# AGENDA

**Regular Meeting of the**

# CITY COUNCIL
# OF THE CITY OF TROY

**JUNE 20, 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 20, 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: 1**

**ROLL CALL: 1**

**CERTIFICATES OF RECOGNITION: 1**

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## CALL TO ORDER:

## INVOCATION & PLEDGE OF ALLEGIANCE:

## 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 for Hamilton Elementary School Named Michigan Blue Ribbon Exemplary School - Resolution #2005-05-252-E-3
**b)** Proclamation for Wass Elementary School Named Michigan Blue Ribbon Exemplary School - Resolution #2005-05-252-E-3
**c)** Proclamation for Wattles Elementary School Named Michigan Blue Ribbon Exemplary School - Resolution #2005-05-252-E-3

## CARRYOVER ITEMS:

**B-1 No Carryover Items**

## PUBLIC HEARINGS:

**C-1 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**

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

RESOLVED, That the R-1E and E-P to P-1 and E-P rezoning request, located on the north side of Big Beaver, between Rochester Road and John R Road, Section 23, being 0.372 acres in size, is hereby **GRANTED**, as recommended by City Management and the Planning Commission.

Yes:
No:

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**C-2 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)**

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

RESOLVED, That the R-1E and B-3 to B-1 rezoning request, located on the northeast corner of Hartland and Rochester, Section 23, being 16,505 square feet in size, is hereby **GRANTED**, as recommended by City Management and the Planning Commission.

Yes:
No:

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**C-3 Commercial Vehicle Appeal – 1820 E. Wattles**

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

**Resolution A for Approval**

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

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

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

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

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

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

_____

_____

NOW, THEREFORE, BE IT RESOLVED, That the request from Mr. Steven Pary, 1820 E. Wattles, for waiver of Chapter 39, Section 40.66.00, of the Code of the City of Troy, to permit outdoor parking of a GMC flatbed tow truck in a residential district is hereby **APPROVED** for __ _____(not to exceed two years).

**OR**

**Resolution B for Denial**

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

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

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED, That the request from Mr. Steven Pary, 1820 E. Wattles, for waiver of Chapter 39, Section 40.66.00, of the Code of the City of Troy, to permit outdoor parking of a GMC flatbed tow truck in a residential district is hereby **DENIED.**

Yes:
No:

## POSTPONED ITEMS:

**D-1 Facilitation of a Futuring and Strategic Planning Process for the City of Troy by Mr. Ed Barlow**

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-2 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**

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

**Version A (as recommended by Planning Commission)**

RESOLVED, That Article IV (Definitions) and Article XL (General Provisions) of the City of Troy Zoning Ordinance, be **AMENDED** to read as written in the proposed zoning ordinance text amendment (ZOTA 215A), Version A, as recommended by the Planning Commission.

**OR**

**Version B (as recommended by City Management)**

RESOLVED, That Article IV (Definitions) and Article XL (General Provisions) of the City of Troy Zoning Ordinance, be **AMENDED** to read as written in the proposed zoning ordinance text amendment (ZOTA 215A), Version B, as recommended by City Management.

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 June 6, 2005 be **APPROVED** as submitted.

**E-3 Proposed City of Troy Proclamations**

Suggested Resolution
Resolution #2005-06-

**a)** Flag Month – June 14 – July 14, 2005
**b)** Parks and Recreation Month – July 2005

**E-4 Standard Purchasing Resolutions**

**a) Sole Source – Irrigation Supplies**

Suggested Resolution
Resolution #2005-06-

WHEREAS, On June 16, 2003, a two-year contract to provide Rainbird irrigation replacement parts was awarded to the authorized dealer/distributor for Michigan, John Deere Landscapes, Inc. (Resolution #2003-06-335);

WHEREAS, John Deere Landscapes, Inc, of Madison Heights, MI, has agreed to renew the contract under the same pricing structure, terms, and conditions.

NOW, THEREFORE, BE IT RESOLVED, That a two-year contract to provide irrigation replacement parts directly to the City of Troy for Rainbird and Maxicom systems is hereby **APPROVED** with John Deere Landscapes, Inc., at discounts up to 46% expiring June 30, 2007.

**b) Standard Purchasing Resolution 1: Award to Low Bidder – Camera Equipment, Accessories and Training**

Suggested Resolution
Resolution #2005-06-

RESOLVED, That a contract to purchase camera equipment, accessories and training for the Troy Police Department is hereby **AWARDED** to the low total bidder, Woodward Camera of Birmingham, Michigan, with authorization and approval to receive and expend Justice Assistance Grant funds for an estimated total cost of $11,421.95, at unit prices contained in the bid tabulation opened May 27, 2005, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and

BE IT FURTHER RESOLVED, That the extended warranties for the digital cameras are hereby **REJECTED**.

**c) Standard Purchasing Resolution 4: MITN Cooperative – Emergency Medical Supplies and Equipment**

Suggested Resolution
Resolution #2005-06-

RESOLVED, That a contract to provide emergency medical supplies and equipment from Tri-Anim Health Services on an ongoing basis is hereby **APPROVED** through the MITN Cooperative and Oakland County Medical Authority (OCMCA) established by the City of Farmington Hills RFP process expiring March 1, 2007, with an **OPTION TO RENEW** the contract for two additional years under the same discount structure, terms and conditions.

**d) Standard Purchasing Resolution 3: Option to Renew – Aquatic Center Pool and Repair Services**

Suggested Resolution
Resolution #2005-06-

WHEREAS, On June 21, 2004, a one-year contract to provide for pool maintenance and repair services at the Troy Family Aquatic Center and Community Center with two (2) one-year options to renew was hereby awarded to the sole bidder, B&B Pool and Spas of Livonia, Michigan (Resolution 2004-06-329-E6);

WHEREAS, B&B Pool and Spas has agreed to exercise the first one-year option to renew under the same price structure, terms, and conditions as the 2004 contract.

NOW, THREFORE BE IT RESOLVED, That the option to renew the contract is hereby **EXERCISED** with B&B Pool and Spas to provide Aquatic and Community Center pool

maintenance and repair services under the same contract prices, terms, and conditions for one-year expiring on June 30, 2006.

**e) Standard Purchasing Resolution 1: Award to Low Bidder – Iron Fence at Museum**

Suggested Resolution
Resolution #2005-06-

RESOLVED, That a contract to fabricate iron fencing for the Troy Historical Museum is hereby **AWARDED** to the low bidder, Future Fence Company of Warren, Michigan for an estimated total cost of $18,428.00; and

BE IT FURTHER RESOLVED, That if additional work is required that could not be foreseen, such additional work is **AUTHORIZED** in an amount not to exceed 10% of the total project cost for $1,842.80.

**f) Standard Purchasing Resolution 2: Bidder Award – Lowest Bidder Meeting Specifications – Asphalt Patching Material**

Suggested Resolution
Resolution #2005-06-

RESOLVED, That a one-year contract for Asphalt Patching Material is hereby **AWARDED** to the lowest bidder meeting specifications, Saginaw Asphalt Paving Company of Saginaw, Michigan, at unit prices contained in the bid tabulation opened April 13, 2005, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, with the contract expiring on April 30, 2006; and

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

BE IT FINALLY RESOLVED, That bids for Item 2, QPR/UPM Picked-up, are hereby **REJECTED**.

**g) Standard Purchasing Resolution 7: Proprietary Maintenance Service Contract – Motorola Communications**

Suggested Resolution
Resolution #2005-06-

RESOLVED, That a one-year hardware and software maintenance contract for the City of Troy's radio console and integrated 911 system is hereby **APPROVED** to Motorola Communications, for proprietary hardware and software at an estimated annual cost of $27,080.00 expiring June 30, 2006.

**E-5 Traffic Committee Recommendations – May 18, 2005**

Suggested Resolution

Resolution #2005-06-

**(a) Fire Lanes at 50 and 100 West Big Beaver**

RESOLVED, That Traffic Control Order 2005-05-_____ be **ISSUED** to establish fire lanes at 50 and 100 West Big Beaver as recommended by the Fire Department.

**(b) STOP Sign on Peacock at Ottawa**

RESOLVED, That Traffic Control Order 2005-05-_____ be **ISSUED** for installation of a STOP sign on Peacock at Ottawa.

**(c) No Changes to the Intersection at Ridgedale and Park View**

RESOLVED, That **NO CHANGES** be made to the intersection at Ridgedale and Park View.

---

**E-6 Private Agreement for Stone Haven Woods East No. Property Splits – Project 04.914.3**

Suggested Resolution
Resolution #2005-06-

RESOLVED, That the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and Mondrian Properties is hereby **APPROVED** for the installation of water main, storm sewer, sanitary sewer, soil erosion, sidewalks 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.

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**E-7 Request from First Baptist Church of Troy for Temporary Suspension of Chapter 47, House Trailers**

Suggested Resolution
Resolution #2005-06-

RESOLVED, That the request from First Baptist Church, 2601 John R, for temporary suspension of Chapter 47, House Trailers, of the Code of the City of Troy, to permit placement and occupancy of an on-site motor home from July 28, 2005 through August 7, 2005, to serve as a residence for a visiting Pastor, is hereby **APPROVED**.

---

**E-8 Medi-Go Service Agreement**

Suggested Resolution
Resolution #2005-06-

RESOLVED, That the request for funding in the amount of $170,000.00 for Troy Medi-Go Plus for fiscal year 2005/2006, and the funding agreement between the City of Troy and Troy Medi-Go Plus covering July 1, 2005 through June 30, 2006 are hereby **APPROVED** and the Mayor

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

**E-9 Request for Acceptance of Warranty Deed from David Willison Company for Detention Basin – Section 4, Sidwell #88-20-04-454-005**

Suggested Resolution
Resolution #2005-06-

RESOLVED, That the Warranty Deed received from David Willison Company, owners of parcel having Sidwell #88-20-04-454-005 is hereby **ACCEPTED**, and that the City Clerk is hereby **DIRECTED TO RECORD** said Warranty Deed with the Oakland County Register of Deeds Office, copies of which shall be **ATTACHED** to the original Minutes of this meeting.

**E-10 Inmate Telephone Agreement**

Suggested Resolution
Resolution #2005-06-

WHEREAS, On July 5, 1995, the City entered in an Inmate Telephone Agreement with Michigan Paytel, Inc., the sole source provider, to install and operate flush mount speakerphones for inmate use within the Police Department Lockup facility at commissions of 20%;

WHEREAS, Through terms of a renegotiated agreement, the City will receive a 40% commission on the monthly fees collected by Paytel from the inmate telephones;

NOW, THEREFORE, BE IT RESOLVED, That the City of Troy is **AUTHORIZED** to enter into an ongoing six-year agreement with Michigan Paytel, Inc., a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

**E-11 2004-05 Budget Amendment No. 2**

Suggested Resolution
Resolution #2005-06-

Resolved, That 2004-05 Budget Amendment No. 2 be **APPROVED** as submitted and that a copy of the Budget Amendment 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: Local Development Finance Authority; Planning Commission; b) City Council Appointments: Advisory Committee for Persons with Disabilities; Advisory Committee for Senior Citizens; Cable Advisory Committee (CAC); Ethnic Community Issues Advisory Committee; Historic District Commission; Historical Commission; Liquor Committee; Parks and Recreation Board; Personnel Board**

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**

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

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

**Local Development Finance Authority**
Appointed by Mayor, Council Approval (5-Regular; 2-Council Rep Alternates) – Staggered

_____ Term Expires 06/30/07

_____ Term Expires 06/30/07

**CURRENT MEMBERS**

| NAME | TERM EXPIRES |
|---|---|

| | |
|---|---|
| John Szerlag | 06/30/07 |
| Douglas Smith | 06/30/07 |
| Keith Pretty **President, Walsh College** | 06/30/05 |
| Michael M. Adamczyk **Asst Supt/Business Services, Troy School District** | 06/30/05 |
| Robin Beltramini | 06/30/06 |
| David Eisenbacher **(Council Alternate)** | Expires w/term of office |
| Cristina Broomfield **(Council Alternate)** | Expires w/term of office |

**INTERESTED APPLICANTS**

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

**Planning Commission**
Appointed by Mayor, Council Approval (9) – 3 years

Term Expires 07/01/05 **(Student)**

**CURRENT MEMBERS**

| NAME | TERM EXPIRES |
|---|---|
| Gary G. Chamberlain | |
| Lynn Drake-Batts **(BZA Alt Rep)** | |
| Larry Littman | |
| Robert M. Schultz | |
| Fazlullah M. Khan | |
| Thomas Strat | |
| Mark J. Vleck | |
| David T. Waller | |
| Wayne C. Wright **(BZA Rep)** | |
| Howard Wu **(Student)** | |

**INTERESTED STUDENT APPLICANTS**

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

Yes:
No:

**(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 Persons with Disabilities**
Appointed by Council (9 Regular Members; 3 Alternates) – 3 years

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

Unexpired Term 11/01/05

**CURRENT MEMBERS**

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

**INTERESTED APPLICANTS**

| NAME | DATE APPLIED | DATE SENT TO COUNCIL |
|---|---|---|
| Margaret Apte | 01/19/05 | 01/24/05 |
| Kathleen Ann Connor | 02/25/04-02/2006 | 03/01/04 |
| M.K. Laudicina | 07/20/04-07/2006 | 08/09/04 |
| Uitto Renee | 12/03/04-12/2006 | 12/06/04 |

**INTERESTED STUDENT APPLICANTS**

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

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

Term Expires 04/30/08

**CURRENT MEMBERS**

| NAME | TERM EXPIRES |
|---|---|
| James Berar | 04/30/07 |
| Burdette L. Black, Jr. (Bud) | 04/30/07 |
| Merrill W. Dixon **(Sr Rep for Parks & Rec Board)** | 04/30/06 |
| Marie Hoag | 04/30/06 |
| Pauline Y. Noce | 04/30/07 |
| David S. Ogg | 04/30/08 |

| | |
|---|---|
| Josephine Rhoads | 04/30/08 |
| JoAnn Thompson | 04/30/06 |
| William Weisgerber **(Does not 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 |

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

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

**CURRENT MEMBERS**

| NAME | TERM EXPIRES |
|---|---|
| Jerry L. Bixby | 02/28/06 |
| Shazad Butt | 11/30/05 |
| Richard Hughes | 02/28/06 |
| Penny Marinos | 02/28/07 |
| Alan Manzon | 09/30/06 |
| Fan Lin **(Student)** | 07/01/05 |
| W. Kent Voigt | 02/28/07 |
| Bryan H. Wehrung | 02/28/08 |

**INTERESTED STUDENT APPLICANTS**

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

**Ethnic Community Issues Advisory Committee**
Appointed by Council (9) – 3 years

Term Expires **(Student)**

**CURRENT MEMBERS**

| NAME | TERM EXPIRES |
|---|---|
| Anju C. Brodbine | 09/30/05 |

| | |
|---|---|
| Amin Hashmi | 09/30/05 |
| Kara Huang **(Student)** | 07/01/05 |
| Yul Woong (Jeff) Hyun | 09/30/05 |
| Tom Kaszubski | 09/30/05 |
| Padma Kuppa | 09/30/05 |
| Oniell Shah | 09/30/05 |
| Flora M. Tan | 09/30/05 |
| Charles Yuan | 09/30/05 |

**INTERESTED STUDENT APPLICANTS**

| NAME | DATE APPLIED | DATE SENT TO COUNCIL |
|---|---|---|
| | | |

**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 – (7) – 3 years

Term Expires 07/31/08

Term Expires 07/31/08

**CURRENT MEMBERS**

| NAME | TERM EXPIRES |
|---|---|
| Bortner, Edward J. | 07/31/05 |

| | |
|---|---|
| Gopal, Rayma **(Student)** | 07/01/08 |
| 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 APPLICANTS**

| NAME | DATE APPLIED | DATE SENT TO COUNCIL |
|---|---|---|
| Margaret Apte | 01/19/05 | 01/24/05 |
| Wilson Deane Blythe | 03/06/02-03/2004 | 03/18/02 |
| Barbara Chambers | 02/24/03 | 03/03/03 |
| Robert A. Hudson | 01/17/05 | 01/24/05 |
| Kerry S. Krivoshein | 08/12/99-06/14/01-05/2003 | 07/09/01 |
| Mark Pritzloff | 04/17/03-04/2005 | 04/28/03 |
| Remedios Solarte | 09/15/04 | 09/20/04 |
| Renee Uitto | 12/03/04-12/2006 | 12/06/04 |
| Nancy Wheeler | 03/08/04-03/2006 | 04/12/04 |

**Liquor Committee**

Appointed by Council - (7) – 3 years

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

**CURRENT MEMBERS**

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

**INTERESTED STUDENT APPLICANTS**

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

**Parks and Recreation Board**

Appointed by Council (10) (1-School; 1-Senior Adv. Board; 1-Troy Daze; Parks & Recreation Director) – 3 years

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

Term Expires 07/31/08

**CURRENT MEMBERS**

| NAME | TERM EXPIRES |
|---|---|
| Merrill W. Dixon **(Sr. Advisory Board Rep)** | 09/30/06 |
| Ida Edmunds **(School Board Rep)** | 07/31/05 |
| Kathleen M. Fejes | 09/30/05 |
| Tod Gazetti | 09/30/05 |
| Brad Henson **(Student)** | 07/01/05 |
| Orestes (Rusty) Kaltsounis | 09/30/05 |
| Meaghan Kovacs | 09/30/05 |
| Tom Krent | 09/30/05 |
| Stuart Redpath | 09/30/05 |
| Jeffrey Stewart **(Troy Daze Rep)** | 09/30/05 |
| Janice C. Zikakis | 09/30/05 |
| Carol Anderson **(Parks & Rec Director)** | (Ex-officio) |

**INTERESTED APPLICANTS**

| NAME | DATE APPLIED | DATE SENT TO COUNCIL |
|---|---|---|
| Zarinia J. Asjad | 05/01/03-05/2005 | 05/05/03 |
| Violet-Viorica Balasa | 06/27/03-06/2005 | 07/07/03 |
| Daniel H. Bliss | 03/17/03-03/2005 | 04/14/03 |
| Leonette Ciepielowski | 07/27/04-07/2006 | 08/23/04 |
| James Feldkamp | 10/15/04-10/2006 | 11/08/04 |
| (Mr.) Lynne Gregory | 03/08/04-03/2006 | 04/12/04 |
| Paul V. Hoef | 09/12/01-08/14/02-08/2004 | 09/17/01 |
| Thomas F. Hrynik | 10/16/00-06/14/01-06/09/03-05/2005 | 11/06/00-07/09/01-06/16/03 |
| Hyun, Yul Woog (Jeff) | 09/26/03-09/2005 | 10/06/03 |
| Dan Kaiser | 10/18/04-10/2006 | 11/08/04 |
| Laurence Keisling | 04/29/04-04/2006 | 05/03/04 |
| Victor LEnivov | 04/08/04-04/2006 | 04/12/04 |
| Tery Navratil | 06/10/03-05/2005 | 06/16/06 |

**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 |
|---|---|---|
| Blythe, 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 |

Yes:
No:

## F-2 City of Troy Retiree Health Care Benefits Plan and Trust

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

Resolved, That the City of Troy City Council **ADOPT** the Retiree Health Care Plan and Trust and a copy of the Plan and Trust shall be **ATTACHED** to the original Minutes of this meeting.

Yes:
No:

## F-3 Bid Waiver - Contract Extension - Banking Services

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

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);

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;

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.

Yes:
No:

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**F-4 Sale of Rochester Road Remnant Parcel #20, PIN# 20-23-352-035, 027 Section 22, Part of Lots 86 Through 91, and Vacated Alley of Supervisor's Plat of Beaver Run**

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

RESOLVED, That the City Council of the City of Troy hereby **APPROVE** the sale of the remnant parcel which is described as:

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

for $36,000.00, the appraised value, to Buscemis Party Shoppe, as outlined in the Offer to Purchase, with conditions, plus closing costs; and

BE IT FURTHER RESOLVED, That closing will take place when all conditions have been met; and

BE IT FURTHER RESOLVED, That the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the Agreement to Purchase and the Warranty Deed, on behalf of the City; and

BE IT FINALLY RESOLVED, That the City Clerk is hereby **DIRECTED TO RECORD** said documents, including all attachments, at the Oakland County Register of Deeds, a coy of which shall be **ATTACHED** to and made a part of the original Minutes of this meeting.

Yes:
No:

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**F-5 Preliminary Site Condominium Review - Hidden Parc Site Condominium, North of Welling, West of John R, Section 14 – R-1C**

Resolution #2005-06-

Moved by
Seconded by

**Proposed Resolution A (Interconnection Version, as recommended by City Management):**

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 Parc Site Condominium, as recommended for approval by City Management, located north of Welling, west of John R, including 35 home sites, within the R-1C zoning district, being 13.3 acres in size, is hereby **APPROVED**.

**OR**

**Proposed Resolution B (Cul-de-sac Version, as recommended by Planning Commission):**

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 Parc Site Condominium, as recommended for approval by Planning Commission, located north of Welling, west of John R, including 35 home sites, within the R-1C zoning district, being 13.3 acres in size, is hereby **APPROVED**, with the following condition:

1. Provide two EVA's (Emergency Vehicle Access) within a 20-foot wide public walkway. The EVA's shall link John R Road with Rosewood Court and shall link Luisa Drive with Honey Locust. The EVA's shall be designed to City standards.

Yes:
No:

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## F-6 Proposed 2006 City Council Meetings

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

RESOLVED, That the City Council **SHALL HOLD** Regular meetings according to the following schedule at 7:30 p.m.;

Monday, January 9 & 23
Monday, February 6, 20 & 27
Monday, March 6, 20 & 27
Monday, April 3, 17 & 24
Monday, May 8, 15 & 22
Monday, June 5 & 19
Monday, July 10 & 24

Monday, August 14 & 28
Monday, September 11, 18 & 25
Monday, October 2, 16 & 23
Monday, November 13, 20 & 27
Monday, December 4, 18 (two meetings due to end of month holidays)

These are dates for Liquor Violation Hearings:

Wednesday, February 15 7:30 pm
Wednesday, February 22 7:30 pm

BE IT FURTHER RESOLVED, That Study meetings **MAY BE SCHEDULED** as needed.

Yes:
No:

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**F-7 Approval of MDOT Contract 05-5169 for Construction Project No. 01.105.5 – Big Beaver, Rochester to Dequindre**

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

RESOLVED, That MDOT Contract No. 05-5169 between the City of Troy and the Michigan Department of Transportation for the Construction Phase of the Big Beaver, Rochester Road to Dequindre Road project, Project No. 01.105.5, is hereby **APPROVED** at an estimated cost to the City of Troy not to exceed $1,816,000, 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.

Yes:
No:

---

**F-8 Proposed Revisions to Chapter 30 – Municipal Golf Course (s)**

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

RESOLVED, That an ordinance amendment to Chapter 30, Municipal Golf Course(s), Sections 1 and 4 is hereby **ADOPTED** as recommended by the City Administration. A copy of this ordinance shall be **ATTACHED** to the original Minutes of this meeting.

Yes:
No:

**F-9 Paul and Louise Piscopo v. Troy, *et al***

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

RESOLVED, That the City Attorney is hereby **AUTHORIZED** and **DIRECTED** to represent the City of Troy ad the City of Troy Board of Zoning Appeals in any and all claims and damages in the matter of Paul and Louise Piscopo v. City of Troy, *et al* and to **PAY** all expenses to retain any necessary expert witnesses to adequately represent the City.

Yes:
No:

**F-10 Approval of Cost Participation Agreement for the Reconstruction of Big Beaver, Rochester to Dequindre – Project No. 01.105.5**

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

RESOLVED, That the Cost Participation Agreement between the City of Troy and the Board of Road Commissioners for Oakland County formalizing the 2005 Tri-Party program funding allotment for the City of Troy in the amount of $406,638 (with the City share being $135,546) for the reconstruction of Big Beaver, Rochester to Dequindre, Project No. 01.105.5, is hereby **APPROVED** and the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the Agreement, a copy of which is **ATTACHED** to the original Minutes of this meeting.

Yes:
No:

**F-11 Computers for Kids Program – Divert Auction-Ready Computers to the Program**

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

BE IT RESOLVED, That Troy City Council hereby **APPROVES** the diverting of used, out-of service computers from the auction process to the *Computers for Kids Program* sponsored by Oakland County Youth Assistance for Troy and Avondale.

