sites that are 7,200 square feet each. Section 30.10.05 requires a minimum 7,500 square foot for each lot.

- Variance is not contrary to public interest.
- Variance will not have an adverse effect to surrounding property.
- Demolition of the old barn will improve the appearance of this street.

Yeas: All – 7

MOTION TO GRANT VARIANCE CARRIED

At this time Mr. Kovacs asked if there was anything else the Board wished to discuss.

Mr. Stimac stated that Mr. Kovacs and Mr. Maxwell were reappointed to this Board by City Council at their meeting on April 18, 2005.

Mr. Kovacs said he thought this meeting was very civil and thanked everyone for the discussion.

The meeting adjourned at 12:10 A.M.

Matthew Kovacs, Chairman

Pamela Pasternak, Recording Secretary

The Chairman, Matthew Kovacs, called the meeting of the Board of Zoning Appeals to order at 7:30 P.M., on Tuesday, April 19, 2005 in Council Chambers of the Troy City Hall.

PRESENT: Kenneth Courtney
Christopher Fejes
Marcia Gies
Michael Hutson
Matthew Kovacs
Mark Maxwell
Wayne Wright

ALSO PRESENT: Mark Stimac, Director of Building & Zoning
Allan Motzny, Assistant City Attorney
Pamela Pasternak, Recording Secretary

ITEM #1 – APPROVAL OF MINUTES – MEETING OF MARCH 15, 2005

Motion by Gies
Supported by Courtney

MOVED, to approve the minutes of the meeting of March 15, 2005 as written.

Yeas: 5 – Fejes, Gies, Kovacs, Maxwell, Courtney
Abstain: 2 – Hutson, Wright

MOTION TO APPROVE MINUTES AS WRITTEN CARRIED

ITEM #2 – INTERPRETATION REQUEST. GEORGE REED, BETTY REED & THOMAS KRENT, 3129 ALPINE, appealing the issuance of a building permit to construct a garage at 3129 Alpine.

Mr. Stimac explained that the petitioners are appealing the issuance of a building permit to construct a garage at 3129 Alpine. In support of that appeal they are requesting interpretation of Sections 1.30.00, 2.30.00, 2.50.02, 4.20.01, 4.20.03, 4.20.65, 4.20.71, 4.20.139, 10.10.00, 3.40.03 and 40.57.02 of the Troy Zoning Ordinance as they apply to that structure. The permit for this structure was issued in 2003 because the structure was found to be in compliance with the requirements of the Troy Zoning Ordinance. This item last appeared before this Board at the meeting of March 15, 2005 and was postponed at the request of the petitioner.

Additional documents, provided by one of the petitioners and their attorney, as well as responses by the Building Department and City Attorney's Office are provided in your agenda packet.

ITEM #2 – con't.

Mr. Kovacs explained that the Board members had received additional literature and asked for a breakdown of that literature, which includes feedback from the City Staff, Mr. Motzny, Mr. Kingsepp and Mr. Piscopo's attorney, Jill A. Bankey of Siegel, Greenfield, Hayes & Gross.

Mr. Courtney asked what the restrictions would be if this structure was a house addition. Mr. Stimac indicated that if it were habitable area there would be certain additional building requirements, which would include insulation levels, and if used for sleeping rooms it would require egress windows and other things like that. If it was a large recreation room without additional heating there would be no requirements for changes to the structure.

Mr. Kingsepp was present and stated that he has not had an opportunity to examine the position of council for the City or the Building Officials response so he is not aware of their position. Mr. Kingsepp said that he would like to save his comments as part of a rebuttal once the position of the City is expressed and once the position of the petitioner is expressed as it is probably set forth in the memorandum from Mr. Piscopo's attorney. Mr. Kingsepp also said that in the event that either Mr. Piscopo or Mr. Piscopo's attorney gets up regarding their position, he has a number of questions, which he distributed, that is obviously up to the discretion of the Board to use as needed.

Mr. Stimac provided Mr. Kingsepp with the documents prepared by the City.

Mr. Kovacs stated that this was a very unique situation and asked if the Board wished to go Ordinance by Ordinance. Mr. Maxwell stated that he just wished to ask questions on the material the Board members had received.

Mr. Maxwell said that Mr. Stimac had determined that this structure did not fit the description of an accessory building and did not feel that the questions of size or use in Section 04.20.01 applied to this structure. Mr. Maxwell also had questions regarding Mr. Stimac's statement that the legislative body that adopted the 1956 Troy City Zoning Ordinance, and deleted the phrase "or a portion of the main" building made a conscious act to delete this phrase. Mr. Stimac said that in providing the response to this request, he had researched the origin of the language and documentation provided to Council regarding changes. In looking at the definition of accessory building as it is currently defined in the Ordinance, that exact text was identical to that which was adopted in the 1956 Troy City Zoning Ordinance. The Troy Township Ordinance that preceded that was adopted in March 1955 and that document included the text, "or portion of the main building". He stated that is the text is used by other cities when they wish to regulate attached garages as accessory buildings. In the adoption of the City of Troy Ordinance this language was deleted. It is Mr. Stimac's opinion that all the words in the Ordinance have a meaning or purpose and because these words were deleted they did so purposely and the effect that the "portions of the main building" are no longer accessory

ITEM #2 – con't.

buildings. Therefore, the definition of an accessory building does not apply to an attached garage and any additional language in that definition that applies other restrictions also do not apply. If it is not an accessory building you cannot apply standards of accessory buildings to it under that definition.

Mr. Maxwell also asked which Ordinance referred to an accessory building that is attached to a main building. Mr. Stimac said that this Section is 40.57.02. Mr. Stimac said that in his opinion Section 40.57.02 is there to give direction as to what to do with accessory buildings that are attached to the main building; they should be treated as the main building. If you apply the accessory building standards elsewhere in the Ordinance you will have conflicts that you cannot resolve such as accessory buildings have to be in the rear yard; yet if they are attached to the main building that is where the rear yard starts.

Mr. Maxwell also paraphrased Section 10.10.00. Mr. Maxwell said that Mr. Stimac said that the language of this section was not enforceable unless it is specifically referenced by other sections of the Zoning Ordinance containing mandatory language. Mr. Maxwell said that in his opinion one of the main things that the Board of Zoning Appeals does is to grant permission to break the law and we have to provide "special findings" to grant these variances. One of the special findings includes "literal enforcement of the Zoning Ordinance precludes full enjoyment of the permitted use and makes conformance unnecessarily burdensome. In this regard, the Board shall find a lesser variance does not give substantial relief and relief requested can be granted within the spirit of the Ordinance in the interest of public safety and welfare". Intent is purpose and lays out the foundation of the Ordinance and this Board looks at intent as part of what they do. Mr. Maxwell does think that intent is something that can be enforced. Mr. Maxwell also said that he believes that intent of the Ordinance is just as important as the letter of the law. This permit was issued according to "the letter of the law", and Mr. Maxwell did not wish to dispute the lot size, height, or coverage or any of those things, but does question whether or not this Building Permit meets the intent regarding the spirit of the Ordinance and he believes that intent should be part of their decision in making this interpretation decision.

Mr. Courtney stated that he felt that the deletion of the language regarding "a portion of the main building" was so that people could have garages that were attached somewhere near the front of the house. If that section was left in you would outlaw just about every attached garage in Troy. Mr. Stimac said that he did not have the 1955 Troy Township Ordinance in front of him, but if the same language existed restricting an accessory structure to a rear yard was there, he would agree that Mr. Courtney's interpretation would be correct.

Mr. Kovacs read Section 40.56.00 regarding the definition of a garage and in all of the documentation provided by the attorneys, petitioners and City Staff this structure is referred to as a garage. There is 100% agreement that this is a garage as defined by

ITEM #2 – con't.

the Zoning Ordinance. Mr. Kovacs asked why Mr. Stimac no longer considered this an accessory structure and why a garage would be listed as an accessory structure in Section 40.56.00. Mr. Stimac explained that if there is a detached building that is used to park vehicles it is defined as a garage under the accessibility standards, but does not mean that every building used for that purpose is an accessory building. Every building used for the parking of vehicles that is detached from the main building is a garage, but does not mean that every building used for the parking of vehicles is necessarily an accessory structure. Mr. Kovacs questioned the language in 40.56.00 stating that a garage was an accessory building. Mr. Stimac said that the front-end definition of an accessory building states that it must be a supplemental building, a separate building. Mr. Kovacs then questioned whether Mr. Stimac defined this structure as a garage. Mr. Stimac stated that in his opinion this was a garage, but not an accessory building. Mr. Kovacs then asked why there was language in 40.57.01, 05 & 06 talking about detached accessory buildings, if an attached building is now part of the main building. Mr. Kovacs asked what the intent of this language was. Mr. Stimac said that the additional language in there is regarding detached buildings, and there is only one section that deals with attached, Section 40.57.02. The rest of the sections deal with detached buildings. The fact that is says a detached accessory building does not necessarily mean that there are different rules for an attached accessory building. By the definition, all accessory buildings are detached.

Mr. Courtney said that he disagreed with the language because all accessory buildings are not detached because 40.57.02 says that where accessory buildings are structurally attached, they are required to follow the restrictions of the main building. Mr. Courtney also stated that he feels the requirements are different between a detached accessory building and an attached accessory building.

Mr. Kovacs said that he did not feel Section 40.57.02 needs to exist. Mr. Stimac said that he thinks this Section is there for clarification. Mr. Kovacs said that under 40.55 this is just a general definition of an accessory building and that this structure does not have to meet the general requirements of this Section. Mr. Stimac said that based on the definition of accessory buildings found in Chapter 4 of the Ordinance, an attached garage is not an accessory building.

Mr. Fejes asked Mr. Motzny for clarification regarding the use of the building and what the intent was for putting up the building and what the building was going to be used for. If the intent was not to use this building as a garage, and it would be used for something else, were they planning on running a commercial business out of it. If this building is to be used as a garage to park vehicles in, then it should not be used for anything else. Mr. Fejes also asked about clarification of the definition of garage. Mr. Fejes further stated that he did not feel Mr. Stimac made any mistake in judgment granting this permit, but if the building was put up for the purpose of anything other than a garage, he should have the right to tell Mr. Piscopo to take it down. Mr. Motzny said that if the evidence before this Board leads the Board to believe that this building cannot be used

ITEM #2 – con't.

for a residential purpose, and if this Board reaches the conclusion that this building can only be used for commercial purposes, then the Board would have the power to make that interpretation. On the other hand, if the evidence suggests that this building can be used for permitted residential purposes, and there is no evidence contrary to that, the Board would have to assume that the building was going to be used for residential purposes as allowed. Mr. Fejes asked if the Board could tell him to take the structure down if it was not used for residential purposes. Mr. Motzny said that after tonight, if this building is allowed to exist and if there is evidence that the building is not being used for permitted residential uses, it would become an enforcement issue, and the City would be obligated to prosecute for a Zoning violation for a use that is not permitted in a residential district.

Mr. Fejes asked for clarification regarding a statement made by Mr. Piscopo's attorney, that if this Board decided that this building had to come down, the City would not be able to enforce this action because of estoppels. Mr. Motzny explained that the case provided by counsel of the property owner was an equitable case where the defense of estoppel prevented the municipality from enforcing its Ordinance, but that issue is not before the Board and that the Court would decide issue. In that particular case, the Court stated that because the permit was issued, there was reliance on the permit and in that particular case the Court decided the municipality was estopped from enforcing its Ordinance on equitable principles. The Board would not have the right to make that decision, it would come further down the line as an enforcement action.

Mr. Fejes asked if Mr. Piscopo would speak tonight. Ms. Bankey, Mr. Piscopo's attorney stated that both she and Mr. Piscopo were present and would be willing to speak. Mr. Fejes stated that he would like to be able to hear from Mr. Piscopo and ask questions as necessary. Mr. Kovacs asked if the Board would be allowed to hear from Mr. Piscopo. Mr. Motzny said that this Board would have the right to ask questions of Mr. Piscopo or his attorney, allowing him to make a presentation would probably require the Public Hearing to be re-opened. If there are specific questions that need to be answered, Mr. Piscopo or his attorney could be addressed.

Mr. Kingsepp stated that Mr. Piscopo's counsel has submitted a memorandum and said that they would like to address this body, and his opinion was that they should be allowed to the opportunity to address the Board so there would be a complete record.

Mr. Piscopo and Ms. Jill Bankey, his attorney were present. Ms. Bankey said that Mr. Piscopo followed the Zoning Ordinance and received his Building Permit in 2003. Construction is just about complete. Ms. Bankey said that they oppose the request of Mr. George Reed, Ms. Betty Reed and Tom Krent and are in support of the interpretation made by Mr. Stimac.

Ms. Bankey proceeded to give a history of this case. Mr. Piscopo has a large collection of vehicles and went before City Council regarding the storage of his commercial

ITEM #2 – con't.

vehicles. It was by the suggestion of City Council that a structure be built to house these vehicles. Mr. Piscopo went to the Building Department and received the interpretation that as long as the building is attached to the main structure and did not exceed 30% of the lot coverage, it would comply with the Ordinance and a variance would not be required. Mr. Piscopo had a petition signed by several of his neighbors indicating approval of a detached structure that would be larger than what is permitted by the requirements for an accessory building. The last time Mr. Piscopo appeared before City Council, Mr. Stimac educated City Council on the status of the Building Permit and the garage. The Piscopo's hired an architect and had them go over the Ordinance and come up with plans that would comply with the Ordinance. Nothing that Mr. Piscopo did, "blinded" City Council or "tricked" anyone into giving him a Building Permit.

Ms. Bankey addressed Mr. Fejes regarding the use of this structure. Ms. Bankey said that actually there are two issues involved here, one, being how Mr. and Mrs. Piscopo can make use of the property they own. The City of Troy has issued guidelines as to how he could use this property and Mr. Piscopo's application and drawings met the letter of the Ordinance. This is an attached garage. They met all the criteria regarding this property and the City of Troy Ordinance requires that all commercial, recreational, or other equipment, camping equipment, etc. be stored in an enclosed building. Mr. Piscopo abided by the rules of the Ordinance, he is living in the house, he owns the house, and he is the owner of the vehicles that are going in the garage, and his home and garage do not occupy more than 30% of his lot. Under the Zoning Ordinance, it meets the requirements of lot coverage, and the City Ordinance requires commercial vehicles, etc. to be stored inside an enclosed structure. Everyone is saying this is a "commercial structure", but there is no evidence to support this claim. Mr. Piscopo has never referred to it as a commercial building. The size of it does not stamp it as a "commercial structure". You have to look at the use and Mr. Piscopo is using it to store his vehicles that the City allowed him to park outside on the streets. Mr. Piscopo did what the City wanted him to do. Twenty months and $90,000.00 later, when the neighbors saw the steel beams they came to the City. Ms. Bankey said that they should have tried to get injunctive relief from the Courts to have this construction stopped before all of the money and materials were invested in this structure. Ms. Bankey said that if you look at 40.57.02 you automatically look at what restrictions apply to the main building. This will also link you into the R-1B Zoning regulations and covers the density requirements, and 30.10.02 covers the 30% of lot coverage by all buildings. Ms. Bankey said that she knows the neighbor do not like looking at this building, but Mr. Piscopo own this property and did follow the requirements of the City and the Zoning Ordinance. This building has passed every inspection called for and is just waiting for the final inspection. The Zoning Ordinance contains published criteria which governs the construction of this garage.

Mr. Kovacs said that Ms. Bankey states that in a R-1B Zoning District, a garage constitutes an accessory building and is subject to the controls of 40.55.00 and City of

ITEM #2 – con't.

Troy Zoning Ordinance 40.56.00. Mr. Stimac's interpretation is that this structure is not an accessory building, and is not governed by 40.55.00 because it is attached to the main building. Ms. Bankey said that in the definition of accessory buildings contained in Chapter 4, 4.20.01, which says an accessory building is incidental, and then you refer to Section 40.55.00, which states that a garage is an accessory building, and from there you are referred to 40.57.02 which defines an attached structure then you go back to the restrictions that cover the main building. Mr. Kovacs asked if Ms. Bankey believes this structure should be governed by Section 40.55.02, which states that an accessory building or structure by definition and nature, shall be secondary and clearly incidental to the principal building on a parcel of land. Ms. Bankey said that this garage whether attached or detached is both secondary and incidental. Secondary and/or incidental is not defined in the Ordinance by size, height or material, but is defined by use. Mr. and Mrs. Piscopo plan to live on this property and use this garage to house their personal vehicles. Incidental is never defined as being smaller. Mr. Kovacs asked what Ms. Bankey's definition of incidental was. Ms. Bankey said it was just as she stated, the main purpose of this property is that live there, and eat their meals there and have family visit there and incidentally they have a very large garage where they store vehicles and equipment. Ms. Bankey said that the way she looks at it, is what the main reason for people to go there. Ms. Bankey also asked where in the Zoning Ordinance is the maximum size of a garage regulated. Ms. Bankey said that based on the Zoning Ordinance the size limitations of a garage is arbitrary and only Section 40.57.02 contains the only public guidelines for the size of a garage that is attached to your house. Under 40.56.00 the Ordinance addresses the minimum size. There is nothing in the Ordinance that dictates the maximum size.

Mr. Kovacs asked if Ms. Bankey felt that the petitioners had other recourse before coming to this Board. Ms. Bankey said that she knew they appeared before City Council, and have written letters, but the City has never placed a Stop Work Order on this property and she believes that the reason for this was because this structure did conform to the Zoning Ordinance. Mr. Kovacs then asked if she felt the petitioners could have done anything else regarding this structure, and she stated that she felt there were other avenues that they could have pursued. Ms. Bankey also said that she thought this petition could have been filed when they first saw the steel beams on the property. Ms. Bankey also indicated that she felt that someone had advised them to come before this Board.

Mr. Courtney pointed out that Mr. Piscopo stated that the cost of this structure was $88,000.00 and not $90,000. 00 as stated and also that the neighbors are in harmony with the fact that they do not want this structure to remain. Ms. Bankey indicated that she understood that, however, she only wished that they could be in harmony with Mr. Piscopo.

Mr. Kovacs asked if Ms. Bankey thought the neighbors understood what they were signing with Mr. Piscopo's petition. The petition states that "….. hereby support the

ITEM #2 – con't.

below named petitioner and join in his request to seek relief from the City of Troy Zoning Ordinance thereby allowing the erection of an out building (for parking of vehicles and storage) greater than fifty percent (50%) of his residence at 3129 Alpine, Troy, Michigan". Mr. Kovacs went on to say that the footprint of the building was basically 2,000 square feet and under that, he believes the neighbors would have thought this garage was going to be about 1,000 square feet and not 6,000 square feet. Ms. Bankey said that at this point Mr. Piscopo said this was going to be a very large detached building. Mr. Kovacs asked what the size of the building was going to be at this point and Ms. Bankey said that the petition stated that the building was going to be 50% larger than the home. Ms. Bankey said that Mr. and Mrs. Piscopo were in contact with the neighbors indicating that he was going to build a very large structure. Mr. Kovacs said he did not believe these neighbors were aware of how large this structure was going to be.

Mr. Piscopo said that he was a friend to all of his neighbors and showed them the plans for the structure. Ms. Bankey said at the time the Building Permit was issued, the surrounding property owners were not notified because this structure complied with the regulations of the Zoning Ordinance and did not require any variances.

Mr. Maxwell said that the petition was for a detached structure and the petition does have the signatures of George Reed and Tom Krent. Now these petitioners are against this. Ms. Bankey said at the time of this petition, the Piscopo's were not the owners of this property, but became the owners and designed this home with the attached garage. They also felt that as long as the garage was attached and was not in violation of 30% of the lot coverage it would comply with the Ordinance.

Mr. Kovacs asked Mr. Krent what he thought was going to be constructed at the time he signed the petition. Mr. Krent, 3184 Alpine said that when Mr. Piscopo brought the petition he was not the owner of the home and was renting it from his father. The existing Ordinance for an accessory structure allows for 50% of the ground floor area of the main building or 600 square feet whichever is greater. It stated in the petition that this was going to be an out-building that was 50% greater than his residence, and at that time his residence was approximately 1,000 square feet. They expected that this structure would be between 700 and 750 square feet, but it would have to come before this Board to be approved and therefore the neighbors felt that they would be protected. They did believe it would be larger that a 500 square foot garage.

Mr. Piscopo said that Mr. Krent had submitted the preliminary drawing of his house and garage, which was approximately 2300 square feet, and at that time this drawing had the 14' high garage door, and the 9' high garage door and the entry way door. Mr. Krent did not have any objections to these plans. Mr. Krent gave Mr. Piscopo some great ideas that Mr. Piscopo incorporated into the building of his home.

ITEM #2 – con't.

Mr. Fejes asked how the size of the garage went from 2,300 square feet to 6,000 square feet. Mr. Piscopo said that as he learned what was allowed by the Ordinance, he decided not to settle for something small. Mr. Fejes asked what Mr. Piscopo was going to do with a 6,000 square foot garage and Mr. Piscopo said "whatever he wants".

Mr. Fejes then asked what he was going to put in the garage and at the time he applied for his Building Permit he stated that was applying for a permit for garage to store his extra equipment, etc. Mr. Piscopo said that the City made him build a garage, because they told him they would no longer grant any variances unless he put up a garage. Mr. Fejes said that they wanted Mr. Piscopo to store his commercial buildings in a garage. Mr. Piscopo said that he was going to put his commercial vehicles, his equipment and his vehicles in the garage. Mr. Piscopo said that everyone in this building had miscellaneous things that they store in their garages. Mr. Piscopo also indicated that he could have made his garage 50' larger, but did not think he needed the extra room. Mr. Fejes said that from everything he has in front of him, Mr. Piscopo has done everything correctly. Mr. Fejes also said that seeing the situation as it now is what would Mr. Piscopo had done differently. Mr. Piscopo said that he probably would have done something else. Mr. Fejes then asked how much square footage Mr. Piscopo thought was really necessary. Mr. Piscopo said that he could not answer as to the amount of square footage however he has nine (9) vehicles, yard equipment, a trailer in the yard. Mr. Fejes asked what Mr. Piscopo's occupation was and Mr. Piscopo said that he is a master plumber. Mr. Fejes then asked how many commercial vehicles Mr. Piscopo owns. Mr. Piscopo said that he has two vehicles that he uses to make service calls. Mr. Fejes asked if these vehicles would be parked inside the garage and Mr. Piscopo stated that they would be along with the other miscellaneous vehicles.

Mr. Fejes asked why Mr. Piscopo built this 6,000 square foot steel garage. Mr. Piscopo said that he already owns nine (9) cars that he cannot put in his driveway. Mr. Fejes said that as long the vehicles are correctly tagged and up to date, they could be parked there. Mr. Piscopo said that he did not believe that. Mr. Fejes said that neither Mr. Piscopo nor Mark Stimac made a mistake, the City made no mistake. The City is not saying that there is a mistake but it is the neighbors. Mr. Piscopo said that he did not think this ever would have come to this if they had not planned to put in the condo complex down the street. Mr. Piscopo said that he had a real estate agent come to his home and offer to buy both of the houses he owns and Mr. Piscopo believes the development company sent him there as they do not want the garage. Mr. Piscopo also said that if they wished to offer him a lot of money for his home, he would be more than willing to sell it. Mr. Kovacs asked if that is the reason he built this structure. Mr. Piscopo stated that he was not aware that the condo complex was going in.

Mr. Courtney asked how many business vehicles Mr. Piscopo had. Mr. Piscopo said that he has two that he uses for service calls. There are others that are owned by the Company that would also be considered commercial vehicles, although they are cars. Mr. Courtney then asked if someone comes to Mr. Piscopo's home to pick up a vehicle

ITEM #2 – con't.

and Mr. Piscopo states that they take the vehicle home. Mr. Piscopo said that the City is cracking down on the workingman and that is what brought this City to where it is at now. Eventually they will run the small businessman out of the City and not all of us have the education or up bringing to be a pencil pusher. Mr. Courtney said that a lot of people go somewhere else to pick up their commercial vehicles. Mr. Piscopo said that is the reason he lets him take the vehicle home, he has no intention of storing the vehicle on his property unless it is absolutely necessary. Mr. Kovacs said that Mr. Piscopo cannot use the garage for commercial purposes. Mr. Courtney said that only Mr. Piscopo would be allowed to take the vehicles in and out of the garage. Mr. Kovacs said that the other small business owners keep their vehicles on commercial property and this is where they get them. Mr. Kovacs also said that if Mr. Piscopo has employees coming in and out of the building, he would be cited by the City for a violation of the use of this building. Mr. Piscopo said that in his subdivision there are at least ten (10) in home businesses. Mr. Kovacs said that when you have your home office and he would say that there are at least 95% of his neighbors that are against this building and if they see people other than Mr. Piscopo coming in and out of the building, they will contact the City and Mr. Piscopo will be cited for a use violation. Mr. Kovacs then asked if when Mr. Piscopo built this structure it was with the intention of only him using it and Mr. Piscopo said that it was. Mr. Piscopo did say that the information Mr. Kovacs had given him regarding someone else pulling a vehicle out of the garage was a surprise to him. Mr. Kovacs said that he wanted Mr. Piscopo to be aware of this as his neighbors would probably be paying close attention and report any unusual activity. Mr. Piscopo said he was sure that could happen based on his experience with his next-door neighbor who he had considered a good friend. Mr. Piscopo said that he purchased the neighbor's home in order to make him happy and he thinks the value of the property is going to up once the condo complex goes in.