Yes:
No:

**F-12 2005 Annual Salary Update for Classified and Exempt Employees and Proposed Changes to Benefit Package and Personnel Rules & Regulations**

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

RESOLVED, That the 2005 Classification and Pay Plans are hereby **APPROVED** as recommended by City Management and the Personnel Board; a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and

BE IT FURTHER RESOLVED, That the revision to the Personnel Rules & Regulations for Classified Personnel is hereby **APPROVED,** as recommended by City Management and the Personnel Board; a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes:
No:

## MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

**G-1 Announcement of Public Hearings:**

**a)** Request for Outdoor Seating in excess of 20 seats in Conjunction with a Restaurant in B-3 Zoning – 1515 East Maple – Mon Jin Lau Restaurant – Scheduled for July 11, 2005

**b)** Community Development Block Grant (CDBG) for Tacoma and Olympia Streets – Scheduled for July 18, 2005

**G-2 Green Memorandums:**

**a)** Unsolicited Proposal for Indoor Sports Facility

## 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) Personnel Board/Final – June 8, 2004
b) Advisory Committee for Senior Citizens/Final – April 7, 2005
c) Advisory Committee for Persons with Disabilities/Final – May 4, 2005
d) Building Code Board of Appeals/Final – May 4, 2005
e) Troy Historic Study Committee/Final – May 5, 2005
f) Planning Commission Regular Meeting/Draft – May 10, 2005
g) Planning Commission Regular Meeting/Final – May 10, 2005
h) Employees' Retirement System Board of Trustees/Final – May 11, 2005
i) Board of Zoning Appeals/Draft – May 17, 2005
j) Planning Commission Special/Study Meeting/Draft – May 24, 2005
k) Planning Commission Special/Study Meeting/Final – May 24, 2005
l) Advisory Committee for Senior Citizens/Draft – June 2, 2005
m) Library Board/Draft – June 2, 2005
n) Employee's Retirement System Board of Trustees/Draft – June 8, 2005
o) Personnel Board/Draft – June 9, 2005

**J-2 Department Reports:**

a) Permits Issued During the Month of May, 2005
b) General Engineering Services Agreement HRC & SDA Services Performed in Past Three Years
c) City of Troy Monthly Financial Report – May 31, 2005

**J-3 Letters of Appreciation:**

a) Letter of Appreciation to Chief Craft from Gary Hauff
b) Letter of Appreciation to Officer Joe Maiorano from Mrs. Cordelia W. Hernandez
c) Samuel P. Lamerato Honored as 2005 Professional Manager of the Year – Fleet Management by The Michigan Chapter of the American Public Works Assocation

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

a) Proclamation from the Village of Ortonville Regarding the Local Control of Liquor Licenses

**J-5 Calendar**

**J-6 Update Regarding Contracted Police Services**

**J-7 Weed Control on John R Road**

**J-8 Water System Feasibility Study**

**J-9 BidNet On-Line Auction – 5 Computers, 2 Typewriters, & 7 Vehicle – Final Report**

**J-10 Research Paper on STOP Signs - FYI**

**J-11 I-75 Ballot Question**

## 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
# HAMILTON ELEMENTARY SCHOOL
# NAMED MICHIGAN BLUE RIBBON EXEMPLARY SCHOOL

**WHEREAS**, In recognition of its outstanding commitment to education, **Hamilton Elementary School** was named a **2004-2005 Michigan Blue Ribbon Exemplary School** by the Michigan Department of Education; and

**WHEREAS**, **Hamilton Elementary School** was cited for its strong commitment to excellence in education and learning through its exceptional teaching and energetic staff; and

**WHEREAS**, **Hamilton Elementary School** was recognized for their outstanding programs like "Bully Proof" Hamilton, the Building Blocks Preschool Program, the SAFE Program; also for hosting school wide parenting seminars and for receiving the Oakland Mediation Center Community Hero Award; and

**WHEREAS**, The **Hamilton Elementary School** motto, "Hamilton Elementary School, Soaring to Success with the three Rs… Be Respectful, Be Responsible, Build Relationships," has proven successful in their school community which is further justified by winning the Blue Ribbon Award; and

**NOW, THEREFORE, BE IT RESOLVED**, That the City Council of the City of Troy congratulates the quality of teamwork demonstrated by the staff, students and parent volunteers of **Hamilton Elementary School**, which has allowed them to celebrate this Blue Ribbon award, the most prestigious education award in the state of Michigan;

**BE IT FURTHER RESOLVED**, That the City Council of the City of Troy, does hereby join with the citizens of Troy to commend **Hamilton Elementary School's** rigorous efforts to provide quality education, strong leadership, parental participation, and significant progress in achieving high academic standards.

Signed this 16th day of May 2005.

**PROCLAMATION**
**WASS ELEMENTARY SCHOOL**
**NAMED MICHIGAN BLUE RIBBON EXEMPLARY SCHOOL**

**WHEREAS**, In recognition of its outstanding commitment to education, **Wass Elementary School** was named a **2004-2005 Michigan Blue Ribbon Exemplary School** by the Michigan Department of Education; and

**WHEREAS**, **Wass Elementary School** was cited for its strong commitment to excellence in education and learning through its exceptional teaching and energetic staff; and

**WHEREAS**, **Wass Elementary School** was recognized for their outstanding programs like Wake Up Wass, Buddy Up mentor program between older and younger students, Post Office Week, the Literacy Library, and award winning Future Problem Solver and Destination ImagiNation teams; and

**WHEREAS**, The B.U.D.D.I.E. (Building Understanding Develops the Desire to Include Everyone) Club at **Wass Elementary School** is a noteworthy program in which most fourth and fifth graders participate that has proven to be successful, for there is very little conflict among the students and instead, there is a wonderful feeling of community throughout the school; and

**WHEREAS**, The **Wass Elementary School** community attributes much of its success to excellent parent volunteers who participate in the school doing things like running the very active PTO to tutoring students in the Star Center;

**NOW, THEREFORE, BE IT RESOLVED**, That the City Council of the City of Troy congratulates the quality of teamwork demonstrated by the staff, students and parent volunteers of **Wass Elementary School**, which has allowed them to celebrate this Blue Ribbon award, the most prestigious education award in the state of Michigan;

**BE IT FURTHER RESOLVED**, That the City Council of the City of Troy, does hereby join with the citizens of Troy to commend **Wass Elementary School's** rigorous efforts to provide quality education, strong leadership, parental participation, and significant progress in achieving high academic standards.

Signed this 16th day of May 2005.

**PROCLAMATION**
**WATTLES ELEMENTARY SCHOOL**
**NAMED MICHIGAN BLUE RIBBON EXEMPLARY SCHOOL**

**WHEREAS**, In recognition of its outstanding commitment to education, **Wattles Elementary School** was named a **2004-2005 Michigan Blue Ribbon Exemplary School** by the Michigan Department of Education; and

**WHEREAS**, **Wattles Elementary School** was cited for its strong commitment to excellence in education and learning by an exemplary teaching staff, PTO and parent volunteers along with an outstanding curriculum, high test scores, and of course wonderful students; and

**WHEREAS**, **Wattles Elementary School** was recognized for their outstanding programs like the Kids Care Club, Buddies Program, Royal Reading, PACE, Authors in Autumn and many more; and

**WHEREAS**, **Wattles Elementary School** goes above and beyond the classroom by providing students with free after school enrichment classes and free after school tutoring, as well as educational summer programs to keep students' minds active over break; and

**WHEREAS**, The **Wattles Elementary School** community can be proud of their many accomplishments like winning the first Healthy School Award, the Mobil Exxon Award, and for conducting award winning media and technology activities;

**NOW, THEREFORE, BE IT RESOLVED**, That the City Council of the City of Troy congratulates the quality of teamwork demonstrated by the staff, students and parent volunteers of **Wattles Elementary School**, which has allowed them to celebrate this Blue Ribbon award, the most prestigious education award in the state of Michigan;

**BE IT FURTHER RESOLVED**, That the City Council of the City of Troy, does hereby join with the citizens of Troy to commend **Wattles Elementary School's** rigorous efforts to provide quality education, strong leadership, parental participation, and significant progress in achieving high academic standards.

Signed this 16th day of May 2005.

June 7, 2005

TO: John Szerlag, City Manager

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

SUBJECT: AGENDA ITEM – PUBLIC HEARING – 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). The applicant proposes to rezone 0.302 acres to E-P and 0.07 acres to P-1.

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.

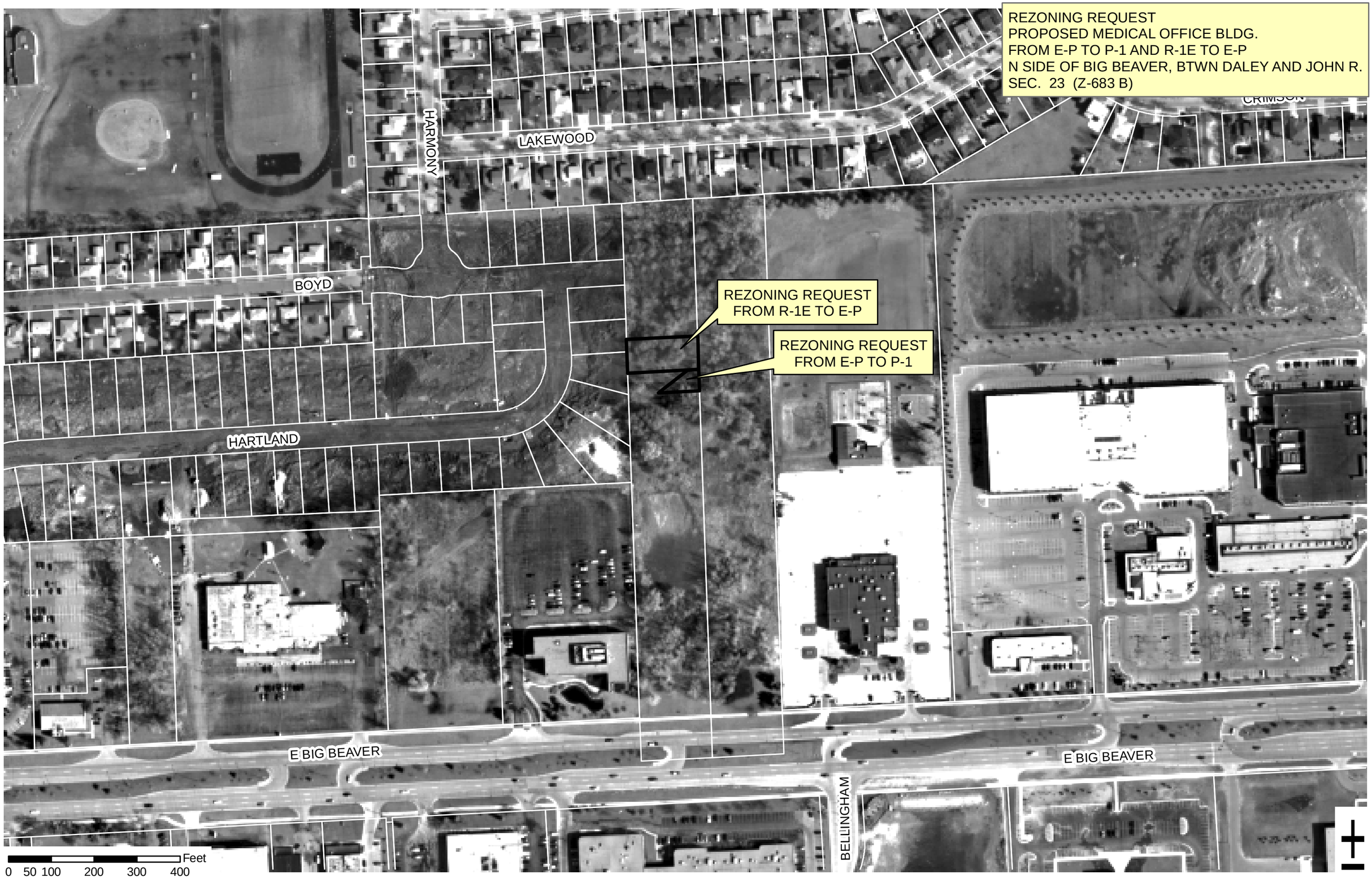
Attachments:
1. Maps.
2. Minutes from the April 12, 2005 Planning Commission Regular Meeting.
3. Minutes from the May 3, 2005 Planning Commission Special/Study Meeting.
4. Minutes from the May 10, 2005 Planning Commission Regular Meeting.
5. Copy of valid protest petition, submitted to Clerk's Office on April 11, 2005.

cc: Applicant
File/ Z 683-B

G:\REZONING REQUESTS\Z-683 B Al-Zouhayli Office Building Sec 23\CC Public Hearing Z-683B 06 20 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)
REZONING REQUEST
FROM R-1E TO E-P
REZONING REQUEST
FROM E-P TO P-1
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HARMONY
BOYD
HARTLAND
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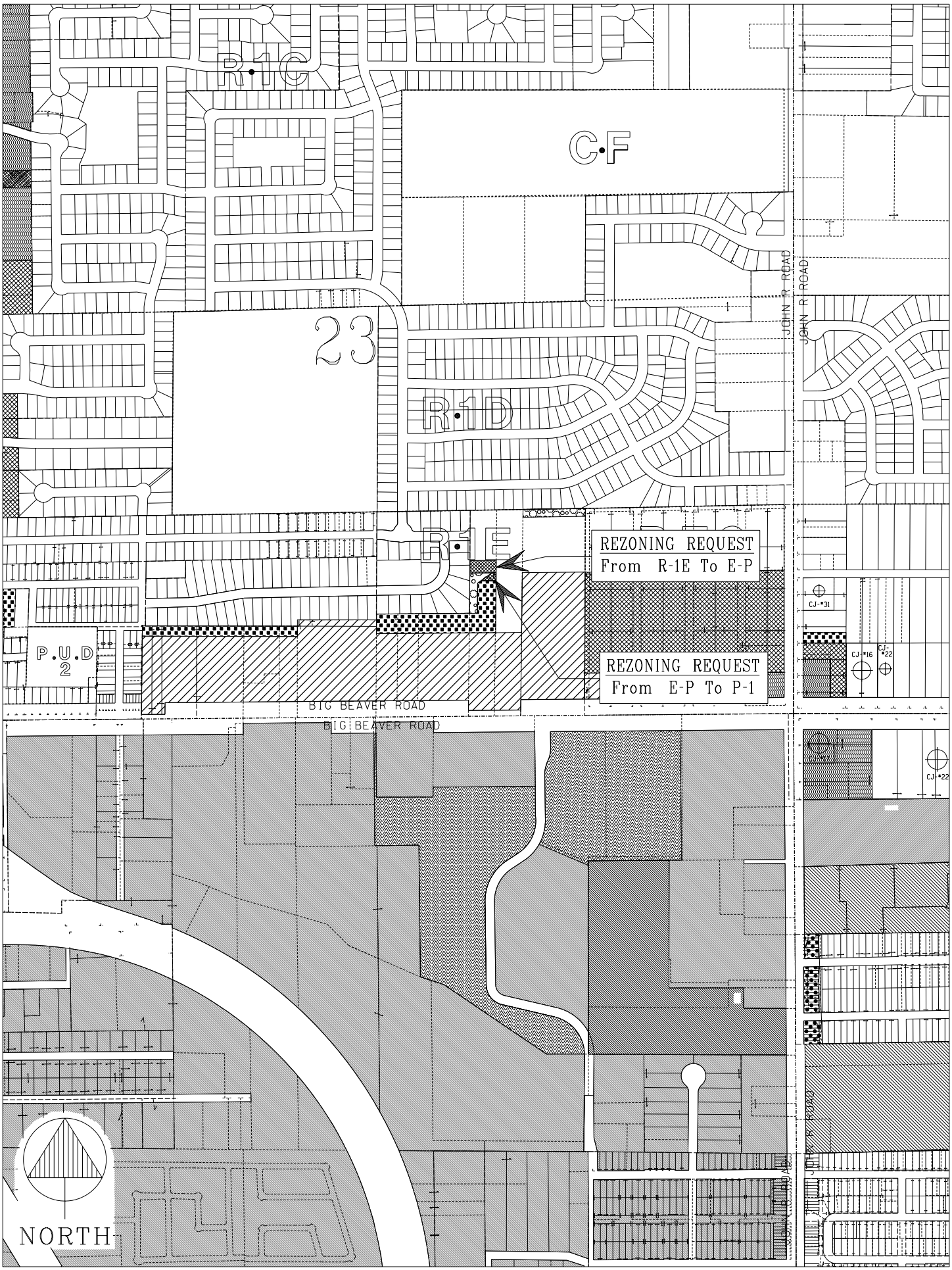
R-1C
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REZONING REQUEST
From R-1E To E-P
REZONING REQUEST
From E-P To P-1
P.U.D
2
BIG BEAVER ROAD
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CJ-#31
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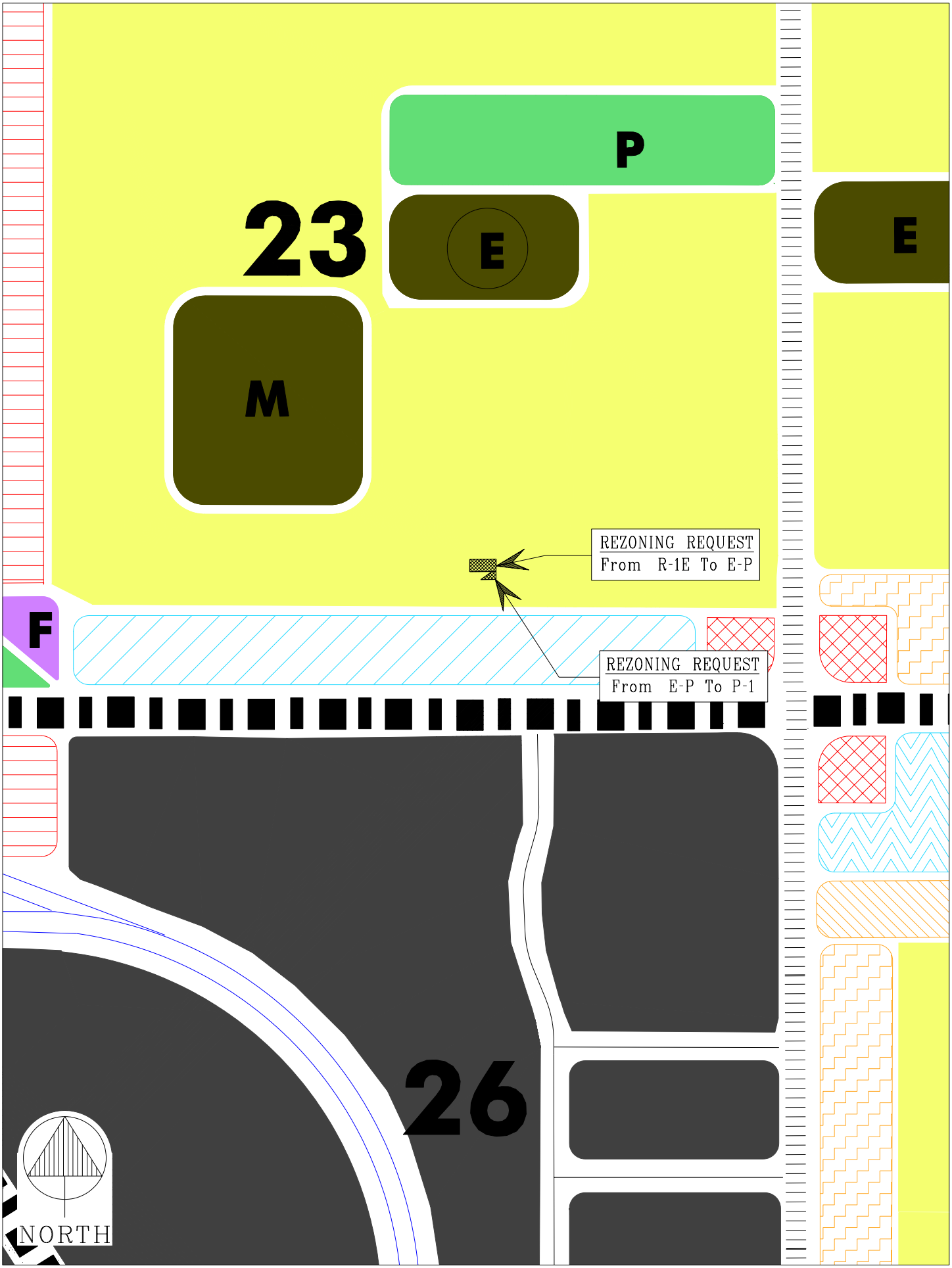
P
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REZONING REQUEST
From R-1E To E-P
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REZONING REQUEST
From E-P To P-1
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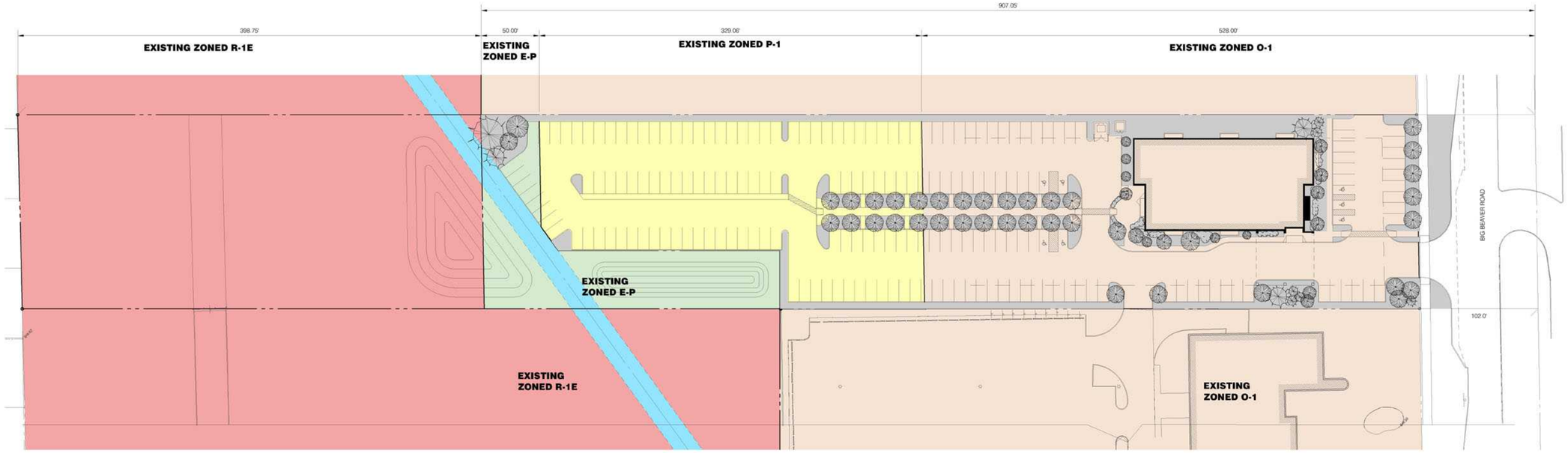
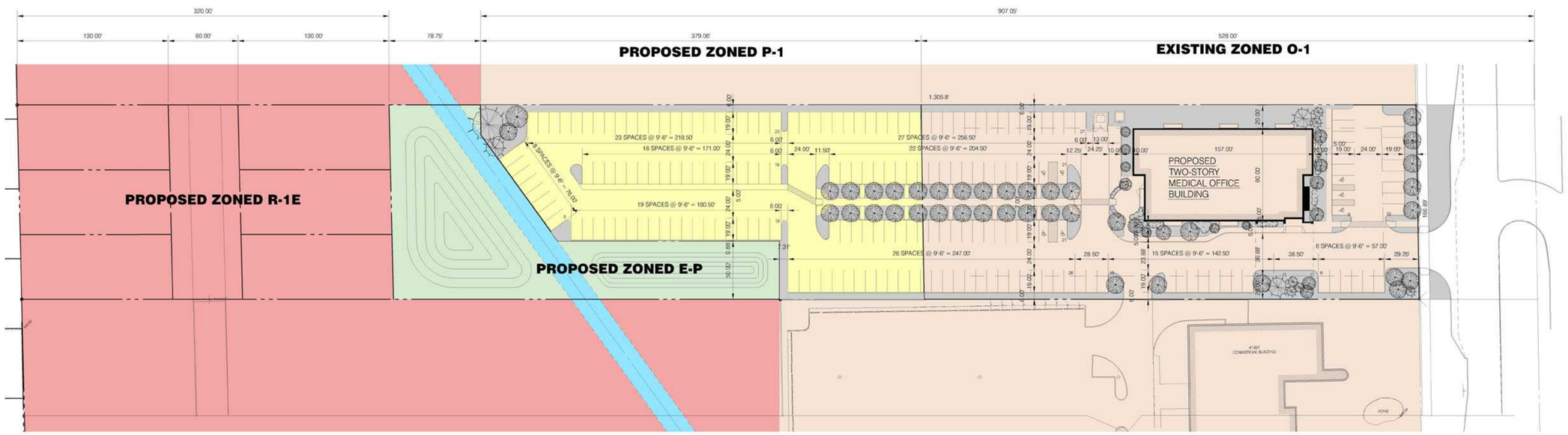



EXISTING ZONING
SCALE: 1" = 40'-0"



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

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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?**

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(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:

June 7, 2005

TO: John Szerlag, City Manager

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

SUBJECT: AGENDA ITEM – PUBLIC HEARING – 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\CC Public Hearing Buscemi's 06 20 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
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E BIG BEAVER
Feet
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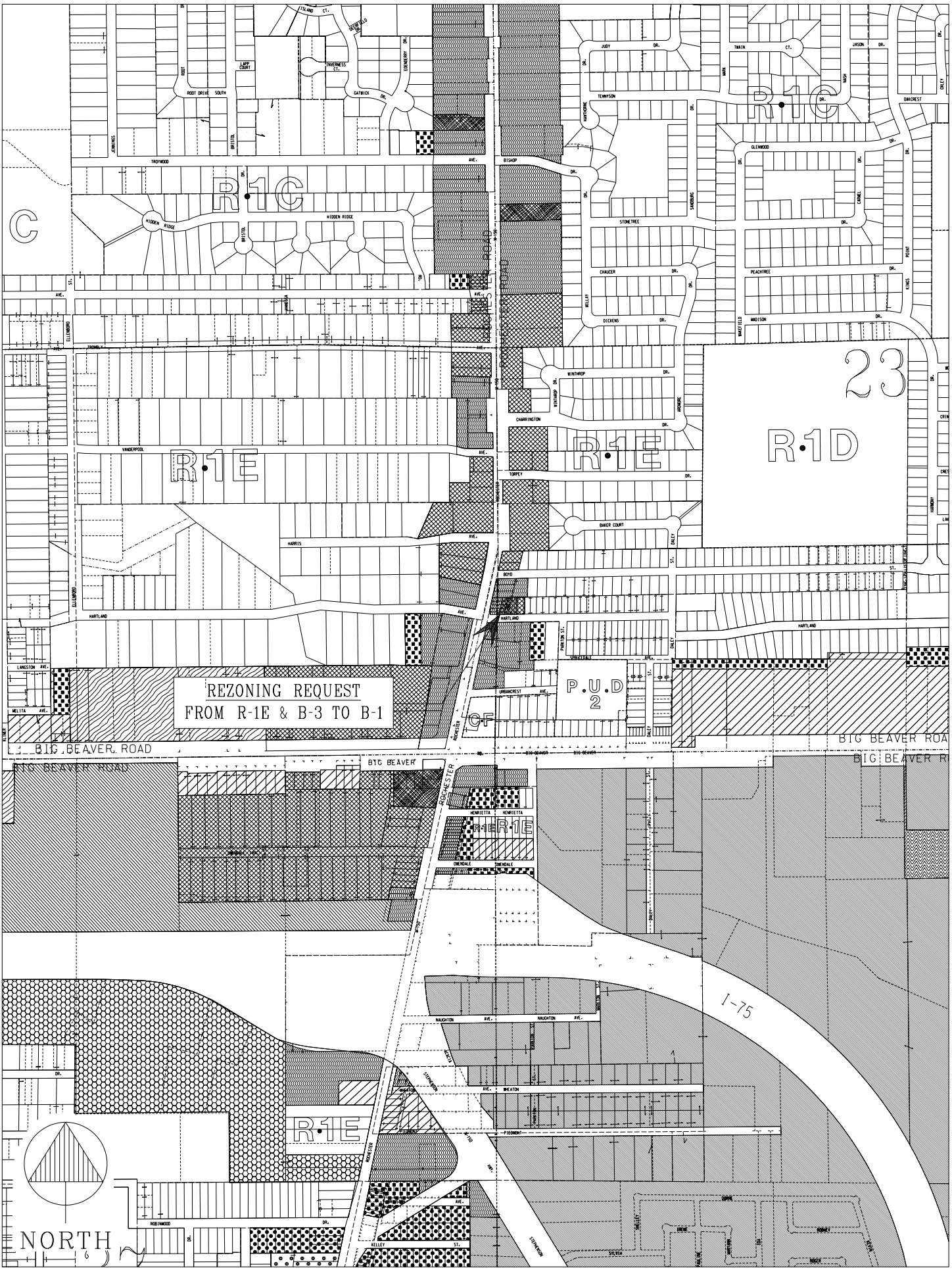
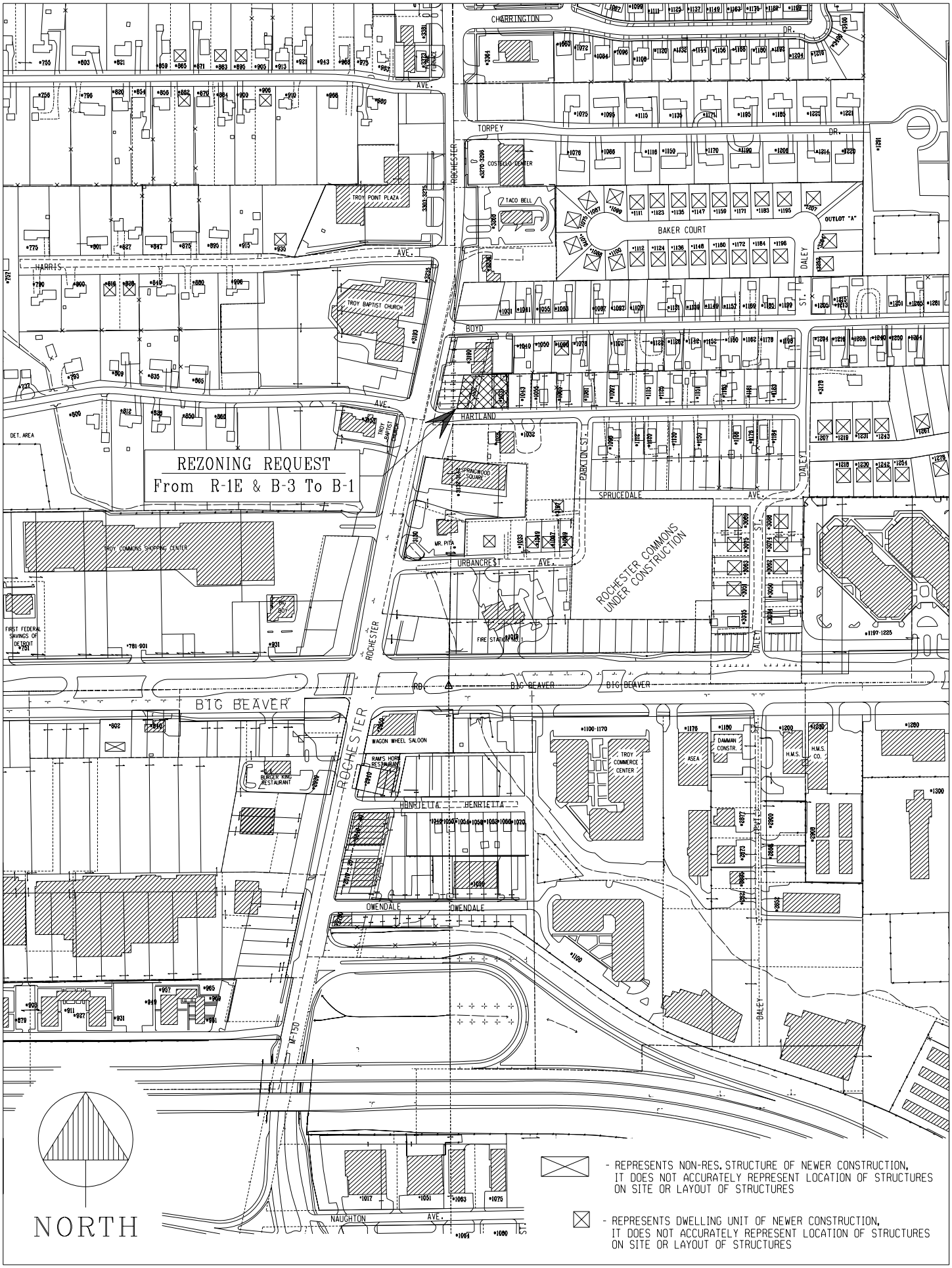
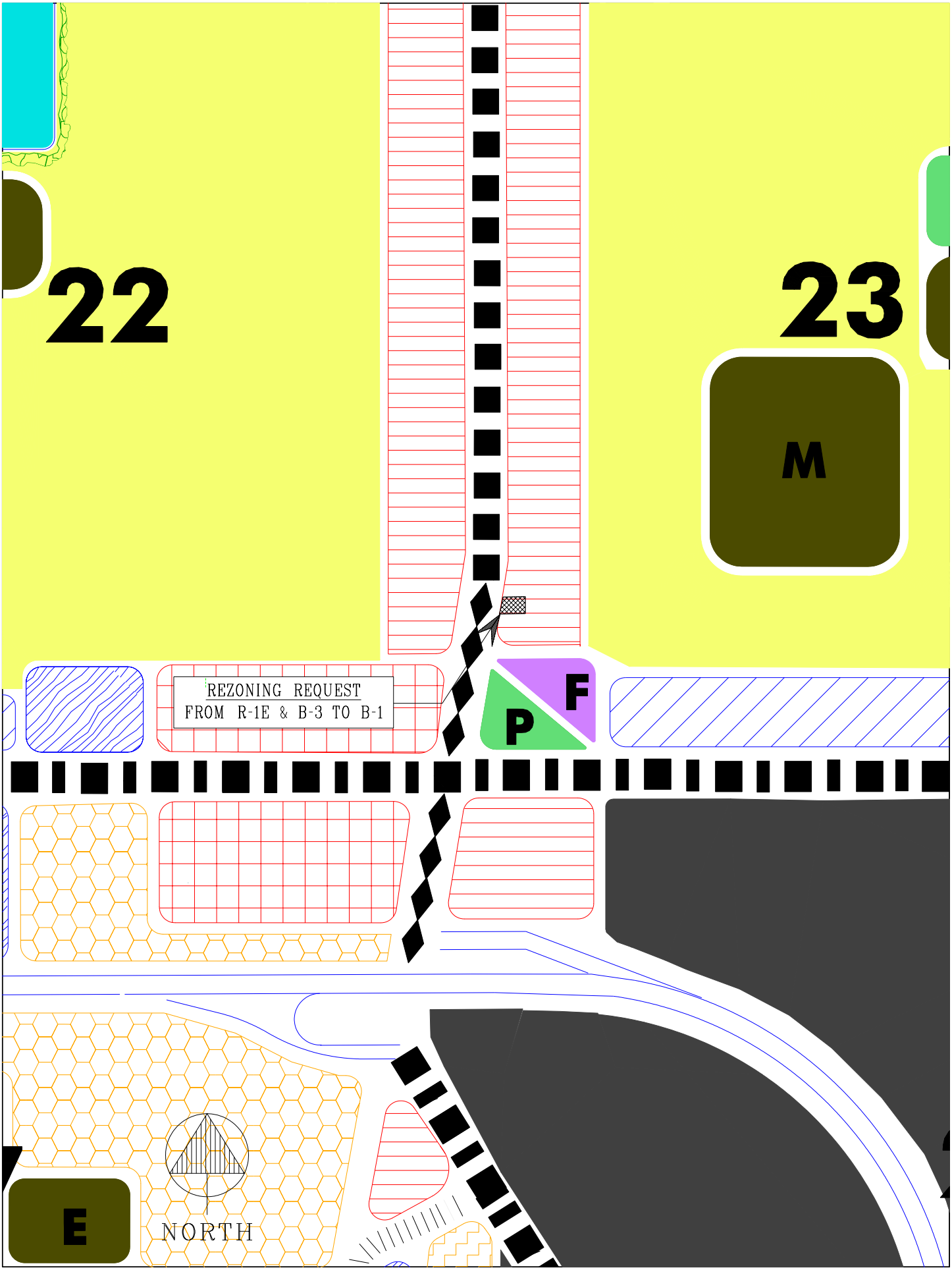

REZONING REQUEST
FROM R-1E & B-3 TO B-1
R-1C
R-1E
R-1D
P.U.D
2
23
C
CF
BIG BEAVER ROAD
ROCHESTER ROAD
I-75
NORTH




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

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

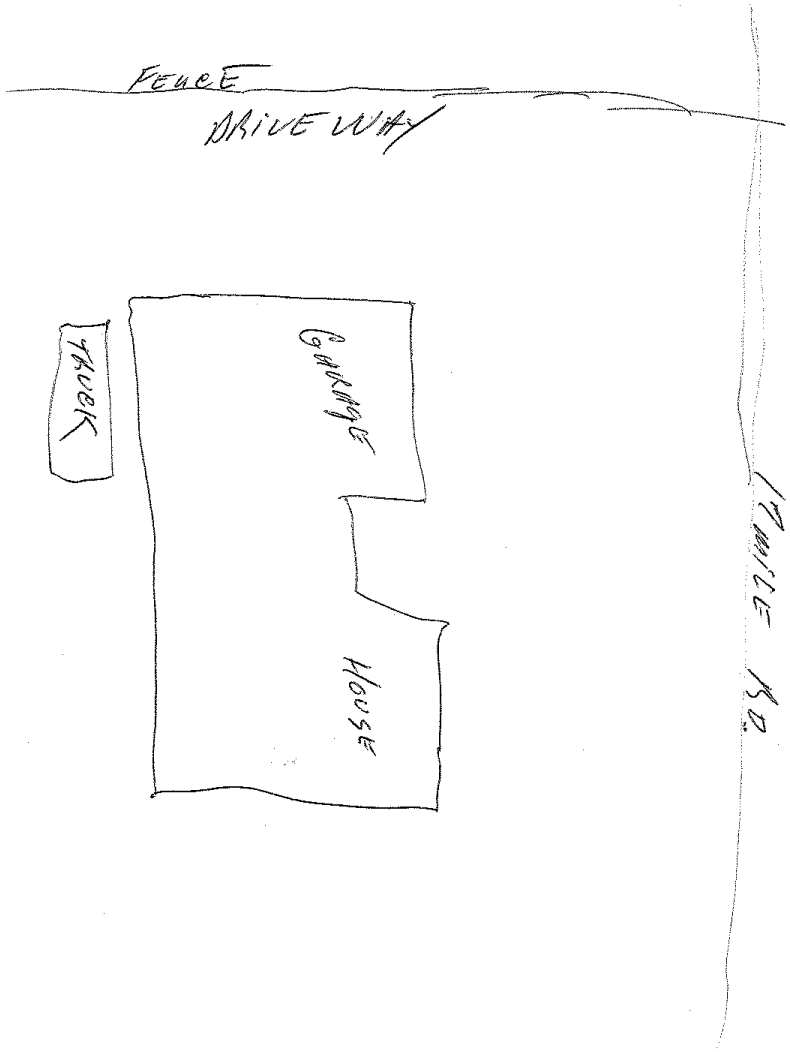
Steve Pary
(signature of applicant)

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

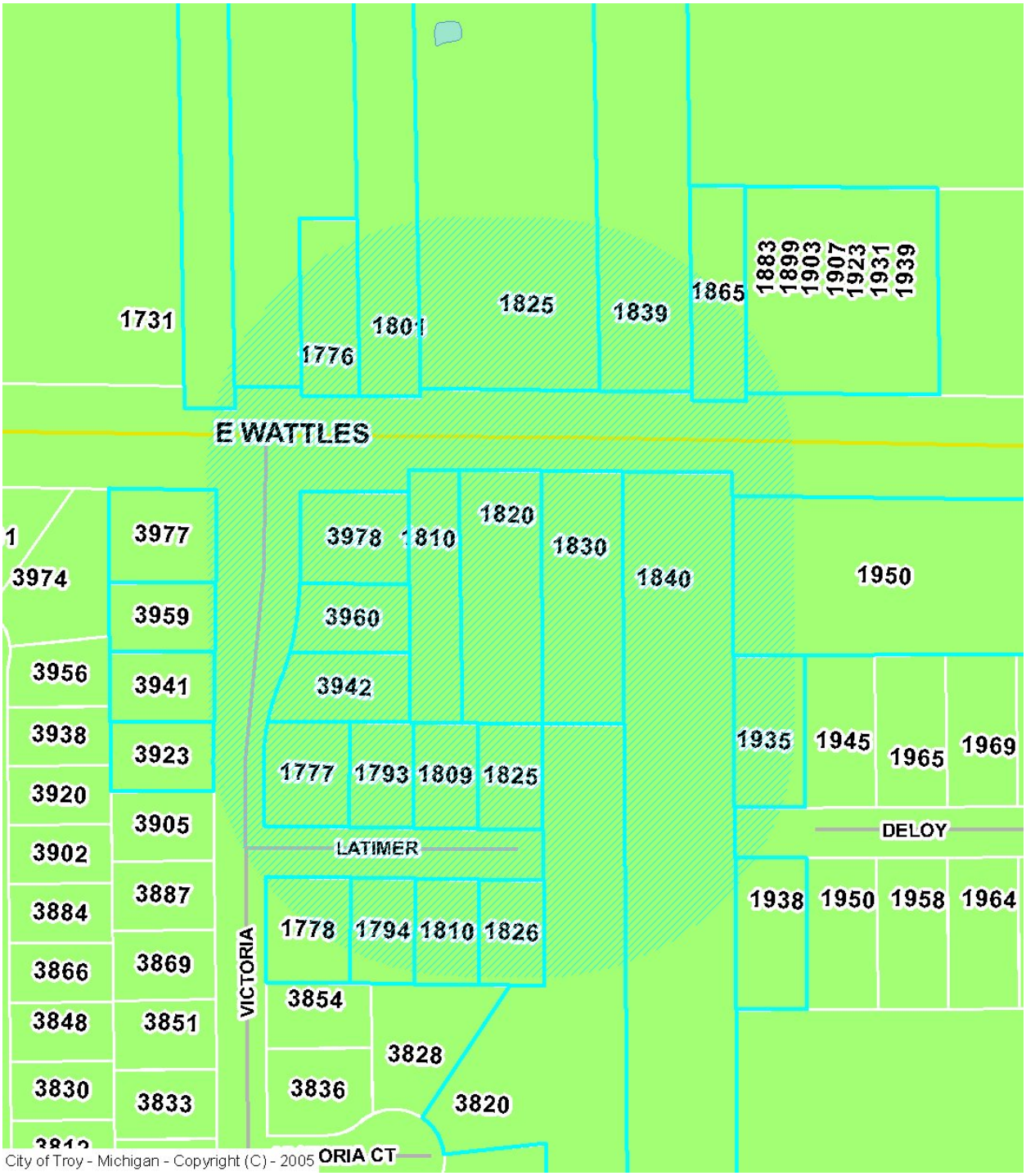
My Commission Expires: 5-30-2007




RECEIVED
MAY 27 2003
BUILDING DEPARTMENT

Jewell's TOWING
GMC

WESCZEK




City of Troy - Michigan - Copyright (C) - 2005

RECEIVED
JUN 14 2005
BUILDING DEPARTMENT

TO: CITY COUNCIL

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

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

Mr. Pary needs this wrecker at his home so he can make a living and support his family. I hope you take all of this into consideration when making your final decision.

Thank you,

NAME: Paula Homing

ADDRESS OR PROPERTY DESCRIPTION 3820 Victoria Ct.
Troy 48083

RECEIVED
JUN 14 2005
BUILDING DEPARTMENT

TO: CITY COUNCIL

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

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

Mr. Gary needs this trucker at his home to respond to service calls he receives 24 hours a day.
This is simply a trucker that is a direct replacement for the Ford trucker the Council approved to be parked at his residence about (1) year ago.
Please grant him this variance, in order for him to effectively provide a living for his family & minimize the time he is away from his wife Julie who is ill and needs his attention.
P.S. There is a much larger problem with Mr. Gary's neighbors to the South who owner is also a city employee.

NAME: WADE FLEMING 5/12/05

ADDRESS OR PROPERTY DESCRIPTION 3820 VICTORIA CT.

I own property that joins Mr. Gary on the South East Corner.

Thanks,

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<br>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<br>Develop budget and resource development plan<br>Hold community leader support breakfast/lunch meeting |
| August | Phase I: DESIGN - Process Development<br>Develop summary document of area studies, demographic and trend information to serve as background data for participants<br>Develop public communications plan.<br>*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<br>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)*<br>*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.<br>Hold six-hour participant/task force kick-off/orientation session<br>*Publicize task force meeting schedules.*<br>Task forces hold environmental scanning and implications meetings<br>Steering Committee meets monthly to monitor progress |
| November | Steering Committee meets monthly to monitor progress<br>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<br>Conduct discover integration meeting with all participants<br>Elicit desired state and related future conditions from participants<br>Develop vision statement and support documents of strategic directions<br>Disseminate vision statement and support materials to task forces for use during the Determine Phase<br>Begin development of artwork and graphics with represent the vision statement |
| March | Phase IV – DETERMINE – Formulate goals, objectives, action strategies and responsibilities<br>*Publicize upcoming task force meetings.*<br>Task forces hold goal/objective/action strategy development meetings.<br>Task forces develop final reports.<br>Steering committee meets monthly to monitor progress and develop implementation plan. |
| April | Phase IV – DETERMINE – Formulate goals, objectives, action strategies and responsibilities<br>Task forces hold goal/objective/action strategy development meetings.<br>Task forces develop final reports.<br>Steering committee meets monthly to monitor progress and develop implementation plan. |
| May | Phase IV – DETERMINE – Formulate goals, objectives, action strategies and responsibilities<br>Steering committee organizes draft report and shares with participants.<br>*Draft report status publicized to the community* |
| June | Phase IV – DETERMINE – Formulate goals, objectives, action strategies and responsibilities<br>Steering committee approves final report.<br>Steering committee meeting with key community leaders and provides "advanced" insight into final report.<br>Implementation committee established.<br>*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!<br>Community celebration session held with announcement of implementation plan. |

| | |
|---|---|
| August | Phase V – DELIVER – Make it happen!<br>Personal visits made by committee members to key leaders and organizations in the community. |
| September | Phase V – DELIVER – Make it happen!<br>Personal visits made by committee members to key leaders and organizations in the community.<br>*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!<br>Executive summary of plan distributed to all households *and businesses*<br>*Consider incorporating a summary of the Futures Report in other City documents: City Calendar, Budget, newsletter, etc.* |
| November | Phase V – DELIVER – Make it happen!<br>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***

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| 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

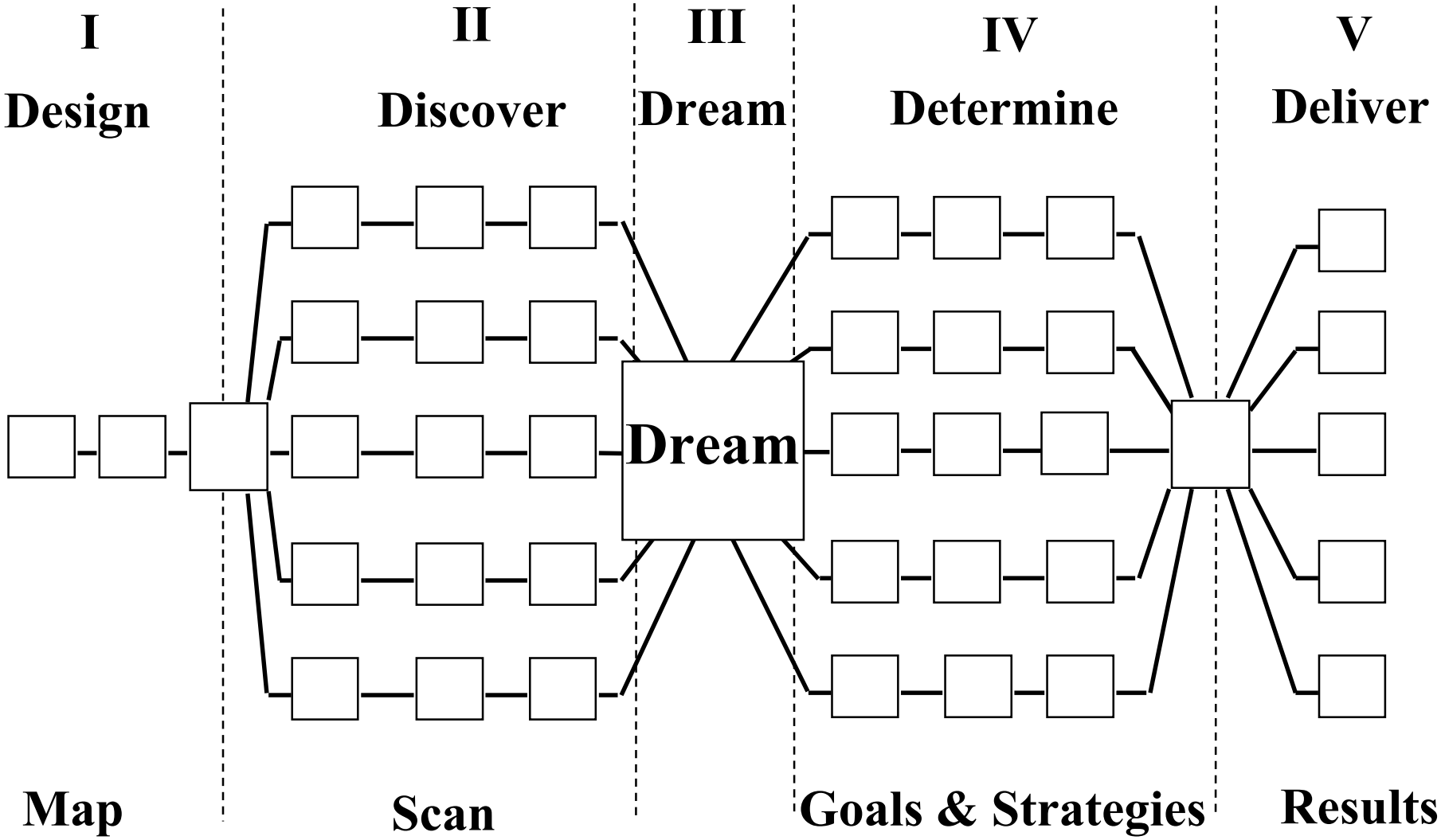


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Exhibit B 2

# 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.**

Date: June 15, 2005

To: John Szerlag, City Manager

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

Subject: AGENDA ITEM – 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

City Council postponed this item at the May 16, 2005 City Council meeting. The Planning Commission discussed the item at their May 24, 2005 Special/Study meeting.

At the June 14, 2005 Regular meeting, the Planning Commission recommended approval of the consensus version that was created as the result of the Special/Joint Meeting of the City Council and Planning Commission on March 28, 2005, with one additional provision. This provision requires that garage doors for attached accessory buildings not exceed 8-feet in height.

City Management supports the Planning Commission recommendation, with the exception of the 8-foot maximum garage door height limit. City Management has been consistent with their objection to this provision. The reason for this objection is, there are vehicles such as RV's that are legally permitted to be stored indoors. Many RV's exceed 8-feet in height. Storing an RV that exceeds 8-feet in height within an attached accessory structure would obviously require a garage door greater than 8-feet in height. The only relief from the requirement would be through a variance from the BZA. In many instances the RV owner would not meet the standards for granting a variance as listed in Article 43.72.00.

Two versions of ZOTA 215-A have been prepared. Version A is recommended by the Planning Commission, Version B is recommended by City Management. Both of these versions will eliminate very large attached accessory buildings.

Attachments:

1. ZOTA 215A Version A, as recommended by Planning Commission.
2. ZOTA 215A Version B, as recommended by City Management.
3. Minutes from May 16, 2005 City Council meeting.
4. Minutes from May 24, 2005 Planning Commission Special/Study meeting.
5. Draft minutes from June 14, 2005 Planning Commission Regular Meeting.
6. City Management memo and attachment (Agenda Item C-5) prepared for May 16, 2005 City Council meeting, dated May 11, 2005.