Ms. Gies asked how Mr. Piscopo would feel if he lived next door to this structure and did not have a car collection. Mr. Piscopo said that he would look at it as a privacy fence and the people that he rented the property next door to, think it is the next best thing to sliced bread. Mr. Piscopo said that the neighbor has one of the most secluded back yards in Troy. Mr. Piscopo said he believes the right person would be very happy with it. Ms. Gies then asked if there were any landscaping plans in the future to camouflage this structure. Mr. Piscopo said that he had contacted a landscaper and did have plans drawn up. He said that he has never try to fool or hurt any of his neighbors and was shocked when he found out that they objected to it. Ms. Gies asked Mr. Piscopo if he thought this garage was a little extreme and Mr. Piscopo said that he could have made it bigger and spitefully he now wishes he would have. Mr. Piscopo said that he is very hurt, these neighbors were his friends, he talked to them every day, and now they no longer speak to him. He feels that if they had a problem they should have come to him. The neighbor that sold his house came to Mr. Piscopo first. This neighbor had been a friend to Mr. Piscopo and at one time Mr. Piscopo had given him a boat. Mr. Piscopo feels badly that this neighbor does not feel he received a fair amount of money for his

ITEM #2 – con't.

home. He had no intention of hurting him financially and if he had extra money would gladly give it to him.

Mr. Courtney asked if Mr. Piscopo planned to implement the landscaping plan. Mr. Piscopo said that he plans to put in trees, pines as well as shrubbery. Mr. Courtney asked if that would help to hide this structure. Mr. Piscopo said that Channel 7 drove right by the house and could not find the location. Mr. Piscopo also said that he is very disappointed that his neighbors feel this way. Mr. Kovacs asked Mr. Piscopo if in his opinion it was difficult to find this structure. Mr. Piscopo said that unless you are looking for it, you cannot find it. Mr. Kovacs asked Mr. Piscopo if he was trying to say that a 150' long structure that is 24' high is difficult to see when driving by and Mr. Piscopo said that it was. Mr. Kovacs said that he had driven by many times and did not find it at all difficult to see.

Mr. Kovacs said that he was going to re-open the Public Hearing and they have a lot of facts and documents before the Board. They know how many people do not want the structure and they have a petition signed by every person in the subdivision objecting to this garage. This in an interpretation request and if someone in the audience has comments regarding the interpretation request, the Board would be very interested in hearing them. If someone just wants to complain, the Board really does not need to hear it. The Board is looking for valuable input to come to a decision. Mr. Kovacs said that they understand the neighbors think this structure is big and ugly. Mr. Maxwell said that anyone in support of this structure should also be allowed to speak.

The Chairman opened the Public Hearing.

Suzan Bamford, 3244 Alpine was present and stated that she liked Mr. Piscopo and he had approached her stating that he was going to build a very nice house and a large garage because he was sick of the City giving him citations for the huge pile of junk in his back yard. Mr. Piscopo said that he needed a place to store his cars and the other stuff that was in the yard.

Mr. Courtney asked a question regarding a petition with three signatures on it. Mr. Kovacs stated that it was not part of the public record. Mr. Piscopo said that he had not submitted it and basically when confronted with the objections of his neighbors, took a petition around and asked if the neighbors were for or against this structure. Mr. Piscopo said that three (3) of the neighbors signed it but the rest of the neighbors were against the structure.

Michael Bartnick, 3842 Burkoff was present and stated that in interpreting the Ordinance for 47 or 48 years it has been interpreted there has never been another structure like this put up. Mr. Bartnick also said that in listening to the comments it is pretty clear that he is running a business out of back yard. If you want to go into business either as a tradesmen or professional, the rules are very clear that you should

ITEM #2 – con't.

rent a commercial building in a commercial district, an industrial building in an industrial district or office space in an office building. If you are working out of your home you have to be very clear on exactly what it is you are going to do and have to be very restrictive as to what you are going to do.

Ms. Barr, 3165 Alpine was present and said that she was delighted to hear Mr. Maxwell explain the definition of intent. Ms. Barr thought that both Mr. Stimac and Ms. Bankey had difficulty explaining their interpretation of the Ordinance and also say that the intent is irrelevant. Ms. Barr said that the intent is very relevant and the current failing here may be honesty and truth or evasion of the truth. Ms. Barr said that she feels the truth is with intent, and that is to do with commercial activity and believes it is very obvious what is going to happen here. Ms. Barr does think this is a garage, for a SUV or lawn tractor, but because it is 6,000 square feet it is not just a garage.

Ronnie Moski, 3109 Alpine was present and stated that he has had five (5) different people come to his door because they could not find this garage. If you know the garage is there you will find it, because it is enormous, but if you do not know where it is he believes it is very difficult to see. In his opinion this structure makes a great privacy fence and truly believes that unless you are looking for it, you will not see it. There is a nice line of trees that are next to the garage. Mr. Kovacs asked if Mr. Moski was north or south of 3129 Alpine. Mr. Moski said that he is on the south side of this address and there are a large number of trees on this side. Mr. Moski said that gawkers go past this garage every day. Mr. Moski also said that Mr. Piscopo had put vinyl siding on the front of the garage to tie it into his house to make it look nice. Mr. Kovacs questioned this as the last time he had driven by the front of the garage was corrugated steel. Mr. Moski said that Mr. Piscopo was trying to make everyone happy. Mr. Moski also said that if he could he would build a structure like this so that he could put whatever he wanted to in it. If you want to see a beautiful home being built, Mr. Moski suggested stopping in front of 3129 Alpine and this is exactly what you will see.

Steve Japar, 4518 Whisper Way was present and stated that at the previous meeting there was a section that addressed the construction of structure that would decrease the value of surrounding property. There are several quotes from realtors that said that this building would have a negative impact to the surrounding property. Mr. Japar believes this has to be part of the Board's consideration. Mr. Japar also said that he had driven by this building once and had no trouble finding it. The fact that no one else can find it is not germane. Anyone wishing to buy property in this area would certainly know that this building is there. Mr. Japar also said that he believes the point of this meeting is was the City proper in allowing the building of this structure in the first place. It is good that Mr. Piscopo followed all the rules in the first place, but the issue is if the City made a mistake in allowing the building to be put up.

ITEM #2 – con't.

Valerie Piscopo, Mr. Piscopo's mother was present. As a young man he rented the house for 15 years and always said that someday he would have his dream. His father did not live to see his dream come true but she did and feels he is very deserving of it.

Charles Miller, 6793 Limerick Lane was present and stated that he knows Paul both personally and professionally. He has seen a lot of words used and he thinks intent is going to "what is Paul going to do with this garage" and believes it is incorrect to take that approach. He has known Paul going on fifteen (15) years and he would not do anything to cause someone else problems. Mr. Miller does not believe there is anything in the Ordinance that addresses intrinsic property values. Mr. Miller also said that he understands that in Cities it is important to be good neighbors and to try and do what is right, but at the same point you can't make everyone happy and intent should be used as neutrally as possible to try to accommodate the people.

Zak Abuzaid was present and stated that he lives across the street from Mr. Piscopo. When he was first approached by Paul he had signed his petition, but did not know how big or large it was going to be. As he now sees, the number of neighbors that are against it, makes him believe that there may be something wrong with it and is not able to judge whether it should pass or not. Mr. Abuzaid believes that the neighbor's opinions and property values should be taken into consideration. He does not think the front of it looks bad, it is just very large. Mr. Abuzaid said that he is neither for nor against the building.

Eugene West, 3205 Alpine was present and stated that he lives approximately four houses away from Paul. Paul has his dream, they have his nightmare. This garage is not a garage, it is a commercial structure. If it was a garage there would not be anyone here complaining. Steel I beams, steel sides and 20' high walls are not a garage.

Ms. Barr, 3165 Alpine came up to speak again and stated that she thinks the people that are for the garage, are very new residents and are appearing for the courtesy of Mr. Piscopo.

Geoffrey Barr, 3165 Alpine came up to speak and stated that every time he goes into his back yard this huge building is there and he is very annoyed.

John Hunter, 3356 Alpine was present and stated that when he saw the house going up he was very pleased as the house is beautiful but the garage is really out of proportion. Mr. Hunter said that he is both drawn to it and appalled by it and compared it to a car wreck. You look at it because you can't quite believe it. This is a terrible structure and not appropriate in a residential area. Mr. Hunter wished Mr. Piscopo well and felt that he deserves what he has because he has worked very hard for it and he also encouraged the Board to find a moderate solution, a residential garage and not anything that smacks of commercialism.

ITEM #2 – con't.

Brenda Bodenbach, 3355 Alpine was present and stated that she has lived here for 52 years. There has been so much spin put on the Ordinances and in 52 years she has never seen such an obscene injustice done as far as the Building Code goes. We have all improved our homes, worked very hard, and as a widow cannot afford to lose $40,000 - $60,000 and because she owns the lot next door feels that she will lose twice as much. This was supposed to give them some security in their old age, and now that she is spending her old age alone and this is the worst spin that she has ever heard in her life that the City perpetrated on the residents in this subdivision. Ms. Bodenbach believes this is wrong because of the size and use of the building.

Shirley Jordan, 3268 Alpine was present and asked what the rules were on an out building or garage. Mr. Kovacs said that as far as the structure this garage has, the structure itself meets all City Codes. If it was detached it would also meet that requirement. Mr. Stimac said that the requirements of the exterior shell for a garage are identical whether the structure is attached or detached. The same rules and requirements regarding the method of construction are both the same. Inspections have been done and the building is in compliance with the building code. Ms. Jordan said that when she first saw the concrete going in, she thought they were building a tennis court and felt that it could be reverted to something like that without being a big expense for Mr. Piscopo. This is really wrong and she was just trying to look for something in the Code. Mr. Kovacs also said that this is the reason the petitioner is here, is for the Board to look at the Code and determine if it was interpreted correctly. Ms. Jordan also said that they were not aware of the condo complex coming in at the end of the street. Mr. Kovacs said that this Board was not the body to address that issue.

Mr. Kingsepp came up to speak and mentioned what Mr. Stimac had said regarding interpretation. It is good to back into history to determine what the legislature intended when they enacted or modified certain Ordinances. In Mr. Kingsepp's opinion there was a deletion of language that was restrictive in that particular Ordinance, but the existing language has a very plain meaning especially with the definition of a garage.

With respect to intent, the intent of the Zoning Code is for the purpose of giving direction to the residents and the Building Official of what the planners and legislative body deemed to be important regarding those considerations. Mr. Kingsepp used the Billboard Ordinance as an example and stated that the Court upholds this intention as an appropriate expression of a legislative body as to what is important to a community. Therefore the intention in this case, in that it is in an R-1 district is the most restrictive use gives you guidance regarding what is important in a residential district and really not to depart from the character of what exists, and that is a low density type of community. Where you have a change that is as dramatic as the one that is here, you have to question whether that flies in the intention.

ITEM #2 – con't.

The Ordinance talks about Home Occupation that will not be detrimental to the surrounding community and will not cause the loss of property values to the surrounding community. That is an intention that is expressed regarding Home Occupation and should be addressed as given credence with respect to this development.

The next thing that needs to be taken into consideration is the intention of the applicant himself. He was the only one who knew what he had in mind with what he had in mind what he was going to do. Mr. Kingsepp said that he had the opportunity to express in the application exactly what his intention was. The Building Department would have the benefit of that information as well as any resident that wanted to know what his intention was. In two documents garage and attached garage was referenced; in a supplemental document large garage was referenced in order to store his equipment and/or a commercial vehicle. Tonight it has been said that there are going to be collector vehicles as well as other vehicles in the name of the Corporation. Mr. Piscopo also indicated that the use of the structure will be for "whatever he wants to put in it". This indicates to Mr. Kingsepp that this will be above and beyond the home occupation, something above and beyond what would normally be the use of a residential accessory, detached, attached building. Garage is clearly defined within the Community and is expressive and limited. The intention expressed by Mr. Piscopo this evening goes beyond what is in the Ordinance. The documentation that was shown to Mr. Kingsepp's client shows a structure that was 2,000 square feet and not 6,000 square feet. An additional document talks about a size that is 50% greater that the size of the residence, which was substantially a less size than that which is now constructed. As the process went along Mr. Piscopo, the only person with the knowledge of what was going to go in there, to expand the structure. Mr. Kingsepp said that this has to be looked on with respect to the interpretation given by the City. The City can rely on certain things that are presented to it and give its interpretation. If in some point and time the applicant by their own decision goes above and beyond by what has been presented to the Building Official, then that individual runs the risk of entering into the zone where objection and criticism is appropriately leveled against them. Mr. Kingsepp said that he thinks this is what happened in this case.

Mr. Kingsepp stated he was not hired by the developer of the proposed condo complex, but was referred to his client by an official within this community. Mr. Kingsepp said that he is not tied into the proposed development and does not have any knowledge of who the developer is.

Mr. Kingsepp then stated that there has been a reference made that landscaping is going to be put up. This body has authority to impose conditions, but feels that Mr. Motzny would recommend that these conditions be realistic in relationship to the subject matter that is under the Board's consideration. In this instance the main issue is merely an interpretation of whether or not the Building Permit was issued was proper in accordance with common sense meaning and definition contained in the zoning text, which everyone had the right to rely on based on the representations by the applicant.

ITEM #2 – con't.

To that extent, Mr. Kingsepp stated that he does not believe you can impose conditions that might be zoning issues or landscaping. Mr. Kingsepp does not believe this Board has the enforcement power regarding these conditions. This is a rare circumstance asking for an interpretation. Record is complete with the information that we have.

Everyone within this community has the right to rely on the common clear meaning of the Ordinance as they apply. They have the right to rely on the fact that where there are questions the Building Department will refer that to you, because that is where the variance power is. Too many variations that go on. Flexibility must exist and the Building Official has to say no, to allow these matters to appear before the Zoning Board. This matter should have come here but it did not. We suggest a number of reasons why this did not occur in this case, but it should have. This Board is confronted with an interpretation that was made by a very competent Building Official. Mr. Kingsepp stated that he is not challenging his qualifications or credibility. The situation here is the language of the Ordinance and if there is a problem, it is up to the Building Department to advise the administration what changes should be made to the Zoning Text. The language is clear, simple and applicable to this situation and cries out for an interpretation that says that in this instance the Building Permit should not have been issued. What happens after that is not this Board's concern. Mr. Kingsepp respectfully requests that based on the documentation that was presented that the Board would support the request of the petitioners.

Ms. Bankey stated that she had one quick response and that was that Mr. Piscopo was not the only person that knew what was going to be constructed, the City was totally aware of what type of building was going up. The challenge when interpreting the Ordinance is that you find the provision that if the accessory building is attached to a main building then the density requirements apply. If that provision is not given meaning and you look at the accessory building controls, and it only has a minimum size, how does the Building Department know what you want to be built. Where do you look in the Ordinance to tell you what the area and density requirements, side yard setbacks for an attached garage. The only place it is found is in the interpretation of the Building Department. Only reasonable interpretation to give it meaning is 40.57.02.

No one else wished to be heard and the Public Hearing was closed.

The meeting recessed at 9:35 P.M. on Tuesday, April 19, 2005.

The meeting reconvened at 9:42 on Tuesday, April 19, 2005.

Mr. Kovacs said that if the Board finds that the interpretation of the Zoning Ordinance by the Building Department was correct there would be no need to go through the Ordinance section by section. Mr. Kovacs asked for a motion indicating that the Ordinance as interpreted by Mr. Stimac was correct. If the Board finds that this is the case there is no need to do anything else.

ITEM #2 – con't.

If the Board finds that he did not interpret the Ordinance correctly, they would have to go through line by line to determine where they feel the Ordinance was interpreted incorrectly. Each section would have to be mentioned and they would have to go through and state which sections were not interpreted correctly.

Mr. Kovacs then asked if anyone wished to make a motion at this time. Mr. Maxwell said that he agrees with Mr. Kovacs and believes they should only discuss the sections that they think were not interpreted correctly and state the reasons for this conclusion.

Mr. Kovacs said that in Mr. Stimac's opinion this is part of the main structure and not an accessory structure and therefore Section 40.55 does not apply. Mr. Kovacs then asked Mr. Stimac if he had ruled this garage as an accessory building, if he would have granted a permit. Mr. Stimac said that both he and Ms. Bankey took two different routes, but came to the same conclusion that this is a portion of the main building is not an accessory building, therefore these rules do not apply. Mr. Piscopo's attorney took the route that it is an accessory building, but because it is attached to the main building, these rules do not apply. One-half the ground floor area of the main structure does not apply, the 14' height limitation would not apply, or the limitation of the 6' setback and the mandatory location in the rear yard do not apply.

Mr. Fejes clarified that what they were going to do was to determine if Mr. Stimac made an error in issuing this Building Permit. Mr. Kovacs stated that was correct that this was all they were here to do and that was to interpret the Ordinance. Mr. Fejes said this is very difficult as Mr. Piscopo did not do anything wrong and the City did not do anything wrong, but there is a structure that is wrong. Mr. Fejes said that he cannot go through each section and point out what was wrong and say that Mr. Stimac made a bad judgment because he did not make a bad judgment. Mr. Fejes also said that he could tell you that there are people that were grieved by the size of this garage and he does not feel in his heart that this is a garage. Mr. Fejes further stated that regardless of whatever you are going to do with it, people are grieved by the size of this structure, even though Mr. Stimac was right. Mr. Fejes said that he cannot vote that Mr. Stimac made a mistake because he did not. Mr. Fejes felt that he is going to be forced to vote someway that is incorrect because he needs something to go with this structure. What about the personal side? Mr. Piscopo did nothing wrong and the City did nothing wrong, but Mr. Fejes cannot sit there and not say that this structure needs to be dealt with. Mr. Fejes said that he is having a problem dealing with this.

Mr. Kovacs said that in his opinion if someone on the Board feels that there was an error made by the City staff, it is up to them to convince Mr. Fejes of that and therefore vote accordingly. Mr. Kovacs said that right now Mr. Fejes is saying that the City staff did not make a mistake and interpreted the Ordinance correctly. All they have before them is the language. Mr. Fejes said that in the City's Attorney words, there is something written about someone being grieved. Mr. Kovacs said that there is a particular section that discusses property values. Mr. Motzny stated that in his memo

ITEM #2 – con't.

regarding a party being grieved that was only in respect if someone had standing just to be here. The Board's final determination is not whether or not someone is aggrieved, but somebody has to be an aggrieved party to have the Board make this interpretation.

Mr. Stimac said that Mr. Courtney had made a statement at a previous meeting that if the Board had the power to make this determination, he would like to go back and change other buildings in the City. Mr. Courtney would have to show in what way these other buildings made him an aggrieved party. The party that files the application has to show how they have been aggrieved by Mr. Stimac's decision. The parties that are adjacent to this property have been aggrieved by this decision, but that only gets them to be able to appear before this Board. They would have to show how the building impacts them.

Mr. Stimac said that unfortunately there are things that happen, which are totally compliant with the Zoning Ordinance that have an impact on surrounding property. Re-zoning a piece of property, a road construction, a freeway exit certainly has the ability to impact adjacent property owners. This does not mean that it is wrong or that there was an error, this is the result of a decision that was made through the application of the Ordinance. If the property next door to Mr. Reed or Mr. Krent were deemed to be appropriate to be re-zoned to industrial, this would have an adverse effect on their property values, but it does not mean that the property owner shouldn't be able to develop that property to the full extent that would be permitted in that Zoning Classification.

Mr. Wright said that he was looking at a memo written by the City Assessor and in his memo states that this structure is not in compliance with any other home in the area and poses the greatest threat to property values in this area. This memo went on to say that he thought this structure could impact property values by as much as 10% or possibly more. Mr. Wright went on to say that he thought the decision was going to come down to the use of this structure. Mr. Wright stated that based on Section 4.20.71 Home Occupation is to be *carried on within the walls of the dwelling, having no employees who are not themselves residents. Said occupations shall not be visible or noticeable in any manner or form from outside the walls of the dwelling and accessory structures.* Once you look at the building you can see that it is a warehouse and not a garage. Mr. Wright had stated that there were enforcement violations regarding employees on the property and the equipment they were using. Residents had complained that there were eight (8) vehicles parked in the yard and the enforcement officer had determined that these were employees of Mr. Piscopo's. Mr. Piscopo has other vehicles that belong to employees. In Mr. Wright's opinion this is not a Home Occupation.

Mr. Hutson stated that he has been practicing laws for thirty-seven (37) years and has learned to analyze each situation especially when it comes to interpreting law. Everyday he is called upon to interpret the law in helping people make decisions as to how their lives are going to be run. When Mr. Hutson heard this case in February, he

ITEM #2 – con't.

applied his training to look and try to analyze this situation. He read Mr. Kingsepp's presentation and examined the Zoning Ordinance section by section, both from Mr. Kingsepp's client's viewpoint and also from the viewpoint of the City. Mr. Hutson then read minutes from the Planning Commission, excerpts from the City Council, correspondence from the City Attorney, from Mr. Piscopo, the Building Director's report and the fog cleared. Mr. Hutson believes that this Board is confusing two issues before them, one of which was the proper permit issued or did Mr. Stimac make an error in issuing this permit. The other question is what use is this building being put to. If you analyze that you are going to find that there are minimal requirements for a garage and there are no caps, although there is a violation. Codes are written and published so that society and the people in the City of Troy know what the regulations are and be guided accordingly. Mr. Hutson states that he is a firm believer in this case, that as distasteful as the end product is, this building meets all the building code requirements and the Building Permit was issued properly.

Mr. Hutson said regarding the use of the building: whether it is constructed of steel girders or plywood has no bearing on whether this is a garage or not. If in fact that is used as a commercial building for plumbing, it is proper procedure for the City to take care of that that would be a zoning violation a criminal matter and the City could shut them down. Mr. Motzny, advised this Board that it can be used as a garage. Mr. Hutson also said that until there is a demonstration that it is a commercial structure, he does not see any impediment in issuing a final certificate of occupancy if it meets the code, and Mr. Hutson feels that they have to separate their thinking regarding this structure.

Mr. Courtney stated that he agrees with Mr. Hutson, even though he does not like the building and would like it not be there, and he feels it is a warehouse, but they are being asked to vote on whether the Ordinance was followed and he does believe that Section 40.57.02 was followed. That section means he can build that gigantic thing and if in fact there is no question about the legality of building it, which is why the Planning Commission and City Council are in the process of changing the Ordinance in order to prevent a structure like this in the future. It is obvious that it can be done at the present time.

Motion by Courtney
Supported by Gies

MOVED, that the Building Department issued the Building Permit under the Ordinance and it was a proper permit.

Mr. Kovacs said that there was a motion and support that Mr. Stimac did interpret the Code correctly and the structure should stay standing.

ITEM #2 – con't.

Mr. Maxwell stated that he agreed with Mr. Piscopo's attorney that it is an accessory building and disagrees with the interpretation. Mr. Maxwell believes that 40.57.02 is not a statement that supercedes the other language regarding accessory buildings, but is a clarification to that. A stricter standard should be applied to a structure that is attached to a main building. Mr. Maxwell said this is the reason that he disagrees with the interpretation and believes that accessory buildings should be subordinate to the main buildings. Mr. Maxwell went on to say that he does not think this a good thing because of the impact on surrounding property values.

Mr. Maxwell further addressed the issue of intent, the spirit of the law, the purposes, the reasons we have them and the letter of the law. Mr. Maxwell feels that whenever the letter of the law is followed only, and the intent is not, even though it fulfills all the regulations and sections of the Ordinance and if you know that the end product is not what we want in the City, it is not what we intended in the City, and you know something is wrong, that should be the time when interpretation takes over. When he looks at this structure, it is plain to him that this is a commercial building attached to a house. Mr. Maxwell said that he may not be able to define it but he knows it when he sees it and firmly believes that this is a commercial building attached to a house. Mr. Maxwell stated that is not a garage and violates the intent of residential use. Mr. Maxwell said that he represents other citizens of Troy and many of the people he had spoken too also believe this is a commercial building on a residential street. Mr. Maxwell pointed out that he is not making any aspersions that it is presently being used as a commercial building, but this is the appearance of the building. Mr. Maxwell said that the overall intent of the Ordinance was not followed and going strictly by the letter of the law has led them up to this point without considering the intent. Mr. Maxwell said that his interpretation is that this is an accessory building, and should be subordinate to the main building, and Section 40.57.02 also sees this as a statement that adds to and does not supercede the definition of accessory buildings.

Mr. Kovacs stated that in his opinion this is an accessory building and Mr. Piscopo's attorney has also stated that this is an accessory building and he understands that Mr. Stimac disagrees. According to Section 40.55.02 – *accessory buildings and structures by their definition and nature shall be secondary and clearly incidental to the principle building on a parcel of land.* This language according to Mr. Kovacs clearly states that you can't have a garage without a house, and the garage should be secondary and clearly incidental to the main structure, this should not be a garage with an attached house, and therefore, he believes the language is very clear. Mr. Kovacs also said that he had been going over the Zoning Ordinance and in Section 40.30.00, Parking Structure Development Standards, it states that a parking structure should enhance the overall development and not have a negative effect to surround property. It is further intended that the provision of such facility shall not negatively impact the safety and security of the public. Mr. Kovacs states that this section also refers to garages. There is also language in 40.30.02, 40.30.04, 05 and 40.30.06 and he believes this refers to a commercial parking structure. Section 40.30.03 refers to the outside appearance of the

ITEM #2 – con't.

outside of a structure that it would be substantially the same as the main building and in his opinion this building is in violation of Sections 40.55.02, 40.30.00 and 40.30.03 and his conclusion is that Mr. Stimac did make a mistake in interpreting the Ordinance.