Prepared by RBS/MFM

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CITY OF TROY
AN ORDINANCE TO AMEND
CHAPTER 39 OF THE CODE
OF THE CITY OF TROY
VERSION A
PLANNING COMMISSION VERSION

The City of Troy ordains:

Section 1. Short Title

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

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

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

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

**[Revise Section 04.20.00 DEFINITIONS as follows]:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**[Revise Section 40.55.00 – 40.59.00 as follows]:**

40.55.00 ACCESSORY BUILDINGS, ACCESSORY SUPPLEMENTAL BUILDINGS AND ACCESSORY STRUCTURES

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

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

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

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

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

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

E. They shall not be located within a dedicated easement or right-of-way.

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

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

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

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

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

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

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

~~GREEN HOUSES: A building constructed of permanent or temporary framing that is set directly on the ground and is covered with glass panels~~

~~or plastic or other transparent material, and is used to grow plants from seed.~~

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

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

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

40.56.01 Attached Accessory Buildings

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

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

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

40.56.02 Detached Accessory Buildings

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

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

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

~~40.57.05~~ D. The combined ground floor area of all detached accessory buildings and detached accessory supplemental buildings ~~six hundred (600) square feet or one-half of the ground floor area of the main building, whichever is greater. (Rev. 04-23-01)~~ shall not exceed four hundred-fifty (450) square feet plus two (2) percent of the total lot area. However, in no instance shall the combined floor area of all detached accessory buildings and detached accessory supplemental buildings exceed the ground floor footprint of the living area of the dwelling or six hundred (600) square feet whichever is greater.

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

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

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

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

40.56.03 Accessory Supplemental Buildings

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

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

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

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

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

40.57.00 ACCESSORY BUILDINGS IN OTHER ZONING DISTRICTS

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

40.58.00 ACCESSORY STRUCTURES

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

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

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

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

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

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

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

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

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

~~40.57.12 The construction, erection, installation or placement of accessory buildings or structures shall be in accordance with the requirements of the Building Code and the Electrical Code. Building Permits shall be required~~

~~for accessory buildings greater than thirty-six (36) square feet in area and/or greater than four (4) feet in height. Building permits shall be required for all ground-mounted antennas, and for roof-mounted antennas greater than four (4) feet in height. Electrical service for ground-mounted antennas shall be provided only through underground lines.~~

~~A. Recreation uses.~~

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

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

Section 3. Savings

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

Section 4. Severability Clause

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

Section 5. Effective Date

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

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

_____
Louise Schilling, Mayor

_____
Tonni Bartholomew, City Clerk

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CITY OF TROY
AN ORDINANCE TO AMEND
CHAPTER 39 OF THE CODE
OF THE CITY OF TROY
VERSION B
CITY MANAGEMENT VERSION

The City of Troy ordains:

Section 1. Short Title

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

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

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

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

**[Revise Section 04.20.00 DEFINITIONS as follows]:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**[Revise Section 40.55.00 – 40.59.00 as follows]:**

40.55.00 ACCESSORY BUILDINGS, ACCESSORY SUPPLEMENTAL BUILDINGS AND ACCESSORY STRUCTURES

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

40.56.01 Attached Accessory Buildings

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

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

40.56.02 Detached Accessory Buildings

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

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

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

~~40.57.05~~ D. The combined ground floor area of all detached accessory buildings and detached accessory supplemental buildings ~~six hundred (600) square feet or one-half of the ground floor area of the main building, whichever is greater. (Rev. 04-23-01)~~ shall not exceed four hundred-fifty (450) square feet plus two (2) percent of the total lot area. However, in no instance

shall the combined floor area of all detached accessory buildings and detached accessory supplemental buildings exceed the ground floor footprint of the living area of the dwelling or six hundred (600) square feet whichever is greater.

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

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

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

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

40.56.03 Accessory Supplemental Buildings

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

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

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

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

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

40.57.00 ACCESSORY BUILDINGS IN OTHER ZONING DISTRICTS

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

40.58.00 ACCESSORY STRUCTURES

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

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

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

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

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

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

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

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

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

~~40.57.12~~

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

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

~~A. Recreation uses.~~

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

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

Section 3. Savings

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

Section 4. Severability Clause

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

Section 5. Effective Date

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

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

_____
Louise Schilling, Mayor

_____
Tonni Bartholomew, City Clerk

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**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

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

Mr. Miller reviewed the proposed zoning ordinance text amendment pertaining to Accessory Buildings Definitions and Provisions, the convergence of opinion achieved at the March 28, 2005 Special/Joint Meeting, and the recommendation of City Management.

Chair Strat addressed a formula with respect to mass and provided a visual view of the concept that would keep with the residential character of a neighborhood.

After soliciting comments from around the table and an open discussion, it was agreed by a majority of the members to forward a recommendation to City Council that would:

- Limit the size of an accessory building to not exceed 75% of the ground floor footprint of the living area of the dwelling.
- Incorporate a Grandfather Clause for existing accessory buildings that have been granted valid building permits.
- Limit the size of a garage door to 8 feet.

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

Mr. Miller reviewed two versions of the proposed zoning ordinance text amendment relating to accessory building definitions and provisions. The version recommended by the Planning Commission (Version A) limits the size of an accessory building to not exceed 75% of the ground floor footprint of the living area of the dwelling, incorporates a grandfather clause for existing accessory buildings that have been granted valid building permits, and limits the height of a garage door to 8 feet. City Management supports the Planning Commission recommendation with the exception of the 8-foot maximum garage door height limit (Version B).

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

***Resolution # PC-2005-06-096***
Moved by: Chamberlain
Seconded by: Schultz

***RESOLVED***, That the Planning Commission hereby recommends to the City Council that Article 04.20.00 and Articles 40.55.00-40.59.00, pertaining to Accessory Buildings Definitions and Provisions, be amended as printed on the proposed Zoning Ordinance Text Amendment, Version A, as recommended by the Planning Commission.

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

**MOTION CARRIED**

Mr. Vleck said the structure identified as the problem was a garage that was double the square footage of the living area. He believes an ordinance that would limit the size of the accessory structure to be not greater than the living area would be sufficient. Mr. Vleck is also opposed to the 8-foot garage door height limit.

Chair Strat said that neither the City Management recommendation nor the Planning Commission recommendation satisfies or addresses the massing of the actual garage; therefore, a so-called monster garage still could be built under either scenario in terms of the size of the massing.

May 11, 2005

TO: John Szerlag, City Manager

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

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

## RECOMMENDATION

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

## PLANNING COMMISSION BACKGROUND

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

**PROJECT TIMELINE**

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

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

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

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

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

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

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

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

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

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

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

Reviewed as to form and legality.

_____ _____

Lori Grigg-Bluhm Date
City Attorney

cc: File/ ZOTA 215-A

Attachments:

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

Prepared by RBS/MFM

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

The City of Troy ordains:

Section 1. Short Title

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

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

**[Revise Section 04.20.00 DEFINITIONS as follows]:**

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

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

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

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

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

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

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

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

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

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

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

**[Revise Section 40.55.00 – 40.59.00 as follows]:**

40.55.00 ACCESSORY BUILDINGS, ACCESSORY SUPPLEMENTAL BUILDINGS AND ACCESSORY STRUCTURES

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

40.56.01 Attached Accessory Buildings

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

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

40.56.02 Detached Accessory Buildings

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

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

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

40.57.05

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

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

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

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

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

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

40.56.03 Accessory Supplemental Buildings

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

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

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

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

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

40.57.00 ACCESSORY BUILDINGS IN OTHER ZONING DISTRICTS

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

40.58.00 ACCESSORY STRUCTURES

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

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

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

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

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

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

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

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

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

~~40.57.12~~

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

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

~~A. Recreation uses.~~

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

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

Section 3. Savings

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

Section 4. Severability Clause

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

Section 5. Effective Date

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

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

_____
Louise Schilling, Mayor

_____
Tonni Bartholomew, City Clerk

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

Yes: All-7

## POSTPONED ITEMS:

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

Resolution
Moved by Stine
Seconded by Beltramini

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

**Vote on Resolution to Amend by Substitution**

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

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

Yes: All-7

**Vote on Resolution as Amended by Substitution**

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

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

Yes: All-7

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

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

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

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

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

The City of Troy ordains:

Section 1. Short Title

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

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

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

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

**[Revise Section 04.20.00 DEFINITIONS as follows]:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**[Revise Section 40.55.00 – 40.59.00 as follows]:**

40.55.00 ACCESSORY BUILDINGS, ACCESSORY SUPPLEMENTAL BUILDINGS AND ACCESSORY STRUCTURES

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

40.56.01 Attached Accessory Buildings

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

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

40.56.02 Detached Accessory Buildings

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

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

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

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

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

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

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

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

40.56.03 Accessory Supplemental Buildings

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

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

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

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

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

40.57.00 ACCESSORY BUILDINGS IN OTHER ZONING DISTRICTS

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

40.58.00 ACCESSORY STRUCTURES

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

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

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

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

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

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

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

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

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

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

~~40.57.12~~

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

~~A. Recreation uses.~~

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

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

Section 3. Savings

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

Section 4. Severability Clause

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

Section 5. Effective Date

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

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

_____
Louise Schilling, Mayor

_____
Tonni Bartholomew, City Clerk

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

The City of Troy ordains:

Section 1. Short Title

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

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

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

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

**[Revise Section 04.20.00 DEFINITIONS as follows]:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**[Revise Section 40.55.00 – 40.59.00 as follows]:**

40.55.00 ACCESSORY BUILDINGS, ACCESSORY SUPPLEMENTAL BUILDINGS AND ACCESSORY STRUCTURES

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

40.56.01 Attached Accessory Buildings

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

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

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

40.56.02 Detached Accessory Buildings

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

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

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

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

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

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

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

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

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

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

40.56.03 Accessory Supplemental Buildings

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

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

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

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

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

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

40.57.00 ACCESSORY BUILDINGS IN OTHER ZONING DISTRICTS

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

40.58.00 ACCESSORY STRUCTURES

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

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

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

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

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

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

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

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

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

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

~~40.57.12~~

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

~~A. Recreation uses.~~

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

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

Section 3. Savings

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

Section 4. Severability Clause

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

Section 5. Effective Date

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

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

_____
Louise Schilling, Mayor

_____
Tonni Bartholomew, City Clerk

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

## ROLL CALL:

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

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

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

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

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

### 1. Options for Regulating Attached Garages and Accessory Structures

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

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

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

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

**PLANNING COMMISSION INTERESTS:**

I. Footprint Ratios

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

II. Garage Door Heights

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

**CITY COUNCIL INTERESTS:**

I. Footprint Ratios

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

II. Garage Door Heights

1. Maintain residential character.

**CITY MANAGEMENT INTERESTS:**

I. Footprint Ratios

1. Consistency
2. Practicality of application of ordinance

II. Garage Door Heights

1. No height limit.

**OPTIONS:**

I. Footprint Ratios

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

II. Garage Door Height

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

GENERAL DIRECTION FROM CITY COUNCIL:

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

- Do not limit garage door height

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**2. Options for Regulating Commercial Vehicles**

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

**PLANNING COMMISSION INTERESTS:**

I. Commercial Vehicles - (No comments)

**CITY COUNCIL INTERESTS:**

I. Commercial Vehicles

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

**CITY MANAGEMENT INTERESTS:**

I. Commercial Vehicles

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

**OPTIONS:**

I. Commercial Vehicles

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

GENERAL DIRECTION FROM CITY COUNCIL:

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

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

## PUBLIC COMMENT

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

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

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

Yes: All-7

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

Louise E. Schilling, Mayor

Laura A. Fitzpatrick
Assistant to the City Manager

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

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

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

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

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

PUBLIC HEARING OPENED

No one was present to speak.

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

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

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

**MOTION CARRIED**

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

## Paula P Bratto

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

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

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

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

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

Dear Neighbors,

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

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

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

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

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

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

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

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

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

Please see the attached notices regarding the above proposals.

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

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

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

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

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

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

## Paula P Bratto

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

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

**Paula P Bratto**

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

Members of Council and the Planning Commission:

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

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

Cordially,
Linda C. Schulz
248.528.3547

**********

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

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

**********

**Paula P Bratto**

**From:** Dick Minnick [dick@minnick2.com]

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

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

**Subject:** ZOTA 215-A

Members of Council and the Planning Commission:

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

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

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

Dick

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

A Regular Meeting of the Troy City Council was held Monday, June 6, 2005, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the Meeting to order at 7:31 PM.

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

## ROLL CALL

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

## CERTIFICATES OF RECOGNITION:

### A-1 Presentations:

Mayor Schilling presented proclamations on behalf of the City of Troy in recognition of Theresa Harrison as 2004 Police Officer of the Year; Pat Gladysz as 2004 Non-Sworn Police Department Employee of the Year; and Greg Latka as 2005 Fire Fighter of the Year.

Mayor Schilling presented a proclamation to Jamie Martone recognizing him as the 2005 State Swimming Champion in the 50 Yard Freestyle Division on behalf of the City of Troy (Resolution #2005-05-219-E-3).

## CARRYOVER ITEMS:

### B-1 No Carryover Items

## PUBLIC HEARINGS:

### C-1 Standard Resolution #4 for Olympia Paving

Resolution #2005-06-268
Moved by Beltramini
Seconded by Stine

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: All-7

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**C-2 Standard Resolution #4 for Tacoma Paving**

Resolution #2005-06-269
Moved by Eisenbacher
Seconded by Beltramini

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: All-7

---

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

Resolution #2005-06-270
Moved by Stine
Seconded by Eisenbacher

RESOLVED, That the Troy City Council does hereby **AUTHORIZE** the Troy Police Department to receive a grant and expend funds for the purchase of digital cameras and accessories for the Evidence Technician and Traffic Safety Units; and
BE IT FURTHER RESOLVED, That acceptance of the Local Law Enforcement Block Grant in the amount of $11,875.00 is hereby **APPROVED** and there is no required City match.

Yes: All-7

## 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)**

Resolution #2005-06-271
Moved by Eisenbacher
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 **GRANTED**, as recommended by City Management and the Planning Commission.

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

**MOTION CARRIED**

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

Resolution #2005-06-272
Moved by Stine
Seconded by Broomfield

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.

Yes: All-7

**D-3 City Council Appointments: Charter Revision Committee**

Postponed Resolution
Resolution
Moved by Beltramini
Seconded by Lambert

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

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

Cynthia A. Wilsher Term Expires April 30, 2008

William Weisgerber Term Expires April 30, 2008

**Vote on Resolution to Amend**

Resolution #2005-06-273
Moved by Howrylak
Seconded by Stine

RESOLVED, That the Resolution be **AMENDED** by **INSERTING** Mark Solomon for consideration of reappointment to the Charter Revision Committee with a term expiring April 30, 2008.

Yes: All-7

**Roll Call Vote for Consideration of Appointment to the Charter Revision Committee**

| | |
|---|---|
| Mark R. Solomon: | Stine, Broomfield, Eisenbacher, Howrylak, Lambert |
| William Weisgerber | Schilling, Beltramini, Lambert |
| Cynthia A. Wilsher: | Stine, Schilling, Beltramini, Broomfield, Eisenbacher, Howrylak |

**Vote on Postponed Resolution**

Resolution #2005-06-274
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

Mark R. Solomon Term Expires April 30, 2008

Yes: All-7

## CONSENT AGENDA:

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

Resolution #2005-06-275
Moved by Stine
Seconded by Lambert

RESOLVED, That all items as presented on the Consent Agenda are hereby **APPROVED** as presented with the exception of Item E-3, which shall be considered after Consent Agenda (E) items, as printed.

Yes: All-7

### E-2 Approval of City Council Minutes

Resolution #2005-06-275-E-2

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-4 Temporary Trailer – Hyundai Dealership – 1810 Maplelawn

Resolution #2005-06-275-E-4

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

Resolution #2005-06-275-E-5

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

Resolution #2005-06-275-E-6

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

**(a) License Transfer**

Resolution #2005-06-275-E-7a

RESOLVED, That the request from Morton's of Chicago/Troy, LLC (A Delaware 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**

Resolution #2005-06-275-E-7b

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 Delaware 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.

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

**E-3 City of Troy Proclamations**

Resolution #2005-06-276
Moved by Beltramini
Seconded by Broomfield

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

Yes: All-7

## PUBLIC COMMENT: Limited to Items Not on the Agenda

## REGULAR BUSINESS:

**F-1 Appointments to Boards and Committees: a) Mayoral Appointments: No Appointments Scheduled; b) City Council Appointments: Historical Commission; Youth Council**

**(a) Mayoral Appointments - No Appointments Scheduled**

**(b) City Council Appointments**

Resolution #2005-06-277
Moved by Beltramini
Seconded by Eisenbacher

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

**Historical Commission**
Appointed by Council – 1 year

| | |
|---|---|
| Rayma Gopal | Term Expires 07/01/06 (Student) |

**Youth Council**
Appointed by Council (13) – 1 year

| | |
|---|---|
| Alexandra Bozimowski | Term Expires (Student) 06/01/06 |
| Rishi Joshi | Term Expires (Student) 06/01/06 |
| Jessica Kraft | Term Expires (Student) 06/01/06 |
| Nicole Vitale | Term Expires (Student) 06/01/06 |
| Karen Wullaert | Term Expires (Student) 06/01/06 |

| | |
|---|---|
| Andrew Corey | Term Expires (Student) 06/01/06 |
| Maxine D'Amico | Term Expires (Student) 06/01/06 |
| Lisa Luo (Jia) | Term Expires (Student) 06/01/06 |
| Aswin Natarajan | Term Expires (Student) 06/01/06 |
| Anupama Prasad | Term Expires (Student) 06/01/06 |
| Kristin Randall | Term Expires (Student) 06/01/06 |
| Neil Shaw | Term Expires (Student) 06/01/06 |
| Katie Thoenes | Term Expires (Student) 06/01/06 |

Yes: All-7

The meeting **RECESSED** at 10:07 PM.

The meeting **RECONVENED** at 10:19 PM.

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

Resolution #2005-06-278
Moved by Broomfield
Seconded by Beltramini

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 $15,720.00 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: Stine, Schilling, Beltramini, Broomfield
No: Eisenbacher, Howrylak, Lambert

**MOTION CARRIED**

**Vote on Resolution to Direct City Staff to Prepare Draft Ordinance Language for Chapter 19 - Sanitary Sewer Service**

Resolution #2005-06-279
Moved by Eisenbacher
Seconded by Broomfield

RESOLVED, That Troy City Council hereby **DIRECTS** City Staff to prepare the necessary ordinance changes to affect the change where residents are not required to connect to a sewer system with in the 18-month period unless there is a failure of their existing system; and

BE IT FURTHER RESOLVED, That if drafting such language is not possible, Troy City Council hereby **DIRECTS** City Staff to draft language indicating that residents do not have to connect to a sewer system and then the City of Troy will submit a **REQUEST** to Oakland County to modify their permitting process for septic systems; and

BE IT FINALLY RESOLVED, That the draft ordinance language will be **SUBMITTED** to Troy City Council at the Regular City Council Meeting scheduled for Monday, July 11, 2005.

Yes: All-7

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**F-3 Waiver of Chapter 26-3.4 and Chapter 78.14. for Troy Soccer City Classic – Removed by City Administration**

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

Resolution #2005-06-280
Moved by Beltramini
Seconded by Howrylak

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: All-7

## F-5 City of Troy Downtown Development Authority Budget

Resolution #2005-06-281
Moved by Stine
Seconded by Beltramini

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

**MOTION CARRIED**

## F-6 City of Troy Brownfield Redevelopment Authority Budget

Resolution #2005-06-282
Moved by Beltramini
Seconded by Broomfield

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

**MOTION CARRIED**

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

Resolution #2005-06-283
Moved by Lambert
Seconded by Beltramini

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: All-7

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

Resolution #2005-06-284
Moved by Beltramini
Seconded by Lambert

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: All-7

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

Resolution #2005-06-285
Moved by Beltramini
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 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: All-7

**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**

Resolution #2005-06-286
Moved by Lambert
Seconded by Broomfield

RESOLVED, That the Preliminary Plan, Alternate 1B, 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: All-7

## 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

Noted and Filed

**G-2 Green Memorandums:**

**a)** Proposed Revisions to Chapter 30 – Municipal Golf Course(s)

**b)** Bid Waiver – Contract Extension – Banking Services

Noted and Filed

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

**H-1 No Council Referrals**

## 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

Noted and Filed

**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

Noted and Filed

**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

Noted and Filed

**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

Noted and Filed

**J-5 Calendar**

Noted and Filed

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

Noted and Filed

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

Noted and Filed

## STUDY ITEMS:

**K-1 No Study Items Submitted**

## PUBLIC COMMENT: Address of "K" Items

## CLOSED SESSION:

**L-1 Closed Session – No Closed Session**

The meeting **ADJOURNED** at 11:53 PM.

Louise E. Schilling, Mayor

Tonni L. Bartholomew, City Clerk

**PROCLAMATION**
**FLAG MONTH**
**JUNE 14 – JULY 14, 2005**

**WHEREAS**, The flag of the United States of America is recognized throughout the world as the symbol of freedom and opportunity for all; and

**WHEREAS**, The American Flag, wherever it flies, projects an image of strength and freedom; and

**WHEREAS**, The beauty of the American Flag should be proudly displayed and celebrated more often; and

**WHEREAS**, Many lives were lost and much blood was shed in all the wars to date to preserve our freedoms and our system of government under the Constitution and Bill or Rights; and

**WHEREAS**, The month between June 14th and July 14th is the appropriate season for the celebration of the American flag. The celebration will begin on Flag Day and continue to include Independence Day;

**NOW, THEREFORE, BE IT RESOLVED**, That the City Council of the City of Troy proclaims June 14 to July 14, 2005 as Flag Month in the City of Troy; and

**BE IT FURTHER RESOLVED**, That the City Council hereby encourages all Troy residents to participate by proudly flying the American Flag.

Signed the 20th day of June 2005

June 14, 2005

To: John Szerlag, City Manager

From: Brian Murphy, Assistant City Manager/Services
Carol Anderson, Parks & Recreation Director

Subject: Agenda Item - Parks and Recreation Month Proclamation

**Recommendation**
Staff requests acknowledgement by Council recognizing July as Parks and Recreation Month in 2005.

**Background**
The month of July is designated as Parks and Recreation month by the National Parks and Recreation Association.

The purpose of this designation is to bring awareness to the benefits of Parks and Recreation.

Parks and Recreation activities and experiences impact and benefit individuals, the community, environment and economy.

**PROCLAMATION**
**PARKS AND RECREATION MONTH**
**July 2005**

**WHEREAS, Troy Parks and Recreation** officially recognizes **Parks and Recreation Month** in July with a variety of programs and activities that reflect the spirit of outstanding leisure programming that benefit the citizens of Troy; and

**WHEREAS, Troy Parks and Recreation** invites all citizens to celebrate **Parks and Recreation Month** by participating in a variety of fun summer programs for the entire family; and

**WHEREAS,** Our belief in enhancing the quality of life is the central purpose of this organization and the driving force behind **Troy Parks and Recreation** philosophy and in recognizing this special occasion; and

**WHEREAS**, We are committed to providing opportunities for people to come together and experience a sense of community through rewarding recreational pursuits with high quality comprehensive programs, parks, facilities and open space; and

**WHEREAS**, Our 14 developed and 5 undeveloped parks and six special facilities comprising of 610 acres of open space, serve to offer exercise, sports and special event activities, relaxation and leisure pursuits for all interests; and

**WHEREAS**, Parks and open spaces provide a welcome respite from our fast paced, high-tech lifestyles while simultaneously protecting and preserving our natural environment; and

**WHEREAS, Troy Parks and Recreation** special programs and sports opportunities give young people better chances to live, grow and develop into contributing member of society; and

**WHEREAS, Troy Parks and Recreation** creates lifelines and continued life experiences for older members of our community; and

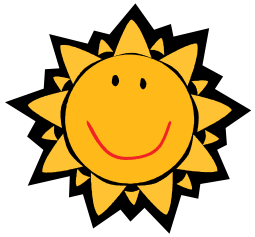
**WHEREAS**, Parks, playgrounds, nature trails, open spaces and neighborhood sites make our community an attractive and desirable place to live, work, play and visit in a manner that contributes to our ongoing economic vitality; and

**WHEREAS**, **Troy Parks and Recreation** touches the lives of individuals, families, groups and the entire community, which positively impacts upon the social, economic, health and environmental quality of our community; and

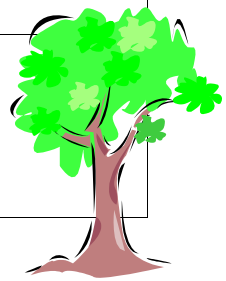
**Now, Therefore Be It Resolved**, that we recognize July as **Parks and Recreation Month** and encourage all citizens to celebrate healthy, active lifestyles by participating in their choice of recreation and park activities.