Mr. Stimac stated that Section 40.30.00 was not brought up in the petitioner's application and explained that this Section was drafted to deal with commercial parking structures and he has never applied those standards to an attached garage, or a detached garage on a single-family site. Many of the sub sections in Section 40.30.00 in effect make no sense when you try to make that application, such as mandatory landscape requirements, guards, sprinkler systems, etc. Mr. Stimac said that these standards cannot be applied to a single-family garage. Mr. Kovacs said that the reason he brought that up was because they had spoken regarding intent, and even though this section refers to a parking structure, in his opinion a garage is a parking structure and therefore Section 40.30.00 should apply. The language is 40.30.03 is very clear and this structure does not comply with that language. Mr. Kovacs stated that he still holds firm that this garage is in violation of Section 40.55.02 and this is the cornerstone of his objection to the interpretation.

Mr. Courtney asked if he had read Section 40.57.02, which states clearly that once they are attached they take on the same requirements as the main building. Mr. Kovacs said that as he reads 40.57.02 he still thinks this structure has to satisfy 40.55.02. In his opinion this structure does satisfy 40.57.02, but he does not agree that it meets 40.55.02. The words that keep coming back to him is that this building would be secondary and clearly incidental to the main building. Mr. Kovacs said that he thinks this is a garage with an attached house.

Mr. Kovacs called for a vote on Mr. Courtney's motion.

Yeas: 3 – Gies, Hutson, Courtney
Nays: 4 – Kovacs, Maxwell, Wright, Fejes

MOTION THAT MR. STIMAC'S INTERPRETATION WAS CORRECT FAILS

Mr. Kovacs stated that because of this vote, he felt that it was up to the Board to determine exactly which language suits the description. Mr. Kovacs also said that he does not believe this does not meet the requirement of Section 40.55.02 because both the language and intent are clear. He was not going to include Section 40.30.00 and 40.30.02 because he does feel Mr. Stimac was correct in stating these Sections apply to commercial parking structures. Mr. Kovacs said that he does believe Section 40.55.02 is the cornerstone of this matter.

Mr. Kovacs also said that everyone who voted no, owes it to this Board, the petitioner and to the Circuit Court to define exactly under which Sections they feel Mr. Stimac erred. Mr. Maxwell stated that he felt he was quite clear when he stated that this is an

ITEM #2 – con't.

accessory building, 40.57.02 does not supercede other language, and an accessory building should be subordinate to the main structure. Mr. Maxwell also said that under Section 10.10.00, this structure is not designed as appealing to the widest spectrum of the population. This structure does not meet the intent of the Ordinance regarding single-family residential district.

Mr. Courtney said that he feels since this was a request for an interpretation, the Board should interpret the sections one by one. Mr. Maxwell said that he is not going to say much regarding any of the other sections besides the ones he mentioned. Mr. Courtney said that the petitioner had listed the Sections that they wanted an interpretation of and he feels that this is what they should give him. Mr. Maxwell said that he does not have anything to say regarding the other sections.

Mr. Kovacs said that he agrees with Mr. Maxwell's statement and he finds the objection with Section 40.55.02 and the intent. Mr. Courtney asked if the Board had a list of the Sections the petitioner was asking the Board to interpret. Mr. Stimac said that they did and Mr. Courtney said he felt the Board should go through each section.

Mr. Stimac said that he bows to the authority of the Board to grant the interpretation, but he wished to caution the Board. Regarding Mr. Maxwell's statement that in addition to Section 40.57.02, that the other provisions regarding accessory buildings would apply, which would mean that the height limit would be 14' or one-story, the area is going to be 600 square feet of ½ the ground floor area of the house. Mr. Stimac also said that this would stop a lot of work in the City as there are a lot of attached garages in the City that exceed the 14' height limit as well as exceed the 600 square foot limit. Once the Board grants this interpretation, this becomes the rule until the Ordinance has been amended, or some court of competent jurisdiction overturns that. Mr. Stimac suggested that the Board use caution because after this meeting that is the rule that we will live by.

Mr. Courtney asked what happens to all the other attached garages in the City. Mr. Stimac said that garages under construction would be subject to this ruling.

Mr. Maxwell said that there should be swift action to amend the Ordinance if there was disagreement or displeasure with going to this format. Mr. Courtney said that the Planning Commission and Council have been going through this matter for a very long time and have not come to a conclusion. Mr. Maxwell said that he himself can live with this because the alternative is not what he wants to see. Mr. Maxwell said that this has a detrimental effect to property values or attracting new citizens here and is not a good deal for the general welfare of this town. It may benefit a few, but will hurt the majority of the citizens. Mr. Courtney stated that he agrees but the Council and Planning Commission are in the process of reviewing the Ordinances and making amendments so this can't be repeated but they actually have to do it. Mr. Maxwell said that he is just giving his opinion as to how he interpreted the Ordinances, like it or not.

ITEM #2 – con't.

Mr. Wright said that the Planning Commission got this in October of last year and had proposed text amendment to Council in early December but there was disagreement between the Planning Commission and City Management regarding the height of garage doors. The Planning Commission still does not agree with Administration as they feel that a residential garage should have a maximum 8' height of a garage door, and Administration does not feel that there should be any restrictions on the height of a garage door, which allows for a 14' high industrial garage door. There was a joint meeting between City Council and the Planning Commission on March 28th, and he cannot say any of the Council members moved to their position or not, but they are still looking at footprint sheet. The Planning Commission is always concerned that if they went to a 50% or a 75% limit of the ground floor footprint, how many non-conformities they would create throughout the City. At one of the recent meetings he had suggested that they look at 75% of the ground floor footprint, or 50% of the total square footage of the home and see how many non-conformities that would create. Mr. Wright has not seen that information come back from the City Assessor's office yet, but personally he feels that this would be reasonable. Mr. Wright has a 3-½-car garage and it is not 50% of the ground floor area of his home.

Mr. Kovacs asked if they find that this garage is in violation of 40.55.02, which states that accessory buildings should be secondary and clearly incidental, and if they define that as being smaller than the footprint of the house, would that then revert back to everything having to be 600 square feet? Mr. Kovacs said that his vote is that this structure being 6,000 square feet and the footprint of the house being 2,000 square feet, clearly violates Section 40.55.02. It is not his interpretation that an attached garage that is maybe 800 square feet with a 1,000 square foot house would be in violation. It is his interpretation and secondary and clearly incidental means that it is smaller than the house. Mr. Stimac said that if it his interpretation or the Board's interpretation of Section 40.55.02 that secondary and clearly incidental means that it cannot exceed the ground floor area, that is different than what Mr. Maxwell had stated. Mr. Kovacs asked for clarification regarding 40.57.04. Mr. Stimac said that they would still apply that interpretation throughout, but did not know how many structures that would impact and he would agree with Mr. Courtney's statement that you cannot put an attached garage in a rear yard. This could cause a lot of havoc with new houses under construction with attached garages. The interpretation that "secondary or clearly incidental" means less than the ground floor area would certainly have less of an impact.

Mr. Maxwell said that he could certainly live with the interpretation that the accessory structure is less than the footprint of the main structure and would be totally acceptable to him.

Mr. Kovacs asked if anyone wished to make a motion. Mr. Maxwell asked what kind of motion Mr. Kovacs wanted and Mr. Kovacs said that they have agreed that the interpretation was incorrect.

ITEM #2 – con't.

Motion by Courtney

Moved, to take the application of George Reed, Betty Reed and Thomas Krent, 3129 Alpine, for an interpretation regarding the issuance of a Building Permit section by section and give their interpretation of each section as requested.

Motion failed for lack of a second

Mr. Motzny said that in his opinion it was not necessary to go through each Section. Apparently, the Board made a decision that the Building Official issued a permit in error, but this Board needs to make a motion indicating what structure would comply with the Ordinance. Mr. Stimac has to send a letter to the property owner telling him what he has to do to comply with the Ordinance. It is not necessary to go through each section of the Ordinance to do that, but someone implied that any accessory building must be smaller than the footprint of the main building, and if that is how you want to interpret the Ordinance you should specify again as part of the motion your reason for that finding, because if they don't do that and it does go to Circuit Court, the Court will send it back and tell them to give reasons for your findings. Whatever motion is made needs to be specific enough to direct our Building Official to contact the property owner to advise him specifically what needs to be done so that he can comply with the Ordinance.

Mr. Courtney said that since we have not voted that the Building Director issued a permit in error, we have just denied a motion that he did not. Mr. Courtney stated that he believes the Board has an obligation to give the petitioner an interpretation of the sections that they have requested and not add sections. Mr. Courtney believes that they should go through the application and give the petitioner the interpretation they are asking for. Mr. Kovacs said that he did not know if they had to vote on this. He disagrees with this, because if the Board can come to a conclusion and determine where the error has been made this is the direction the Board needs to go. Mr. Kovacs thinks it would be ridiculous to go through section by section. Mr. Courtney stated that he had made a motion and he felt that they should vote on it.

Mr. Stimac said that Section 40.55.02 is not part of the applicant's request so this is something that should be considered if there is a second to Mr. Courtney's motion.

Mr. Kovacs said that Section 40.57.02 is a part of the request and believes that other sections are directly related, and even though the petitioner directly mentioned it, Mr. Kovacs does feel that the Board should rule on it. Mr. Stimac said that he was not trying to say whether the Board should or should not rule on other Sections, he was just pointing out that Section 40.55.02 was not part of the applicant's request. Mr. Kovacs said that he agrees but he feels that this is a section that needs to be examined because he does not feel this structure meets the requirements of 40.55.02.

ITEM #2 – con't.

Mr. Fejes asked if it is up to this Board tonight to make a determination regarding the size of an accessory structure. Mr. Fejes said he thought all they were doing was making a determination that the interpretation of the Ordinance was incorrect in allowing this structure to be built. Mr. Fejes said that they have cited Section 40.55.02 and the Intent of the Ordinance was not followed. Mr. Fejes asked why this Board had to come up with the dimensions tonight, as he feels this is the job of the Planning Commission and City Council. The extent of this Board's decision should be to determine whether or not this Building Permit was issued in error. If the Board makes an incorrect decision tonight, other people would come before this Board. Mr. Fejes said that he thought it would be up to someone else to come up with the allowable footprint.

Mr. Stimac said that the Planning Commission and City Council are empowered to amend the Ordinance and to change the language of the Ordinance. This Board is being asked to interpret the current language. If they change the language it will not do any good in this situation. If this Board is saying that the building is too big, Mr. Stimac needs clarification of "how too big" this building is. If the building is too tall, what is the height limit. Mr. Stimac has to tell this applicant and whoever comes to the Building Department tomorrow exactly what the limits are. Mr. Fejes said that he needs to tell people that the decision is pending and when that decision is made, he will inform them. Mr. Fejes said he does not feel this Board is the right Board to make that determination. Mr. Stimac said that this Board is the correct body, as the question before the Board is that the Ordinance is unclear as to what the maximum size of the garage is, the petitioners have asked this Board to tell them if this building is in compliance or not. Mr. Fejes asked if it would be sufficient if he tells them it has to be secondary to the main building. Mr. Stimac said that this would not help at all because he is asking this Board to tell him exactly what secondary means. Mr. Fejes said that in his opinion it means that it is smaller than the main building.

Mr. Maxwell said that he would like to see the rules pertaining to accessory buildings apply, and anything other than that, they can apply for a variance. Mr. Fejes said that this a problem because this is not an accessory building.

Ms. Gies asked how many Building Permits have been issued for attached garages within the last three (3) years. Mr. Stimac said that we issue approximately 300 plus new house permits each year and 95% or greater have attached garages that are not in the rear yard. Ms. Gies said that they have one person that took it to the extreme because of the lot size. Ms. Gies also said that most people do not ask for a 6,000 square foot garage. Ms. Gies stated that she believes this permit was issued correctly.

Mr. Kovacs said that the question is that at this point they said that there was an error. Mr. Courtney and Ms. Gies disagreed with this interpretation. Mr. Kovacs said that he wanted an exact legal description as to what was passed. Mr. Courtney said that there was a motion to say that what was done was proper, and was not passed. It does not

ITEM #2 – con't.

mean it was improper and now a resolution is needed to say that what was done was not proper.

Mr. Motzny said that Mr. Courtney is correct, and a motion was made to affirm the Building Officials decision and that motion failed. Now this Board has to make a decision interpreting what the proper guidelines are for the Building Official to follow in these type of situations as he now has to contact the property owner and specify what needs to occur in order for him to be in compliance. If this is not done, there will be a problem if this case goes to Circuit Court as they will not understand the basis of the Board's decision and the property owner does not have sufficient guidance as to what in compliance with the Ordinance. You failed to pass a motion affirming the Building Official's decision so now it is your job to say what the proper interpretation of the Ordinance is and to say what type of structure is allowed under our Ordinances.

Mr. Kovacs asked what happens if this Board cannot pass a resolution regarding how he misinterpreted the Ordinance. Mr. Courtney said that the Building Official will be exactly where he was earlier today and the warehouse stays with no problem.

Mr. Wright said that Mr. Kovacs previous explanation that the structure was not in compliance was very good and although he does not have all of them in front of him, he would like to suggest that the footprint of the garage being a foot smaller than the footprint of the house. If the Planning Commission and City Council went to 50% of the living area of the house, this is a colonial style house, then a garage that would be equal to or less than 1' foot smaller than the footprint of the house would meet that 50% requirement. The Planning Commission has also discussed, but has not reached a decision regarding the fact that there was not habitable living area above the garage that the garage roof height should probably max out at 14'.

Mr. Kovacs said that in his interpretation the Ordinance is not clear as to the maximum size or any height restriction whatsoever. In his opinion the Ordinance is extremely unclear and believes 40.57.02 should apply, but the roof height is not out of compliance. In his interpretation, Mr. Kovacs believes that this building does not comply with the wording of "secondary and clearly incidental".

Motion by Kovacs
Supported by Wright

MOVED, that there is an error in judgment by the Building Official that this structure is in conflict with 40.55.02 and that "secondary and clearly incidental" means less than the footprint of the main structure.

Ms. Gies said that they are trying to do zoning on all future building focusing on what has been done with one building. Mr. Kovacs said that he is trying to define what "secondary and clearly incidental" means. Ms. Gies said that she feels the Board needs

ITEM #2 – con't.

to be careful. Mr. Kovacs said that regardless of what happens here it will go to Circuit Court and he is trying to make this as clear as possible that this is his interpretation.

Mr. Kovacs said that he did not mean to stifle Ms. Gies comments and asked if she wished to add anything else. Ms. Gies said that they are focusing on this one garage and you are trying to make restrictions to future building without looking. Ms. Gies said that she knows that he does not want this type of garage again, no one does. That is why the City is trying to reduce it. All this Board was supposed to do was interpret this Ordinance by sections and feels that you have to set limits. Mr. Maxwell said that there are limits if this is an accessory building.

Mr. Hutson said that the Planning Commission and City Council have been working on this for six (6) months and have not been able to come up with a solution. Right now this will throw a monkey wrench into any construction that is going on. Mr. Hutson also said that we have a man now who has relied on the inactivity of this City, and conversely the affirmative action of the Building Department and he has expended $88,000 and fifteen months has passed and now there is a dilemma. Mr. Hutson said that the Board members have not thought this thing through. Mr. Stimac is asking what he needs to do now. This Board is not the legislative body but that is exactly the problem that this Board is facing now.

Mr. Kovacs asked if Mr. Hutson thinks Section 40.55.02 applies to this structure. Mr. Hutson stated that he feels Mr. Stimac's interpretation is correct. Mr. Stimac and Ms. Bankey reached the same goal using two different paths and in Mr. Hutson's opinion it was done correctly.

Mr. Maxwell asked if there was a motion on the table.

Mr. Kovacs stated that his motion was that this structure is in violation of 40.55.02 and part of his motion is that this is an accessory building. Mr. Kovacs is trying to clarify that. Mr. Maxwell asked if he would be interested in adding anything regarding intent to his motion. Mr. Kovacs said that this building does violate intent, 10.10.00.

- Structure is an accessory building.
- Structure violates the intent of residential zoning.

The second still holds by Mr. Wright.

Yeas: 4 – Kovacs, Maxwell, Wright, Fejes
Nays: 3 – Hutson, Courtney, Gies

MOTION THAT THIS STRUCTURE IS IN VIOLATION OF 40.55.02 AND SECTION 10.10.00 CARRIED

ITEM #2 – con't.

Mr. Stimac stated that he understands the motion that was passed by the Board, and asked if there were any other sections that the Board did not feel were in compliance with the Ordinance.

Mr. Courtney said that Section 40.55.02 was not on the application and feels that the Board is ignoring the application. Mr. Kovacs said that the petitioner's application clearly states that they feel this is an accessory building and Section 40.55.02 clearly applies to this. Mr. Kovacs said that in their presentation they had only used one section, but they are all intertwined and feel they deserve an interpretation of all of them.

Motion by Courtney

Moved, to interpret the Ordinance Section by Section as they appear on the application in case other Board members disagree with the interpretations.

Motion dies due to lack of support.

Mr. Stimac stated that included in the petitioner's application was a request for an interpretation of Section 04.20.01, which is the definition of an accessory building. Mr. Stimac suggested that the language *subordinate building, the use of which is clearly incidental to that of the main building* is very similar to the language in Section 40.55.02. This may be a way to resolve the issue.

Mr. Stimac suggested that what the Board may want to do is to make a motion that in the interpretation of Section 04.20.01 the Board finds that an accessory building in order to be subordinate, needs to be less than the footprint area of the main building.

Mr. Kovacs said that he thought this was covered when they discussed Section 40.55.02. Mr. Stimac stated that the petitioner had asked for an interpretation of Section 04.20.01 and not 40.55.02.

Mr. Motzny concurred with Mr. Stimac and stated that perhaps someone would make a motion to amend and refer to Section 04.20.01 and not 40.55.02. Proper procedure would be to make a motion to reconsider and substitute the section that Mr. Stimac pointed out.

Mr. Kovacs asked if he could withdraw his original motion, but Mr. Motzny said that it already had been approved.

Mr. Kovacs said that they still need some help in making this motion. Mr. Stimac said that the language in Section 40.55.02 states that the building shall be "secondary and clearly incidental" and the language is 04.20.01 states that it has to be "subordinate".

ITEM #2 – con't.

Mr. Stimac said that in one case you have the word subordinate and the other states that it has to be "secondary and clearly incidental".

Motion by Kovacs
Supported by Wright

MOVED, to reconsider the motion made by Mr. Kovacs regarding Section 40.55.02.

Yeas: All – 7

MOTION TO RECONSIDER MOTION CARRIED

Motion by Kovacs
Supported by Wright

MOVED, to substitute the following for the original motion.

- Building is in violation of Section 04.20.01 and is not subordinate to the main building.
- An accessory structure in order to be subordinate to the main building, must be smaller that the ground floor area of the main building.
- Structure is in violation of Section 10.10.00

Yeas: 4 – Maxwell, Wright, Fejes, Kovacs
Nays: 3 – Courtney, Gies, Hutson

MOTION STATING BUILDING IS IN VIOLATION OF SECTION 04.20.01 AND SECTION 10.10.00 CARRIED

Mr. Kovacs said that the other issue that came up was Home Occupation and since the building has not been completed at this time did not feel this issue was something the Board could deal with. Mr. Kovacs said at this time Section 4.20.71 did not apply.

ITEM #3 – VARIANCE REQUEST. MARK NEWSOME, 114 LYONS, for relief of Zoning Ordinance to maintain a deck with a 0' side yard setback where a 5' setback is required by Section 30.10.05 and to maintain above ground pool with a 3' side yard setback where a 6' side yard setback is required by Section 40.57.05.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to maintain a deck and above ground pool that were constructed without first obtaining the required Building Permits. The site plan submitted indicates that the deck has been constructed abutting the side property line on the north and the above ground pool installed 3' from the same property line. Section 30.10.06 of the Ordinance requires a 5' minimum side

ITEM #3 – con't.

yard setback for the attached deck and Section 40.57.05 requires a 6' minimum side yard setback to the above ground pool.

Mark Newsome was present and stated that last spring they installed a pool and a deck. This was the only location they could put the pool because they have an ongoing problem with flooding. There are quite a number of yards in this area that flood. Mr. Newsome's property has a brick fence along the back yard of the property, the neighbor has an in ground pool in his backyard surrounded by concrete. This concrete is 4" higher that our yard. The property on the east side is 4" – 12" higher around the garage. Mr. Newsome has completed the yard and to offset the flooding they placed the pool on the north side of the yard, which is higher than the rest of the lot. The driveway is on the south side of the lot and they have increased drainage in this area. Mr. Newsome has also placed gravel around the edge of the yard to help increase drainage. 90% of their backyard activities occur on the patio, and the location of the pool on the side of yard increases the visibility of the children's play area. If the pool were moved to the center of the yard, they would not be able to see the children playing behind the pool. The pool is secured with locking gates. They were unaware of the flooding when they bought the home. In order to provide a useful back yard and maintain drainage this was the best location for the pool and deck.

Mr. Maxwell asked why Mr. Newsome's yard floods. Mr. Newsome said that there is only 4" to 5" of topsoil for most of the homes in this area. Most of the dirt is clay and other neighbors have also had a problem with flooding. Mr. Maxwell asked if Mr. Newsome had contacted the City and he stated that he had spoken to them approximately one year ago. When they were installing the pool, they had someone from the City come out because there was so much water in the hole they were digging. Mr. Maxwell asked who he called and what they told him to do. Mr. Newsome said he could not remember who he talked to, but the engineer told him that water lines were not located in the yard.

Mr. Maxwell asked if there was still a flooding problem since the pool was installed and Mr. Newsome stated that there was not. Mr. Maxwell then asked out large the pool was and Mr. Newsome said it was 15' x 25'.

The Chairman opened the Public Hearing.

Otto Bence, 48 Lyons was present and stated that he lives two houses south of this resident. Mr. Bence stated that this is a very nice, young family and they have done a great dealer to improve this home. Flooding is a big problem in this area, although Mr. Bence does not have a problem because he has an in ground pool. There is a floodplain on Fourteen and Stephenson and the run off from rain and/or snow goes into this area. Mr. Bence approves this request.

No one else wished to be heard and the Public Hearing was closed.

ITEM #3 – con't.

There are three (3) written approvals on file. There is one (1) objection.

Mr. Kovacs stated that he went to the petitioners home and stood on the deck and even though the neighbors feel that there privacy has been violated, he stood 5' back from the property line and if they had the petitioner move their deck 5' from the property line, it would do nothing to help the privacy of the neighbors. Mr. Kovacs said this a very small yard, and the petitioner did move the pool too close to the neighbor's property. If the petitioner had appeared before this Board, before construction Mr. Kovacs felt that he would have had a very good case because of the size of the yard and the flooding issue. Mr. Kovacs also asked if the Board could put stipulations on this variance that the 6' fence had to remain.

Mr. Motzny stated that the Board has the right to impose conditions on a variance as long as they are related to the land. Mr. Stimac said he is not sure whose fence this was. Mr. Wright said that according to the paper work, both neighbors paid for the fence. Mr. Stimac said that he didn't know if the petitioner had control over the fence. The Board does have the right to impose reasonable restrictions. Mr. Kovacs said that if this passes, they would like to restrict the petitioner to have a 6' high fence as part of the safety issue.

Mr. Courtney said that flooding has nothing to do with this request. Mr. Kovacs said that in his opinion this is a restriction imposed by the property.

Ms. Gies asked for clarification regarding fences around pools being mandatory. Ms. Stimac said that an in ground pool requires a fence, but it could actually be 4' high.

Motion by Maxwell
Supported by Courtney

MOVED, to grant Mark Newsome, 114 Lyons, relief of the Zoning Ordinance to maintain a deck with a 0' side yard setback where a 5' setback is required by Section 30.10.05 and to maintain an above ground pool with a 3' side yard setback where a 6' side yard setback is required by Section 40.57.05.

- 6' high privacy fence must be maintained.
- Variance applies only to the property in question.
- Deck height may not be increased.
- Size of pool cannot be increased.

Yeas: All – 7

MOTION TO GRANT VARIANCE REQUEST CARRIED

ITEM #4 – VARIANCE REQUEST. GFA DEVELOPMENT, 1064 ARTHUR, EXISTING ADDRESS, 1060 & 1072 ARTHUR (PROPOSED ADDRESSES), for relief of the Zoning Ordinance to split an existing parcel of property into two single family home sites that will be 7200 square feet each where Section 30.10.05 requires a minimum of 7,500 square feet for each lot.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to split a parcel of property that will result in two (2) lots that are each 7,200 square feet in size. The original parcel consists of three lots that were platted with 40' of width and a depth of 120'. The petitioner proposes to split these into two single-family home sites that would be 60' x 120'. Although this property is in the R-2 (Two-Family Residential) Zoning District, Section 13.20.01 of the Zoning Ordinance allows for the development of the property in accordance with the provisions of the R-1E Zoning Classification. Section 30.10.05 of the Zoning Ordinance requires a minimum of 7,500 square feet for each lot in the R-1E Zoning District.

Mr. Stimac clarified that this request is actually for a split in an existing parcel of property that would result in 7,440 square feet in size rather than 7,200 square feet as published in the Public Hearing notice. The lots in question are actually 124' in depth rather than 120'. Due to the fact that the variance request would actually be less than what was published, Mr. Stimac stated that there was no reason to re-publish this matter.

Mr. Stimac also said that Item #5 was very similar to this request and asked that the Board consider both items together, although a separate vote would be required for each item. The same petitioner is presenting both items. Item #4 would result in a lot area of 7,440 square feet and Item #5 would result in a lot area of 7,200 square feet.

ITEM #5 – VARIANCE REQUEST. GFA DEVELOPMENT, 1045 VERMONT, EXISTING ADDRESS, 1055 & 1071 VERMONT (PROPOSED ADDRESSES), for relief of the Zoning Ordinance to combine three (3) platted lots and split them into two (2) single family home sites that are 7,200 square feet each. Section 30.10.05 requires a minimum 7,500 square foot for each lot.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to split a parcel of property that will result in two (2) lots that are each 7,200 square feet in size. The original parcel consists of three lots that were platted with 40' of width and a depth of 120'. The petitioner proposes to split these into two single-family home sites that would be 60' x 120'. Although this property is in the R-2 (Two-Family Residential) Zoning District, Section 13.20.01 of the Zoning Ordinance allows for the development of the property in accordance with the provisions of the R-1E Zoning Classification. Section 30.10.05 of the Zoning Ordinance requires a minimum of 7,500 square feet for each lot in the R-1E Zoning District.

Mr. Hutson asked if a duplex could be constructed if these lot splits were denied. Mr. Stimac stated that this area is zoned R-2 and would allow for the construction of a

ITEM #4 & #5 – con't.

duplex. Mr. Hutson asked how many families usually occupy a duplex and Mr. Stimac stated two. Mr. Stimac also said that a single-family home requires more lot area. Mr. Stimac also said that there are three (3) lots on Arthur and another three (3) lots on Vermont. The same conditions regarding a duplex apply on both Arthur and Vermont.

Mike Johnson, representing GFA Development was present and stated that he had spent a great deal of time with the neighbors, and everyone that he talked too would rather see single family homes than a duplex. Mr. Johnson said that right next to the property on Arthur there are four (4) duplexes and this is a very high traffic area. Mr. Johnson said that he grew up in this area has lived on Birchwood for eleven years. This is home to Mr. Johnson. When the opportunity came up to do something for this area, he jumped at the chance to increase the value in this area. Mr. Johnson also said that he believes these single-family homes would add value to the area. Mr. Johnson also said that if they put in single -family homes, they would be the owners of the property and would not be rental property.

Mr. Johnson contacted Mrs. Clifford whose property backs up to the property on Arthur and brought in a written approval from her regarding this new construction. Ms. Clifford indicated that she has been a resident of Troy for sixty- (60) years. Her attached garage goes to the back of the property and is 13' from the property line. In Mr. Johnson's opinion, this property would be non-conforming and therefore he would not be able to purchase any additional property from here. On the west side there is a duplex with a garage and the driveway runs right next to the property line.

The property to the east has a garage that is 3-1/2' from the property line and their driveway runs right along side the property line. Mr. Johnson said that he does not want to put duplexes in this area, he really would like to put in single-family housing. Mr. Johnson said the reason they want to put these homes in is to provide affordable housing for people wanting to live in Troy, and wants to keep the price range right around $280,000.00. These homes would help people that have moderate incomes. These new homes would increase the property values in this area.

The Chairman opened the Public Hearing.

Gary Laura, 1086 Arthur was present and stated that they have lived there for eight (8) years. There are a lot of houses that are between 1000 and 1200 square feet and these new houses, worth more than $200,000.00 will overshadow the existing homes. The current house on this property has recently been remodeled and fits in very well with this area. These neighbors are concerned because they feel the surrounding property will lose value and will actually hurt their property values. Mrs. Clifford's house is up for sale, and Mr. Laura does think she would really care if they build on this property or not. Mr. Laura says that he is not familiar with all the Ordinances, but if these lots were split they would be non-conforming lots. Mr. Courtney asked if Mr. Laura would rather see a duplex or single family homes in this area. Mr. Laura said that

ITEM #4 & #5 – con't.

two houses of $280,000.00 would help the area. Mr. Courtney asked again if he would rather see a duplex and Mr. Laura said that he would rather see the house remain the way it is or would prefer a duplex.

Mr. Kovacs asked Mr. Laura if he thought their property values would be increased if a duplex was constructed more than two single-family homes. Mr. Laura said that he would prefer to see the house remain the same. Mr. Kovacs said that is not one of the choices available. The point is that this property is going to be sold and the developer has the option to put a duplex on that property, or could obtain a lot split and put in two single-family homes. The proposal for the two homes would meet setback requirements if this Board granted a variance. Mr. Stimac said that all provisions of the Ordinance would be met other than the square footage of the lot. Mr. Laura said that he thinks the duplex would not be as outrageous as two new homes, and he believes the duplex would fit in better. Mr. Kovacs disagreed and stated that a new home would add to the value of their homes.

Ms. Gies said that this new construction would bring the value up of the surrounding property. Mr. Laura said that he did not want to see them tear down a perfectly good house to put in new houses. Ms. Gies said that you never want to be the high end in a subdivision, but if you are at the lower end, you will get the maximum value for your home. Mr. Kovacs said that he was just trying to clarifying his objections. Mr. Laura said that with the larger houses you get more than one family living there. Mr. Kovacs said that that is against the code and if there is a problem Mr. Laura should contact the City. Mr. Laura also said that he does not believe the lots are big enough to support homes of this size.

Mr. Stimac said that he believes the speaker's preference to see one home on the site, his second choice would be to see a duplex and his third choice would be to see two single-family homes on the site.

Ms. Lombardo, 1047 Arthur was present and stated that she has lived there for thirty-(30) years. This is the second time she has appeared before this Board and objected to the request of splitting this lot. Ms. Lombardo feels that they are too small and the homes are too close together. If her home is only worth $100,000.00 and the new homes are over $200,000.00 no one will want to buy her house. There are a number of homes for sale in this area and they are not selling very quickly. People cannot afford to come in, but Ms. Lombardo says that if she had a choice, she would rather see a duplex.

Alexander Bennett of 1065 Arthur was present and stated that he has lived there for 24 years. This is a quiet street and the construction will affect the tranquility of the street and he is against this construction. Mr. Bennett believes this is one of the most beautiful streets in the City.

ITEM #4 – con't.

Mr. Johnson came up and said that he has built 25 homes in Troy and as far as he knows there have not been any complaints against this construction. Mr. Johnson went on to say that whether they build a duplex there or two single-family homes, he will make his personal phone number available to all residents and will take care of any problems that may come up.

No one else wished to be heard and the Public Hearing was closed.

There are seven (7) written objections for Item #4, 1064 Arthur. There are no written approvals.

There are two (2) written objections for Item #5, 1045 Vermont. There are three (3) written approvals.

Mr. Kovacs stated that he finds this very interesting because these residents would rather have a duplex than a single-family home. Mr. Kovacs believes that property values would increase with the construction of the new homes.

Mr. Courtney stated that he is asking for a 60 square foot variance that he feels is minimal. Mr. Kovacs said the number of neighbors that have objected to this request surprised him. This would constitute less than a 1% variance and the proposed homes would add value to the area.

Mr. Courtney said if you look at some of the objections they do not want anything constructed on the lots and this is something that would not happen. Mr. Kovacs said one of the objections stated that they did not want any more renters on the street and a single-family home would be more beneficial.

Motion by Maxwell
Supported by Wright

MOVED, to grant the request of GFA Development, 1064 Arthur, existing address, 1060 & 1072 Arthur (proposed addresses), for relief of the Zoning Ordinance to split an existing parcel of property into two single family home sites that will be 7,440 square foot each where Section 30.10.05 requires a minimum of 7,500 square feet for each lot.

- Variance request is minimal.
- Variance would not be contrary to public interest.
- Literal enforcement of the Ordinance would be unnecessarily burdensome.

Yeas: 5 – Courtney, Fejes, Gies, Maxwell, Wright
Nays: 2 – Hutson, Kovacs

MOTION TO GRANT VARIANCE CARRIED

ITEM #4 – con't.

Mr. Hutson explained that he voted no because he feels that a duplex would fit in with the character of the homes on Arthur rather than a large home. Mr. Kovacs stated that he was voting no because of the objections by the neighbors and feels that it is contrary to public interest.

ITEM #5 – VARIANCE REQUEST. GFA DEVELOPMENT, 1045 VERMONT, EXISTING ADDRESS, 1055 & 1071 VERMONT (PROPOSED ADDRESSES), for relief of the Zoning Ordinance to combine three (3) platted lots and split them into two (2) single family home sites that are 7,200 square feet each. Section 30.10.05 requires a minimum 7,500 square foot for each lot.

Mr. Kovacs said that in his opinion the structure at 1045 Vermont is in a much larger state of disrepair.

Mr. Fejes asked if there was a Public Hearing on this item. Mr. Kovacs stated that Items #4 and Items #5 were combined and asked if everyone in the audience had understood that. At this time the Public Hearing was closed.

Motion by Fejes
Supported by Wright

Moved, to grant the request of GFA Development, 1045 Vermont, existing address, 1055 & 1071 Vermont (proposed addresses), for relief of the Zoning Ordinance to combine three (3) platted lots and split them into two (2) single family home sites that are 7,200 square feet each. Section 30.10.05 requires a minimum 7,500 square foot for each lot.

- Variance is not contrary to public interest.
- Variance will not have an adverse effect to surrounding property.
- Demolition of the old barn will improve the appearance of this street.

Yeas: All – 7

MOTION TO GRANT VARIANCE CARRIED

At this time Mr. Kovacs asked if there was anything else the Board wished to discuss.

Mr. Stimac stated that Mr. Kovacs and Mr. Maxwell were reappointed to this Board by City Council at their meeting on April 18, 2005.

Mr. Kovacs said he thought this meeting was very civil and thanked everyone for the discussion.

The meeting adjourned at 12:10 A.M.

_____
Matthew Kovacs, Chairman

_____
Pamela Pasternak, Recording Secretary

TROY HISTORIC DISTRICT COMMISTION MINUTES – FINAL APRIL 20, 2005

A specially scheduled Meeting of the Troy Historic District Commission was held Tuesday, April 20, 2005 at City Hall. Ann Partlan called the meeting to order at 7:40 P.M.

ROLL CALL PRESENT Ann Partlan
Paul Lin
Robert Hudson
Muriel Rounds
Loraine Campbell, Museum Manager

ABSENT: Barbara Chambers
Marjorie Biglin

Resolution #HDC-2005-04-001
Moved by Rounds
Seconded by Lin

RESOLVED, That the absence of Chambers and Biglin be excused.
Yes: 4— Hudson, Partlan, Lin and Rounds
No: 0

MOTION CARRIED

Resolution #HDC-2005-04-002
Moved by Partlan
Seconded by Chambers

RESOLVED, That the minutes of the February 15 meeting and the cancellation notice of the March 15 meeting be approved.
Yes: 4— Hudson, Partlan, Lin and Rounds
No: 0

MOTION CARRIED

NEW BUSINESS

A. Old Church Site
The Commission asked that the City complete some spring clean-up at the old Church Site. Loraine said she would pursue this.

B. Walk-ins
None.

OLD BUSINESS

A. Preservation workshops

The two scheduled workshops were cancelled due to low registrations. Three neighboring communities offered similar workshops during early spring. Loraine suggested this might have been a factor in low interest. The HDC will consider regional marketing and scheduling in the fall.

B. Plaques for Historic Properties.

The proposed letter of agreement is still under review by the City Attorney.

C. Update - Historic District Study Committee

The Committee has begun to update the historic district inventory.

D. Certified Local Government

The Commission reviewed State Historic Preservation Office's comments on the draft application. The comments on the application were not significant. Loraine will make the suggested changes. Many of the comments on Troy's local ordinance seemed insignificant. Loraine will pass these comments on to Allan Motzny for his review and suggestions.

Resolution #HDC-2005-02-004
Moved by Lin
Seconded by Biglin

RESOLVED, That upon favorable review by the State Historic Preservation Office, the application for Certified Local Government be submitted to City Council per the attached memo.

Yes: 5— Blythe, Biglin, Lin, Partlan and Chambers
No: 0
Abstain: 1— Hudson

The Troy Historic District Committee Meeting was adjourned at 8:52 p.m. The next regular meeting will be held Tuesday, May 17, 2005 at 7:30 p.m. at City Hall Conference Room C.

Anne Partlan
Chairperson

Loraine Campbell
Recording Secretary

A meeting of the **Troy Local Development Finance Authority (LDFA)** was held on Monday, April 25, 2005 at 3:00 P.M., at City Hall in the Council Board Room. Mayor Pro Tem Beltramini called the meeting to order at 3:00 p.m.

PRESENT: Robin Beltramini, Mayor Pro Tem
Mike Adamczyk
Keith Pretty
Doug Smith, Real Estate & Development Director
John Szerlag, City Manager
Dennis Toffolo

ALSO PRESENT: Lori Grigg-Bluhm, City Attorney
Laura Fitzpatrick, Assistant to the City Manager
Tom Anderson, Director of Technology Center

ROLL CALL

APPROVAL OF MINUTES FROM PREVIOUS MEETING

Resolution # LD-2005-04-001
Moved by Szerlag
Seconded by Toffolo

RESOLVED, That the minutes of June 29, 2004 be approved.

Yes: All - 6
No: None
Absent: None
MOTION CARRIED

OLD BUSINESS

A. Signage for Automation Alley Technology Park: Update from Doug Smith
B. Automation Alley Technology Park Property Development: Update from Doug Smith and Tom Anderson

NEW BUSINESS

A. 2005/06 Budget: Defer item until signage information is submitted.
B. Announcements from Tom Anderson

PUBLIC COMMENT

NEXT SCHEDULED MEETING DATE IS MAY 9, 2005

The meeting adjourned at 3:59 p.m.

_____
Mayor Pro Tem Robin Beltramini, Meeting Chair

_____
Laura Fitzpatrick, Assistant to the City Manager

The Special/Study Meeting of the Troy City Planning Commission was called to order by Chair Strat at 7:30 p.m. on April 26, 2005 in the Council Board Room of the Troy City Hall.

1. ROLL CALL

Present:
Gary Chamberlain
Lynn Drake-Batts
Fazal Khan
Lawrence Littman
Robert Schultz
Thomas Strat
Mark J. Vleck
David T. Waller

Absent:
Wayne Wright

Also Present:
Mark F. Miller, Planning Director
Brent Savidant, Principal Planner
Allan Motzny, Assistant City Attorney
Richard K. Carlisle, Carlisle/Wortman Associates
Kathy L. Czarnecki, Recording Secretary

Resolution # PC-2005-04-058
Moved by: Schultz
Seconded by: Littman

RESOLVED, That Member Wright is excused from attendance at this meeting for personal reasons.

Yes: All present (8)
No: None
Absent: Wright

MOTION CARRIED

Mr. Miller announced the Agenda was revised and updated copies have been provided to the members.

2. PUBLIC COMMENTS

There was no one present who wished to speak.

3. PLANNING AND ZONING REPORT

Mr. Miller reported on Council actions taken at its April 18, 2005 Regular Meeting.

- Preliminary Site Condominium Review, Oak Forest Site Condominium, south side of Square Lake Road, between Willow Grove and John R Road, Section 11 – R-1C - ***Approved***
- Preliminary Site Condominium Review, Oak Forest South Site Condominium, east side of Willow Grove, south of Square Lake Road, Section 11 – R-1C - ***Approved***

Mr. Miller announced that the May 10, 2005 Planning Commission Regular Meeting agenda is very heavy.

4. DOWNTOWN DEVELOPMENT AUTHORITY REPORT

Mr. Miller reported on the April 20, 2005 Downtown Development Authority (DDA) meeting.

- Contract for the Big Beaver Corridor Study to Birchler Arroyo Associates – ***Approved*** *(Note: Item will go forward to City Council for review/approval at its May 9, 2005 Regular Meeting)*
- DDA Budget - ***Approved***

5. BOARD OF ZONING APPEALS REPORT

Mr. Motzny reported on the April 19, 2005 Board of Zoning Appeals (BZA) meeting.

- Variance Requests (3) - ***Approved***
- Interpretation Request, George Reed, Betty Reed and Thomas Krent, 3129 Alpine, appealing the issuance of a building permit to construct a garage at 3129 Alpine – ***Motion to support Building Department's interpretation of the Zoning Ordinance failed by a 4-3 vote***

TABLED AND POSTPONED ITEMS

6. SITE PLAN REVIEW (SP 323-B) – Proposed Restaurant Addition, Northeast corner of Big Beaver and Crooks (888 W. Big Beaver), Section 21, Zoned O-S-C (Office Service Commercial) District

Mr. Miller reviewed the conditions for which the proposed restaurant addition was tabled at the April 12, 2005 Regular Meeting. Mr. Miller reported that the petitioner has submitted an updated set of plans showing the proposed parking layout and provided additional landscaping on the parcel. Mr. Miller said it is the recommendation of the Planning Department to approve the site plan as submitted with three conditions: (1) Add a 5-foot wide sidewalk on the west side of Wilshire; (2) Provide one tree for each 30 linear foot of frontage along Big Beaver, Crooks

and Wilshire; and (3) Clarify the height and species of the hedges and trees proposed for the corners of Crooks/Big Beaver and Wilshire/Big Beaver.

Mr. Savidant reviewed the proposed Resolution A that would provide 145 landbanked parking spaces and a parking reduction of 19 spaces and proposed Resolution B that would provide 174 landbanked parking spaces.

David Richards, Architect, Rossetti and Associates, Two Towne Square, Southfield, was present to represent the petitioner. Mr. Richards displayed the two sets of plans for the parking and provided a brief explanation of the revisions to the landscape plan. Mr. Richards indicated that the petitioner would be in favor of a Resolution that would provide a reduction in 19 parking spaces.

The following items were addressed with the petitioner:

- Sidewalk along Wilshire.
- Storm water runoff.
- Permanent greenbelt between Big Beaver right-of-way and off-street parking.
- Rooftop screening of mechanical equipment.
- Snow removal.
- Landscape Plan with respect to 29 ward's yews in each corner, tree count discrepancy between plan and site visit, clustering of trees, shrubbery in lieu of trees.
- Signage for handicapped parking.
- Visibility of parked trucks on site.
- Reduction of 19 parking spaces.

Resolution # PC-2005-04-059
Moved by: Schultz
Seconded by: Khan

RESOLVED, That the Planning Commission hereby approves the landbanking of 145 spaces in the parking deck. This reduction meets the standards of Article 40.20.13 and will assist Redico and Morton's Restaurant in minimizing the amount of storm water runoff on the site.

RESOLVED, That the Planning Commission hereby approves a reduction in the total number of required parking spaces of 19 spaces. This reduction meets the standards of Article 40.20.12 and will allow Redico and Morton's Restaurant to minimize the amount of storm water runoff on the site and maintain a permanent greenbelt between the Big Beaver right-of-way and the proposed off-street parking area.

RESOLVED, The 145 landbanked spaces and the 19 space reduction will reduce the number of required parking spaces on site by 164 spaces, to 1,245 spaces, when 1,245 spaces are required based on the off-street parking space requirements for restaurants and office uses, as per Article XL.

RESOLVED, That the Planning Commission has made a determination that the applicant has met the standard of Section 26.25.01 of the Zoning Ordinance, which requires that restaurants in the O-S-C be permitted "provided they are included in the office use structure or other principal structures…or are attached to such structures by means of a fully enclosed structural attachment, and therefore shall not be permitted as free-standing structures. Such secondary structures shall be designed so as to provide a logical extension of the floor plan of the principal structures, and shall utilize exterior materials similar to or harmonious with such principal structures".

BE IT FURTHER RESOLVED, That Preliminary Site Plan Approval, as requested for the Proposed Restaurant Addition, located on the northeast corner of Big Beaver and Crooks, located in Section 21, within the O-S-C zoning district, is hereby granted, subject to the following conditions:

1. Add a 5-foot wide sidewalk on the west side of Wilshire, from the entry drive north to the end of the existing sidewalk.
2. Provide one tree for each 30 linear feet of frontage along Big Beaver, Crooks and Wilshire, as per Article 39.70.02.
3. Provide 29 ward's yews planted in a hedge and one (1) tree at each corner of Big Beaver/Crooks and Big Beaver/Wilshire, as indicated on Sheet A100.
4. All roof-mounted mechanicals shall be appropriately screened with a similar material to the exterior of the principal structure.
5. That there shall be two (2) handicapped parking spaces near the entrance to the Melting Pot Restaurant where the site plan currently indicates only one (1).

Yes: All present (8)
No: None
Absent: Wright

MOTION CARRIED

7. PROPOSED PLANNED UNIT DEVELOPMENT (PUD 5) – Maple Forest Crossing – East side of Rochester Road, South of South Boulevard, R-1D, B-3 and P-1, Section 2

Mr. Miller provided a brief review of the proposed PUD and introduced Joe Paluzzi, Gary Abitheira, and Brad Byarski, representatives of Michigan Home Builders. Mr. Miller said the intent of the presentation is to provide the petitioner an opportunity to present their conceptual plan and receive feedback and direction from the members.

Mr. Carlisle commented on the exterior features of the location. He said conceptually it is a good use of a PUD because of the need for flexibility to accommodate the exterior factors. Mr. Carlisle said the project has the most mixed uses than any other project that has come before the Planning Commission. Mr. Carlisle said the transition between the frontage property and the proposed residential was discussed at great length with the petitioners. He addressed the proposed building elevations, orientation of garage doors and green space.

Mr. Paluzzi addressed the environmental design techniques; i.e., retention pond, water discharge.

Mr. Byarski gave a brief presentation of the conceptual plan with the use of visual boards. He provided a brief history of the conception of the project. Mr. Byarski reported that 95% of property ownership is theirs. It is their intention to get feedback and favorable approval of the conceptual plan and to move forward with the project.

It was a general consensus of the members that the proposed PUD is a well-conceived conceptual plan for the location. Items addressed were:

- Density
- Green space
- Parking layout/design; i.e., shared parking bank/banquet facility, parallel, guest
- Garage door orientation/design
- Entrance to project as relates to traffic in general area
- Sidewalks; i.e., width, location
- Construction entrance
- PUD vs development achieved through rezonings
- Building material

Mr. Smith spoke favorably of the conceptual plan with respect to the responsiveness of the petitioners and the good integration of mixed uses. He said the PUD is a powerful tool that would make the proposed plan a financially feasible product. Mr. Smith complimented the petitioners on the plan.

Chair Strat requested a recess at 8:55 p.m.

The meeting reconvened at 9:05 p.m.

---

8. PLANNED UNIT DEVELOPMENT (PUD 4) – Proposed The Monarch Private Residences, 209 units, 11,166 S.F. retail space and structured parking, North side of Big Beaver Road between Alpine and McClure, Section 20 – O-1 (Low Rise Office), P-1 (Vehicular Parking) and R-1B (One Family Residential Districts

Mr. Miller said the purpose of tonight's meeting is to discuss: (1) public benefit; (2) the buffer area between the townhouses and the existing single family residential; and (3) the relationship of the townhouses to single family residential. Mr. Miller briefly addressed the landscape plan, communication from the petitioner with respect to public benefit, and the history and evolution of the project.

Mr. Carlisle briefly addressed the evolution of the design layout in relation to the transition to single family residential.

Jennifer Mooney, Bob Dudick, Tom Kafkes and John Bender of Joseph Freed and Associates were present. Also present were Gary Jonna of Whitehall Real Estate and Ron Phillips of Tadian Homes. Ms. Mooney introduced the Landscape Architect Randy Metz of Grissim Metz Andriese Associates and Architect David Donnellon of Design Resources.

Design Layout / Transition Buffer

Mr. Metz presented in detail the significant features of the overall plan inclusive of the landscaping and introduced the lighting plan, with the use of various visual aids.

Discussion followed. Comments were taken from around the table.

Public Benefit

Ms. Mooney addressed the following public benefits:

(1) $1.9 million expected tax revenue annually
(2) Enhancement to Big Beaver corridor; i.e., pedestrian traffic, retailers, restaurants, etc., that will generate sales and additional tax revenue
(3) Off-site landscaping and lighting program along Alpine and McClure
(4) Off site landscape in front of DADA parking lot and auto dealership
(5) Pocket parks
(6) New product line to the market
(7) Underground detention
(8) Parking structure
(9) Improvement to pedestrian friendly environment

Ms. Mooney asked the City to consider the merits of an additional public benefit -- a "Neighborhood Improvement Fund" – in which a contribution would be made to fund a specific area chosen by the neighborhood; i.e., streetscape enhancement, landscape enhancement, neighborhood park, etc.

Mr. Carlisle suggested that the contribution be earmarked for specific purposes.

Discussion followed. Comments were taken from around the table.

Ms. Mooney summarized the meeting with the Road Commission for Oakland County and the City's Traffic Engineer with respect to a pedestrian crosswalk across Big Beaver Road.

Mr. Chamberlain commented on the presentation given by the Road Commission for Oakland County (RCOC) at the April 20, 2005 Downtown Development Authority (DDA) meeting, and the DDA's resolution in support of the funding needs for the County road infrastructure.

Chair Strat requested a recess at 10:35 p.m.

The meeting reconvened at 10:40 p.m.

Layout/Design of The Villas (Townhouses)

Comments were taken from around the table.