Signed this 20th day of June, 2005

# July is....
# Parks and Recreation Month



| Sun | Mon | Tue | Wed | Thu | Fri | Sat |
|---|---|---|---|---|---|---|
| | | | | | **1** Practice your swing at the Sanctuary Lake Driving Range. | **2** Learn the sport of Frisbee Golf at Firefighters Park. |
| **3** Smell the flowers as you walk through the Peace Garden located on the west side of the library. | **4** *City Offices closed* | **5** Rollerblade the paved trail at Boulan Park. | **6** Tour the Community Center's Fitness area. | **7** Sponsor a neighbor-hood baseball game. | **8** **Teen Jamfest-TFAC** | **9** **Family Night at the Aquatic Center** |
| **10** Challenge a group of friends to a game of Sand Volleyball at Raintree Park. | **11** Take the grandkids to one of our play-grounds. | **12** **Nursery School Olympics -Boulan Park** | **13** Play a round of Golf at Sylvan Glen or Sanctuary Lake. | **14** Walk the fitness trails at Huber Park. | **15** **Teen Jamfest -TFAC** | **16** Visit Stage Nature Center and walk on one of our many trails. |
| **17** **Mother's Day at Family Aquatic Center** | **18** Thru the 23rd-National Aquatics Week; visit one of our pools for a sched-ule of events. | **19** Ride the Slides at Troy Family Aquatic Center. | **20** **Take the entire clan to the Family Festival at Boulan Park from 5:30 - 8:30 pm** | **21** Visit Creative Endeav-ors - Handmade gifts at the Community Center | **22** **Teen Jamfest-TFAC** | **23** See the new Rain Garden at Beach Road Park. |
| **24** Play a game of tennis today. | **25** **Drive, Pitch & Putt event** | **26** Go fishing at Firefighters Park or Sylvan Glen lake. | **27** Shop Cattail Cove gift shop for the Nature Lover in your life. | **28** Bike or walk on the trail at Robinwood Park. | **29** **Teen Jamfest-TFAC;** View the stream restoration project at Firefighters Park. | **30** Take the kids to the Skateboard Park at the Community Center. |
| **31** Enjoy a family picnic at one of our 14 parks. | | As the City of Troy observes Parks and Recreation month we recognize the contribution of employees and volunteers in our community. These supporters keep our parks clean and safe, coach sports teams, assist in senior citizen programs and advocate for parks and recreation services. ***We invite the entire community in celebrating Parks and Recreation month. Department events are in bold print*** - call Troy Parks and Recreation for more details at 248-524-3484. | | | | |



*City of Troy - Celebrating 50 years of serving the Community*
Troy Parks and Recreation
3179 Livernois, Troy MI 48083
Phone: 248-524-3484
Weather Hotline: 248-689-9756

# *"We Create Community Through People, Parks and Programs."*

- The Stage Nature Center has more than 24,000 visitors each year.
- The Troy Family Aquatic Center attracts nearly 50,000 visitors annually.
- Nearly 53,000 rounds of golf were played at Sylvan Glen Golf Course in 2004.
- Annual attendance for senior citizen programs is more than 103,000.
- Our department hires more than 200 seasonal workers each year.
- More than a dozen programs are offered for persons with developmental disabilities, with over 100 participants attending each week.
- The Troy Community Center has more than 8,000 Pass Holders.
- Meals on Wheels volunteers delivered more than 26,000 meals to homebound seniors last year.
- Sanctuary Lake opened in July 2004 and more than 10,000 rounds of golf were played in 3 months.
- More than 12,500 children and adults participated in Sports and Fitness programs in 2004.

## 14th Annual Family Festival

Co-sponsored by USA Credit Union

**Wednesday, July 20 at**
**Boulan Park**
**5:30-8:30 pm**

Music by The Merry Music Maker & Gemini

◆ Moonwalk, Maze and Obstacle Course

Leisure Unlimited games ◆ Food Tent ◆

Chidlren's Hands on Craft ◆

Rockers Soccer Border Stars

◆ Strolling Entertainers ◆

Puppet Shows ◆ Climbing Tower

◆ Door Prizes provided by USA Credit Union

◆ Caricature Artists and more….

**Admission and activities are FREE!!**

## City of Troy Golf Tournaments

Junior Championship - Thursday, August 25 & Friday, August 26

Women's Championship - Saturday, August 27 & Sunday, August 28

Senior Championship - Saturday, August 27 & Sunday, August 28

Men's Championship - Saturday, August 27 & Sunday, August 28

Team Championship - Saturday, September 24 & Sunday, September 25

*For more information call 248-619-7600*

**Sanctuary Lake Grill now open**

## Upcoming Special Events

Troy's Birthday Celebration Sunday - June 19

Jamfest - Fridays between June 24 - August 12

Drive, Pitch and Putt - July 25

Dog Swim - September 10

Fishing Adventure - September 10

Punt, Pass and Kick - September 24

Boo Bash - October 29

**For more details call 248-524-3484**

June 2, 2005

TO: John Szerlag, City Manager

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

SUBJECT: **Agenda Item:** Sole Source – Irrigation Supplies

## RECOMMENDATION

On June 16, 2003, Troy City Council approved a two-year contract to purchase irrigation replacement parts from the authorized dealer/distributor for Michigan, John Deere Landscapes, Inc. (Council Resolution #2003-06-335).

The Parks and Recreation Department recommends approval to renew the two-year contract to purchase irrigation supplies including Rainbird and Maxicom products from John Deere Landscapes, Inc., 31691 Dequindre Road, Madison Heights, MI 48071, the exclusive Rainbird distributor in southeast Michigan at varied discounts up to 46%. John Deere Landscapes, Inc. has agreed to the contract under the same pricing structure, terms, and conditions expiring June 30, 2007.

## BACKGROUND

The City currently has a contract for irrigation replacement parts with John Deere Landscapes, Inc., which expires June 30, 2005. This account is used by various City departments to purchase repair parts and supplies for routine maintenance of irrigation systems throughout the City. All of the irrigation systems in Troy's parks, municipal buildings and irrigated medians employ Rainbird parts and Rainbird Maxicom irrigation controllers. It allows information relative to the individual areas being serviced to be sent to a dedicated MAXICOM computer terminal at the Parks and Recreation Garage, prompting Parks personnel to be able to quickly and efficiently adjust and/or repair components of the system.

The system is extremely reliable, and service technicians with John Deere are very helpful and responsive to questions by staff. In addition, all of the Rainbird and other irrigation products are in stock and readily available from John Deere Landscapes, reducing irrigation system downtime.

## BUDGET

Funds for on-going repair and maintenance of municipal irrigation systems are available in Parks and Recreation operating accounts.

Prepared by: Jeffrey J. Biegler, Superintendent of Parks

CELEBRATING 50 YEARS 1955-2005 City of Troy

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 16, 2005

Attn: Mr. John McKay
John Deere Landscapes
31691 Dequindre Rd.
Madison Heights, MI 48071

Dear Mr. McKay:

The City of Troy entered into contract #20201236 OB with John Deere Landscapes to provide Rainbird and other irrigation replacement parts at contractor prices with varied discounts up to 46%. The current purchase order expires June 30, 2005.

Please fax this letter back to Jeff Biegler at Troy Parks and Recreation Department indicating if John Deere Landscapes wishes to renew this contract until June 30, 2007. The fax number is 248-689-6497. It should be understood that this request to renew the contract is subject to a favorable market survey. A request by City staff to determine the successful bidder's interest in renewing the contract in no way obligates the City. The renewal cannot be exercised without Troy City Council approval and a blanket purchase order issued.

If you have any questions please call me at 248-524-3484

**CHECK ONE:**

**John Deere Landscapes is interested in renewing the contract under the same terms, and conditions:** (✓)

**John Deere Landscapes is not interested in renewing the contract:** ( )

**X** John McKay
**Signed: Authorized Company Representative**

**Date:** 6/2/05

Thank you,

Jeffrey J. Biegler
Superintendent of Parks
City of Troy, Parks and Recreation
3179 Livernois
Troy, MI 48083

## F-9 Sole Source – Irrigation Replacement Parts

NOTE

Resolution #2003-06-335
Moved by Stine
Seconded by Eisenbacher

WHEREAS, John Deere Landscapes, Inc., the authorized dealer/distributor for Michigan, provides Rainbird irrigation replacement parts directly to the City of Troy at discounts up to 40%.

NOW, THEREFORE, BE IT RESOLVED, That a two-year contract is hereby **APPROVED** with John Deere Landscapes, Inc. to provide Rainbird irrigation replacement parts at discounts up to 40% expiring June 30, 2005.

BE IT FURTHER RESOLVED, That purchases at an estimated amount of $7,500.00 over the approved administrative limit are hereby **CONFIRMED.**

Yes: All-7

## F-10 Amendment to Chapter 106 – Designation of Acting Traffic Engineer

Resolution #2003-06-336
Moved by Stine
Seconded by Howrylak

RESOLVED, That an Ordinance Amendment to add Section 2.24 to Chapter 106 – Traffic Code is hereby **ADOPTED** as recommended by the City Attorney, a copy of this ordinance shall be **ATTACHED** to the original Minutes of this meeting.

Yes: All-7

## F-12 Troy v. James and Amy Lewis and Flagstar Bank

Resolution #2003-06-337
Moved by Stine
Seconded by Howrylak

RESOLVED, That the Consent Judgment between the City of Troy and James B. Lewis, Amy E. Lewis and Flagstar Bank is hereby **APPROVED,** the City Attorney is **AUTHORIZED TO EXECUTE** the document, and a copy is to be **ATTACHED** to the original Minutes of this meeting.

Yes: All-7

June 9, 2003

TO: Honorable Mayor and City Council

FROM: John Szerlag, City Manager
Gary A. Shripka, Assistant City Manager/Services
Jeanette Bennett, Purchasing Director
Carol K. Anderson, Parks and Recreation Director

SUBJECT: Sole Source – Irrigation Replacement Parts

## RECOMMENDATION

The Parks and Recreation Department recommends approval of a two-year contract for the purchase of Rainbird irrigation replacement parts from John Deere Landscapes, Inc., the authorized dealer/distributor in our area at discounts up to 40%. The two-year contract will commence on July 1, 2003.

In addition, City management requests confirmation of purchases over the administrative limit made to repair irrigation systems during the year at an estimated cost of $7,500.00.

## BACKGROUND

For a number of years, the City has installed and upgraded the Rainbird irrigation systems with remote control devices. All of the irrigation systems at Troy's parks, municipal buildings and irrigated medians employ Rainbird parts and Rainbird Maxicom irrigation controllers. As the amount of irrigated land within the City of Troy continues to increase, the maintenance of those systems will necessitate increased replacement parts and accessories.

When the fiscal year began on July 1, 2002, the City established a blanket purchase order for irrigation products with John Deere Landscapes, Inc. in the amount of $9900.00. Based on past experience, the Parks and Recreation department felt the contract amount would be adequate to cover the costs for the upcoming year. However, other City departments were also using the contract to purchase replacement parts for work done in the field on routine maintenance of irrigation systems. With the harsh winter and ongoing spring repairs, purchases have exceeded the original contract amount. Now, confirming purchases from John Deere Landscapes, Inc. (formerly Century RainAid, Inc.), the exclusive Rainbird turf irrigation distributor in Michigan, need Council approval.

## BUDGET

Funds for on-going repair and maintenance of municipal irrigation systems are available in Parks and Recreation operating accounts.

Prepared by: Jeff Biegler, Superintendent of Parks

May 31, 2005

TO: John Szerlag, City Manager

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

SUBJECT: **Agenda Item**: Standard Purchasing Resolution 1: Award To Low Bidder – Camera Equipment, Accessories and Training

## RECOMMENDATION

On May 27, 2005, bid proposals were opened to furnish camera equipment, accessories and training for the Troy Police Department in accordance with the specifications. The Police Department Evidence Technicians and Traffic Safety Units will utilize this equipment in crime scene and accident investigations. After reviewing these proposals, City management recommends awarding a contract to the low total bidder, Woodward Camera of Birmingham, Michigan for an estimated total cost of $11,421.95, at unit prices as contained in the attached bid tabulation.

In addition, staff recommends rejecting the optional pricing for extended warranties on Item #1. All items are covered by a one-year manufacturer's warranty. If the equipment were defective, it would be found within the first year.

## SUMMARY

City management recommends awarding on a low total basis because the savings to make individual awards would be lost, due to the cost of creating and managing multiple purchase orders.

## BUDGET

Funds for this project are derived through a Justice Assistance Grant Program and are available through the Police Department capital budget, Account #401315.7978.010.

139 Vendors Notified via the MITN System
5 Bid Responses Received
4 No Bids: (2) Companies do not handle the product specified.
(1) Company's schedule does not permit performance of the specifications.
(1) Company can provide camera, but not the training.

Prepared by Wendell Moore, Research & Technology Administrator

| VENDOR NAME: | * WOODWARD CAMERA | | CAMERA MART INC | |
|---|---|---|---|---|
| *PROPOSAL-- FURNISH CAMERA EQUIPMENT AND TRAINING FOR THE CITY OF TROY POLICE DEPT.* | | | | |
| **PROPOSAL ITEM QTY DESCRIPTION** | **UNIT PRICE** | **EXT COST** | **UNIT PRICE** | **EXT COST** |
| 1. 5 ea Canon EOS 350D Digital Camera or Approved Alternate with Kit - includes: Lens,eyecup,Battery, Battery Charger, Neck Strap Cable, CD ROM/Disk etc Plus Training on cameras | **$ 879.00** | **$ 4,395.00** | $ 922.95 | $ 4,614.75 |
| | Included | Included | Included | Included |
| Make: | CANON | | CANON | |
| Model: | XT/350 | | REBEL XT | |
| **OPTIONAL:** 1.a. 5 ea Extended Warranties for Equipment Described in Item 1 | **UNIT PRICE** | **EXT COST** | **UNIT PRICE** | **EXT COST** |
| | - RECOMMEND REJECTION - | | | |
| Year 1 | $ 69.00 | $ 345.00 | | |
| Year 2 | $ 89.00 | $ 445.00 | $ 69.95 | $ 349.75 |
| Year 3 | $ 109.00 | $ 545.00 | | |
| 2. 3 ea USB Card Reader or approved alternate | **$ 12.00** | **$ 36.00** | $ 16.50 | $ 49.50 |
| 3. 4 ea Canon 100 mm 2.8 Lens or approved alter. | **$ 499.00** | **$ 1,996.00** | $ 489.00 | $ 1,956.00 |
| 4. 4 ea Canon off shoe cable or approved alter. | **$ 48.00** | **$ 192.00** | $ 50.60 | $ 202.40 |
| 5. 4 ea Canon 550 EX Flash or approved alter. | **$ 385.00** | **$ 1,540.00** | $ 395.00 | $ 1,580.00 |
| 6. 12 ea 512mb Compact Flash Card or app. alter. | **$ 45.00** | **$ 540.00** | $ 44.00 | $ 528.00 |
| 7. 4 ea Canon MR-14EX Ring Lite Flash or alter. | **$ 469.00** | **$ 1,876.00** | $ 469.00 | $ 1,876.00 |
| 8. 4 ea Pelican 1600 Case or approved alter. | **$ 129.99** | **$ 519.96** | $ 135.00 | $ 540.00 |
| 9. 3 ea Promaster 6100 Tripod or approved alter. | **$ 29.00** | **$ 87.00** | $ 22.90 | $ 68.70 |
| 10. 1 ea Test Rite Copy Stand w/ 2 lights or alter. | **$ 189.99** | **$ 189.99** | $ 269.87 | $ 269.87 |
| Freight | | **$ 50.00** | | |
| (550EX Discontinued - replaced by 580EX) | | | | |
| GRAND TOTAL:(w/o extended warranty) | * | **$11,421.95** | | $ 11,685.22 |
| MARKED AS: | | 1 | | REBATE |
| SERVICE INFORMATION: Location: | Birmingham, MI | | Pontiac, MI | |
| CONTACT INFORMATION: Hrs of Operation | 9-8pm | | M-Sat 9:30-6pm | |
| Phone | (248) 642-1985 | | (800)536-6278 | |
| TERMS: | Payment on Delivery | | Net 30 | |
| WARRANTY: | One Year P&L | | One Year P&L | |
| DELIVERY: | 7 Days ARO | | 10 DFO | |
| EXCEPTIONS: | Freight to your door $50 for all items. | | Attached to Bid | |
| ACKNOWLEDGEMENT: | YES | | YES | |

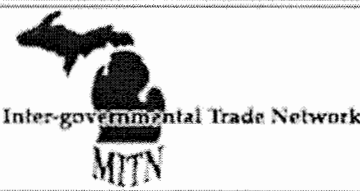
ATTEST:
Charlene McComb
Robert Wolfe
Linda Bockstanz

*** DENOTES LOW TOTAL BIDDER**

Jeanette Bennett
Purchasing Director

| VENDOR NAME: | | | ADRAY CAMERA | | PENN CAMERA EXCHANGE | |
|---|---|---|---|---|---|---|
| *PROPOSAL-- FURNISH CAMERA EQUIPMENT AND TRAINING FOR THE CITY OF TROY POLICE DEPT.* | | | | | | |
| **PROPOSAL ITEM** | **QTY** | **DESCRIPTION** | **UNIT PRICE** | **EXT COST** | **UNIT PRICE** | **EXT COST** |
| 1. | 5 ea | Canon EOS 350D Digital Camera or Approved Alternate with Kit - includes: Lens,eyecup,Battery, Battery Charger, Neck Strap Cable, CD ROM/Disk etc Plus Training on cameras | $ 950.00 | $ 4,750.00 | $ 1,189.00 | $ 5,945.00 |
| | | | Included | Included | Included | Included |
| | | Make: | BLANK | | CANON | |
| | | Model: | BLANK | | 350D/REBEL XT | |
| **OPTIONAL:** | | | **UNIT PRICE** | **EXT COST** | **UNIT PRICE** | **EXT COST** |
| 1.a. | 5 ea | Extended Warranties for Equipment Described in Item 1 | - RECOMMEND REJECTION - | | | |
| | | Year 1 | | | $ 29.00 | $ 145.00 |
| | | Year 2 | | | $ 49.95 | $ 249.75 |
| | | Year 3 | | | $ 59.95 | $ 299.75 |
| 2. | 3 ea | USB Card Reader or approved alternate | $ 15.00 | $ 45.00 | $ 19.95 | $ 59.85 |
| 3. | 4 ea | Canon 100 mm 2.8 Lens or approved alter. | $ 520.00 | $ 2,080.00 | $ 479.95 | $ 1,919.80 |
| 4. | 4 ea | Canon off shoe cable or approved alter. | $ 55.00 | $ 220.00 | $ 56.00 | $ 224.00 |
| 5. | 4 ea | Canon 550 EX Flash or approved alter. | $ 365.00 | $ 1,460.00 | $ 389.00 | $ 1,556.00 |
| 6. | 12 ea | 512mb Compact Flash Card or app. alter. | $ 50.00 | $ 600.00 | $ 45.50 | $ 546.00 |
| 7. | 4 ea | Canon MR-14EX Ring Lite Flash or alter. | $ 485.00 | $ 1,940.00 | $ 459.00 | $ 1,836.00 |
| 8. | 4 ea | Pelican 1600 Case or approved alter. | $ 125.00 | $ 500.00 | $ 138.00 | $ 552.00 |
| 9. | 3 ea | Promaster 6100 Tripod or approved alter. | $ 30.00 | $ 90.00 | $ 29.60 | $ 88.80 |
| 10. | 1 ea | Test Rite Copy Stand w/ 2 lights or alter. | $ 149.00 | $ 149.00 | $ 374.00 | $ 374.00 |
| | | (550EX Discontinued - replaced by 580EX) | | | | |
| | | GRAND TOTAL:(w/o extended warranty) | | $11,834.00 | | $ 13,101.45 |
| MARKED AS: | | | | BLANK | | Pages 1-8 |
| SERVICE INFORMATION: | | Location: | Troy, MI | | Springfield, NJ | |
| CONTACT INFORMATION: | | Hrs of Operation | 10-6pm | | 8-5pm EST | |
| | | Phone | (248) 214-9073 | | (888) 311-3650 | |
| TERMS: | | | Net 30 Days | | Net 30 Days | |
| WARRANTY: | | | One Year P&L | | One Year P&L | |
| DELIVERY: | | | Within 10 Working Days | | 7 Days ARO | |
| EXCEPTIONS: | | | Blank | | Bid is based on "One Lot Pricing" | |
| ACKNOWLEDGEMENT: | | | YES | | YES | |

| | | | | | | |
|---|---|---|---|---|---|---|
| | | VENDOR NAME: | ADRAY APPLIANCE & PHOTO | | | |
| *PROPOSAL-- FURNISH CAMERA EQUIPMENT AND TRAINING FOR THE CITY OF TROY POLICE DEPT.* | | | | | | |
| **PROPOSAL ITEM** | **QTY** | **DESCRIPTION** | **UNIT PRICE** | **EXT COST** | **UNIT PRICE** | **EXT COST** |
| 1. | 5 ea | Canon EOS 350D Digital Camera or Approved Alternate with Kit - includes: Lens,eyecup,Battery, Battery Charger, Neck Strap Cable, CD ROM/Disk etc Plus Training on cameras | $ 1,099.00 | $ 5,495.00 | | |
| | | | Included | Included | | |
| | | Make: | BLANK | | | |
| | | Model: | BLANK | | | |
| **OPTIONAL:** | | | **UNIT PRICE** | **EXT COST** | | |
| 1.a. | 5 ea | Extended Warranties for Equipment Described in Item 1 | - RECOMMEND REJECTION - | | | |
| | | Year 1 | | | | |
| | | Year 2 | | | | |
| | | Year 3 | $ 69.00 | $ 345.00 | | |
| 2. | 3 ea | USB Card Reader or approved alternate | $ 25.00 | $ 75.00 | | |
| 3. | 4 ea | Canon 100 mm 2.8 Lens or approved alter. | $ 599.00 | $ 2,396.00 | | |
| 4. | 4 ea | Canon off shoe cable or approved alter. | $ 65.00 | $ 260.00 | | |
| 5. | 4 ea | Canon 550 EX Flash or approved alter. | $ 375.00 | $ 1,500.00 | | |
| 6. | 12 ea | 512mb Compact Flash Card or app. alter. | $ 50.00 | $ 600.00 | | |
| 7. | 4 ea | Canon MR-14EX Ring Lite Flash or alter. | $ 499.00 | $ 1,996.00 | | |
| 8. | 4 ea | Pelican 1600 Case or approved alter. | $ 156.00 | $ 624.00 | | |
| 9. | 3 ea | Promaster 6100 Tripod or approved alter. | $ 35.00 | $ 105.00 | | |
| 10. | 1 ea | Test Rite Copy Stand w/ 2 lights or alter. | $ 250.00 | $ 250.00 | | |
| | | (550EX Discontinued - replaced by 580EX) | | | | |
| | | GRAND TOTAL:(w/o extended warranty) | | $13,301.00 | | |
| | | MARKED AS: | | BLANK | | |
| | | SERVICE INFORMATION: Location: | Lake Success, NY | | | |
| | | CONTACT INFORMATION: Hrs of Operation | 10-9pm | | | |
| | | Phone | None | | | |
| | | TERMS: | Net 30 | | | |
| | | WARRANTY: | One Year P&L | | | |
| | | DELIVERY: | Five Days | | | |
| | | EXCEPTIONS: | Blank | | | |
| | | ACKNOWLEDGEMENT: | YES | | | |




# Downloading History for ITB-COT 05-21 CameraPoli

The report below shows all fax and e-mail vendors that matched this document when it was originally issued. It also shows all vendors that have downloaded or ordered the document and any subsequent amendments as of **6/1/2005.**

| | |
|---|---|
| **Document Title:** | Camera Equipment and Training |
| **Date Issued:** | 5/16/2005 |
| **Close Date:** | 5/27/2005 |

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

| Acct # | Company Name | Service | Date Obtained Document | Date Obtained Amendments |
|---|---|---|---|---|
| 21505 | 1-800 weanswer | Free | 5/24/2005 | |
| 15995 | 17th st. photo supply,inc. | Free | 5/19/2005 | |
| 13263 | Absolute Security & Investigations | Free | 5/21/2005 | |
| 21446 | acs, inc. | E-mail | 5/18/2005 | |
| 12232 | Adorama Incorporated | E-mail | | |
| 11682 | Adray Appliance Photo & Sound Ctr | E-mail | 5/26/2005 | |
| 19078 | Advanced Wireless Telecom | Free | 5/18/2005 | |
| 10576 | AEC CADCON, Inc. | E-mail | | |
| 19825 | All-Tronics, Inc. | Free | 5/20/2005 | |
| 12832 | Applied Building Technologies | Free | 5/19/2005 | |
| 20864 | Applied Network Solutions | Free | 5/18/2005 | |
| 12765 | Aress Corporation | E-mail | | |
| 18520 | Astoria Laminations | Free | 5/25/2005 | |
| 19875 | Azure Solutions, Inc | Free | 5/19/2005 | |
| 11190 | Batteries Plus | Fax | | |
| 12748 | BeeTech Solutions, Inc. | E-mail | | |
| 17987 | BITS Computer Systems, DBA Network One | E-mail | | |
| 14575 | Biz-Tech, Inc. | E-mail | | |
| 11653 | Boise | E-mail | | |
| 21203 | BP Venture Partners, LLC | E-mail | | |
| 15019 | | | | |

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|---|---|---|---|---|
| | Brodie Corporation | E-mail | | |
| 16983 | cable access management company | Free | 5/19/2005 | |
| 10598 | Camera Mart Inc. | E-mail | 5/17/2005 | |
| 13425 | Cats Company | E-mail | 5/17/2005 | |
| 11315 | CDW Government, Inc. | E-mail | | |
| 16313 | Ciber Inc. | E-mail | | |
| 14650 | cmp distibutors inc. | E-mail | 5/27/2005 | |
| 11376 | Commercial Business Services Inc. | E-mail | 5/20/2005 | |
| 12526 | Comnet Technology Associates, Inc. | E-mail | | |
| 10953 | Compu-Corp | E-mail | | |
| 17534 | CompuQuest USA Inc. | Fax | | |
| 11023 | COMPUSA | Free | 5/19/2005 | |
| 13598 | CompUSA | E-mail | | |
| 12020 | Computer & Electronics Enterprises, Inc. | E-mail | | |
| 18023 | Computer Builders Warehouse | E-mail | | |
| 10184 | Computer Data, Inc. | E-mail | | |
| 18219 | Computer Network Accessories, Inc. | E-mail | | |
| 10575 | Computer Resolutions | E-mail | | |
| 18608 | Comsource | E-mail | 5/18/2005 | |
| 11309 | ComSource, Inc. | E-mail | | |
| 11902 | copstuffbydk | Free | 5/25/2005 | |
| 10125 | Custom Computer Specialists, Inc. | E-mail | | |
| 10888 | Custom Fit, Inc. | E-mail | | |
| 10913 | Cygnus Systems, Inc. | E-mail | | |
| 18261 | DASCAN Industrial Controls | E-mail | | |
| 13044 | Datanet Systems, Inc. | E-mail | 5/27/2005 | |
| 10483 | Discount Computer, Inc. | E-mail | 5/19/2005 | |
| 13200 | Dynamic Computer Corporation | E-mail | | |
| 19346 | eAppTek, Inc. | Free | 5/20/2005 | |
| 15873 | Elan Telephone and Technology | E-mail | | |
| 14691 | En Pointe Technologies Sales, Inc | E-mail | | |
| 18916 | Evolution AVS | Free | 5/17/2005 | |
| 12507 | Executive Vision Systems, Inc. | E-mail | | |
| 19659 | Firetide, Inc. | E-mail | | |
| 20427 | First Mobile Technologies | E-mail | 5/17/2005 | |
| 13051 | Flint-Genesee Economic Growth Alliance | Free | 5/26/2005 | |
| 10875 | Focus Camera | E-mail | | |
| 14668 | Focus Electronics | E-mail | | |
| 18186 | GC-Supply | E-mail | | |
| 12744 | GHA TECHNOLOGIES | E-mail | | |
| 10127 | Global Govt/Education Solutions | E-mail | | |
| 17575 | Gov Connection | E-mail | | |
| 10262 | Gracon Services, Inc. | E-mail | | |