By a show of hands, the majority of members agreed that the petitioner should further address the following items:

- Snow removal
- Distance to walk from guest parking to the most northerly units
- Parking (emergency vehicle access; distance between units)
- Preliminary conceptual drainage plan
- Preliminary conceptual grading plan

By a show of hands, a majority vote was not reached on the following items:

- Reduction in density
- 16-foot setback along Alpine and McClure

Mr. Miller requested the petitioner to provide complete updated booklets and full size prints in a timely manner for review by staff, the Planning Consultant and the Planning Commission.

Ms. Mooney stated their objective for requesting a Public Hearing at the May 10, 2005 Regular Meeting.

9. PUBLIC COMMENTS

Mike Baxter of 3141 McClure, Troy, was present to speak on The Monarch PUD. Mr. Baxter is an adjoining property owner to the project. He spoke at a previous meeting in which concerns relating to privacy, setbacks and density were voiced. Mr. Baxter said written communication in which those concerns were detailed was sent to the Planning Commission members and developer, and he would like to confirm that the communication was received and that the concerns are on record.

GOOD OF THE ORDER

Mr. Miller confirmed that all public comment relating to the The Monarch project would be attached and made a part of the Planning Department report.

Mr. Waller said the members have a right to ask a petitioner to consider making changes, but the petitioner has a right to not accept those suggestions.

Mr. Vleck agreed with Mr. Waller's comments. He addressed Mr. Chamberlain's comments relating to the Road Commission's request for support from the DDA on RCOC projects.

Mr. Khan agreed that a petitioner has the right to do what he wants, but he as a commissioner has the right to not vote for a project should he not like it.

Mr. Chamberlain suggested that the members watch the presentation given by the Road Commission at the Downtown Development Authority meeting. He said the formal presentation was approximately 45 minutes and a variety of taxes and specific amounts of money were discussed.

Mr. Motzny invited everyone to join the Legal Department for Law Day on Wednesday, May 4. The official theme for this year's Law Day is "The American Jury; We the People in Action".

Mr. Carlisle addressed The Monarch project. He said that 99% of the comments made by the members involve approximately 10% of the project. He hopes all the project team members heard the comments and suggestions of the Planning Commission.

Mr. Miller said consideration was given to having the Road Commission give the same presentation to the Planning Commission as it did to the DDA on April 20, 2005.

Mr. Schultz asked if the Road Commission recognized the millions of dollars that the City of Troy has already contributed to the expansion of Big Beaver Road.

ADJOURN

The Special/Study Meeting of the Planning Commission adjourned at 11:15 p.m.

Respectfully submitted,

_____

Thomas Strat, Chair

_____

Kathy L. Czarnecki, Recording Secretary

G:\Planning Commission Minutes\2005 PC Minutes\Final\04-26-05 Special Study Meeting_Final.doc

A. CALL TO ORDER
A regular meeting of the Troy Daze Advisory Committee was held **Tuesday, April 26, 2005** at the Troy Community Center. Meeting was called to order at 7:30 pm.

B. MEMBERS PRESENT
Present:
Jim Cyrulewski
Marilyn Musick
Cecile Dilley
Kessie Kaltsounis
Cheryl Whitton-Kaszubski
Bill Hall
Mike Gonda
Jeff Stewart
Bob Preston

Bob Berk (absent)

City Staff Present:
Bob Matlick
Gerry Scherlinck
Laura Fitzpatrick

EXCUSE ABSENT MEMBERS
Resolution # TD-2005-04-14
Moved by Cheryl Whitton-Kaszubski
Seconded by Cecile Dilley

RESOLVED that absent member is excused.

Yeas: All
Nays: None
MOTION CARRIED

APPROVAL OF MINUTES
Resolution # TD-2005-04-15
Moved by Mike Gonda
Seconded by Cecile Dilley

RESOLVED that the minutes from the March 22, 2005 Troy Daze Advisory Committee are approved.

Yeas: All
Nays: None
MOTION CARRIED

EVENT CHAIRPERSONS
Resolution # TD-2005-04-16

Moved by Cheryl Whitton-Kaszubski
Seconded by Mike Gonda

RESOLVED that Alison Miller (Teen Event) and Shannon DeVries (Talent Show) are approved as event chairpersons.

ADJOURN MEETING
Resolution # TD-2005-04-17
Moved by
Seconded by

RESOLVED that the Troy Daze Advisory Committee Meeting be adjourned at 7:33 p.m.

Yeas: All
Nays: None
MOTION CARRIED

_____
Kessie Kaltsounis, Vice Chairperson

_____
Laura Fitzpatrick, Recording Secretary

TROY DAZE FESTIVAL COMMITTEE

A regular meeting of the Troy Daze Festival Committee was held **Tuesday, April 26, 2005** at the Troy Community Center. Meeting was called to order at 7:33 pm.

A. ROLL CALL

Present*:

Leonard Bertin	Jeff Stewart
Mike Gonda	Marilyn Musick*
Bob Preston	Sandy Macknis*
JoAnn Preston	Cheryl Whitton-Kaszubski
Cecile Dilley	Lois Cyrulewski
Bill Hall	Tarcisio Massaini
Kessie Kaltsounis	Jeffrey Super
Jim Cyrulewski	
Shannon DeVries	
Tom Tighe	Doris Schuchter

City Staff Present:

Bob Matlick
Gerry Scherlinck
Laura Fitzpatrick

B. APPROVAL OF MINUTES

Change to March 22, 2005 meeting minutes
Ability Expo – change draft to craft

Moved by Leonard Bertin
Seconded by Sandy Macknis

RESOLVED that the minutes with correction from the March 22, 2005 Troy Daze Festival Committee are approved.

Yeas: All
Nays: None
MOTION CARRIED

C. TREASURER'S REPORT

Revenue: $166,500
Exp: $171,894

2005 Event Budget distributed

- Reminder – Make sure your event comes in at or under budget
- Reviewed budget – question from Matlick regarding Fire Department change
- Add #3 to OLD BUSINESS - "Senior Sensation Day"

D. CORRESPONDENCE

- Check with Cindy – summer bulletin (TROY TODAY)
- TSD agreed to placement of lawn signs

E. CHAIRPERSON'S REPORT

- Bertin/Ability Expo - will not take place due to lack of volunteers and interest on part of vendors
- Fitzpatrick/Race – Flyer ready late May; Online registration ready June 15th
- Gonda/Ops – Good
- Musick/Cauldron – Good
- Scherlinck – Police Department won't have a booth
- DeVries/Talent Show - getting started
- Cyrulewski/Sunday Entertainment – Good – got a band
- Matlick/Fire Department – probably won't have a booth
- Schuchter/EthniCity – New Chair
- Bob Preston – have contacted schools and already signed up 65 people
- Tom Tighe – KOC 50/50
- Stewart/Special Children – would prefer not to serve hot dogs; delete from suggestion list: "charge a fee"
  Special Adult – Buscemi's provides for kids
  Message/invite for Senior Citizens in Troy Today
  Will make flyers and distribute @ Community Center Events
  Seeking an Elvis impersonator for special needs adults
- Macknis – has signed up 65 student volunteers
- Dilley/Booths – Applications in mail
- Hall/Mr. Troy – No entertainment yet
  Check on Helium – how do they order it? (who do they contact on staff)
- Super/Shuttles

Advisory Committee wants copies of monthly detail $ sheet to all Advisory Board Members (in packets)

Having a "Senior Sensation Light" Event

- Donuts and coffee
- No free lunch/no lunch served

<u>ADJOURN MEETING</u>

Moved by Bill Hall
Seconded by Cheryl Whitton-Kaszubski

RESOLVED that the Troy Daze Festival Committee Meeting be adjourned at 9:01 p.m.

Yeas: All
Nays: None
MOTION CARRIED

A meeting of the **Troy Youth Council (TYC)** was held on April 27, 2005 at 7:00 PM at City Hall in the Lower Level Conference Room, 500 West Big Beaver Road. Catherine Herzog and Manessa Shaw called the meeting to order at 7:05 p.m.

MEMBERS PRESENT: Alexandra (Sasha) Bozimowski
Juliana D'Amico
Catherine Herzog (co-chair)
Maniesh Joshi
Jessica Kraft
Manessa Shaw (co-chair)
Nicole Vitale
Karen Wullaert

MEMBERS ABSENT: Min Chong
Rishi Joshi (excused)
Andrew Kalinowski (excused)
Monika Raj
YuJing Wang (excused)

ALSO PRESENT: Laura Fitzpatrick, Assistant to the City Manager
17 Candidates to be Interviewed for Recommendation for Appointment to the TYC (see list in minutes)

1. Roll Call

2. Approval of Minutes

Resolution # TY-2005-04-11
Moved by Bozimowski
Seconded by Vitale
RESOLVED, That the minutes of 3/23/05 be approved
Yes: All - 8
No: None
Absent: 5 – Chong, Joshi, Kalinowski, Raj, Wang
MOTION CARRIED

3. **Attendance Report:** To note and file

4. Interviews to Recommend Candidate for Appointment to the TYC

17 candidates were interviewed. 21 applicants were on file. All applicants were considered, including those who were not present at the interviews. Interviews lasted approximately three minutes each. The list of applicants is below. Highlighted names were not present at the interviews. The TYC voted on 8 candidates. The remainder of the candidates will be referred to other City Boards, Teens Taking Action (Troy Community Coalition) and other volunteer opportunities with the City.

*Highlighted names denote absence from the interviews.

Last Name	First Name	Current Grade	High School (Fall 2005)
Chen	Nancy	8	Troy High
Corey	Andrew	10	Troy High
D'Amico	Maxine	9	Christian Leadership Academy
Desai	Nikita	9	Troy High
Hacker	Elizabeth	9	Athens High
Hepner	Josh	9	Troy High
Horvath	Zack	9	Troy High
Luo	Lisa (Jia)	11	Troy High
Marsh	Chelsey	10	Avondale High
Natarajan	Aswrin	8	Troy High
Niemic	Joseph	8	Troy High
Pochodylo	Amy	8	Troy High
Prasad	Anupama	9	Athens High
Qiu	Anna	10	Troy High
Randall	Kristin	9	Athens High
Reimann	Carolyn	8	Troy High
Schramm	Alyson	10	International Academy
Shaw	Neil	8	Troy High
Subramanian	Shruthi	9	Troy High
Thoenes	Katie	9	Troy High
Yang	Helen	9	Troy High

Resolution # TY-2005-04-12

Moved by Shaw
Seconded by Bozimowski

RESOLVED, That Andrew Corey, Maxine D'Amico, Lisa (Jia) Luo, Aswrin Natarajan, Anupama Prasad, Kristin Randall, Neil Shaw, and Katie Thoenes are recommended for appointment to the Troy Youth Council.

Yes: All - 8
No: None
Absent: 5 – Chong, Joshi, Kalinowski, Raj, Wang
MOTION CARRIED

Resolution # TY-2005-04-13

Moved by Shaw
Seconded by Bozimowski

RESOLVED, That Patrick Niemic, Chelsey Marsh, and Carolyn Reimann are recommended as alternates (in that order) for appointment to the Troy Youth Council. Alternates will be recommended if any of the eight candidates recommended in the previous resolution decline appointment.

Yes: All - 8
No: None
Absent: 5 – Chong, Joshi, Kalinowski, Raj, Wang
MOTION CARRIED

5. Troy Daze Festival Update: Youth Council Involvement Entertainment Event

- Awaiting direction from event co-chairs; TYC members are interested in helping out and Fitzpatrick has conveyed that to the co-chairs

***6.* Motion to Excuse Absent Members Who Have Provided Advance Notification**

Resolution # TY-2005-04-14

Moved by M Joshi
Seconded by Wang

RESOLVED, That members Joshi, Kalinowski and Wang are excused.

Yes: All - 8
No: None
Absent: 5 – Chong, Joshi, Kalinowski, Raj, Wang
MOTION CARRIED

Youth Council Comments
PUBLIC COMMENT

Reminder Next Meeting: Wed, May 18, 2005

The meeting adjourned at 8:34 P.M.

_____
Manessa Shaw, Co-chair

_____
Laura A. Fitzpatrick, Assistant to the City Manager

The Special/Study Meeting of the Troy City Planning Commission was called to order by Chair Strat at 7:30 p.m. on May 3, 2005 in the Council Board Room of the Troy City Hall.

1. ROLL CALL

Present:
Lynn Drake-Batts
Fazal Khan
Robert Schultz
Thomas Strat
David T. Waller
Wayne Wright

Absent:
Gary Chamberlain
Lawrence Littman
Mark J. Vleck

Also Present:
Mark F. Miller, Planning Director
Brent Savidant, Principal Planner
Allan Motzny, Assistant City Attorney
Kathy L. Czarnecki, Recording Secretary

Resolution # PC-2005-05-060
Moved by: Wright
Seconded by: Khan

RESOLVED, That Members Chamberlain, Littman and Vleck are excused from attendance at this meeting for personal reasons.

Yes: Khan, Schultz, Strat, Waller, Wright
No: None
Abstain: Drake-Batts
Absent: Chamberlain, Littman, Vleck

MOTION CARRIED

2. MINUTES

Several members requested that the March 28, 2005 Joint City Council/Planning Commission Meeting minutes, page 3, under **2. Options for Regulating Commercial Vehicles, Planning Commission Interests, I. Commercial Vehicles - (No comments)**, be revised to reflect that the Planning Commission members did not have an opportunity to participate.

Resolution # PC-2005-05-061
Moved by: Wright
Seconded by: Khan

RESOLVED, To approve the March 28, 2005 Joint City Council/Planning Commission Meeting minutes as amended.

Yes: All present (6)
No: None
Absent: Chamberlain, Littman, Vleck

MOTION CARRIED

Resolution # PC-2005-05-062
Moved by: Schultz
Seconded by: Waller

RESOLVED, To approve the April 5, 2005 Special Meeting minutes (Alpine/McClure Site Visit) as published.

Yes: Drake-Batts, Khan, Schultz, Strat, Waller
No: None
Abstain: Wright
Absent: Chamberlain, Littman, Vleck

MOTION CARRIED

Resolution # PC-2005-05-063
Moved by: Schultz
Seconded by: Waller

RESOLVED, To approve the April 5, 2005 Special/Study Meeting minutes as published.

Yes: All present (6)
No: None
Absent: Chamberlain, Littman, Vleck

MOTION CARRIED

Resolution # PC-2005-05-064
Moved by: Khan
Seconded by: Wright

RESOLVED, To approve the April 12, 2005 Regular Meeting minutes as published.

Yes: Drake-Batts, Khan, Schultz, Strat, Wright
No: None
Abstain: Waller
Absent: Chamberlain, Littman, Vleck

MOTION CARRIED

3. PUBLIC COMMENTS

There was no one present who wished to speak.

4. PUBLIC HEARING – PROPOSED REZONING (Z 683-B) – Proposed Medical Building, North side of Big Beaver, between John R and Rochester, Section 23 – From R-1E to E-P, From R-1E to P-1 and From E-P to P-1

Mr. Miller reviewed the proposed rezoning that was tabled at the April 12, 2005 Regular Meeting and displayed slides of the rezoning proposal.

The petitioner, Najim Saymuah of CDPA Architects, 26600 Telegraph, Southfield, was present. Mr. Saymuah briefly presented the proposed revisions to the rezoning and displayed two sketches that represented the changes.

The members expressed favorable comments.

Mr. Miller requested the petitioner provide legal descriptions to the Planning Department as soon as possible in order for the Planning Department to complete its review for the May 10, 2005 Regular Meeting.

Mr. Schultz said the revised proposal shows great concern for both the existing neighbors and potential new neighbors to the north because the lots are the same depth and width and an environmentally protected area abuts the residential property.

Mr. Saymuah said the neighbors are happy, and he apologized for the misunderstanding at the last meeting.

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

Mr. Miller provided a brief review of the proposed zoning ordinance text amendment.

Discussion followed on allowing limited retail use not only along major thoroughfares in the M-1 district but also on the interior streets.

Comments were taken from around the table.

Discussion points were:

- Code enforcement (existing businesses in non-business districts).
- Retail uses; related versus unrelated.
- Relationship between retail and industrial uses.
- Use variances (not permitted by the City's Zoning Ordinance).
- Special land use (appeal process).
- Current vacancy.

Mr. Miller reported that he had discussed retail on major thoroughfares only with City Management, and it is unknown if City Management would support retail on the interior streets. Mr. Miller said City Management has concerns that unfair advantages might be created for industrial building owners.

Chair Strat encouraged staff to contact developers and get their perspective on the proposed zoning ordinance text amendment.

The members requested that the Planning Department check on the position of City Management with respect to including limited retail use on interior streets in the M-1 district.

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

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

Mr. Miller reviewed the draft text amendment relating to accessory structures, the grandfather clause, and the decision of the Board of Zoning Appeals at their April 19, 2005 meeting. Mr. Miller indicated that City Management is in agreement with the accessory structure formula of 75% of the first floor living area and the grandfather clause. City Management is not in favor of placing a restriction on garage door height.

A lengthy discussion followed. The members agreed to go forward with its original proposal and to include the grandfather clause. The Planning Department will draft appropriate zoning ordinance text with respect to garage door height.

7. ZONING ORDINANCE TEXT AMENDMENT (ZOTA 215-C) – Article 43.74.00, Article 40.65.02 and Article 44.00.00, pertaining to Commercial Vehicle Parking Appeals

Mr. Miller reported that the draft zoning ordinance text relating to commercial vehicle parking appeals does not address the use variance issue.

Mr. Motzny said the Legal Department was given the direction to review the legality of channeling commercial vehicle appeals through the Board of Zoning Appeals (BZA). He said State law would allow the BZA to grant use variances, but the City's Zoning Ordinance does not allow for use variances at this time. Mr. Motzny said the Zoning Ordinance must be drafted to coordinate with State law. Should a procedure be established, Mr. Motzny questioned if use variances should be created for other types of use variances. He stated another option would be to not allow commercial vehicle appeals.

It was agreed that the Legal Department and Planning Department would study this matter further and come back with a recommendation as to whether there should be an appeals process and, if so, with appropriate draft language to enable the process.

8. ZONING ORDINANCE TEXT AMENDMENT (ZOTA 212) – Freestanding Restaurants and Daycare Centers in the R-C (Research Center) O-M (Office Mid-Rise) and O-S-C- (Office Service Commercial) Zoning Districts

Mr. Miller briefly reviewed the changes that were incorporated in the draft zoning ordinance text.

A discussion followed with respect to the proposed allowable uses and the limitation of them. Mr. Miller reported that City Management would not support additional uses in the R-C and O-S-C zoning districts.

The members agreed with the concept of the ordinance amendment. Their direction was to allow restaurants and banks only, and to eliminate financial institutions or include a definition of financial institutions within the text.

Chair Strat requested a recess at 9:07 p.m.

The meeting reconvened at 9:15 p.m.

---

9. ZONING ORDINANCE TEXT AMENDMENT (ZOTA 201) – Commercial Recreation in the Light Industrial Zoning District

Mr. Miller reviewed the proposed zoning ordinance text amendment.

The direction from the members was to include appropriate language relating to joint parking agreements in Section 04.20.07.

10. REVIEW OF MAY 10, 2005 REGULAR MEETING

Mr. Miller provided a review of the May 10, 2005 agenda items.

There was discussion on preparation and delivery of the Planning Commission meeting packets, and the Planning Department procedure in the submission and review of applications.

11. PUBLIC COMMENTS

Dick Minnick of 28 Millstone Drive, Troy, was present. Mr. Minnick spoke on the proposed ZOTA 215-A with respect to the BZA decision, a grandfather clause, garage door height restrictions and seller disclosure.

Chair Strat said Mr. Minnick's concerns would be taken under consideration.

Mr. Miller encouraged Mr. Minnick to contact the Planning Department to review the draft zoning ordinance text amendment upon its completion by staff.

GOOD OF THE ORDER

Several members commented on the Planning Commission's reception and responsiveness to petitioners.

Mr. Schultz asked if the members could receive the *Planning Journal* special compilation listed on page 7 that addresses basic tools of planning, comprehensive planning, zoning, capital improvement programs, subdivision regulations, etc.

Mr. Waller provided members with an update on the Big Beaver Tales. The website for the art project is www.beavertales.org.

Mr. Motzny reminded members of the "Law Day" celebration in the Legal Department on May 4, 2005.

Mr. Miller announced the Michigan Association of Planning (MAP) annual conference is at Mackinac Island on September 14-17, 2005. He asked that members inform the Planning Department if they are attending.

Chair Strat said a report of his San Francisco conference is coming.

ADJOURN

The Special/Study Meeting of the Planning Commission adjourned at 9:55 p.m.

Respectfully submitted,

_____
Thomas Strat, Chair

_____
Kathy L. Czarnecki, Recording Secretary

G:\Planning Commission Minutes\2005 PC Minutes\Draft\05-03-05 Special Study Meeting_Draft.doc

The Special/Study Meeting of the Troy City Planning Commission was called to order by Chair Strat at 7:30 p.m. on May 3, 2005 in the Council Board Room of the Troy City Hall.

1. ROLL CALL

Present:
Lynn Drake-Batts
Fazal Khan
Robert Schultz
Thomas Strat
David T. Waller
Wayne Wright

Absent:
Gary Chamberlain
Lawrence Littman
Mark J. Vleck

Also Present:
Mark F. Miller, Planning Director
Brent Savidant, Principal Planner
Allan Motzny, Assistant City Attorney
Kathy L. Czarnecki, Recording Secretary

Resolution # PC-2005-05-060
Moved by: Wright
Seconded by: Khan

RESOLVED, That Members Chamberlain, Littman and Vleck are excused from attendance at this meeting for personal reasons.

Yes: Khan, Schultz, Strat, Waller, Wright
No: None
Abstain: Drake-Batts
Absent: Chamberlain, Littman, Vleck

MOTION CARRIED

2. MINUTES

Several members requested that the March 28, 2005 Joint City Council/Planning Commission Meeting minutes, page 3, under **2. Options for Regulating Commercial Vehicles, Planning Commission Interests, I. Commercial Vehicles - (No comments)**, be revised to reflect that the Planning Commission members did not have an opportunity to participate.

Resolution # PC-2005-05-061
Moved by: Wright
Seconded by: Khan

RESOLVED, To approve the March 28, 2005 Joint City Council/Planning Commission Meeting minutes as amended.

Yes: All present (6)
No: None
Absent: Chamberlain, Littman, Vleck

MOTION CARRIED

Resolution # PC-2005-05-062
Moved by: Schultz
Seconded by: Waller

RESOLVED, To approve the April 5, 2005 Special Meeting minutes (Alpine/McClure Site Visit) as published.

Yes: Drake-Batts, Khan, Schultz, Strat, Waller
No: None
Abstain: Wright
Absent: Chamberlain, Littman, Vleck

MOTION CARRIED

Resolution # PC-2005-05-063
Moved by: Schultz
Seconded by: Waller

RESOLVED, To approve the April 5, 2005 Special/Study Meeting minutes as published.

Yes: All present (6)
No: None
Absent: Chamberlain, Littman, Vleck

MOTION CARRIED

Resolution # PC-2005-05-064
Moved by: Khan
Seconded by: Wright

RESOLVED, To approve the April 12, 2005 Regular Meeting minutes as published.

Yes: Drake-Batts, Khan, Schultz, Strat, Wright
No: None
Abstain: Waller
Absent: Chamberlain, Littman, Vleck

MOTION CARRIED

3. PUBLIC COMMENTS

There was no one present who wished to speak.

4. PUBLIC HEARING – PROPOSED REZONING (Z 683-B) – Proposed Medical Building, North side of Big Beaver, between John R and Rochester, Section 23 – From R-1E to E-P, From R-1E to P-1 and From E-P to P-1

Mr. Miller reviewed the proposed rezoning that was tabled at the April 12, 2005 Regular Meeting and displayed slides of the rezoning proposal.

The petitioner, Najim Saymuah of CDPA Architects, 26600 Telegraph, Southfield, was present. Mr. Saymuah briefly presented the proposed revisions to the rezoning and displayed two sketches that represented the changes.

The members expressed favorable comments.

Mr. Miller requested the petitioner provide legal descriptions to the Planning Department as soon as possible in order for the Planning Department to complete its review for the May 10, 2005 Regular Meeting.

Mr. Schultz said the revised proposal shows great concern for both the existing neighbors and potential new neighbors to the north because the lots are the same depth and width and an environmentally protected area abuts the residential property.

Mr. Saymuah said the neighbors are happy, and he apologized for the misunderstanding at the last meeting.

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

Mr. Miller provided a brief review of the proposed zoning ordinance text amendment.

Discussion followed on allowing limited retail use not only along major thoroughfares in the M-1 district but also on the interior streets.

Comments were taken from around the table.

Discussion points were:

- Code enforcement (existing businesses in non-business districts).
- Retail uses; related versus unrelated.
- Relationship between retail and industrial uses.
- Use variances (not permitted by the City's Zoning Ordinance).
- Special land use (appeal process).
- Current vacancy.

Mr. Miller reported that he had discussed retail on major thoroughfares only with City Management, and it is unknown if City Management would support retail on the interior streets. Mr. Miller said City Management has concerns that unfair advantages might be created for industrial building owners.

Chair Strat encouraged staff to contact developers and get their perspective on the proposed zoning ordinance text amendment.

The members requested that the Planning Department check on the position of City Management with respect to including limited retail use on interior streets in the M-1 district.

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

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

Mr. Miller reviewed the draft text amendment relating to accessory structures, the grandfather clause, and the decision of the Board of Zoning Appeals at their April 19, 2005 meeting. Mr. Miller indicated that City Management is in agreement with the accessory structure formula of 75% of the first floor living area and the grandfather clause. City Management is not in favor of placing a restriction on garage door height.

A lengthy discussion followed. The members agreed to go forward with its original proposal and to include the grandfather clause. The Planning Department will draft appropriate zoning ordinance text with respect to garage door height.

7. ZONING ORDINANCE TEXT AMENDMENT (ZOTA 215-C) – Article 43.74.00, Article 40.65.02 and Article 44.00.00, pertaining to Commercial Vehicle Parking Appeals

Mr. Miller reported that the draft zoning ordinance text relating to commercial vehicle parking appeals does not address the use variance issue.

Mr. Motzny said the Legal Department was given the direction to review the legality of channeling commercial vehicle appeals through the Board of Zoning Appeals (BZA). He said State law would allow the BZA to grant use variances, but the City's Zoning Ordinance does not allow for use variances at this time. Mr. Motzny said the Zoning Ordinance must be drafted to coordinate with State law. Mr. Motzny stated that the law permits use variances only if the land cannot be used in the manner in which it is zoned. Should a procedure be established, Mr. Motzny questioned if use variances should be created for other types of use variances. He stated another option would be to not allow commercial vehicle appeals.

It was agreed that the Legal Department and Planning Department would study this matter further and come back with a recommendation as to whether there should be an appeals process and, if so, with appropriate draft language to enable the process.

Mr. Wright asked that Page 5, Item 7, incorporate the comments of

8. ZONING ORDINANCE TEXT AMENDMENT (ZOTA 212) – Freestanding Restaurants and Daycare Centers in the R-C (Research Center) O-M (Office Mid-Rise) and O-S-C-(Office Service Commercial) Zoning Districts

Mr. Miller briefly reviewed the changes that were incorporated in the draft zoning ordinance text.

A discussion followed with respect to the proposed allowable uses and the limitation of them. Mr. Miller reported that City Management would not support additional uses in the R-C and O-S-C zoning districts.

The members agreed with the concept of the ordinance amendment. Their direction was to allow restaurants and banks only, and to eliminate financial institutions or include a definition of financial institutions within the text.

Chair Strat requested a recess at 9:07 p.m.

The meeting reconvened at 9:15 p.m.

---

9. ZONING ORDINANCE TEXT AMENDMENT (ZOTA 201) – Commercial Recreation in the Light Industrial Zoning District

Mr. Miller reviewed the proposed zoning ordinance text amendment.

The direction from the members was to include appropriate language relating to joint parking agreements in Section 04.20.07.

10. REVIEW OF MAY 10, 2005 REGULAR MEETING

Mr. Miller provided a review of the May 10, 2005 agenda items.

There was discussion on preparation and delivery of the Planning Commission meeting packets, and the Planning Department procedure in the submission and review of applications.

11. PUBLIC COMMENTS

Dick Minnick of 28 Millstone Drive, Troy, was present. Mr. Minnick spoke on the proposed ZOTA 215-A with respect to the BZA decision, a grandfather clause, garage door height restrictions and seller disclosure.

Chair Strat said Mr. Minnick's concerns would be taken under consideration.

Mr. Miller encouraged Mr. Minnick to contact the Planning Department to review the draft zoning ordinance text amendment upon its completion by staff.

GOOD OF THE ORDER

Several members commented on the Planning Commission's reception and responsiveness to petitioners.

Mr. Schultz asked if the members could receive the *Planning Journal* special compilation listed on page 7 that addresses basic tools of planning, comprehensive planning, zoning, capital improvement programs, subdivision regulations, etc.

Mr. Waller provided members with an update on the Big Beaver Tales. The website for the art project is www.beavertales.org.

Mr. Motzny reminded members of the "Law Day" celebration in the Legal Department on May 4, 2005.

Mr. Miller announced the Michigan Association of Planning (MAP) annual conference is at Mackinac Island on September 14-17, 2005. He asked that members inform the Planning Department if they are attending.

Chair Strat said a report of his San Francisco conference is coming.

ADJOURN

The Special/Study Meeting of the Planning Commission adjourned at 9:55 p.m.

Respectfully submitted,

_____
Thomas Strat, Chair

_____
Kathy L. Czarnecki, Recording Secretary

G:\Planning Commission Minutes\2005 PC Minutes\Final\05-03-05 Special Study Meeting_Final.doc

The Chairman, Ted Dziurman, called the meeting of the Building Code Board of Appeals, to order at 8:30 A.M., on Wednesday, May 4, 2005 in the Lower Level Conference Room of the Troy City Hall.

PRESENT: Ted Dziurman
Bill Nelson
Tim Richnak
Rick Kessler
Frank Zuazo

ALSO PRESENT: Mark Stimac, Director of Building & Zoning
Pamela Pasternak, Recording Secretary

ITEM #1 – APPROVAL OF MINUTES – MEETING OF APRIL 6, 2005

Motion by Nelson
Supported by Richnak

MOVED, to approve the minutes of the meeting of April 6, 2005 as written.

Yeas: All – 5

MOTION TO APPROVE MINUTES CARRIED

ITEM #2 – VARIANCE REQUEST. KESSIE KALTSOUNIS, 760 W. WATTLES, for relief of Chapter 78 to put up 30 off-site signs to advertise the upcoming OPA Festival.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 78 to put up 30 off-site signs to advertise the upcoming OPA Festival. Section 14.03 of the Sign Ordinance limits the number of off-site signs to four (4). These signs would be displayed from June 21st until June 27th.

Mr. Dziurman asked if this was the same request that had been presented in the past. Mr. Stimac stated that it was and we have not received any complaints or objections regarding these signs.

Ms. Kaltsounis was present and stated that she had nothing further to add.

Motion by Richnak
Supported by Nelson

MOVED, to grant Kessie Kaltsounis, 760 W. Wattles, relief of Chapter 78 to put up 30 off-site signs to advertise the upcoming OPA Festival where 4 signs are permitted.

- Signs will be displayed from June 21st until June 27th.
- Variance is not contrary to public interest.

ITEM #2 – con't.

Yeas: All – 5

MOTION TO GRANT VARIANCE CARRIED

ITEM #3 -VARIANCE REQUEST. J & E HOME IMPROVEMENTS, 1246 PROVINCIAL, for relief of the 2003 Michigan Residential Code to finish a basement into habitable space, which will result in a finished ceiling height of 6'-9", and also, two drops for ductwork with a 6'-2" ceiling height where a minimum of 7' is required.

Mr. Stimac explained that the petitioner is requesting relief of the 2003 Michigan Residential Code to finish the basement at 1246 Provincial. The plans submitted indicate a 240 square foot area of the basement with a 6'-9" finished ceiling height. In this same area the plans also show two (2) drops for ductwork with a 6'-2" ceiling height. Section R 305.1 requires a 7' minimum ceiling height and allows a 6'-6" minimum for dropped areas.

Mr. David Shipley of J & E Home Improvements was present. Mr. Shipley explained that the area under the family room is the space that would be 6'-9"; however this is the area that they can raise the ceiling height to 6'-10". The other areas have a duct drop and they will cover those as these ducts are directly against the walls.

Mr. Richnak asked how far from the wall these covered drops would come out. Mr. Shipley stated that they would be boxed in about 18" from the wall

Mr. Dziurman asked if other permits would be required to finish the basement and Mr. Stimac said that once the work was started the appropriate permits would be obtained and would comply.

Mr. Stimac asked the petitioner if there was any way that they could build in shelves or bookcases under the ductwork, to prevent anyone from walking in this area. Mr. Shipley stated that he was not sure what the homeowner had planned but thought he was going to put in an entertainment center in this area. Right now they have five or six boxes of children's toys in this space. Mr. Shipley also said that because this is an Owens-Corning basement, they do not encourage shelves, as the walls would not support them.

Mr. Stimac then asked if it was possible to bring the entire wall out 18" and Mr. Shipley said that this was something that could be done. Mr. Stimac also stated that the plans indicate that the adjacent wall would be pushed back. Mr. Shipley said that the are coming off 12" to allow clearance around the furnace area.

Mr. Kessler stated that there is 7'-3" clearance at the foot of the stairs and asked why they wished to expand this area. Mr. Shipley said that he did not know the exact reason the homeowner wanted his basement finished in this area. Mr. Shipley stated that the

ITEM #3 – con't.

homeowner wanted to create as much visible, usable, living space as possible in this basement. Mr. Shipley also said that this is a very large basement.

Mr. Kessler suggested that this area of the basement could be dry walled, and the rest of the basement would be in compliance with the Building Code. Mr. Kessler also said that he did not find a hardship related to this request and by changing the material in this area they would be much closer to compliance than the original request. Mr. Shipley said that no matter what they do, they still would not be in compliance. Mr. Kessler indicated that he would sooner grant a variance for ½" ceiling height with drywall, than 2" with the proposed system.

Mr. Shipley said they would not be able to access the ceiling. Mr. Kessler stated that they would be able to put in access panels. Mr. Kessler said that there is no hardship and there is only one (1) area that is not compliant and they could scale back the scope of the work.

Mr. Dziurman asked if Mr. Shipley was speaking for the homeowner. Mr. Shipley stated that he was and thought that the homeowner would be at this meeting also.

Mr. Kessler said that under the floor joist you could come up to 6'10" and if you added ½" drywall and ½' furring strips you could get up to 6'11 ½", which he feels is a huge difference. The change in the materials would not be visible because there are beams in this area.

Mr. Dziurman asked about the areas under the duct system and Mr. Kessler said that he could box it out floor to ceiling.

Motion by Kessler
Supported by Richnak

MOVED, to grant J & E Home Improvements, 1246 Provincial, relief of the 2003 Michigan Residential Code to finish a basement into habitable space, which will result in a finished ceiling height of 6'11 ½", where a minimum of 7' is required.

- ½" drywall is to be added, which will bring ceiling height to 6'-11 ½".
- Ductwork is to be boxed in from floor to ceiling.

Yeas: All – 5

MOTION TO GRANT VARIANCE WITH STIPULATIONS CARRIED

Mr. Richnak stated that in the future Mr. Shipley should advise the homeowners that it would be very beneficial for them to attend this meeting so they could answer any questions that the Board had.

The Building Code Board of Appeals meeting adjourned at 8:45 A.M.

Ted Dziurman, Chairman

Pamela Pasternak, Recording Secretary

LIQUOR ADVISORY COMMITTEE MINUTES – DRAFT MAY 9, 2005

A regular meeting of the Liquor Advisory Committee was held on Monday, May 9, 2005 in Conference Room D of Troy City Hall, 500 West Big Beaver Road. Chairman Max K. Ehlert called the meeting to order at 7:00 p.m.

ROLL CALL:

PRESENT: Max K. Ehlert, Chairman
W. Stan Godlewski
Patrick C. Hall
Bohdan L. Ukrainec
Carolyn Glosby, Assistant City Attorney
Captain Dane Slater
Pat Gladysz

ABSENT: Henry W. Allemon
Alex Bennett
James R. Peard

Resolution to Excuse Committee Members Allemon, Bennett, and Peard

Resolution #LC2005-05-013
Moved by Hall
Seconded by Godlewski

RESOLVED, that the absence of Committee members Allemon, Bennett, and Peard at the Liquor Advisory Committee meeting of May 9, 2005 BE EXCUSED.

Yes: 4
No: None
Absent: Allemon, Bennett, and Peard

Resolution to Approve Minutes of April 11, 2005 Meeting

Resolution #LC2005-05-014
Moved by Ukrainec
Seconded by Hall

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

Yes: 4
No: None
Absent: Allemon, Bennett, and Peard

Agenda Items

1. **MORTON'S OF CHICAGO/TROY, LLC (A DELAWARE LIMITED LIABILITY COMPANY)**, requests to transfer ownership of a 2004 Class C licensed business with official permit (food), located in escrow at 25938 Middlebelt, Farmington Hills, MI 48336, Oakland County, from Stearn & Company, L.L.C.; transfer location (governmental unit), (MCL 436.1531) to 888 W. Big Beaver Rd, Troy, MI 48084, Oakland County, and requests a new SDM license to be held in conjunction. [MLCC REQ ID# 280550]

Present to answer questions from the Committee were Chris Baker, attorney for Morton's of Chicago, and Gray Jackson, regional manager.

Plans have been submitted to the City to renovate and expand the existing first floor space at 888 West Big Beaver Road for Morton's Restaurant. This is an upscale steakhouse and will seat 236 patrons. They will be open daily from 5:30 p.m. to 11:00 p.m. for dinner only. They anticipate a December 2005 opening. There are 65 Morton's locations in the United States. Their managers and employees receive TIPS training as well as an in-house employee alcohol awareness instruction course. In addition, their managers attend an eight-week training session. They maintain a zero tolerance liquor compliance policy and have only received three violations nationwide in the past three years.

Resolution #LC2005-05-015
Moved by Hall
Seconded by Ukrainec

RESOLVED, that MORTON'S OF CHICAGO/TROY, LLC (A DELAWARE LIMITED LIABILITY COMPANY), be allowed to transfer ownership of a 2004 Class C licensed business with official permit (food), located in escrow at 25938 Middlebelt, Farmington Hills, MI 48336, Oakland County, from Stearn & Company, L.L.C.; transfer location (governmental unit), (MCL 436.1531) to 888 W. Big Beaver Rd, Troy, MI 48084, Oakland County, and requests a new SDM license to be held in conjunction.

Yes: 4
No: None
Absent: Allemon, Bennett, and Peard

The meeting adjourned at 7:25 p.m.

_____
Max K. Ehlert, Chairman

_____
Patricia A. Gladysz, Office Assistant II

ETHNIC ISSUES ADVISORY BOARD-DRAFT MAY 10, 2005

I. CALL TO ORDER

A regular meeting of the Ethnic Issues Advisory Board was held **Tuesday, May 10, 2005** at Troy City Hall – Conference Room C. The meeting was called to order at 7:13 pm

II. MEMBERS PRESENT

Present:
Hailu Robele
Padma Kuppa
Kara Huang
Jeff Hyun
Oniell Shah
Anju Brodbine

Staff:
Andrea Herzog

Absent:
Flora Tan
Charles Yuan
Amin Hashmi
Tom Kaszubski

III. APPROVAL OF MINUTES

Moved by Anju Brodbine
Seconded by Oniell Shah

RESOLVED that the minutes from the April 5, 2005 Ethnic Issues Advisory Board Meeting are approved.

Yeas: All
Nays: None
MOTION CARRIED

IV. CORRESPONDENCE

- Articles – Padma emails to Board
- Negative Press – Interfaith by Shawn Lewis (right wing)

V. NEW BUSINESS

A. World Bazaar
- email EIA members a list (or bring to meeting) of phone numbers of crafters, split list and call
- get Opa Fest contacts
- Mayada – crafters? Make sure to contact her – need student members for the board

-Anju called International Academy, but no applicants
-Padma go to International Institute, will contact people while there
-Andrea suggested festivals in summer, try to make contacts

VI. **OLD BUSINESS**

A. Resource List – just keep updating

B. EthniCity – Did Amin go to their meeting as liason?
- Need volunteers (students)
- Kara said to try NHS, Project Lead
- Troy High – Ann Young or Lorelli (NHS), Diane Loucks (Project Lead)
- Athens Betty Chan and Michele Armstrong (NHS) – Oniell calling
- Jeff will talk to daughter and her orchestra group

C. Diversity Month
- Next May 1-31, 2006
- PTO and Principal's List – Padma sent Cindy list in February – mail letters in next few weeks regarding Diversity Month next May

D. Law Brochures
- Need electronic translations
- Send electronic version of museum brochure text
- Padma has seen a Grand Rapids Agency that translates brochures – check on cost and review with Cindy

VII. **NO STAFF REPORT**

VIII. **ADJOURNMENT**

Moved by Oniell Shah
Seconded by Anju Brodbine

RESOLVED that the Ethnic Issues Advisory Board Meeting be adjourned at 7:45 p.m.

Yeas: All
Nays: None
MOTION CARRIED

_____
Padma Kuppa, EIA Co-Chair

_____
Andrea Herzog, EIA Recording Secretary

PARKS AND RECREATION ADVISORY BOARD

A regular meeting of the Troy Parks and Recreation Advisory Board was held Thursday, May 12, 2005 at the Troy Community Center, room 503. Chairwoman, Kathleen Fejes called the meeting to order at 7:31 p.m.

Present:	Merrill Dixon, member	Ida Edmunds, member
	Kathleen Fejes, member	Tod Gazetti, member
	Tom Krent, member	Brad Henson, student representative
	Stuart Redpath, member	Jan Zikakis, member
	Stuart Alderman, staff	Jeff Biegler, staff
	Carol K. Anderson, staff	

Absent: Rusty Kaltsounis, Meaghan Kovacs, and Jeff Stewart

Visitors:

Resolution # PR - 2005 - 05 - 012
Moved by Gazetti
Seconded by Zikakis

RESOLVED, that absent members from the April 14, 2005 meeting are excused.

Yeas: All Nays: None
MOTION CARRIED

Resolution # PR - 2005 - 05 - 013
Moved by Krent
Seconded by Redpath

Resolved, that the minutes from April 14, 2005 be approved by amending page 1, Section A under OLD BUSINESS by **STRIKING** Senior Advisory Boards and **INSERTING** Advisory Committee For Senior Citizens and on page 2, Section D by **INSERTING** 2005-2006.

Yeas: All Nays: None
MOTION CARRIED

OLD BUSINESS

A. Budget Approval Process - Budget meetings with City Council will be finalized on Monday, May 16, 2005 at a public hearing. Our budget proposed a 25% reduction in the City's contribution to the Boys and Girls Club. City Council has decided not to reduce our contribution and to maintain the amount we have given community groups.

B. Capital Needs - A handout was distributed with a five-year plan of capital projects. This is a working document and may be subject to change when the Masterplan is completed or as other critical needs take priority.

C. DDA Median Maintenance - Irrigation has been installed on the medians of Big Beaver east of I-75 to Rochester Road. This year will be the first full season with the irrigation. The medians should be much improved this year. Annuals will be planted and dead/dying perennials have been replaced.

The City will contract a study to be done of the Big Beaver corridor for improvements.

D. Shuffleboard/Bocce - Cost estimates were obtained by Jeff Biegler; Shuffleboard Courts are approximately $3000 per court and Bocce Ball courts are approximately $10,000 - $12,000 per court. The Community Center has an existing storm drain that could be tied into for drainage, eliminating some cost.

Member Comments
Tom Krent asked about Section 36 parkland. Ms. Anderson explained that it is still in the courts and we hope to have this matter settled within a few weeks.

Mr. Krent also asked about the ball diamond lights at Boulan Park. Mr. Biegler replied that the lights might have been on because the seasonal laborer had not gotten to the park at that time to turn the lights off at one of the ball diamonds. The lights should not be on all night.

Jan Zikakis asked about the ash wood and if it is chopped up and used as firewood and available to the public. Mr. Biegler responded that we do not make it available since we cannot control its use. If it is taken out of the quarantined area, it may spread the Emerald Ash Borer pest farther. Currently, we grind it up into mulch and the large logs are sold.

Staff Reports
Director - Congratulations to Ida Edmunds on her re-election to the school board.

Discussions with the president of Troy Youth Soccer are continuing regarding costs for use of fields and facilities. Last year they were charged 20% however, this year they will be charged 40%. Special Use of fields, such as for the Soccer City Classic, they would be charged 100%.

Ms. Anderson encouraged all to look at the City survey when it is available on the website. It has a lot of information in it regarding City services. The Parks and Recreation department was rated very well in terms of use of our facilities and programs.

Resolution # PR - 2005 - 05 - 014
Moved by Krent
Seconded by Gazetti

Resolved that the Parks and Recreation Advisory Board will suspend the meetings for June, July and August unless there is a need.

Yeas: All Nays: None
MOTION CARRIED

Recreation Report - Many special events are taking place this summer: TFAC Open House, Perennial Plant Exchange, Hershey Track and Field, Nursery School Olympics, Family Festival and two new programs, Dodgeball and Kickball, to name a few.

Parks Report - Friday, May 6, 2005 was Arbor Day. A tree was planted in celebration and 80 kites were given away.

1200 flats of annuals have arrived and will be planted along the medians within the next few weeks.

On May 20 at Beach Road Park there will be an installation of a rain garden. Rain water from the parking lot will drain into a swale that has been planted with perennials that can withstand water for a longer than usual period of time. This will allow the plants to filter and absorb extra water thereby putting less pollutants and water into the Rouge River watershed. Come join in the fun and help plant a rain garden.

Resolution # PR - 2005 - 05 - 015
Moved by Krent
Seconded by Gazetti

Resolved, that absent members, Kovacs and Stewart, are excused.

Yeas: All Nays: None
MOTION CARRIED

The meeting adjourned at 8:45 p.m.

_____
Kathleen Fejes, Chairwoman

_____
Mary Williams, Recording Secretary

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 8:38)
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 a 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 **Troy Youth Council (TYC)** was held on May 18, 2005 at 7:30 PM at City Hall in the Council Board Room, 500 West Big Beaver Road. Nicole Vitale and Jessica Kraft called the meeting to order at 7:30 p.m.

MEMBERS PRESENT: Alexandra (Sasha) Bozimowski
Juliana D'Amico
Catherine Herzog
Maniesh Joshi
Rishi Joshi
Jessica Kraft (co-chair)
Andrew Kalinowski
Manessa Shaw
Nicole Vitale (co-chair)
YuJing Wang

MEMBERS ABSENT: Min Chong
Monika Raj
Karen Wullaert (excused)

ALSO PRESENT: Laura Fitzpatrick, Assistant to the City Manager

1. **Roll Call**

2. **Approval of Minutes**

Resolution # TY-2005-05-15
Moved by D'Amico
Seconded by Herzog
RESOLVED, That the minutes of 4/27/05 be approved.
Yes: All - 10
No: None
Absent: 3 – Chong, Raj, Wullaert
MOTION CARRIED

3. **Attendance Report:** To note and file
4. **Re-cap of National League of Cities Audio Conference:** Catherine Herzog
5. **Messages from TYC Alumni:**
   - Visitor: Fred Wong, Former TYC Member and Former Student Member on the Troy Downtown Development Authority
   - Email Message from Lusi Fang, Harvard Student and Founder of the TYC
6. **Troy Daze Festival Update**
   - Awaiting direction from event co-chairs; TYC members are interested in helping out and Fitzpatrick has conveyed that to the co-chairs

7. Motion to Excuse Absent Members Who Have Provided Advance Notification

Resolution # TY-2005-05-16
Moved by Shaw
Seconded by Wang
RESOLVED that Karen Wullaert is excused.
Yes: All - 10
No: None
Absent: 3 – Chong, Raj, Wullaert
MOTION CARRIED

8. Youth Council Comments
9. PUBLIC COMMENT

The meeting adjourned at 7:47 P.M.

_____
Nicole Vitale, Co-chair

_____
Laura A. Fitzpatrick, Assistant to the City Manager

Following adjournment - distributed certificates and took photos.

Reminder Next Meeting: AUG 24th at 7:00 P.M. @ ***CITY HALL***

A. CALL TO ORDER
A regular meeting of the Troy Daze Advisory Committee was held **Tuesday, May 24, 2005** at the Troy Community Center. Meeting was called to order at 7:30 pm.

B. MEMBERS PRESENT
Present:
Jim Cyrulewski
Cecile Dilley
Cheryl Whitton-Kaszubski
Bill Hall
Mike Gonda
Bob Preston

City Staff Present:
Cindy Stewart
Bob Matlick
Gerry Scherlinck
Tonya Perry

Absent
Kessie Kaltsounis
Bob Berk
Jeff Stewart
Marilyn Musick

EXCUSE ABSENT MEMBERS
Resolution # TD-2005-05-15
Moved by Jim Cyrulewski
Seconded by Bill Hall
RESOLVED that absent members are excused.

Yeas: All
Nays: None
MOTION CARRIED

APPROVAL OF MINUTES
Resolution # TD-2005-05-16
Moved by Mike Gonda
Seconded by Cecile Dilley

RESOLVED that the minutes from the April 26, 2005 Troy Daze Advisory Committee are approved*.

Yeas: All
Nays: None
MOTION CARRIED

*with addition Laura Fitzpatrick be added under City Staff

C. NEW BUSINESS

- No new appointments
- Plaques for booth participants – next meeting
- Schedule of Events needs to be finalized by June 30, 2005

D. OLD BUSINESS

- Update on contracts just starting to get underway
- Fireworks complete (Mad Bomber) wants to come out Wednesday, June 1st to look at site. Jeff B will show him site.

- Committee Manual Review

  Purchasing Guideline Section - page 3
  - Purchases under $800 should be $500
  - Purchases greater than $800 but under $1200 should read **Purchases greater than $500 but under $1000**
  - Purchases greater than $1200 but under $10,000 should read **Purchases greater than $1,000 but under $10,000**

  Petty Cash - page 5
  - No increase – stay at $400

  Insurance Certificates – page 5
  - Showed to Risk Manager- he will take care of all certificates. Food vendors should also be checked to have City of Troy and Troy Daze as additional insured

  - Both sentences after the first one can be deleted

  Approval of Press Releases & Other Printed Material for Public Release – page 6
  - Change from P & R Director to Community Affairs Director

  Page 1 – The Troy Daze Advisory Committee shall consist of 9 members plus a liaison member from P & R Advisory Board

  Approval (with changes and exhibits) will be at June meeting.

<u>ADJOURN MEETING</u>
Resolution # TD-2005-05-17
Moved by Cecile Dilley
Seconded by Mike Gonda

RESOLVED that the Troy Daze Advisory Committee Meeting be adjourned at 7:47 p.m.