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|---|---|---|---|---|
| 18031 | Great Lakes Internet & Consulting, Inc. | E-mail | | |
| 11766 | HES STALLINGS-JULIEN SALES & SERVICE | E-mail | | |
| 12107 | HPI International, Inc. | Free | 5/18/2005 | |
| 20611 | IdentiSys Inc. | E-mail | | |
| 19591 | Innovated Capital Solutions | E-mail | | |
| 14187 | Innovative Communications, Inc. | Free | 5/26/2005 | |
| 20594 | Innovative Computers | E-mail | 5/16/2005 | |
| 11057 | Insight Public Sector, Inc. | E-mail | | |
| 13701 | Internet Operations Center | E-mail | | |
| 18701 | INTERSTATE BATTERIES | E-mail | | |
| 16387 | InterWeave Development | Free | 5/26/2005 | |
| 13088 | Ironman Inc | E-mail | | |
| 21220 | James Power | Free | 5/23/2005 | |
| 14649 | JEM Computer, Inc. | E-mail | 5/16/2005 | |
| 12824 | Johnson Controls | E-mail | 5/18/2005 | |
| 14455 | JPK Micro Supply, Inc. | E-mail | | |
| 15334 | Landmark Systems, Inc. | E-mail | | |
| 14688 | LaserComp, Inc. | E-mail | | |
| 13035 | Lecom Inc. | E-mail | | |
| 12409 | Logix Inc | E-mail | 5/16/2005 | |
| 12227 | Longs Electronics, Incorporated | E-mail | | |
| 17518 | LTI Information Technology | E-mail | | |
| 12709 | LVC Technologies, Inc. | E-mail | | |
| 20963 | MICHIGAN CASH REGISTER CORP | E-mail | | |
| 15261 | MICHIGAN COMPUTER RESOURCES, INC. | E-mail | | |
| 18131 | Microtech Information Systems Inc. | E-mail | | |
| 10072 | Motor City Electric Technologies Inc. | E-mail | 5/17/2005 | |
| 10946 | Multiwave | E-mail | | |
| 17130 | National Case Corporation | E-mail | 5/17/2005 | |
| 17706 | National Graphic Supply | E-mail | | |
| 20132 | NETech Corporation | E-mail | | |
| 12187 | North American Video | E-mail | | |
| 13033 | NuSoft Solutions | E-mail | | |
| 18380 | OccuMed3 | E-mail | | |
| 18215 | OEM Micro Solutions, Inc. | E-mail | | |
| 10791 | OFFICE DEPOT | E-mail | 5/18/2005 | |
| 18547 | Office Furniture Services | E-mail | | |
| 20907 | Office Machines Company, Inc. | E-mail | | |
| 19978 | Open Systems of Cleveland Inc | E-mail | | |
| 17802 | PBS SERVICES | E-mail | | |
| 17668 | Penn Camera Exchange Inc | Free | 5/19/2005 | |
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|---|---|---|---|---|
| 15845 | Peripheral Vision | E-mail | 5/16/2005 | |
| 12727 | Prime Office Technology | E-mail | | |
| 18278 | Pro-Onsite Tech | E-mail | | |
| 19925 | Pro-Tech Sales | Free | 5/20/2005 | |
| 12169 | ProVideo Systems, Inc. | E-mail | 5/17/2005 | |
| 18821 | Resolve Consulting Services | E-mail | | |
| 15809 | RS TECHNICAL SERVICES, INC | E-mail | 5/19/2005 | |
| 11330 | Security Corporation | Free | 5/24/2005 | |
| 10708 | Sehi Computer Products, Inc. | E-mail | 5/16/2005 | |
| 11391 | Sirchie Finger Print Laboratories, Inc. | E-mail | | |
| 12886 | Sky Promotions/Benquin Business | E-mail | | |
| 20631 | SSCS (Solid Systems Cad Services) | E-mail | | |
| 21467 | Stanaj Development, INC | Free | 5/19/2005 | |
| 10775 | Stereo Advantage | E-mail | | |
| 12843 | SYNC Technologies | E-mail | | |
| 10433 | SYO Computer Engineering Services Inc | E-mail | 5/17/2005 | |
| 18226 | Tac 2 Outfitters | E-mail | | |
| 17438 | Tape Central Inc. | E-mail | 5/17/2005 | |
| 10464 | Technology Integration Group Services, Inc. | E-mail | | |
| 14636 | Technology Resource Center (TRC) | E-mail | | |
| 12792 | TeL Systems (Thalner Electronic Labs Inc.) | E-mail | 5/18/2005 | |
| 19834 | TeleStar Corp. | Free | 5/17/2005 | |
| 13887 | The Lyell Group, Inc | Free | 5/18/2005 | |
| 10705 | Troxell Communications Inc. | E-mail | 5/17/2005 | |
| 16487 | Unique Photo Inc. | E-mail | | |
| 19631 | Vision Technology | E-mail | 5/23/2005 | |
| 11566 | Visions of Video, Incorporated | E-mail | | |
| 10846 | Visual Interactive Dynamics | E-mail | | |
| 11780 | W.B. Hunt Co., Inc. | E-mail | 5/16/2005 | |
| 18844 | West Shore Fire Inc | E-mail | 5/20/2005 | |
| 18287 | Westland Lock and Key, Inc. | E-mail | | |
| 21437 | WolfeDen Construction | Free | 5/18/2005 | |
| 21461 | woodward camera inc | E-mail | 5/19/2005 | |
| 14804 | WorldWide Computing, Inc. | Free | 5/22/2005 | |
| 18216 | WORLDWIDE TECHNOLOGY DISTRIBUTORS | E-mail | 5/25/2005 | |

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June 13, 2005

TO: John Szerlag, City Manager

FROM: John M. Lamerato, Assistant City Manager Finance and Administration
Jeanette Bennett, Purchasing Director

SUBJECT: **Agenda Item** – Standard Purchasing Resolution 4: MITN Cooperative – Emergency Medical Supplies and Equipment

## RECOMMENDATION

The Purchasing Department requests approval and authorization to obtain emergency medical supplies and equipment on an on-going basis from Tri-Anim Health Services of Sylmar, California through the MITN Cooperative and the Oakland County Medical Authority (OCMCA) contract as the result of a best value process with a final weighted point total of 87 points (summary attached). Tri-Anim has obtained a two-year contract expiring March 1, 2007 with an option to renew the contract for two additional years under the same discount structure, terms, and conditions.

Tri-Anim Health Services was the lowest bidder on more items than any of the other vendors (over 42% of the items evaluated), their inventory was extensive (with 13 nationwide distribution centers), their ordering process was very user friendly, and their references were good.

## BACKGROUND

Since the City of Troy has privatized its emergency medical services and awarded a contract to Alliance Mobile Health who provides the necessary supplies, Troy did not participate in the original proposal process as a named user. Since award of the final contract, there appears to be a fit for medical supplies to be used by the Police Department's evidence technicians, first aid supplies for both P&R and Police Departments, and bio-hazard supplies, etc.

## BUDGET

Funds are available from the various departmental operating budgets.

JB/jb

# Award Information for Document #ITB-fh-04-05-1172

| | |
|---|---|
| Close Date: | 11/30/2004 @ 10:00 AM |
| Title: | Emergency Medical Supplies & Equipment |

The following company(s) were given an award for this document. There is currently no supporting document available.

| Company Name(s) | Amount of Award | Line Item Number(s) |
|---|---|---|
| Tri-anim Health Services | $750,000.00 | all |

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**REPORT FROM THE CITY MANAGER TO CITY COUNCIL**
**February 28, 2005**

**SUBJECT: AWARD OF BID FOR EMERGENCY MEDICAL SUPPLIES & EQUIPMENT**

**ADMINISTRATIVE SUMMARY**

- Sealed bids were advertised, available on our e-procurement system and opened on Tuesday, November 30, 2004 by the City of Farmington Hills on behalf of the Oakland County Medical Authority (OCMCA) with extension to the MITN Purchasing Cooperative. Notification of bid was sent to 107 vendors with 7 responding. There are over 50 members of the OCMCA represented for this bid solicitation including such entities as Farmington Hills, Birmingham, Bloomfield Township, Pontiac, Royal Oak, Southfield, Waterford and West Bloomfield Township with a total estimated purchase volume of $750,000.

- The bid specifications called for volume discount pricing on 396 highly used emergency medical products including incident expendable supplies as well as training supplies and equipment. These items were determined by the OCMCA to be the most often ordered and made up approximately 50% of their medical supplies budget. Also requested as part of the specification was a contracted additional discount off the published list price in their catalog.

- City Staff in conjunction with the OCMCA evaluated the bids and interviewed vendors. The evaluation was based on bid specified criteria which awarded points based on pricing, breadth of inventory & availability of products, ease of ordering process (including ordering, delivery & billing) and references. The evaluation committee determined that Tri-Anim Health Services was the lowest, most qualified bidder. Tri-Anim is the lowest bidder on more items than any of the other vendors (over 42% of the items evaluated), their inventory was extensive (with 13 nationwide distribution centers to draw from), their ordering process was very user friendly and their references were good.

- Funding for these products is budgeted and available in the Fire Department supply account. The City of Farmington Hills estimated annual expenditure under this contract is $30,000.

**WEIGHTED BID TABULATION**

| Vendor | City/State | Weighted Point Total (100 points possible) |
|---|---|---|
| Tri-Anim Health | Sylmar, CA | 87 |
| Emergency Medical Products | Waukesha, WI | 77 |
| Bound Tree Parr | Dublin, OH | 28 |
| Laerdal | Wappingers Falls, NY | 21 |
| Seneca Medical | Tiffin, OH | 21 |
| Ferno | Lebanon, OH | 14 |
| Belmex Medical | Buffalo, NY | 12 |

**RECOMMENDATION**

In view of the above, it is recommended that City Council authorize the City Manager to sign a contract with Tri-Anim Health Services and issue purchase orders for a two (2) year term for emergency medical supplies and equipment and for an additional two (2) year term under the same terms and conditions upon mutual consent of the City and vendor.

Prepared by: Michael Lasley, Director of Central Services
Reviewed by: Richard Marinucci, Fire Chief
Approved by: Steve Brock, City Manager

CITY OF FARMINGTON HILLS
DEPARTMENT OF CENTRAL SERVICES
PURCHASING DIVISION
31555 ELEVEN MILE ROAD
FARMINGTON HILLS, MI 48336-1165
www.ci.farmington-hills.mi.us

PHONE 248-871-2435
FAX 248-871-2431



# EMERGENCY MEDICAL SUPPLIES AGREEMENT

THIS AGREEMENT, made and entered into this 1 day of March, 2005, by and between the City of Farmington Hills, Oakland County, Michigan, on behalf of the Oakland County Medical Authority and the MITN Purchasing Cooperative, Party of the First Part, hereinafter called OWNER, and Party of the Second Part, Tri-Anim Health Services, hereinafter called the CONTRACTOR.

WITNESSETH, that the Contractor and the Owner, for the consideration hereinafter named agree as follows:

## ARTICLE I - THE WORK

It is agreed that the Contractor shall furnish all the labor, materials to deliver products shown and called for in the Invitation to Bid titled:

**FH-04-05-1172 Emergency Medical Supplies and Equipment**

prepared by the City of Farmington Hills, Central Services Department, Oakland County, Michigan, acting as, and in these Contract Documents entitled, the Contract Manager, and shall do everything required by the Contract Documents.

## ARTICLE II - THE TIME

It is agreed that the Contractor shall begin work under this Contract upon receipt of written notice to proceed and that the contractor will fulfill all contract requirements for a period of two (2) years from date of contract award. It is further agreed that The City of Farmington Hills acting on behalf of the Oakland County Medical Authority and MITN Purchasing Cooperative may opt to extend the pricing, terms and conditions of this contract.

## ARTICLE III - OWNER'S RIGHT TO CANCEL

It is agreed that if at any time the Contractor should abandon this work; or if he should be adjudged a bankrupt, or if his performance of this Contract is being unnecessarily or unreasonably delayed; or if he should make a general assignment for the benefit of his creditors; or if a receiver should be appointed on account of his insolvency; or if he should persistently or repeatedly fail to fulfill portions of the contract requirements the Owner shall have the right to cancel the Contract with seven ten (10) days written notice. Failure to perform specified duties listed herein after two (2) written notices shall constitute grounds for cancellation

## ARTICLE IV - ASSIGNMENT OF CONTRACT

It is agreed that the Contractor shall not assign or transfer this Contract or sublet any part of the work embraced in it, except with the written consent of the Owner to do so.

## ARTICLE V - THE CONTRACT SUM

And it is agreed that, in consideration of the faithful and entire performance by the Contractor of his obligations under this contract, the Owner, shall pay to him, at the time and in the manner hereinafter stipulated, an amount as determined by the measured quantities and the respective unit prices herein named within thirty (30) days of receipt of the Contractor's invoices. Requested to do so, supported if requested, by sworn statements, satisfactory evidence that all persons who have supplied labor.

It is further agreed that volume estimates listed in the specification document are as such just estimates only and that the Owner will not be held responsible to meet any volume estimate listed to receive contract pricing.

The person representing the Contractor who will submit written invoices for payment is designated as **Sean McLeod, Sales Representative or Tri-Anim Health Services Accounts Receivable**. The person representing the Owner to whom invoices are to be submitted and questions regarding payment shall be designated by each entity after award.

~~It is agreed that no issues regarding payment of invoices shall affect the delivery of goods and services. No orders shall be held by the Contractor by the Owner shall be deemed or construed as an acceptance of any part of the work under this contract.~~ 3/8/05

**ARTICLE VI – INCREASED VOLUME DISCOUNT**

It is agreed that if the total aggregate volume increases to _____N/A_____dollars per year an additional volume discounts may be negotiated on the contract items by the City of Farmington Hills on behalf of the Oakland County Medical Authority and the MITN Purchasing Cooperative.

IN WITNESS WHEREOF, the parties have caused these presents to be signed personally or by their duly authorized officers or agents and their seals affixed and duly attested the day and year first written above for Emergency **Medical Supplies and Equipment.**

**City of Farmington Hills - Municipality**

**WITNESSES**

Lee Miller — **BY: Steve Brock, City Manager/Date** 3/4/05
Lee Miller

Debra S Allen — **BY: Kathryn Dornan, City Clerk/Date**
DEBRA S ALLEN

CITY OF FARMINGTON HILLS
DEPARTMENT OF CENTRAL SERVICES
PURCHASING DIVISION
31555 ELEVEN MILE ROAD
FARMINGTON HILLS, MI 48336-1165
www.ci.farmington-hills.mi.us

PHONE 248-871-2435
FAX 248-871-2431



**CONTRACTOR**

**WITNESSES**

_____ BY: _____ 3/8/05
Contractor/Date

_____ BY: _____

Contractor's signature (s) must be notarized:

STATE OF California )
SS.
COUNTY OF Los Angeles )

Subscribed and sworn to before me this 8th day of March 2005

Madeline P. Engilman
Notary Public

Los Angeles County California

My Commission Expires: May 28, 2007

MADELINE P. ENGILMAN
Commission # 1414726
Notary Public - California
Los Angeles County
My Comm. Expires May 28, 2007

CITY OF FARMINGTON HILLS
DEPARTMENT OF CENTRAL SERVICES
PURCHASING DIVISION
31555 ELEVEN MILE ROAD
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FAX 248-871-2431



## EXTENSION OF AWARD TO THE OAKLAND COUNTY MEDICAL CONTROL AUTHORITY MEMBER OR MEMBER OF THE MITN PURCHASING COOPERATIVE

_____ is a member of the Oakland County Medical Control Authority or the MITN
**(City, Township or Entity)**

Purchasing Cooperative. If your company is awarded item(s) referenced in the bid proposal, the cooperative governmental entities may wish to use this contract and will use a purchase order for the item(s) awarded in this bid proposal following minimum order requirements set forth in the bid document. Each entity will provide their own purchase order and delivery location (s) and must be invoiced separately to the address indicated on the purchase order.

**If an award is made to** Tri-anim **, it is agreed that**
**(Company)**

The contract will be extended to any entity in The Oakland County Medical Control Authority or the MITN Purchasing Cooperative under the same prices, terms, and conditions.

**Signature of Company Representative** [signature] C.O.O.

OCMCA & MITN emergency Medical Supplies Contract Item List

| EMS# | Description | THS Part # | Price | GROUP |
|---|---|---|---|---|
| 98003 | Alcohol 16 oz | 255-81043EA | $0.82 | Bandaging |
| 98001 | Peroxide 16oz | 255-87143 | $6.70 | Bandaging |
| 4136 | Vaseline gauze 3x9 | 263-DKC20056BX | $7.08 | Bandaging |
| 3050 | 10x30 Multi-Tauma Dressing | 276-1030TDEA | $0.99 | Bandaging |
| 3352 | 2X2 Sterile Gauze Pads | 276-1212BX | $2.20 | Bandaging |
| 3353 | 3X3 Sterile Gazue Pads | 276-1312BX | $2.65 | Bandaging |
| 1050 | Non-Adherent dressing 3x4 | 276-134BX | $5.89 | Bandaging |
| 3273 | 4x4 Sterile 10/tray | 276-1414-10BX | $0.81 | Bandaging |
| 1624W | Tegaderm 2 3/8" x 2 3/4" | 276-4067BX | $27.00 | Bandaging |
| 3242 | 4x4 Non-Sterile | 276-4084CSBG | $1.40 | Bandaging |
| 0630 | ACE 3" | 276-503EA | $0.38 | Bandaging |
| 0640 | ACE 4" | 276-504EA | $0.49 | Bandaging |
| 0660 | ACE 6" | 276-506EA | $0.75 | Bandaging |
| 2436 | 4X4 Sterile Topper | 276-5444BX | $1.80 | Bandaging |
| 2145 | 5x9 ComboPads | 276-5590TY | $2.75 | Bandaging |
| 7197 | 8x7.5 ABD Pads | 276-5875TY | $4.00 | Bandaging |
| 6903 | Kling 3" Non-sterile | 276-603BG | $1.20 | Bandaging |
| 6904 | Kling 4" Non-sterile | 276-604BG | $1.44 | Bandaging |
| 6906 | Kling 6" Non-sterile | 276-606BG | $1.44 | Bandaging |
| 3602 | Bandaid 1x3 | 276-7031BX | $1.55 | Bandaging |
| 5144 | Cloth tape 1" | 276-C110BX | $7.56 | Bandaging |
| 5145 | Cloth tape 2" | 276-C210BX | $7.56 | Bandaging |
| 5146 | Cloth tape 3" | 276-C310BX | $7.56 | Bandaging |
| 106 | Alcohol prep pads 100/box | 279-1106BX | $1.50 | Bandaging |
| 108 | Iodine Prep Pads 100/box | 279-1108BX | $2.90 | Bandaging |
| 773 | Iodine Swabs | 279-1201BX | $4.45 | Bandaging |
| 1200 | Nail Polish Remover pads | 279-1501BX | $3.60 | Bandaging |
| 305 | Cotton Tip Ap 6" Sterile | 279-4305BX | $2.92 | Bandaging |
| 314 | Tongue Depressor 6" sterile | 279-4314BX | $2.80 | Bandaging |
| 1124 | Ice Packs | 321-12-10 | $10.56 | Bandaging |
| 301 | HOT PACKS | 321-13-01 | $11.76 | Bandaging |
| 534 | Clear tape Kendall Curity | 47-8534BX | $12.60 | Bandaging |
| 1202 | Triangular bandage 40x40 | 533-MS-TRI40EA | $0.23 | Bandaging |
| 331 | Butterfly Closure Med | 834-014331 | $9.90 | Bandaging |
| AR5293 | Bandaid Kids | 834-01Q3472 | $5.60 | Bandaging |
| 010 | Burn Sheet | 321-30-01 | $3.75 | BURN THERAPY |
| 40 | Multicuff Kit system 5 | 066-740 | $101.00 | DIAGNOSTIC INSTRUMENTS |
| 663291 | Elite Test Strips | 121-3873 | $35.50 | DIAGNOSTIC INSTRUMENTS |
| 315787 | Glucometer ELITE | 121-3901 | $54.87 | DIAGNOSTIC INSTRUMENTS |
| S100A | Dura sensor Adult finger clip | 134-B505-1011 | $99.00 | DIAGNOSTIC INSTRUMENTS |
| 301 | BCI Pulse OX | 162-3301 | $490.00 | DIAGNOSTIC INSTRUMENTS |
| 420Y | Finger Pulse Oximeter | 162-3420Y | $319.00 | DIAGNOSTIC INSTRUMENTS |
| 630 | Adult Diaphoretic Electric 30/box | 218-01-3630BX | $5.40 | DIAGNOSTIC INSTRUMENTS |
| 633 | Electrode 30/pak | 218-01-3633BX | $5.40 | DIAGNOSTIC INSTRUMENTS |
| 620-003 | Electrode Pedi | 218-1620-003BX | $5.40 | DIAGNOSTIC INSTRUMENTS |
| 010188-0 | Quick Combo Adult | 218-2516M | $25.85 | DIAGNOSTIC INSTRUMENTS |
| 010107-0 | Quick Combo Pedi | 218-2603M | $25.85 | DIAGNOSTIC INSTRUMENTS |
| 05265-23 | Cable 12 lead | 218-D8011 | $152.90 | DIAGNOSTIC INSTRUMENTS |
| 05265-23 | Cable 12 lead | 218-D8011 | $152.90 | DIAGNOSTIC INSTRUMENTS |
| 01413 | Blood Tube 5ml Red | 47-88815301413BX | $11.00 | DIAGNOSTIC INSTRUMENTS |
| 490-11 | Adult BP cuff | 508-01-149-011 | $6.75 | DIAGNOSTIC INSTRUMENTS |
| 490-13 | Infant BP cuff | 508-01-149-013 | $9.35 | DIAGNOSTIC INSTRUMENTS |
| 490-15 | Child BP cuff | 508-01-149-015 | $9.35 | DIAGNOSTIC INSTRUMENTS |
| 490-16 | Large adult BP cuff | 508-01-149-016 | $10.05 | DIAGNOSTIC INSTRUMENTS |
| 40 | Multicuff Kit system 5 | 508-01-550-018 | $101.00 | DIAGNOSTIC INSTRUMENTS |
| 5600 | Digital Therm | 508-15-600-000 | $4.50 | DIAGNOSTIC INSTRUMENTS |

| DCMCA & MITN emergency Medical Supplies Contract Item List | | | | |
|---|---|---|---|---|
| | | | | |
| | | | | |
| EMS# | Description | THS Part # | Price | GROUP |
| 72359 | Lancets Economy | 528-98682-02BX | $10.20 | DIAGNOSTIC INSTRUMENTS |
| 97402 | Precision Xtra Meter | 528-99837-04 | free | DIAGNOSTIC INSTRUMENTS |
| 97400 | Precisions Xtra Strip 50/box | 528-99838-01 | $32.87 | DIAGNOSTIC INSTRUMENTS |
| 1490-11 | Adult BP cuff | 533-MS-BP100 | $6.75 | DIAGNOSTIC INSTRUMENTS |
| 1490-16 | Large adult BP cuff | 533-MS-BP200 | $10.05 | DIAGNOSTIC INSTRUMENTS |
| 1490-15 | Child BP cuff | 533-MS-BP300 | $9.35 | DIAGNOSTIC INSTRUMENTS |
| 1490-13 | Infant BP cuff | 533-MS-BP400 | $9.35 | DIAGNOSTIC INSTRUMENTS |
| 3873841 | Lancets Safety | 675-AT0702 | $16.75 | DIAGNOSTIC INSTRUMENTS |
| 0420 | Life Pak 10 paper | 684-2549637 | $8.90 | DIAGNOSTIC INSTRUMENTS |
| 0420 | Zoll M Fan fold | 684-3476189 | $1.85 | DIAGNOSTIC INSTRUMENTS |
| 1903 | Life Pak 12 paper | 684-6693246 | $9.20 | DIAGNOSTIC INSTRUMENTS |
| 5-60 | Defib Gel 60gram | 706-15-60EA | $1.35 | DIAGNOSTIC INSTRUMENTS |
| 30 | Electrode 230 Medi-trace | 785-31078135PK | $3.96 | DIAGNOSTIC INSTRUMENTS |
| 110L | Defib Pads Heartstart | 785-31177713PK | $14.10 | DIAGNOSTIC INSTRUMENTS |
| 310P | QUICK COMBO | 785-31319281PK | $23.86 | DIAGNOSTIC INSTRUMENTS |
| CA210 | Electrode #210 10/pak | 785-31499224PK | $1.35 | DIAGNOSTIC INSTRUMENTS |
| 1690-200 | Suretemp Plus 690 thermometer | 94-01690-200 | $205.00 | DIAGNOSTIC INSTRUMENTS |
| 5031-101 | Disposable covers for Suretemp | 94-05031-101PK | $0.96 | DIAGNOSTIC INSTRUMENTS |
| 709L | Coverall Large | 484-01412-L | $82.50 | DISASTER PREPAREDNESS |
| 709M | Coverall Medium | 484-01412-M | $82.50 | DISASTER PREPAREDNESS |
| 709XL | Coverall X-Large | 484-01412-XL | $82.50 | DISASTER PREPAREDNESS |
| 714 | Shoe/Boot Covers | 484-901N | $140.00 | DISASTER PREPAREDNESS |
| 930LW | N95 MASK One Size fits all | 621-7130N95 | $8.96 | DISASTER PREPAREDNESS |
| B1610S | Safety Glasses black/clear lens | 621-T56555B | $3.45 | DISASTER PREPAREDNESS |
| 81220 | Underpads blue 300/ca | 111-16650 | $21.40 | PATIENT HANDLING |
| 355 | Pillow Cases | 111-919355 | $34.00 | PATIENT HANDLING |
| 370 | Disposable Cot Sheet flat 50/ca | 111-919370 | $28.50 | PATIENT HANDLING |
| M2025 | Disposable Pillow | 206-089-0715EA | $1.95 | PATIENT HANDLING |
| 70199 | Disposable Fitted Sheets 50/case | 276-7106 | $39.00 | PATIENT HANDLING |
| 480 | Yellow Blanket | 276-7303EA | $1.35 | PATIENT HANDLING |
| P70 | Infaltable pedi-car seat | 282-EP-70 | $195.00 | PATIENT HANDLING |
| 101 | FOIL | 321-41-01 | $6.10 | PATIENT HANDLING |
| 0402 | Head Disposable System | 224-401-SEA | $7.10 | SPLINT & IMMOBILIZATION |
| P-501 | Spider Strap RED/BLACD | 282-EP-501 | $65.80 | SPLINT & IMMOBILIZATION |
| 25 | KED | 282-EP-701 | $72.50 | SPLINT & IMMOBILIZATION |
| 0-08 | Wire Ladder Splint rolled | 321-80-08EA | $2.40 | SPLINT & IMMOBILIZATION |
| D-4 | Traction Device QD4 | 322-1126514 | $129.00 | SPLINT & IMMOBILIZATION |
| 13 | Wire Ladder Splint | 322-1211300EA | $3.25 | SPLINT & IMMOBILIZATION |
| 223816 | THOMAS LEG SPLINT | 322-1223816 | $47.10 | SPLINT & IMMOBILIZATION |
| G100 | Multi-Grip Head Holder Adult | 423-101EA | $4.10 | SPLINT & IMMOBILIZATION |
| G200 | Multi-Grip Head Holder Child | 423-102EA | $4.10 | SPLINT & IMMOBILIZATION |
| 75 | Sta-Block Head Immob | 485-700-00001EA | $4.45 | SPLINT & IMMOBILIZATION |
| 30010 | Stifneck Select Adj. Collar | 485-980010 | $5.89 | SPLINT & IMMOBILIZATION |
| S-08 | Prosplint Adult Kit | 526-113996 | $121.00 | SPLINT & IMMOBILIZATION |
| 25 | KED | 533-MS-ED2252 | $72.50 | SPLINT & IMMOBILIZATION |
| 402 | Strap 5' loop | 56-1390ORANGE | $2.65 | SPLINT & IMMOBILIZATION |
| 92OR | Strap 9' disposble | 56-1392ORANGE | $2.63 | SPLINT & IMMOBILIZATION |
| 20 | Big Blue Head Immob | 56-1420BLUE | $76.45 | SPLINT & IMMOBILIZATION |
| 02 | Cardboard splint 12" | 56-1500 | $0.58 | SPLINT & IMMOBILIZATION |
| 02 | Cardboard splint 12" | 56-1502 | $29.00 | SPLINT & IMMOBILIZATION |
| 15 | Cardboard splint 18" | 56-1510 | $0.75 | SPLINT & IMMOBILIZATION |
| 15 | Cardboard splint 18" | 56-1515 | $37.50 | SPLINT & IMMOBILIZATION |
| 25 | Cardboard splint 24" | 56-1520 | $0.94 | SPLINT & IMMOBILIZATION |
| 25 | Cardboard splint 24" | 56-1525 | $47.00 | SPLINT & IMMOBILIZATION |
| 15 | Padded Board Splint 18" | 56-1815 | $2.32 | SPLINT & IMMOBILIZATION |
| 36 | Padded Board Splint 36" | 56-1836 | $3.75 | SPLINT & IMMOBILIZATION |

## )CMCA & MITN emergency Medical Supplies Contract Item List

| EMS# | Description | THS Part # | Price | GROUP |
|---|---|---|---|---|
| 854 | Padded Board Splint 54" | 56-1854 | $5.15 | SPLINT & IMMOBILIZATION |
| 875 | Splint Pack Kit | 56-1875 | $31.75 | SPLINT & IMMOBILIZATION |
| -301 | Sager Single Traction Splint | 576-S301 | $217.00 | SPLINT & IMMOBILIZATION |
| NL0150 | Collar Baby | 690-1PI | $2.95 | SPLINT & IMMOBILIZATION |
| NL0350 | Collar No-Neck | 690-1PL | $2.95 | SPLINT & IMMOBILIZATION |
| NL0250 | Collar Pedi | 690-1PP | $2.95 | SPLINT & IMMOBILIZATION |
| NL0550 | Collar Regular | 690-1PR | $2.95 | SPLINT & IMMOBILIZATION |
| NL0450 | Collar Short | 690-1PS | $2.95 | SPLINT & IMMOBILIZATION |
| NL0650 | Collar Tall | 690-1PT | $2.95 | SPLINT & IMMOBILIZATION |
| 101 | Philly EMT's Choice Collar | 690-EMT | $4.15 | SPLINT & IMMOBILIZATION |
| 174-1 | Graphics | 806-717graphics | $17.35 | SPLINT & IMMOBILIZATION |
| 174 | Backboard Prolite XT COLOR?? | 806-717-NO PINS | $130.65 | SPLINT & IMMOBILIZATION |
| 174 | Backboard Prolite XT COLOR?? | 806-717-Pinned | $143.65 | SPLINT & IMMOBILIZATION |
| 754-2 | Citrus II 2oz cleaner | 212-7754-2EA | $1.80 | INFECTION CONTROL |
| 754 | Citrus II 22 oz cleaner | 212-7754EA | $3.32 | INFECTION CONTROL |
| 753 | Citrus II gallon cleaner | 212-7755EA | $12.30 | INFECTION CONTROL |
| FS700S | Glove, Nitrile DFR10 Small | 265-DFR10-1BX | $6.90 | INFECTION CONTROL |
| U690S | Glove, Nitrile DFR10 Small | 265-DFR10-1BX | $6.90 | INFECTION CONTROL |
| FS700M | Glove, Nitrile DFR10 Medium | 265-DFR10-2BX | $6.90 | INFECTION CONTROL |
| U690M | Glove, Nitrile DFR10 Medium | 265-DFR10-2BX | $6.90 | INFECTION CONTROL |
| FS700L | Glove, Nitrile DFR10 Large | 265-DFR10-3BX | $6.90 | INFECTION CONTROL |
| U690L | Glove, Nitrile DFR10 Large | 265-DFR10-3BX | $6.90 | INFECTION CONTROL |
| FS700XL | Glove, Nitrile DFR10 X-Large | 265-DFR10-4BX | $6.90 | INFECTION CONTROL |
| U690XL | Glove, Nitrile DFR10 X-Large | 265-DFR10-4BX | $6.90 | INFECTION CONTROL |
| FS700XX | Glove, Nitrile DFR10 XX-Large | 265-DFR10-5BX | $6.90 | INFECTION CONTROL |
| F300S | Glove, XTG10, Small | 265-XTG-1BX | $5.25 | INFECTION CONTROL |
| F300M | Glove, XTG10, Medium | 265-XTG-2BX | $5.25 | INFECTION CONTROL |
| F300L | Glove, XTG10, Large | 265-XTG-3BX | $5.25 | INFECTION CONTROL |
| F300XL | Glove, XTG10, X-Large | 265-XTG-4BX | $5.25 | INFECTION CONTROL |
| 427 | Personal Protection Gown | 276-301BG | $3.20 | INFECTION CONTROL |
| | Emesis Bag | 353-7000EA | $1.10 | INFECTION CONTROL |
| 30C | Sharps-A-Gator 1qt. | 47-31143657EA | $1.24 | INFECTION CONTROL |
| 301 | Sharps-A-Gator 1 gallon | 47-31143699EA | $2.48 | INFECTION CONTROL |
| 338 | Sharps-A-Gator 5 qt. | 47-31144010EA | $3.00 | INFECTION CONTROL |
| 080 | Fluidshield Mask | 474-47147BX | $22.25 | INFECTION CONTROL |
| 010 | Sharps Shuttle | 47-8301EA | $1.53 | INFECTION CONTROL |
| 12-1 | Sharps 5qt | 47-85121EA | $3.90 | INFECTION CONTROL |
| -41 | Red Bag 33Gallon | 520-104M | $37.50 | INFECTION CONTROL |
| -50 | Red Bag 7-10Gallon | 520-116 | $35.00 | INFECTION CONTROL |
| 221 | Fracture Bed Pan | 536-DYNC8522 | $18.72 | INFECTION CONTROL |
| 232 | Male Urinal | 536-DYND80235EA | $0.36 | INFECTION CONTROL |
| 320 | Emesis Basin | 536-DYND80327EA | $0.09 | INFECTION CONTROL |
| 26 | Sharpsafe .6liter | 70-4126EA | $3.25 | INFECTION CONTROL |
| 322 | Infection Control Kit | 768-17606EA | $4.25 | INFECTION CONTROL |
| 50-24 | Hand Sanitizer 2oz | 768-18355EA | $0.60 | INFECTION CONTROL |
| 400 | P.A.W.S. Personal Wipes | 768-34400BX | $3.30 | INFECTION CONTROL |
| MP377 | Extension Sets 6" 2Y sites | 044-000606EA | $1.40 | I.V. THERAPY |
| MP375 | IV Set 10drop 2Y 1clave 1 split | 044-108306EA | $1.55 | I.V. THERAPY |
| MP376 | IV Set 60drop 2Y 1clave 1 split | 044-608306EA | $1.65 | I.V. THERAPY |
| 0061 | Dextrose 150ml | 118-2B0061 | $58.32 | I.V. THERAPY |
| 0062 | Dextrose 250ml | 118-2B0062 | $37.08 | I.V. THERAPY |
| 1323 | NACL 500ml | 118-2B1323Q | $23.04 | I.V. THERAPY |
| 1324 | NACL 1000ml | 118-2B1324 | $12.96 | I.V. THERAPY |
| 2323 | LR 500ml | 118-2B2323Q | $28.08 | I.V. THERAPY |
| 2324 | LR 100ml | 118-2B2324 | $15.84 | I.V. THERAPY |
| 5417 | IV Set 10drop 1Y | 118-2C5417 | $55.20 | I.V. THERAPY |

| DCMCA & MITN emergency Medical Supplies Contract Item List | | | | |
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| | | | | |
| EMS# | Description | THS Part # | Price | GROUP |
| 2C5418 | IV Set 60drop 1Y | 118-2C5418 | $61.44 | I.V. THERAPY |
| 2C5628 | IV Extension set 20" | 118-2C5628 | $61.92 | I.V. THERAPY |
| 381412 | IV Cath, Insyte 24ga | 132-38-1412BX | $110.90 | I.V. THERAPY |
| 381423 | IV Cath, Insyte 22ga | 132-38-1423BX | $110.90 | I.V. THERAPY |
| 381434 | IV Cath, Insyte 20ga | 132-38-1434BX | $110.90 | I.V. THERAPY |
| 381444 | IV Cath, Insyte 18ga | 132-38-1444BX | $110.90 | I.V. THERAPY |
| 3814541 | IV Cath, Insyte 16ga | 132-38-1454BX | $110.90 | I.V. THERAPY |
| 381467 | IV Cath, Insyte 14ga | 132-38-1467BX | $110.90 | I.V. THERAPY |
| 7054431 | Veni-gard Adult | 218-705-4431BX | $40.00 | I.V. THERAPY |
| 203042 | IV Cath Protective 16x1.25 | 258-3042BX | $105.00 | I.V. THERAPY |
| 203048 | IV Cath Protective 14x1.25 | 258-3048BX | $105.00 | I.V. THERAPY |
| 203050 | IV Cath Protective 22x1 | 258-3050BX | $105.00 | I.V. THERAPY |
| 203053 | IV Cath Protective 24x.75 | 258-3053BX | $105.00 | I.V. THERAPY |
| 203055 | IV Cath Protective 18x1.25 | 258-3055BX | $105.00 | I.V. THERAPY |
| 203056 | IV Cath Protective 20x1.25 | 258-3056BX | $105.00 | I.V. THERAPY |
| 812 | IV Cath 14gx2" | 258-4058BX | $42.00 | I.V. THERAPY |
| 5018 | Tourniquet Latex | 269-LXS3374PK | $2.75 | I.V. THERAPY |
| 6702 | Butterfly 19g | 30-26702BX | $14.00 | I.V. THERAPY |
| 6704 | Butterfly 21ga | 30-26704BX | $14.00 | I.V. THERAPY |
| 6706 | Butterfly 23ga | 30-26706BX | $14.00 | I.V. THERAPY |
| 252500 | IV Cath, Introcan 24ga | 519-4252500BX | $101.00 | I.V. THERAPY |
| 252519 | IV Cath, Introcan 22ga | 519-4252519BX | $101.00 | I.V. THERAPY |
| 252535 | IV Cath, Introcan 20ga | 519-4252535BX | $101.00 | I.V. THERAPY |
| 252560 | IV Cath, Introcan 18ga | 519-4252560BX | $101.00 | I.V. THERAPY |
| 252586 | IV Cath, Introcan 16ga | 519-4252586BX | $101.00 | I.V. THERAPY |
| 252594 | IV Cath, Introcan 14ga | 519-4252594BX | $101.00 | I.V. THERAPY |
| 1-108 | IV START KIT LATEX FREE | 540-1502 | $105.00 | I.V. THERAPY |
| 5021 | IV arm board padded 3x9 case 100 | 56-1009 | $44.00 | I.V. THERAPY |
| 5021 | IV arm board padded 3x9 | 56-1011EA | $0.44 | I.V. THERAPY |
| 5022 | IV arm board padded 3x18 | 56-1018EA | $0.46 | I.V. THERAPY |
| 5022 | IV arm board padded 3x18 case 100 | 56-1019 | $46.00 | I.V. THERAPY |
| 010 | IV Pressure Infus.1000ml | 87-VC410EA | $8.10 | I.V. THERAPY |
| 030 | OB kit | 321-40-01 | $4.55 | KITS |
| 030 | OB kit | 56-0965NL | $4.55 | KITS |
| 6419 | Needle 18gax1" | 47-8881250040BX | $4.00 | SYRINGES & NEEDLES |
| 6417 | Needle 20gax1" | 47-8881250123BX | $4.00 | SYRINGES & NEEDLES |
| 6408 | Needle 23gx1" | 47-8881250255BX | $4.00 | SYRINGES & NEEDLES |
| 6040 | Syringe 27g x 1/2 | 47-8881501160BX | $9.25 | SYRINGES & NEEDLES |
| 6040 | Syringe 1cc 27ga x 1/2 | 47-8881501368BX | $9.25 | SYRINGES & NEEDLES |
| 6048 | Syringe 1cc no needle TB | 47-8881501400BX | $7.05 | SYRINGES & NEEDLES |
| 6265 | Syringe 12cc LL | 47-8881512878BX | $7.20 | SYRINGES & NEEDLES |
| 6200 | Syringe 3cc LL | 47-8881513934BX | $4.80 | SYRINGES & NEEDLES |
| 6230 | Syringe 6cc LL | 47-8881516937BX | $4.50 | SYRINGES & NEEDLES |
| 6280 | Syringe 20cc LL | 47-8881520657BX | $13.50 | SYRINGES & NEEDLES |
| 05559 | 12cc Safety Syringe | 47-8881522000BX | $19.50 | SYRINGES & NEEDLES |
| 09606 | 3cc Safety Syringe | 47-8881533908BX | $18.40 | SYRINGES & NEEDLES |
| 6290 | Syringe 35cc LL | 47-8881535762BX | $9.90 | SYRINGES & NEEDLES |
| 6300 | Syringe 60cc LL | 47-8881560125BX | $9.67 | SYRINGES & NEEDLES |
| 05558 | 6cc Safety Syringe | 47-8881566007BX | $16.00 | SYRINGES & NEEDLES |
| 01515 | I.O. Needle 15ga | 04-DIN1515XEA | $13.90 | SYRINGES & NEEDLES |
| F7112 | Water 250ml | 118-2F7112 | $29.52 | PHARMACEUTICALS |
| F7113 | Water 500ml | 118-2F7113 | $21.60 | PHARMACEUTICALS |
| F7114 | Water 1000ml | 118-2F7114 | $15.84 | PHARMACEUTICALS |
| 06-504 | Insta-Glucose | 687-0069-30EA | $3.10 | PHARMACEUTICALS |
| 234 | Ammonia Inhalants 10/box | 834-35110AI | $1.40 | PHARMACEUTICALS |
| 0275 | Bulb Syringe non-sterile | 044-AS00502EA | $0.25 | RESPIRATORY |

| DCMCA & MITN emergency Medical Supplies Contract Item List | | | | |
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| EMS# | Description | THS Part # | Price | GROUP |
| 4134 | CPR Mask in case | 065-000-252-102 | $4.68 | RESPIRATORY |
| 174 | BITE STICK | 066-4010 | $0.29 | RESPIRATORY |
| 3241 | Suction Canister 1200cc | 133-484410EA | $2.10 | RESPIRATORY |
| 0112 | Yankauer w/control | 197-005-20110EA | $0.91 | RESPIRATORY |
| CAT-4 | Tank, Alum Jumbo D w/toggle | 21-31-10-2017 | $91.00 | RESPIRATORY |
| 4375 | Humidifier empty | 21-64375EA | $1.50 | RESPIRATORY |
| 0245 | Suction Tubing 1/4" | 218-0034290EA | $0.91 | RESPIRATORY |
| 33 | LSP Flow Selector | 21-L233 | $100.99 | RESPIRATORY |
| V460 | Autovent 2000 Adult | 21-L460 | $1,690.00 | RESPIRATORY |
| V461 | Autovent 3000 Adult/Pedi | 21-L461 | $2,490.00 | RESPIRATORY |
| 19-050 | LSP Minilator | 21-L419-050 | $209.00 | RESPIRATORY |
| 20 | Patient Circuit LSP | 21-L599-010 | $57.80 | RESPIRATORY |
| 2050 | One way valve | 21-L620050EA | $2.20 | RESPIRATORY |
| 152 | OP AIRWAY 40MM | 279-4715EA | $0.12 | RESPIRATORY |
| 151 | OP AIRWAY 60MM | 279-4725EA | $0.12 | RESPIRATORY |
| 150 | OP AIRWAY 80MM | 279-4735EA | $0.12 | RESPIRATORY |
| 149 | OP AIRWAY 90MM | 279-4745EA | $0.12 | RESPIRATORY |
| 148 | OP AIRWAY 100MM | 279-4755EA | $0.12 | RESPIRATORY |
| 147 | OP AIRWAY 110MM | 279-4765EA | $0.12 | RESPIRATORY |
| 0106 | SUCTION CATH COILED 6FR | 301-001-12106EA | $0.31 | RESPIRATORY |
| 0110 | SUCTION CATH COILED 10FR | 301-001-12110EA | $0.31 | RESPIRATORY |
| 0102 | SUCTION CATH COILED 14FR | 301-001-12114EA | $0.31 | RESPIRATORY |
| 3239 | Nasal Cannula Adult | 301-100EA | $0.32 | RESPIRATORY |
| 4230 | Oxygen Supply tubing | 301-140EA | $0.24 | RESPIRATORY |
| 4041 | Medium Concentration Mask Adult | 301-180EA | $0.54 | RESPIRATORY |
| 4060 | Partial Non-Rebreather Adult | 301-181EA | $0.82 | RESPIRATORY |
| 4059 | Non-Rebreather Adult Total | 301-182EA | $0.85 | RESPIRATORY |
| 02038 | NEBULIZER ADULT WITH TUBING | 301-200EA | $0.75 | RESPIRATORY |
| -4245 | BVM w/C02 Check Infant | 301-5579EA | $20.63 | RESPIRATORY |
| -4143 | BVM w/C02 Check Pedi | 301-5580EA | $20.63 | RESPIRATORY |
| -4021 | BVM w/c02 Check Adult | 301-5581EA | $15.62 | RESPIRATORY |
| 2790 | C02 Detector | 301-5585EA | $10.65 | RESPIRATORY |
| 2795 | C02 Detector | 301-5585EA | $10.65 | RESPIRATORY |
| 601 | Laryn Blade Mac 1 | 301-B1010 | $11.40 | RESPIRATORY |
| 602 | Laryn Blade Mac 2 | 301-B1020 | $11.40 | RESPIRATORY |
| 603 | Laryn Blade Mac 3 | 301-B1030 | $11.40 | RESPIRATORY |
| 604 | Laryn Blade Mac 4 | 301-B1040 | $11.40 | RESPIRATORY |
| 8600 | Laryn Blade Miller 00 | 301-B1100 | $11.40 | RESPIRATORY |
| 615 | Laryn Blade Miller 0 | 301-B1101 | $11.40 | RESPIRATORY |
| 616 | Laryn Blade Miller 1 | 301-B1110 | $11.40 | RESPIRATORY |
| 617 | Laryn Blade Miller 2 | 301-B1120 | $11.40 | RESPIRATORY |
| 619 | Laryn Blade Miller 3 | 301-B1130 | $11.40 | RESPIRATORY |
| 619 | Laryn Blade Miller 4 | 301-B1140 | $11.40 | RESPIRATORY |
| 620 | Laryn Handle penlight | 301-B800 | $10.75 | RESPIRATORY |
| 621 | Laryn Handle medium | 301-B802 | $10.75 | RESPIRATORY |
| 3 | Bulbs Small | 301-B900 | $6.00 | RESPIRATORY |
| 2 | Bulbs Large | 301-B901 | $6.00 | RESPIRATORY |
| 030 | Regulator w/barb outlet | 301-RB2225R | $40.90 | RESPIRATORY |
| 0-250 | Regulator barbbed fitting | 301-RB2225R | $40.90 | RESPIRATORY |
| 0-220 | Regulator 1liter flow, 2 DISS ports | 301-RB2225R2 | $54.50 | RESPIRATORY |
| 092 | Medium Concentration Pedi | 355-222-EEA | $0.74 | RESPIRATORY |
| 009 | High Concentration Mask Pedi | 355-3224-EEA | $1.09 | RESPIRATORY |
| 090 | Non-Rebreather Partial Pedi | 355-3226-EEA | $1.19 | RESPIRATORY |
| 18 | Medium Concentration Mask Infant | 355-3262-EEA | $0.98 | RESPIRATORY |
| 5497 | Non-Rebreather Infant | 355-3266-EEA | $1.26 | RESPIRATORY |
| 128 | LUBE JELLY | 362-10-8344BX | $3.80 | RESPIRATORY |