Yeas: All
Nays: None

MOTION CARRIED

_____
Cheryl Whitton Kaszubski, Treasurer

_____
Cindy Stewart, Recording Secretary

A regular meeting of the Troy Daze Festival Committee was held **Tuesday, May 24, 2005** at the Troy Community Center. Meeting was called to order at 7:47 pm.

A. ROLL CALL

Present:

Mike Gonda
Bob Preston
JoAnn Preston
Cecile Dilley
Bill Hall
Tom Kaszubski
Doris Schuchter
Dan O'Brien
Shirley Darge
Megan Cyrulewski
Linda Hannon
Jeff Winarski
Jim Cyrulewski
Sandy Macknis
Cheryl Whitton-Kaszubski
Tarcisio Massaini
Jeffrey Super
Susan Burt
Alison Miller

City Staff Present:

Jeff Biegler
Bob Matlick
Tonya Perry
Gerry Scherlinck
Cindy Stewart

B. APPROVAL OF MINUTES

Moved by Mike Gonda
Seconded by Cecile Dilley

RESOLVED that the minutes from the April 26, 2005 Troy Daze Festival Committee are approved.

Yeas: All
Nays: None
MOTION CARRIED

C. TREASURER'S REPORT

- <u>April 30, 2005</u>
  Revenue: $158,657.06
  Exp: $172,015.27

  May expenses: $100 sick pay
  $20.33 operating

- Check Requests
  Any committee member needing checks, have check request in to Cheryl W by the June Meeting. Check requests for prize money also needed. Jim will email form to committee

- Trophies, plaques, ribbon requests - all will be purchased by same vendor. Bids will go out asap. Send requests to Cheryl immediately.

D. CORRESPONDENCE

1. Meeting Notice
2. Info for Troy Today
   - Cost for ad $400
   - Need updates by June 14th

E. EVENTS CHAIRPERSONS REPORT

- Booths - Cele
  Food 9
  Vendors 17 Inside
  Vendors 2 Outside
- Volunteers – Sandy: Meeting with National Honor Society and International Academy
  Letters out to Troy High Students. Cindy making up volunteer form for students.
  Volunteer form for adults on web site – change student form to include birthdate
  Cindy Stewart will put on website (add who to return info)
  Check Arts Beats & Eats website for waiver regarding background check
- Info Booth – Bill
  Need helium tanks (6)
- Mr. Troy – Cyndee won't be there – add Cindy Stewart number on form
- Adv Comm Person with Disabilities/Susan Burt new representative
- Teen Event – 4 bands 8:30 – 10:30 pm
  1 band providing all sound equipment. All play for ½ hour. Laura Fitzpatrick reported TYC very enthusiastic regarding assisting with event. Waiting to hear back from Megan
- Car Show – things coming along. Request for photos of event
- Fire/Bob Matlick – Can Water Battle be earlier on Sunday (1 or 2 pm)?
  What is the best time on Saturday for Police-Fire Tug of War
  Jim will coordinate with Lois, Shirley, Dan regarding entertainment
- Police – good shape
- Operations – good shape
- Volunteers – Bob: getting student volunteers (events needing students: EthniCity, Student Art, Info Booth, Car show, Magic Cauldron)
- EthniCity – JoAnn: Ethnic groups - application in or interests expressed: Taiwan, Philippines, Egypt, Korea. Letters regarding poster contests sent to all school districts.
  EthniCity information video still in works by Community Affairs Department.
  Need 24 more flag stands – only have 12 currently. These new ones would help at opening ceremony. Pancho will build them.

- Entertainment – Shirley: Friday/Saturday/Sunday – more on Sunday (indoor and outdoor stage) due to no parade. Cultural Show will be Sunday 6-8 p.m.
- Jaycees – 5K Run/Walk: Everything is in good shape. Flyer will be ready soon.
- Special Needs Adults – Jeff got free DJ, & Elvis impersonator
  Buscemi's will donate pizza for dinner. Costco might donate bags of cookies
- Special Kids Day – registration has begun. 600 should be maximum
  Buscemi's will do all food. Dan & Bill will ask for donation of chips 700 bags.
- Senior Sensation – back without lunch
  Walk, Bingo, Health Fair, Donuts and Coffee, Amusement Rides
  (No lunch or entertainment)

F. NEW BUSINESS

G. OLD BUSINESS

1. Action Item Schedule
   -Corporate Sponsors to date –
   Comcast, Arnolds, DTE, WOW, Tringali Sanitation, National City, president Tuxedo, Pepsi, Ninos, Salinger Electric, International Transmission, Henry Ford Health System, Troy Times

   Lois will finalize Dance Studios, Race all set as well as Miss Troy Pageant

   CS – check listings in AAA Michigan Living

   Talent Show application on website

   June to do –

- Contracts out
- Order lanyards
- Check requests
- Trophy requests
- Contract car dealers
- Contract Corporate Sponsors
- Finalize Entertainment
- Finalize Entertainment for Magic Cauldron
- Publicity

ADJOURN MEETING

Moved by Bill Hall
Seconded by Cecile Dilley
RESOLVED that the Troy Daze Festival Committee Meeting be adjourned at 8:36 p.m.

Yeas: All
Nays: None
MOTION CARRIED

May 17, 2005

TO: John Szerlag, City Manager

FROM: Charles T. Craft, Chief of Police
Wendell Moore, Research & Technology Administrator

SUBJECT: Agenda Item - 2005 1st Quarter Crime and Police Calls for Service Report

Attached is a report detailing 2005 calls for service, criminal offenses, arrests, clearance rates, traffic crashes and citations issued through March 31, 2005. This report's format complies with the National Incident Based Reporting System. All offenses within an incident are reported.

In comparison to the first quarter of 2004 Group A crime decreased 13.2%, or 118 incidents. Notable decreases occurred in the following areas:

- **Motor Vehicle Theft** – Decreased by 37.9% (11 incidents).
- **Fraud Offenses** – Decreased by 65.5% (36 incidents).
- **Breaking and Entering** – Decreased by 23.7% (14 incidents).
- **Robbery** – Decreased by 50% (4 incidents)
- **Destruction/Damage/Vandalism** – Decreased by 25.3% (21 incidents)

Correspondingly, arrests for Group A criminal offenses decreased by 16.6%, or 57 arrests.

Group B crime decreased 6.80 % (28 reported crimes). Drunk driving and liquor law violations increased 29.2% (26 incidents) and 75% (12 incidents) respectively.

Total incidents of crime (Group A and B combined) decreased 11.2% (146 reported crimes). Clearance rates for both Group A and B crime continue to be high at 35.4% and 80.2% respectively.

Group C (primarily non-criminal) calls for service shows a 6.0% increase (455 calls). Alarm calls continue to decrease, down 7.5% or 85 reported alarms. Traffic crashes, overall, are down 0.9% (11 crashes). Property Damage crashes increased 2.2% (15 crashes), while Injury Crashes decreased 11.8% (21 crashes). There were two fatal crashes during the first quarter of 2005.

All calls for service, which include fire calls, are up 3.4% or 304 calls.

Overall, traffic citations issued decreased 15.7% (648 citations). Hazardous citations decreased by 24.2% (714 citations), non-hazardous citations decreased by 41.5% (88 citations), and license/title/registration citations increased by 9.4% (73 citations).

Please feel free to contact us if you require additional information.

Troy Police Department

1st Quarter 2005/2004 Comparison

	INCIDENTS			OFFENSES			ARRESTS			CLEARANCES	
	1st Quarter		Percent	1st Quarter		Percent	1st Quarter		Percent	1st Quarter	
Group A Crime Categories	**2005**	**2004**	**Change**	**2005**	**2004**	**Change**	**2005**	**2004**	**Change**	**2005**	**Percent**
Arson	0	0	NC	0	0	NC	0	0	NC	0	0.0%
Assault Offenses	144	159	-9.4%	144	159	-9.4%	45	43	4.7%	78	54.2%
Bribery	0	0	NC	0	0	NC	0	0	NC	0	0.0%
Breaking and Entering	45	59	-23.7%	45	59	-23.7%	1	5	-80.0%	3	6.7%
Counterfeiting/Forgery	36	38	-5.3%	37	38	-2.6%	1	6	-14.1%	0	0.0%
Destruction/Damage/Vandalism	62	83	-25.3%	68	83	-18.1%	10	4	150.0%	7	10.3%
Drug/Narcotic Offenses	29	38	-23.7%	45	61	-26.2%	35	50	-30.0%	43	95.6%
Embezzlement	21	28	-25.0%	21	28	-25.0%	14	13	7.7%	10	47.6%
Extortion/Blackmail	0	0	NC	0	0	NC	0	0	NC	0	0.0%
Fraud Offenses	19	55	-65.5%	22	56	-60.7%	11	8	37.5%	9	40.9%
Gambling Offenses	0	0	NC	0	0	NC	0	0	NC	0	0.0%
Homicide Offenses	0	0	NC	0	0	NC	0	0	NC	0	0.0%
Kidnapping/Abduction	0	0	NC	0	0	NC	0	0	NC	0	0.0%
Larceny/Theft Offenses	390	373	4.6%	397	374	6.1%	158	184	-14.1%	125	31.5%
Motor Vehicle Theft	18	29	-37.9%	20	29	-31.0%	6	1	500.0%	4	20.0%
Pornography/Obscene Material	0	0	NC	0	0	NC	0	0	NC	0	0.0%
Prostitution Offenses	0	6	-	0	6	-	0	10	-	0	0.0%
Robbery	4	8	-50.0%	4	8	-50.0%	1	6	-83.3%	2	50.0%
Sex Offenses, Forcible	4	12	-66.7%	4	12	-66.7%	1	7	-85.7%	2	50.0%
Sex Offenses, Nonforcible	0	0	NC	0	0	NC	0	0	NC	0	0.0%
Stolen Property Offenses	0	2	-	1	2	-50.0%	0	1	-	1	100.0%
Weapon Law Violations	4	4	NC	5	4	25.0%	3	5	-40.0%	4	80.0%
Group A Total	776	894	-13.2%	813	919	-11.5%	286	343	-16.6%	288	35.4%
Group B Crime Categories											
Bad Checks	0	5	-	0	5	-	0	0	NC	0	0.0%
Curfew/Loitering/Vagrancy	0	0	NC	1	0	+	0	0	NC	1	0.0%
Disorderly Conduct	38	54	-29.6%	42	60	-30.0%	3	5	-40.0%	7	16.7%
Driving Under the Influence	115	89	29.2%	118	101	16.8%	114	78	46.2%	116	98.3%
Drunkenness	1	3	-66.7%	2	4	-50.0%	0	0	NC	1	50.0%
Family Offenses, Nonviolent	2	5	-60.0%	2	5	-60.0%	0	1	-	1	50.0%
Liquor Law Violations	28	16	75.0%	44	32	37.5%	55	34	61.8%	44	100.0%
Peeping Tom	0	0	NC	0	0	NC	0	0	NC	0	0.0%
Runaway (Under 18)	7	9	-22.2%	7	9	-22.2%	0	0	NC	7	100.0%
Trespass of Real Property	0	5	-	1	6	-83.3%	0	5	-	1	100.0%
All Other	195	228	-14.5%	228	249	-8.4%	167	170	-1.8%	179	78.5%
Group B Total	386	414	-6.8%	445	471	-5.5%	339	293	15.7%	357	80.2%
Group A and B Total	1,162	1,308	-11.2%	1,258	1,390	-9.5%	625	636	-1.7%	645	51.3%

Above data includes both completed and attempted offenses.

Troy Police Department

1st Quarter 2005/2004 Comparison

	INCIDENTS			OFFENSES			ARRESTS			CLEARANCES	
	1st Quarter		Percent	1st Quarter		Percent	1st Quarter		Percent	1st Quarter	
Description	**2005**	**2004**	**Change**	**2005**	**2004**	**Change**	**2005**	**2004**	**Change**	**2005**	**Percent**
Alarms	1,049	1,134	-7.5%	1,049	1,134	-7.5%	NA	NA	NA	NA	NA
All Other	7,050	6,510	8.3%	7,136	6,601	8.1%	177	132	34.1%	NA	NA
Group C Miscellaneous Total	8,099	7,644	6.0%	8,185	7,735	5.8%	177	132	34.1%	NA	NA
Group E Fire Total	14	19	-26.3%	14	19	-26.3%	NA	NA	NA	NA	NA
Grand Totals	9,275	8,971	3.4%	9,457	9,144	3.4%	802	768	4.4%	645	51.3%

Traffic Crashes and Citations

Reportable Traffic Crashes			
Personal Injury	157	178	-11.8%
Property Damage	695	680	2.2%
Fatal	2	0	+
Total Reportable	854	858	-0.5%
Private Property Crashes	300	307	-2.3%
Crashes Grand Total	1,154	1,165	-0.9%

2005 Alcohol Involved Crashes

8 Incidents--5.1% involved alcohol.

13 Incidents--1.9% involved alcohol.

1 Incident--50.0% involved alcohol.

22 Incidents--2.6% of all reportable crashes involved alcohol.

Traffic Citations			
Hazardous	2,235	2,949	-24.2%
Non-hazardous	124	212	-41.5%
License, Title, Registration	846	773	9.4%
Parking	277	196	41.3%
Traffic Citations Total	3,482	4,130	-15.7%

J-02b

CITY OF TROY

MONTHLY FINANCIAL REPORT

30-Apr-05

CITY OF TROY
Monthly Financial Report
General Fund
For the Period Ending April 30, 2005

CITY OF TROY GENERAL FUND

Description	Last Year Actual	2004-05 Budget	Current Month	Year To Date	%
GENERAL FUND REVENUES					
TAXES	30,985,388	31,996,690	23,240	32,507,440	101.60
BUSINESS LICENSES & PERMITS	39,557	37,000	2,932	36,047	97.42
NON-BUS. LICENSES & PERMITS	1,610,428	1,480,000	158,978	1,269,990	85.81
FEDERAL GRANTS	100,354	22,000	0	25,958	117.99
STATE AGENCIES	7,295,363	6,645,000	3,023	5,063,061	76.19
CONTRIBUTIONS-LOCAL	162,365	135,000	0	53,259	39.45
CHARGES FOR SERVICES - FEES	1,209,542	1,156,600	143,117	760,600	65.76
CHARGES FOR SERVICES - REND.	1,600,633	1,677,500	29,838	898,985	53.59
CHARGES FOR SERVICES - SALES	305,582	147,000	17,347	128,124	87.16
CHARGES FOR SERVICES - REC	2,857,298	2,742,500	274,174	2,811,059	102.50
FINES & FORFEITS	960,250	975,000	81,515	740,798	75.98
INTEREST AND RENTS	865,998	954,000	110,853	908,603	95.24
OTHER REVENUE	439,460	450,110	5,870	369,127	82.01
OTHER FINANCING SOURCES	9,434,778	10,654,450	0	8,752,945	82.15
TOTAL GENERAL FUND REVENUE	57,866,996	59,072,850	850,887	54,325,996	91.96
EXPENDITURES					
LEGISLATIVE	1,926,046	2,025,620	140,308	1,611,993	79.58
FINANCE	4,331,477	4,840,690	293,188	3,628,096	74.95
OTHER GEN GOVERNMENT	2,471,227	2,619,120	145,013	2,031,932	77.58
POLICE	20,543,113	22,059,220	1,506,268	17,216,494	78.05
FIRE	3,732,506	3,899,000	278,562	3,356,957	86.10
BUILDING INSPECTION	1,926,514	2,075,770	137,774	1,557,681	75.04
STREETS	4,678,297	5,412,320	321,207	4,159,157	76.85
ENGINEERING	2,766,755	3,013,880	214,275	2,244,966	74.49
RECREATION	7,797,872	8,208,820	523,194	6,483,218	78.98
LIBRARY	4,547,589	4,908,410	288,420	3,691,455	75.21
TRANSFERS OUT	678,000	10,000	0	10,000	100.00
TOTAL GEN FUND EXPENDITURES	55,399,396	59,072,850	3,848,209	45,991,949	77.86

For the Period Ending April 30, 2005

REFUSE FUND

Description	Last Year Actual	2004-05 Budget	Current Month	Year To Date	%
REVENUES					
TAXES	3,886,715	3,967,000	0	4,057,657	102.29
CHARGES FOR SERVICES - REND.	152,700	0	0	0	.00
CHARGES FOR SERVICES - SALES	1,348	1,000	114	1,180	118.00
INTEREST AND RENTS	38,942	40,000	6,694	60,441	151.10
OTHER FINANCING SOURCES	455,230	451,180	0	451,180	100.00
TOTAL REVENUE	4,534,935	4,459,180	6,808	4,570,458	102.50
EXPENDITURES					
CONTRACTORS SERVICE	4,300,686	4,280,000	364,126	3,194,938	74.65
OTHER REFUSE EXPENSE	34,903	51,180	1,332	26,530	51.84
RECYCLING	96,612	128,000	9,040	100,546	78.55
TOTAL EXPENDITURES	4,432,201	4,459,180	374,498	3,322,014	74.50

CITY OF TROY
Monthly Financial Report
Capital Fund
For the Period Ending April 30, 2005

CAPITAL FUND

Description	Last Year Actual	2004-05 Budget	Current Month	Year To Date	%
REVENUES					
TAXES	7,586,118	8,938,000	0	9,141,951	102.28
FEDERAL GRANTS	1,965	0	863-	3,630	.00
STATE AGENCIES	3,016,325	4,267,750	231,354	409,707	9.60
CHARGES FOR SERVICES - REND.	1,611,639	140,000	66,203	127,823	91.30
INTEREST AND RENTS	339,025	325,000	72,645	516,153	158.82
OTHER REVENUE	680,280	0	0	11,971	.00
OTHER FINANCING SOURCES	14,608,910	21,388,850	0	13,901,280	64.99
TOTAL REVENUE	27,844,262	35,059,600	369,339	24,112,515	68.78
EXPENDITURES					
FINANCE	9,827	145,000	2,044	27,287	18.82
OTHER GEN GOVERNMENT	4,830,407	3,731,250	110-	2,505,045	67.14
POLICE	184,126	674,720	56,821	163,014	24.16
FIRE	50,298	447,500	21,545	48,517	10.84
BUILDING INSPECTION	56,212	20,000	128	1,667	8.34
STREETS	9,396,123	21,364,840	210,295	5,572,314	26.08
ENGINEERING	21,604	42,520	0	8,331	19.59
RECREATION	2,403,981	4,698,450	567,387	1,967,031	41.87
LIBRARY	213,622	381,390	0	24,611	6.45
MUSEUM	1,460,743	477,010	35,349-	179,830	37.70
STORM DRAINS & RET PONDS	644,502	1,863,650	15,445	904,078	48.51
INFORMATION TECHNOLOGY	93,214	1,213,270	1,918	47,068	3.88
TOTAL EXPENDITURES	19,364,659	35,059,600	840,124	11,448,793	32.66

For the Period Ending April 30, 2005

SANCTUARY LK GOLF COURSE FUND

Description	Last Year Actual	2004-05 Budget	Current Month	Year To Date	%
REVENUES					
CHARGES FOR SERVICES - SALES	2,164	50,000	1,869	22,975	45.95
CHARGES FOR SERVICES - REC	78,976	1,675,400	79,951	612,536	36.56
INTEREST AND RENTS	79	61,000	0	300	.49
OTHER REVENUE	51	0	3	9	.00
OTHER FINANCING SOURCES	0	0	0	0	.00
TOTAL REVENUE	81,270	1,786,400	81,823	635,820	35.59
EXPENDITURES					
SANCTUARY LAKE GREENS	2,501	752,160	41,557	585,925	77.90
SANCTUARY LAKE PRO SHOP	44,575	876,260	12,814	475,533	54.27
SANCTUARY LAKE CAPITAL	0	88,500	0	0	.00
TOTAL EXPENDITURES	47,076	1,716,920	54,371	1,061,458	61.82

CITY OF TROY
Monthly Financial Report
Golf Course
For the Period Ending April 30, 2005

SYLVAN GLEN GOLF COURSE FUND

Description	Last Year Actual	2004-05 Budget	Current Month	Year To Date	%
REVENUES					
CHARGES FOR SERVICES - SALES	44,907	50,000	3,839	24,794	49.59
CHARGES FOR SERVICES - REC	1,102,938	1,214,410	73,706	688,159	56.67
INTEREST AND RENTS	117,318	85,000	11,810	117,265	137.96
OTHER REVENUE	292	0	19-	387-	.00
OTHER FINANCING SOURCES	11,530	185,520	0	185,520	100.00
TOTAL REVENUE	1,276,985	1,534,930	89,336	1,015,351	66.15
EXPENDITURES					
SYLVAN GLEN GREENS	822,466	899,600	50,964	558,511	62.08
SYLVAN GLEN PRO SHOP	364,887	316,330	37,859	237,971	75.23
SYLVAN GLEN CAPITAL	146,550	319,000	0	57,963	18.17
TOTAL EXPENDITURES	1,333,903	1,534,930	88,823	854,445	55.67

For the Period Ending April 30, 2005

AQUATIC CENTER FUND

Description	Last Year Actual	2004-05 Budget	Current Month	Year To Date	%
REVENUES					
CHARGES FOR SERVICES - REC	344,233	420,000	5,174	156,745	37.32
INTEREST AND RENTS	26,053	28,300	0	20,283	71.67
OTHER REVENUE	30-	0	0	40-	.00
TOTAL REVENUE	370,256	448,300	5,174	176,988	39.48
EXPENDITURES					
AQUATIC CENTER	541,886	595,460	21,188	370,889	62.29
CAPITAL	17,399	50,000	0	13,485	26.97
TOTAL EXPENDITURES	559,285	645,460	21,188	384,374	59.55

CITY OF TROY
Monthly Financial Report
Sewer Fund
For the Period Ending April 30, 2005

SEWER FUND

Description	Last Year Actual	2004-05 Budget	Current Month	Year To Date	%
REVENUES					
CHARGES FOR SERVICES - FEES	202,124	200,000	32,812	178,569	89.28
CHARGES FOR SERVICES - REND	9,710,263	9,870,000	540,701	5,839,118	59.16
INTEREST AND RENTS	208,707	210,000	52,036	331,961	158.08
OTHER REVENUE	0	0	0	0	.00
TOTAL REVENUE	10,121,094	10,280,000	625,549	6,349,648	61.77
EXPENDITURES					
ADMINISTRATION	8,640,930	8,324,640	586,325	6,290,264	75.56
MAINTENANCE	1,527,109	1,484,540	45,271	1,133,959	76.38
CAPITAL	507,522	2,294,600	423	44,546	1.94
TOTAL EXPENDITURES	10,675,561	12,103,780	632,019	7,468,769	61.71

CITY OF TROY
Monthly Financial Report
Water Fund
For the Period Ending April 30, 2005

WATER FUND

Description	Last Year Actual	2004-05 Budget	Current Month	Year To Date	%
REVENUES					
CHARGES FOR SERVICES - FEES	1,068,683	850,000	172,701	951,680	111.96
CHARGES FOR SERVICES - SALES	9,967,814	12,301,000	648,201	7,636,081	62.08
INTEREST AND RENTS	314,382	296,000	44,373	377,092	127.40
OTHER REVENUE	0	0	0	30	.00
TOTAL REVENUE	11,350,879	13,447,000	865,275	8,964,883	66.67
EXPENDITURES					
ADMINISTRATION	8,818,627	11,083,430	710,289	8,422,518	75.99
TRANS AND DISTRIBUTION	210,016	206,340	23,328	132,466	64.20
CUSTOMER INSTALLATION	32,750	108,570	5,300	54,963	50.62
CONTRACTORS SERVICE	172,722	210,650	15,643	138,681	65.83
MAIN TESTING	69,635	196,130	5,344	40,627	20.71
MAINTENANCE OF MAINS	298,021	354,570	34,037	266,822	75.25
MAINTENANCE OF SERVICES	203,269	201,510	20,304	143,641	71.28
MAINTENANCE OF METERS	231,710	220,410	22,946	215,636	97.83
MAINTENANCE OF HYDRANTS	250,020	339,420	8,843	194,575	57.33
METERS AND TAP-INS	263,186	339,560	27,856	161,139	47.46
WATER METER READING	79,236	86,630	15,516	78,395	90.49
ACCOUNTING AND COLLECTING	53,133	54,030	11,811	65,609	121.43
CAPITAL	2,042,382	5,534,400	275,923	2,316,030	41.85
TOTAL EXPENDITURES	12,724,707	18,935,650	1,177,140	12,231,102	64.59

For the Period Ending April 30, 2005

MOTOR POOL FUND

Description	Last Year Actual	2004-05 Budget	Current Month	Year To Date	%
REVENUES					
CHARGES FOR SERVICES - REND	0	5,000	0	0	.00
INTEREST AND RENTS	3,537,634	3,635,000	266,929	3,081,495	84.77
OTHER REVENUE	330,513	142,800	6,243	218,564	153.06
OTHER FINANCING SOURCES	1,422,810	2,074,680	0	0	.00
TOTAL REVENUE	5,290,957	5,857,480	273,172	3,300,059	56.34
EXPENDITURES					
ADMINISTRATION	468,897	519,080	30,820	398,788	76.83
OPERATION AND MAINTENANCE	2,874,935	3,095,630	211,818	2,370,697	76.58
DPW FACILITY MAINTENANCE	318,617	365,200	14,539	248,482	68.04
CAPITAL	630,232	1,877,570	166,742	630,325	33.57
TOTAL EXPENDITURES	4,292,681	5,857,480	423,919	3,648,292	62.28

Fund	Mat Yr.	Mat Mo.	Mat Day	Type	Loc	Pur Yr.	Pur Mo.	Pur Day	Rate	Name	Face	Accrue 6/30	Book
112	2005	5	5	9	ML	2005	2	24	2.580	TBILL	2,207,000		2,196,121.32
	2005	5	6	7	FLAGSTAR	2005	1	7	2.720	CD	2,052,675		2,052,674.74
	2005	5	6	7	REPUBLIC	2005	3	4	2.700	CD	2,044,522		2,044,521.81
	2005	5	6	7	FITB	2005	3	4	2.710	CD	2,016,167		2,016,167.00
	2005	5	6	7	FITB	2005	3	7	2.730	CD	4,059,555		4,059,554.74
	2005	5	12	9	ML	2005	3	3	2.640	TBILL	2,553,000		2,540,127.93
	2005	5	13	7	TCF	2005	3	8	2.850	CD	1,000,000		1,000,000.00
	2005	5	13	7	FLAGSTAR	2005	3	11	3.110	CD	3,084,840		3,084,839.61
	2005	5	19	9	ML	2005	3	11	2.670	TBILL	3,737,000		3,718,198.22
	2005	5	20	7	FLAGSTAR	2005	3	18	3.180	CD	1,018,050		1,018,050.10
	2005	5	20	7	FLAGSTAR	2005	3	25	3.100	CD	2,052,960		2,052,959.60
	2005	5	26	9	ML	2005	3	18	2.710	TBILL	2,132,000		2,121,105.84
	2005	5	27	7	FLAGSTAR	2005	3	25	3.220	CD	3,075,227		3,075,227.42
	2005	5	31	7	STAND FED	2005	4	28	2.850	CD	4,766,175		4,766,174.80
	2005	6	2	9	ML	2005	3	24	2.730	TBILL	3,014,000		2,998,293.71
	2005	6	3	7	FLAGSTAR	2005	3	25	3.220	CD	2,021,609		2,021,609.49
	2005	6	9	9	ML	2005	3	31	2.710	TBILL	2,538,000		2,524,848.24
	2005	6	10	7	FLAGSTAR	2005	3	25	3.220	CD	2,053,398		2,053,397.55
	2005	6	16	9	ML	2005	4	8	2.700	TBILL	2,275,000		2,263,444.89
	2005	6	17	7	FLAGSTAR	2005	4	8	3.290	CD	2,027,860		2,027,859.99
	2005	6	17	7	CITIZENS	2005	4	18	3.050	CD	1,006,551		1,006,550.86
	2005	6	23	9	ML	2005	4	14	2.700	TBILL	2,041,000		2,030,463.34
	2005	6	24	7	FLAGSTAR	2005	4	8	3.290	CD	2,027,438		2,027,437.89
	2005	6	30	8	FITB	2003	2	27	2.750	MAX SAVER	6,601,049		6,601,048.74
	2005	6	30	8	FITB	2004	1	1	1.000	MONEY FUND	876,993		876,993.36
	2005	6	30	8	HUNT BANK	2004	8	27	2.750	MM	525,431		525,431.31
	2005	6	30	7	FLAGSTAR	2005	4	15	3.320	CD	2,024,976		2,024,975.73
	2005	6	30	7	HUNT BANK	2005	4	29	3.180	CD	2,068,033		2,068,032.69
	2005	7	6	8	NAT CTY	2005	4	6	2.800	FNMA	1,000,000	6,611.11	992,922.22
	2005	7	7	9	ML	2005	4	21	2.810	TBILL	3,149,000	16,899.62	3,130,410.41
	2005	7	8	7	FLAGSTAR	2005	4	15	3.320	CD	2,055,717	.27	2,055,716.69
	2005	7	15	7	FLAGSTAR	2005	4	22	3.330	CD	2,091,565	13,348.74	2,091,565.47
	2005	7	15	7	FITB	2005	4	28	3.000	CD	2,023,637	10,623.69	2,023,636.56
	2005	7	22	7	HUNT BANK	2005	4	22	3.210	CD	2,028,869	12,482.10	2,028,868.85
	2005	7	22	7	FLAGSTAR	2005	4	29	3.370	CD	2,043,371	7,268.64	2,043,371.16
	2005	7	29	7	REPUBLIC	2005	4	22	3.150	CD	1,057,573	6,384.57	1,057,573.33
	2005	9	29	8	NATL CITY	2004	3	29	1.500	FHLB	1,000,000		996,180.00
	2005	12	22	8	NATL CITY	2004	3	22	2.030	FHLB	1,025,000		1,025,000.00
	2005	12	30	8	FITB	2003	5	19	5.000	FHLMC95237	1,000,000		684,289.37
	2005	12	30	8	FITB	2003	7	30	3.600	FHR03 2640	900,000		682,900.98
	2005	12	30	8	FITB	2004	1	30	4.250	FHR 2537LA	2,000,000		595,916.55
	2005	12	30	8	FITB	2004	1	30	4.000	FHR 2535LK	3,500,000		3,121,807.73
	2005	12	30	8	FITB	2004	3	25	4.500	FHR 2669DT	700,000		699,000.00
	2005	12	30	8	FITB	2004	7	26	1.200	FNR03 24GA	550,000		328,472.72
	2005	12	30	8	FITB	2004	9	13	2.500	FHR03 2589	693,000		691,000.00
	2005	12	30	8	FITB	2004	10	7	2.250	FHR 2625QX	800,125		710,590.73
	2005	12	30	8	FITB	2004	10	8	3.000	FHR 2564CN	1,841,000		1,580,061.91

7 = CD 8 = Paper 9 = T-Bills

Fund	Mat Yr.	Mat Mo.	Mat Day	Type	Loc	Pur Yr.	Pur Mo.	Pur Day	Rate	Name	Face	Accrue 6/30	Book
112	2005	12	30	8	FITB	2004	10	12	4.000	FHR 2617BG	1,930,000		1,763,378.02
	2005	12	31	8	FITB	2004	11	16	3.500	FHLM 2586	500,000		500,000.00
	2005	12	31	8	FITB	2004	11	16	3.500	GNMA 58	670,000		651,050.00
	2006	6	30	8	FITB	2005	1	11	4.000	FNMA 42	1,000,000		996,000.00
	2006	12	30	8	FITB	2005	3	29	3.000	FNMA 27	600,000		560,311.85
	2007	3	16	8	FITB	2005	2	9	3.550	FHLB 3133	1,000,000		984,100.00
	2009	4	23	8	FITB	2003	7	23	2.140	FHLB	1,700,000		1,700,000.00
											TOTAL	73,618.74	100,490,235.47
591	2005	5	31	7	STAND FED	2005	4	28	2.850	CD	2,726,900		2,726,899.71
	2005	6	3	7	HUNT BANK	2005	4	4	3.070	CD	152,838		152,837.87
	2005	6	6	8	NATL CITY	2005	3	4	2.700	FNMA	1,500,000		1,489,307.50
	2005	6	30	7	COMERICA	1997	7	1	2.340	GOV'T POOL	1,863,630		1,863,630.68
	2005	6	30	8	FITB	2004	3	25	1.000	MM	643,645		64,364.51
	2005	6	30	8	FITB	2004	4	14		FHLB	1,000,000		994,062.50
	2005	6	30	7	REPUBLIC	2005	4	1	3.000	CD	140,277		140,277.41
	2006	6	30	8	FITB	2004	2	2	3.750	FNR03 24MN	1,015,000		1,010,000.00
											TOTAL		8,441,380.18
688	2005	6	30	7	BANK ONE	1997	7	1	3.740	GOV'T POOL	1,318,309		1,318,309.51
											TOTAL		1,318,309.51
											TOTAL	73,618.74	110,249,925.16

* * * E N D O F R E P O R T * * *

7 = CD 8 = Paper 9 = T-Bills

J-03a

(248) 589-9199
(248) 589-8533 Fax

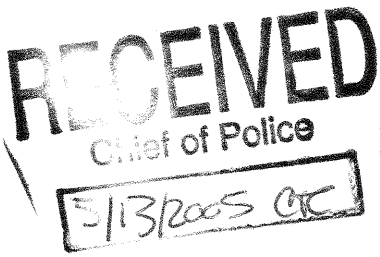
www.TPChelps.org
TPCohelp@aol.com

TROY PEOPLE CONCERNED
Information & Referral Agency

Anastasha Lynn
Director

930 John R, Suite 2123
Troy, MI 48083

CC: City Mgr
BB
Dept. File



Troy Police Association

In recognition of the Troy Police Officers Appreciation week we wanted to take this opportunity to thank all of you for the wonderful job you perform daily

Sincerely

Anastasha Lynn & Ally Mock

J-03b

May 16, 2005

Dear Ms. Stewart:

I am a Realtor who sells homes in Troy.

Your webpage on "New Resident Information" is great!

When my buyers are relocating to a new area, it makes my job alot easier to link them to an informative website.

Thank you for a job well done!

Best regards,

Margie Kelly
Weir, Manuel, Snyder & Ranke Realtors
1205 W. University, Rochester, MI 48307
Cell 248-622-1037
Office 248-656-6691
Toll Free 888-455-0600 x 691
Fax 248-651-3293
Email: mkelly@weirmanuel.com
Website: www.MichiganRealEstateServices.com

J-03c

Mark S Stimac

From: Nancy Johnson [glassdimen@wideopenwest.com]
Sent: Monday, May 16, 2005 1:48 PM
To: Marlene J Struckman
Cc: Cynthia A Stewart; Mark S Stimac
Subject: Excellent Response

Dear Ms. Struckman,

I just wanted to send you a note telling you how impressed my husband and I are with your prompt responses to our calls re: potential ordinance violation issues. Without fail, every time I have left you a message, the issue is dealt with rapidly and effectively.

As you can see, I've Cc'd your supervisor as well as Cindy Stewart. I firmly believe that great "customer service" should always be recognized!

Thank you again for your dedication to keeping Troy a beautiful, safe place to live!

Sincerely,
Nancy Johnson
(Mrs. Donald)
2199 Brinston Drive
Troy, MI 48083
248.457.6872
e-mail: glassdimen@wideopenwest.com

J-03d

Mary F Redden

From: Cynthia A Stewart
Sent: Monday, May 23, 2005 7:53 AM
To: Timothy L Richnak; Brian P Murphy
Cc: John Szerlag
Subject: FW: Reconstruction of Streets in the Beaver Trail Subdivision

-----Original Message-----
From: Robert McCliment [mailto:rmccliment@yahoo.com]
Sent: Sunday, May 22, 2005 8:37 PM
To: Cynthia A Stewart
Subject: Reconstruction of Streets in the Beaver Trail Subdivision

Dear Sir or Madame,

I wish to thank the DPW and Engineering Departments for the quick response to my driveway problem. The streets in my subdivision, Beaver Trails at John R. and Big Beaver, are being repaved. The new street left my driveway 1 1/2 inches below the curb. A deep puddle of water gathered at this dam with the first rain. I went to the city offices and spoke to a very accommodating gentleman who sent me to the DPW. At the DPW I spoke to another very nice gentleman who referred my problem to inspector Bob Robertson. Mr. Robertson came out to look at the situation and called me the same evening. The next day the contractor, Hard Rock Cement Co, replaced my driveway apron along with two of my neighbors. PROBLEM FIXED!!

These people strengthened my faith in Troy's city government. Oh that all government officials should be so efficient and accommodating. THANK YOU ALL AGAIN FOR A GREAT JOB DONE!!!

P.S.: Hard Rock Cement Co is a great choice for a contractor. There people are very considerate and efficient. They work very hard to minimize the inconvenience to the residents and have done a superb job on the street.

Robert McCliment
2242 Academy
Troy, Mi 48083

J-03e

Mary F Redden

From: Marc Higginbotham [mhigginbotham7802@sbcglobal.net]
Sent: Monday, May 23, 2005 1:58 PM
To: Timothy L Richnak
Cc: John Szerlag
Subject: Great Job on Coolidge Highway

Mr. Richnak,

As a Troy resident and one who uses Coolidge daily I can understand how difficult (no shoulders, boulevard medium, heavy traffic) a rehab job can be on this highway--no matter how small/large the project.

From a "sidewalk superintendent" perspective (strictly!)...the planning and execution of the recent work and short-time "shutdown"---by both your department personnel and the contractor was great----all seemed to be doing the best, most expedient job possible of any repair job of this magnitude that I have observed. Kudos to all who had a part in "making it happen"

Marc Higginbotham

J-03f

Mary F Redden

From: sanjay shah [sanjay8_shah@yahoo.com]
Sent: Thursday, May 26, 2005 3:34 PM
To: John Szerlag
Subject: Recognizing excellent service from Mr. Mark Riley

Hello Mr. John:

Today morning, I had stopped by at Building Dept. to inquire about outdoor lighting electrical plan for our Subdivision - Westwood Park Sub. Tadian had build our sub. and we have elaborate set up of 110V outdoor lights. As VP of Operations for our sub., I was looking for electrical circuit plan and was hoping that our city would have that as part of required pemits.

Mr. Mark Riley was very helpful. He looked up several old records to see if we can find any relevant info. regarding ckt. design and kinds of outdoor fixtures. He was able to locate the electrical contractor who has done partial work for our sub..

Service provided by Mr. Mark was excellent. He was very helpful and trying his best to assist me. I just want to recognize Mr. Mark's excellent attitude and helpful service.

With Regards,

Sanjay M. Shah
123 Millstone Drive
Troy

Do You Yahoo!?
Yahoo! Small Business - Try our new Resources site!

CHARTER TOWNSHIP OF OXFORD
RESOLUTION REGARDING
LOCAL CONTROL OF LIQUOR LICENSES

WHEREAS Michigan liquor law allocates quota liquor licenses to municipalities based on population figures derived from the latest census; and

WHEREAS quota liquor licenses are awarded by the Liquor Control Commission (LCC) following adoption of a resolution by a local municipality indicating approval or disapproval of the request for a license; and

WHEREAS applicants are awarded quota liquor licenses for which they have paid no monies to the local municipality, except for an application processing fee; and

WHEREAS current Michigan liquor law allows for the recipient of a quota liquor license to use the license and realize the profits from the sale of alcoholic beverages; to place the license in escrow with the LCC; to sell the license; or to transfer the quota license to another entity in or out of the local municipality; and

WHEREAS cities, villages, and townships are the local governmental bodies wishing to retain local control over matters such as business development, including the award of quota liquor licenses, in their communities; and

WHEREAS allowing a quota liquor license to be transferred from a local municipality in which it was originally issued without the consent of that municipality has the effect of weakening the economic viability of that municipality and being counter-productive to the best interests of the State of Michigan; and

WHEREAS the Charter Township of Oxford is a growing community desirous of deciding how and to whom quota liquor licenses are to be issued in the interest of promoting a healthy business climate and to ensure the health, safety, and welfare of the local citizenry; and

NOW, THEREFORE, BE IT RESOLVED THAT the Board of Trustees of the Charter Township of Oxford supports the principle of local control by local municipalities of quota liquor licenses; and

BE IT FURTHER RESOLVED THAT the Board of Trustees of the Charter Township of Oxford petitions the State legislature to enact an amendment to Michigan liquor law that would ensure local control of liquor licenses through the requirement that any and all quota liquor licenses be returned to the quota for a particular local municipality, whether city, village, or township, when no longer

in use, for whatever reason, in conjunction with the viable business to which it was originally issued; and

BE IT FURTHER RESOLVED THAT copies of this resolution, once certified, be forwarded to the Liquor Control Commission; Craig De Roche, the Speaker of the House; Ken Sikkema, Majority Leader of the State Senate; Senator Michael Bishop, State Representative James Marleau, Governor Jennifer Granholm, and to each of the municipalities in Oakland County.

On a motion by Treasurer Ferrari, seconded by Clerk Sanderson to adopt the resolution as presented, the roll call vote was as follows:

AYE:	Fitchena, Bellairs, Kniffen, Ferrari, Dunn, Sanderson, Behnke
NAY:	None
ABSENT:	None

Adopted at a meeting of the Charter Township of Oxford Board of Trustees held on the 13th day of April 2005.

Clara J. Sanderson, CMC
Township Clerk

STATE OF MICHIGAN)
)SS
COUNTY OF OAKLAND)

I, Clara J. Sanderson, CMC, duly elected Clerk of the Charter Township of Oxford, do hereby certify that the foregoing is a complete and true copy of a Resolution adopted by the Charter Township of Oxford at a meeting of the Board of Trustees held on the 13th day of April 2005.

Clara J. Sanderson, CMC
Township Clerk

Charter Township of Springfield

Clerk's Office (248) 846-6510
General Offices (248) 634-3111
Fax Number (248) 634-2316

Res.2005-LCC

RESOLUTION IN SUPPORT OF LOCAL CONTROL OF LIQUOR LICENSES

WHEREAS, Michigan liquor law allocates quota liquor licenses to townships and municipalities based on population figures derived from the latest census; and

WHEREAS, quota liquor licenses are awarded by the Liquor Control Commission (LCC) following adoption of a resolution by a local municipality/township indicating approval or disapproval of the request for a license; and

WHEREAS, applicants are awarded quota liquor licenses for which they have paid no monies to the local township/municipality (except in some cases for an application fee); and

WHEREAS, current Michigan liquor law allows for the recipient of a quota liquor license to use the license and realize the profits from the sale of alcoholic beverages; to place the license in escrow with the LCC; to sell the license; or to transfer the quota license to another entity in or out of the local township/municipality; and

WHEREAS, townships, cities and villages are the local governmental bodies wishing to retain local control over matters such as business development, including the award of quota liquor licenses in their communities; and

WHEREAS, allowing a quota liquor license to be transferred from a local township/municipality in which it was originally issued without the consent of that township/municipality has the effect of weakening the economic viability of that township/municipality and of being counterproductive to the best interests of the State of Michigan; and

WHEREAS, the Charter Township of Springfield is desirous of deciding how and to whom quota liquor licenses are to be issued in the interest of promoting a healthy business climate and to ensure the health, safety and welfare of the local citizenry.

NOW, THEREFORE, BE IT RESOLVED: That the Charter Township of Springfield supports the principle of local control by local townships/municipalities of quota liquor licenses; and

BE IT FURTHER RESOLVED: That the Township Board of the Charter Township of Springfield petitions the State legislature to enact an amendment to Michigan liquor law that would ensure local control of liquor licenses through the requirement that any and all quota liquor licenses be returned to the quota for a particular local township or municipality when no longer in use, for whatever reason, in conjunction with the viable business to which it was originally issued.

BE IT FURTHER RESOLVED: That copies of this Resolution be forwarded to the Liquor Control Commission; Speaker of the House Craig De Roche; Senate Majority Leader Ken Sikkema; State Senator Deborah Cherry; State Representative John Stakoe; Governor Jennifer Granholm, and to each of the townships and municipalities in Oakland County.

Moved by Lamont, supported by Cooper
yes: Cooper, Dubre, Hopper, Lamont, Strole, Vallad, Walls
no: none

CERTIFICATION

I, Nancy Strole, duly elected Clerk of the Charter Township of Springfield, hereby certify that the foregoing is a true and accurate copy of a Resolution adopted by the Township Board of the Charter Township of Springfield at a regularly-scheduled meeting held on the 12th day of May, 2005.

Nancy Strole, Clerk

J-05

June 2005

June 2005

S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

July 2005

S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
		June 1 8:30am BUILDING CODE BOARD OF APPEALS (Conference Room L 7:00pm ADVISORY COMMITTEE FOR PERSONS WITH	2 10:00am Senior Advisory Board meeting (Comm Ctr conf rm)	3	4 5
6 7:30pm City Council-Regular (Council Chambers)	7 7:30pm Updated: Planning Commission-Study (Council Boardroom)	8	9 7:30pm Park Board meeting (Comm Ctr conf rm)	10	11 12
13	14 7:30pm Planning Commission-Regular (Council Chambers)	15 7:30am Updated: DDA Meeting (Conference Room Lower Level)	16	17	18 19
20 7:30pm City Council-Regular (Council Chambers)	21 7:30pm BZA (Chambers) 7:30pm Historic District Commission (Conference Room C)	22	23	24	25 26
27	28 7:30pm Planning Commission-Study (Council Boardroom)	29	30		

PH 6/20 Comm. Veh. App. 1820 Wattles
PH Rezoning 6/20 (Z-683-B) Al-Zouhayli Bldg.
PH Rezoning 6/20 Buscemi's (Z-701)

July 2005

July 2005

S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

August 2005

S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
				July 1	2 3
4	5	6 8:30am BUILDING CODE BOARD OF APPEALS (Conference Room L 7:00pm ADVISORY COMMITTEE FOR PERSONS WITH	7	8	9 10
11 7:30pm City Council-Regular (Council Chambers)	12 7:30pm Planning Commission-Regular (Council Chambers)	13	14	15	16 17
18 7:30pm City Council-Regular (Council Chambers)	19 12:00pm Updated: Assessing Board of Review (Conference Room D) 7:30pm BZA (Chambers) 7:30pm Historic District Commission (C	20 7:30am DDA Meeting (Conference Room Lower Level)	21	22	23 24
25	26 7:30pm Planning Commission-Study (Council Boardroom)	27	28	29	30 31

August 2005

August 2005

S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

September 2005

S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
August 1 7:30pm City Council-Regular (Council Chambers)	2	3 8:30am BUILDING CODE BOARD OF APPEALS (Conference Room L 7:00pm ADVISORY COMMITTEE FOR PERSONS WITH	4	5	6 7
8	9 7:30pm Planning Commission-Regular (Council Chambers)	10	11	12	13 14
15 7:30pm City Council-Regular (Council Chambers)	16 7:30pm BZA (Chambers) 7:30pm Historic District Commission (Conference Room C)	17 7:30am DDA Meeting (Conference Room Lower Level)	18	19	20 21
22	23 7:30pm Planning Commission-Study (Council Boardroom)	24	25	26	27 28
29	30	31			

J-06

CARL LEVIN
MICHIGAN

COMMITTEES:
ARMED SERVICES
GOVERNMENTAL AFFAIRS
SMALL BUSINESS
INTELLIGENCE

United States Senate

WASHINGTON, DC 20510-2202

May 5, 2005

RECEIVED
MAY 20 2005
CITY OF TROY
CITY MANAGER'S OFFICE

Clerk Tonni L. Bartholomew
City of Troy
500 West Big Beaver Road
Troy, MI 48084

Dear Clerk Bartholomew:

Thank you for contacting me regarding the Community Development Block Grant program. I share your concern about the proposed elimination of this vital program, and I voted in favor of an amendent to the Fiscal Year (FY) 2006 Budget Resolution that would have retain the program.

As you know, the Community Development Block Grant (CDBG) program is one of the Department of Housing and Urban Development's most successful programs. Its primary focus is to redevelop communities by helping to provide a decent living environment and expanding economic opportunities through grants to localities and states. In 2004, CDBG provided over $147 million to low- and moderate- income communities in Michigan for community development projects.

In its Fiscal Year 2006 Budget, the Bush administration proposed eliminating CDBG along with over a dozen other economic development programs. Under the proposal, these programs would be replaced by a new program in the Department of Commerce that would receive $3.7 billion in funding. This is a far cry from the $4.7 billion alone that CDBG received in FY2005. As with so many items in the administration's budget, I was disappointed at the lack of commitment to programs vital to strengthening our nation and our communities.

On March 2, 2005, I joined with a bipartisan group of 54 Senators in sending a letter to the Senate Budget Committee requesting that they allow for at least $4.7 billion for the CDBG program and that they retain the program at the Department of Housing and Urban Development. In addition, I was a cosponsor of an amendment to the FY2006 Budget Resolution (S.Con.Res.18) that would have increased the funding available for CDBG by closing a number of tax loopholes. Unfortunately, this amendment did not pass. However, a similar amendment by Senator Norm Coleman (R-MN), which I also supported, was passed by the Senate. The Senate passed the FY2006 Budget Resolution on March 17, 2005. This resolution is now before a House-Senate Conference Committee where the differences between the two versions of the budget must be reconciled.

I am committed to ensuring the availability of important community development programs in these tough economic times for our states and localities. I will continue to keep your views in mind as these issues come before the Congress.

Sincerely,

Carl Levin

Carl Levin

CL:ec

J-6

TO: John Szerlag, City Manager

FROM: John Lamerato, Asst. City Manager-Financial Services Division
Cindy Stewart, Community Affairs Director

SUBJECT: Agenda Item – Detroit News/Free Press 50th Anniversary Supplement

DATE: May 18, 2005

The City of Troy is gearing up for our 50th Anniversary celebrations including the June 19th Birthday Party/Picnic at Boulan Park and the Sunday Family Concerts at the Troy Museum from July 10 through August 14.

As part of the 50th Anniversary celebration, we would like to have the Detroit Newspapers print a special supplement for Troy that will highlight our history – where we were and where we are today. The Anniversary Supplement will be inserted in the Detroit News and Free Press sometime in July.

There is no cost to the City of Troy; advertising done by Detroit Newspaper staff will pay for the supplement. Anticipated distribution will be 42,000 (home delivery and single copy locations) with 8,000 copies that we can use at Anniversary events.

The editorial copy will include features on Troy's historical highlights, historical photos, upcoming anniversary events and other significant information throughout our 50 years as a city.

The City of Dearborn, Sterling Heights Chamber of Commerce, Beaumont Hospital, Barton Malow, Wright & Filippis to name a few have all done special Detroit Newspaper supplements for their anniversaries this year.

CS