DCMCA & MITN emergency Medical Supplies Contract Item List

| EMS# | Description | THS Part # | Price | GROUP |
|---|---|---|---|---|
| '06 | Impact Uni-Vent transport vent | 380-760 | $1,239.00 | RESPIRATORY |
| )4500 | THOMAS ET HOLDER ADLT | 485-600-00001EA | $2.75 | RESPIRATORY |
| )4400 | THOMAS ET HOLDER PEDI | 485-600-01001EA | $2.75 | RESPIRATORY |
| 570-100 | BVM Child | 485-84003503EA | $9.15 | RESPIRATORY |
| 570-200 | BVM Infant | 485-84003503EA | $9.15 | RESPIRATORY |
| 570-040 | BVM Adult | 485-84004503EA | $9.15 | RESPIRATORY |
| 985015 | V-Vac Starter Kit | 485-985000 | $61.85 | RESPIRATORY |
| 985080 | V-Vac Cartridge | 485-985001 | $10.85 | RESPIRATORY |
| 985002 | V-Vac Adapter Tip 4/pk | 485-985002 | $14.10 | RESPIRATORY |
| -18550 | Combi-tube trainer | 507-5-18141 | $95.00 | RESPIRATORY |
| -18437 | Combitube 37fr | 507-5-18437EA | $61.95 | RESPIRATORY |
| -18537 | Combi-tube 37Fr | 507-5-18437EA | $75.00 | RESPIRATORY |
| -18441 | Combitube 41fr | 507-5-18441EA | $61.95 | RESPIRATORY |
| -18541 | Combi-tube 41Fr | 507-5-18541EA | $75.00 | RESPIRATORY |
| 0-185B | CPR Microholster | 517-70-185EA | $9.95 | RESPIRATORY |
| 4230 | Oxygen Supply tubing | 533-MS-20007EA | $0.24 | RESPIRATORY |
| 3604 | Nasal Cannula Pedi | 533-MS-24101EA | $1.01 | RESPIRATORY |
| 1250 | OX Flow Meter | 715-8MFA1005 | $29.75 | RESPIRATORY |
| 019 | RICO LINERS | 735-1019 | $6.25 | RESPIRATORY |
| QV100 | Res-Q-Vac | 737-AP2050 | $65.90 | RESPIRATORY |
| 048 | Lite Blade Kit | 76-0048 | $97.90 | RESPIRATORY |
| 8011 | Laryn Blade, Disp. Lite Mac1 | 76-00480110EA | $4.23 | RESPIRATORY |
| 8022 | Laryn Blade, Disp. Lite Mac2 | 76-004802200EA | $4.23 | RESPIRATORY |
| 8033 | Laryn Blade, Disp. Lite Mac3 | 76-004803300EA | $4.23 | RESPIRATORY |
| 8044 | Laryn Blade, Disp. Lite Mac4 | 76-004804400EA | $4.23 | RESPIRATORY |
| 8500 | Laryn Blade, Disp. Lite Mil 0 | 76-004850050EA | $4.23 | RESPIRATORY |
| 8511 | Laryn Blade, Disp. Lite Mil 1 | 76-004851100EA | $4.23 | RESPIRATORY |
| 8522 | Laryn Blade, Disp. Lite Mil 2 | 76-004852200EA | $4.23 | RESPIRATORY |
| 8533 | Laryn Blade, Disp. Lite Mil 3 | 76-004853300EA | $4.23 | RESPIRATORY |
| 6505 | Rusch Lite Case only | 76-0086505 | $33.80 | RESPIRATORY |
| 03003 | STYLETTE 5.0-10.0MM | 76-1000EA | $2.87 | RESPIRATORY |
| 1125 | ET Tube 2.5, Uncuffed | 76-100382025EA | $1.15 | RESPIRATORY |
| 1130 | ET Tube 3.0, Uncuffed | 76-100382030EA | $1.15 | RESPIRATORY |
| 1135 | ET Tube 3.5, Uncuffed | 76-100382035EA | $1.15 | RESPIRATORY |
| 1140 | ET Tube 4.0, Uncuffed | 76-100382040EA | $1.15 | RESPIRATORY |
| 1145 | ET Tube 4.5, Uncuffed | 76-100382045EA | $1.15 | RESPIRATORY |
| 1150 | ET Tube 5.0 Uncuffed | 76-100382050EA | $1.15 | RESPIRATORY |
| 11550 | ET Tube 5.5, Uncuffed | 76-100382055EA | $1.15 | RESPIRATORY |
| 1150 | ET Tube 5.0, cuffed | 76-112082050EA | $1.24 | RESPIRATORY |
| 1155 | ET Tube, 5.5, Cuffed | 76-112082055EA | $1.24 | RESPIRATORY |
| 1160 | ET Tube, 6.0, Cuffed | 76-112082060EA | $1.24 | RESPIRATORY |
| 1165 | ET Tube, 6.5, Cuffed | 76-112082065EA | $1.24 | RESPIRATORY |
| 170 | ET Tube, 7.0, Cuffed | 76-112082070EA | $1.24 | RESPIRATORY |
| 175 | ET Tube, 7.5, Cuffed | 76-112082075EA | $1.24 | RESPIRATORY |
| 180 | ET Tube, 8.0, Cuffed | 76-112082080EA | $1.24 | RESPIRATORY |
| 185 | ET Tube, 8.5, Cuffed | 76-112082085EA | $1.24 | RESPIRATORY |
| 190 | ET Tube, 9.0, Cuffed | 76-112082090EA | $1.24 | RESPIRATORY |
| 195 | ET Tube, 9.5, Cuffed | 76-112082095EA | $1.24 | RESPIRATORY |
| 110 | ET Tube 10.0mm, cuffed | 76-112082100EA | $1.24 | RESPIRATORY |
| 0920 | Quick Trach 2.0 Child | 76-120900020 | $142.00 | RESPIRATORY |
| 0940 | Quick Trach 4.0 Adult | 76-120900040 | $142.00 | RESPIRATORY |
| 8150 | OP AIRWAY 50MM | 76-121850EA | $0.22 | RESPIRATORY |
| 1870 | OP AIRWAY 70MM | 76-121870EA | $0.22 | RESPIRATORY |
| 3001 | STYLETTE 2.0-4.5MM | 76-500EA | $2.87 | RESPIRATORY |
| 3002 | STYLETTE 4.0-6.5MM | 76-750EA | $2.87 | RESPIRATORY |
| 7628 | NP Airway 28fr latex | 792-1-5076-28EA | $1.78 | RESPIRATORY |

| DCMCA & MITN emergency Medical Supplies Contract Item List | | | | |
|---|---|---|---|---|
| | | | | |
| | | | | |
| EMS# | Description | THS Part # | Price | GROUP |
| 07630 | NP Airway 30fr latex | 792-1-5076-30EA | $1.78 | RESPIRATORY |
| 07632 | NP Airway 32fr latex | 792-1-5076-32EA | $1.78 | RESPIRATORY |
| 07634 | NP Airway 34fr latex | 792-1-5076-34EA | $1.78 | RESPIRATORY |
| 07636 | NP Airway 36fr latex | 792-1-5076-36EA | $1.78 | RESPIRATORY |
| CA-5 | Oxygen Tank M | 96-PX-5406-1 | $191.00 | RESPIRATORY |
| CAT-1 | Tank, Alum D w/toggle | 96-PX-8702-1T | $49.00 | RESPIRATORY |
| CAT-5 | Tank, Alum E w/toggle | 96-PX-8703-1T | $51.85 | RESPIRATORY |
| | | | | |
| 611 | Scalpel #11 | 279-4111 | $3.95 | TOOLS & PERSONAL ITEMS |
| 1845 | RAZOR | 279-4251EA | $0.33 | TOOLS & PERSONAL ITEMS |
| 1234 | Window Punch | 303-1076 | $2.37 | TOOLS & PERSONAL ITEMS |
| 24000 | Kelly forceps straight 5.5 | 303-1740 | $0.79 | TOOLS & PERSONAL ITEMS |
| 25000 | Kelly forceps curved 5.5 | 303-1750 | $0.79 | TOOLS & PERSONAL ITEMS |
| 2762 | Penlights Disposable 6/pak | 303-200 | $4.08 | TOOLS & PERSONAL ITEMS |
| 2750 | Magill child | 303-2750 | $2.55 | TOOLS & PERSONAL ITEMS |
| 2760 | Magill Adult | 303-2760 | $2.55 | TOOLS & PERSONAL ITEMS |
| 220 | Ring Cutter | 303-3235 | $4.69 | TOOLS & PERSONAL ITEMS |
| BC | Seat belt cutter | 303-4000 | $1.95 | TOOLS & PERSONAL ITEMS |
| 39 | BLACK SHEARS | 533-MS-SH001B | $1.05 | TOOLS & PERSONAL ITEMS |
| 14020 | Sprague Stehoscope Black | 533-MS-STBK | $5.60 | TOOLS & PERSONAL ITEMS |
| R8512 | Clipboard Redi-Rite 8.5 x 12 | 75-11017 | $15.40 | TOOLS & PERSONAL ITEMS |
| R8514 | Clipboard Redi-Rite 8.5 x 14 | 75-11019 | $17.00 | TOOLS & PERSONAL ITEMS |
| P | Glove Pouch | 759-15147 | $2.75 | TOOLS & PERSONAL ITEMS |
| 20024 | Little Anne 4 pack CPR Trainers | 485-020024 | $590.00 | TRAINING AIDS |
| 20300 | Baby Anne 4 pack CPR Trainers | 485-020300 | $42.00 | TRAINING AIDS |
| 50010 | Baby Anne Soft Pack 4/case | 485-050010 | $295.60 | TRAINING AIDS |
| 50100 | Baby Anne airways 24/pak | 485-050100 | $13.50 | TRAINING AIDS |
| 50200 | Baby Anne faces 6/pak | 485-050200 | $39.90 | TRAINING AIDS |
| 52004 | Little Anne faces 6pak | 485-310210 | $39.72 | TRAINING AIDS |
| 60000 | Resusci Face Shields | 485-460000EA | $1.37 | TRAINING AIDS |
| 5626 | Glass therm | discontinued | | |

June 13, 2005

TO: John Szerlag, City Manager

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

SUBJECT: **Agenda Item**: Standard Purchasing Resolution 3: Option to Renew – Aquatic Center Pool Maintenance And Repair Services

## RECOMMENDATION

On June 21, 2004, Council approved a one (1) year contract for Pool Maintenance and Repair Services at the Troy Aquatic Center and Community Center, with two (2) one-year options to renew under the same terms and conditions, based on mutual consent of both parties (Res#2004-06-329-E-6). B & B Pool and Spas of Livonia, Michigan has offered to renew their contract for an additional year under the same pricing structure, terms and conditions.

City management recommends exercising the option to renew for one-year from B & B Pool and Spas to expire June 30, 2006. B&B Pool and Spas has made repairs this past year to both the indoor and outdoor pools. They have completed these repairs in a timely manner with excellent quality. The repairs included caulking at both pools and tile work at the outdoor pool.

## SUMMARY

B&B Pool & Spas hourly rates are as follows:

| | |
|---|---|
| Regular Time – Hour per Man | $125.00 (first hour)<br>$ 75.00 per hour thereafter |
| Typical Crew Size | Two-man |
| Parts List Provided | dated 1/1/03 |

## MARKET SURVEY

At the time the bid closed last year only one vendor had responded, B&B Pool and Spas. A comparison of repair rates was completed in 2004 and facilities in the area with similar needs were contacted. It was determined B&B Pool and Spas hourly rates for services are at or below market prices.

## BUDGET

Funds to provide these services will be available in the respective Troy Family Aquatic Center Accounts #787.7802.070 and #787.7802.150 and Troy Community Center Accounts #755.7802.070 and #755.7802.150.

Prepared by: Ann Blizzard, Recreation Supervisor

City of Troy

March 28, 2005

Attn: Mr. Bill Babcock
B & B Pools and Spas
29440 6 Mile Road
Livonia, MI, 48152-3602
Fax: (734) 522-0311

Dear Mr. Babcock:

The City of Troy entered into contract #20301124 OB with B & B Pools and Spas to provide one-year requirements to furnish all labor, tools, material, equipment, and supervision to perform service/maintenance and repair on the City of Troy Pools (1) outdoor and (2) indoor and mechanical systems, excluding pumps expiring June 30, 2005. This contract contained an option for two one-year renewal options under the same terms and conditions as the original contract. If a new price list is to be submitted within the terms and conditions of the current contract, 30-day notification of the new list is required. Please be aware that the City of Troy reserves the option to accept the price list change or re-bid.

Please fax this letter back to Brian Goul at Parks and Recreation indicating if B & B Pools and Spas wishes to renew this contract until June 30, 2006. The fax number is (248) 689-6497. It should be understood that this request to renew the contract is subject to a favorable market survey. A request by City staff to determine the successful bidder's interest in renewing the contract in no way obligates the City. The option cannot be exercised without Troy City Council approval and a blanket purchase order issued.

If you have any questions please call me at (248) 524-3484.

**Check One:**

**B & B Pools and Spas is interested in renewing the contract under the same terms, and conditions:** (✓)

**B & B Pools and Spas is not interested in renewing the contract:** ( )

x Timothy Stehl V.P.
**Signed: Authorized Company Representative**

**Date:** 3/30/05

Thank you,
Brian Goul
Parks and Recreation
City of Troy

(a) Proclamation – Brigadier General Donald F. Schenk
(b) Parks and Recreation Month – July 2004

**E-4 Acceptance of Permanent Easements for Storm Sewer and Surface Drainage – Montclair & South Boulevard – Sidwell #88-20-03-201-047, Sidwell #88-20-03-201-049 and Sidwell #88-20-03-201-051**

Resolution #2004-06-329-E-4

RESOLVED, That the storm sewer and surface drainage easements from Antonio and Linda Vettraino, owner of property at 6924 Montclair, having Sidwell #88-20-03-201-047; Richard M. and Rosa R. Danz, owner of property at 477 West South Boulevard, having Sidwell #88-20-03-201-049; and Elisa Vettraino, Trustee of the Elisa Vettraino Declaration of Trust, dated March 22, 2000, owner of property at 6936 Montclair, having Sidwell #88-20-03-201-051, are hereby **ACCEPTED** for the operation, maintenance and repair or replacement of storm sewer and surface drainage; and

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

**E-5 Acceptance of Permanent Easement for Water Main – Project No. 04.904.3 – Woodbridge Group & Enerflex Solutions – Sidwell #88-20-32-126-030**

Resolution #2004-06-329-E-5

RESOLVED, That the permanent easement from Maplelawn Airport, L.L.C., owner of property having Sidwell #88-20-32-126-030 is hereby **ACCEPTED** for the operation, maintenance and repair or replacement of water main; and

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

**E-6 Standard Purchasing Resolution 1: Award to Sole Bidder – Pool Maintenance and Repair Services**

Resolution #2004-06-329-E-6

RESOLVED, That a one (1) year contract for Pool Maintenance and Repair Services at the Troy Family Aquatic Center and Community Center with two (2) one-year options to renew, is hereby **AWARDED** to the sole bidder, B & B Pool and Spas of Livonia, Michigan, at unit prices contained in the bid tabulation opened April 30, 2004, and Strantrol parts price list dated January 1, 2003 with the contract expiring June 30, 2005; copies of which shall be **ATTACHED** to the original Minutes of this meeting; and

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

**E-7 Standard Purchasing Resolution 2: Bid Award – Low Bidder Meeting Specifications – Athletic Field Bleachers**

Resolution #2004-06-329-E-7

RESOLVED, That a contract to provide Aluminum Field Bleachers is hereby **AWARDED** to the low bidder meeting specifications, All Star Bleachers, Inc. of Lakeland, Florida for an estimated cost of $117,646.00, at unit prices contained in the bid tabulation opened May 19, 2004; a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

**E-8 Transfer Ownership of a Class C Liquor License – Maggiano's / Corner Bakery Holding Corporation**

**(a) Approval of License Transfer**

Resolution #2004-06-329-E-8a

RESOLVED, That the request from Maggiano's/Corner Bakery Holding Corporation (a Delaware Corporation), to transfer ownership of 2003 Class C licensed business with official permit (food), one (1) direct connection and two (2) bars located in escrow at 2085 W. Big Beaver, Troy, Michigan 48084, Oakland County, from Chevy's Inc. (a California Corporation), request a new SDM License to be held in conjunction, and request to transfer location to a new building with same address [MLCC REQ ID# 239791], be considered for **APPROVAL**; it is the **CONSENSUS** of this legislative body that the application be recommended for issuance.

**(b) Approval of Agreement**

Resolution #2004-06-329-E-8b

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 Maggiano's/Corner Bakery Holding Corporation (a Delaware Corporation) which shall become effective upon approval of the request to transfer a Class C licensed business with official permit (food), one (1) direct connection, and two (2) bars; and to add a new SDM License to be held in conjunction, and to transfer location to a new building with same address; 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.

June 7, 2004

TO: John Szerlag, City Manager

FROM: Steven Vandette, Acting Assistant City Manager/Services
Jeanette Bennett, Purchasing Director
Carol K. Anderson, Parks and Recreation Director

SUBJECT: **Agenda Item:** Standard Purchasing Resolution 1: Award to Sole Bidder – Pool Maintenance and Repair Services

**RECOMMENDATION**

On April 30, 2004, bids were opened to provide maintenance and repair services for one year at the Troy Family Aquatic Center and Community Center Pools (excluding pumps), with two – one- year renewal options. City management recommends the maintenance and repair services contract be awarded to B & B Pool and Spas, 29440 Six Mile Rd., Livonia, MI, the sole bidder, for an estimated yearly cost of $15,000.00 plus parts, at unit prices contained in the attached bid tabulation and Strantrol parts price list dated 1/1/03. The contract will expire June 30, 2005.

**SUMMARY**

B & B Pool and Spas has been used in the past for chemical and pulsar issues, and the installation of the Strantrol system, which monitors pool water. In addition, B & B has a technical division that will assist with the repairs under this contract on an as needed basis. Companies who have done repairs and maintenance in the past for the Troy Family Aquatic Center were contacted to discuss their reasons for not participating in the bid process.

Northwest Pools, Inc.,

The previous contractor for this work indicated labor costs have gone up and they are charging travel time using a different method, which would escalate the hourly rate over those charged on the old contract. The City of Troy requires Michigan Worker's Compensation and is the only Michigan client that does. The president of the company passed away and the current bid was lost in the shuffle.

Clearwater Pools and Service of Ann Arbor

The current contractor for opening and closing the outdoor Aquatic Center indicated they did not recall receiving a bid. The Purchasing Department no longer mails out bid proposal documents, but sends a notice to all vendors commodity coded in our JDE database that the bid document is available on the MITN website, and to call the Purchasing office if they have any questions on how to register.

Robertson Brothers Pool Service

They have not provided services for at least five years, due to previous problems with the City, and the City's unhappiness with past work performance.

The maintenance and service needs of the Troy Family Aquatic Center and Community Center Pools include, but is not limited to: caulking, tile work, grouting, and service to the filtration system. Depending on the availability of Building Operation resources, B & B Pools will perform pool maintenance and repairs as needed with the exception of marcite repairs and boiler work. Other major repairs will be bid or quoted depending on the project. B & B Pool and Spas hourly rates for services are at or below market prices as compared to other area facilities.

June 7, 2004

To: John Szerlag, City Manager
Re: Bid Award – Pool Maintenance and Repair Services

**BUDGET**

Funds to provide these services will be available in the respective Troy Family Aquatic Center Accounts #787.7802.070 and #787.7802.150 and Troy Community Center Accounts #755.7802.070 and #755.7802.150.

36 Vendors Notified via MITN System
24 JDE Vendors Received Notices
1 Bid Response Received

Prepared by: Ann Blizzard, Recreation Supervisor

CITY OF TROY ITB-COT 04-19

Opening Date -- 4-30-04
Date Prepared -- 6/1/04

BID TABULATION
POOL MAINTENANCE & REPAIRS

| | | | | |
|---|---|---|---|---|
| VENDOR NAME: | | | **B & B POOLS** | |

***PROPOSAL:* FURNISH One Year REQUIREMENTS OF POOL MAINTENANCE & REPAIRS FOR BOTH INDO AND OUTDOOR POOLS AT THE TROY FAMILY AQUATIC CENTER & COMMUNITY CENTER WITH Two-One Year RENEWAL OPTIONS**

| EST QTY | ITEM | DESCRIPTION | | | |
|---|---|---|---|---|---|
| 100 hrs | 1 | Repair Service | | **$125.00 - 1st Hour** | |
| | | **Regular Time - Hour per Man** | | **$75.00/hr after 1st hour** | |
| | | Typical Crew | | **2 Man Crew** | |
| | 2 | Emergency Repairs | | | |
| | | **Regular Time - Hour per Man** | | SAME AS IN #1 | |
| | | **Overtime: - Hour per Man** | | | |
| | | **Holiday Time - Hour per Man** | | | |
| | 3 | Travel Time | | | |
| | | **Complete Repair Call** | | N/A | |
| | 4 | Repair Parts | | | |
| | | **Discount %** | | YOU WILL RECEIVE THE | |
| | | **Parts Price List** | | TRADE OR SALE PRICE | |
| | | **Dated** | | | |
| | | **A Markup/Markdown** | | PARTS LIST PROVIDED - DATED 1/1/03 | |
| | INSURANCE: | Can Meet | | BLANK | |
| | | Cannot Meet | | | |
| | SITE INSPECTION: | Yes or No | | NO | |
| | | Date | | | |
| | CONTACT INFORMATION: | | | | |
| | | Hrs of Operation | | 8-5pm | |
| | | Contact Number | | (734) 522-7946 | |
| | TERMS: | | | BLANK | |
| | WARRANTY: | | | BLANK | |
| | DELIVERY DATE (S) | | | BLANK | |
| | EXCEPTIONS: | | | THIS PRICE IS FOR NORMAL MAINTENANCE & REPAIR. MAJOR | |
| | | | | REPAIRS & MARCITE PROBLEMS CAN BE WORKED OUT WITH | |
| | | | | THE CITY AT THE TIME THIS PROBLEM MIGHT ARISE., | |
| | ACKNOWLEDGEMENT: Y or N | | | YES | |

ATTEST:
Cheryl Morrell
Ann Blizzard
Brian Goul
Linda Bockstanz

**BOLDFACE TYPE DENOTES SOLE BIDDER**

Jeanette Bennett
Purchasing Director

G: /ITB-COT 04-19 Pool Maint & Repairs

# Strantrol Parts

## (Controllers)

| PART NUMBER/DESCRIPTION | TRADE PRICE |
|---|---|
| 1380005 - Battery, 3 volt, System4 | $9.45 |
| 1695005 - Bracket, 720 Hinge | $5.15 |
| 8729702 - Breaker/Switch, System2 | $89.50 |
| 1982001 - Cable Assembly, Coax 18" BNC | $40.00 |
| 1982002 - Cable Assembly, Coax 71-1/4" BNC, MPT | $48.15 |
| 1986001 - Cable Assembly, Direct Connect | $45.25 |
| RM1976001 - Cable, Remote Extension - 6 conductor | $2.65 |
| RM1976002 - Cable, Direct Connect - cable only | $2.65 |
| 9120003 - Chip, Puller | $12.10 |
| 7922034 - Chip, ROM A - System4 | $74.75 |
| 7922035 - Chip, ROM B - System4 | $74.75 |
| 7922039 - Chip, ROM A - System5 | $74.75 |
| 7922040 - Chip, ROM B - System5 | $74.75 |
| 7922041 - Chip, ROM C - System5 | $74.75 |
| 2725201 - Connector, Direct Connect - 9 pin | $30.55 |
| 2739201 - Connector, Direct Connect | $2.30 |
| 1983006 - Cord, Power, System2 | $20.80 |
| 6380713 - Facepanel, System4 w/membrane | $1,145.00 |
| 2843007 - Facepanel - System5 w/membrane | $1,755.00 |
| 7820009 - Flowswitch, Rotary, 4' cable (Sys 3, 4, 5, 5F, 6) | $285.00 |
| 7820010 - Flowswitch, Rotary, 10' cable (Sys 3, 4, 5, 5F, 6) | $300.00 |
| 7820011 - Flowswitch, Rotary, 4' cable, (System1) | $300.00 |
| 7820020 - Flowswitch, Rotary 10" cable, (System2) | $300.00 |
| 4422001 - Fuse - 1/4 amp | $4.45 |
| 4422002 - Fuse, 1/2 amp | $3.60 |
| 4422201 - Fuse, 2.5 amp | $3.30 |
| 4422501 - Fuse, 5 amp | $3.30 |
| 4481005 - Gauge, 2" Compound, System1 | $65.25 |
| 5450202 - Key, 700 series | $7.55 |
| 5510004 - Knob, Black w/washer | $16.05 |
| 5510017 - Knob, System2 | $15.55 |
| 5690002 - Lock Assembly, 700 series | $48.15 |
| 5690003 - Lock Assembly, System1 | $48.15 |
| 5830004 - Meter, pH | $227.10 |
| 5831004 - Meter, HRR | $227.10 |
| 6482007 - PCB, Power Supply 720 series | $1,631.60 |
| 6480010 - PCB, Logic, 720 series | $2,105.25 |
| 6481015 - PCB, Logic, System2 | $1,100.00 |
| 6482018 - PCB, Power, System2 | $1,042.10 |
| 6482020 - PCB, Power, System3 | $1,040.00 |
| 6489010 - PCB, CPU, System3 | $1,295.00 |
| 6482010 - PCB, CPU, System4 | $1,505.00 |
| 6483008 - PCB, Input, System4 (old style) | $675.00 |
| 6481011 - PCB, U/I, System4 | $760.00 |
| 6380713 - PCB, Lid, System4 | $1,145.00 |
| 2843007 - PCB, Lid, System5 | $1,755.00 |
| 6489012 - PCB, CPU, System5 | $1,505.00 |
| 6483019 - PCB, Input, System4 & 5 | $675.00 |

# Strantrol Parts

## (Controllers)

| PART NUMBER/DESCRIPTION | TRADE PRICE |
|---|---|
| 6489011 - PCB, U/I, System5 | $835.00 |
| 6483021 - PCB, Data Modem 33.6, Sys4, 5, 5F, 6 | $1,450.00 |
| 6489009 - PCB, Data Voice Modem | $1,800.00 |
| 6483025 - PCB, Input, System5F& 6 | $680.00 |
| 6481020 - PCB, U/I, System5F & 6 | $837.00 |
| 6482025 - PCB, CPU, System5F & 6 | $1,505.00 |
| 6674505 - Plate, Wall Mount | $64.20 |
| 6720092 - Plug, 1/4" Waterground Plug | $3.70 |
| 6731901 - Plug, Shorting, 700 series | $27.10 |
| 7370103 - Relay, 12 VDC, 720 series/System2 | $38.95 |
| 7373003 - Relay, System3 | $38.95 |
| 7373002 - Relay, System4 | $32.10 |
| 7510002 - Ribbon Assembly, 700 series | $38.95 |
| 7040002 - Sensor, pH, 10' cable | $227.00 |
| 7040004 - Sensor, pH, 32" cable | $227.00 |
| 7042002 - Sensor, HRR, 32" cable | $273.00 |
| 7042003 - Sensor, HRR, 10' cable | $273.00 |
| 7042009 - Sensor, Amperametric, System4-4 | $315.00 |
| 7049011 - Sensor, Temperature, System3, 5F & 6 | $250.00 |
| 7047001 - Sensor, Temperature, System5 | $210.00 |
| 7049005 - Sensor, Meter | $585.00 |
| 8721703 - Switch, Slide, 700 series/System2 | $11.60 |
| 8720707 - Switch, Toggle, Override | $15.55 |
| 8720708 - Switch, Toggle, Main Power | $15.55 |
| 8729702 - Switch, Power/Breaker, System2 | $89.50 |
| 7923001 - Transient Voltage Suppressor, 120 volt | $7.90 |
| 7923002 - Transient Voltage Suppressor, 240 volt | $26.05 |
| 9120001 - Trimmer Tool | $4.25 |
| 7926001 - Varistor, 120 volt | $7.90 |
| 7926002 - Varistor, 240 volt | $11.05 |
| 9820004 - Window, Plexiglas, System1 | $63.15 |
| | |
| **F.O.B. - Bradley, IL** | |

# Strantrol Parts

($CO_2$)

| PART NUMBER/DESCRIPTION | TRADE PRICE |
|---|---|
| 1048001 - Adapter, PVC 1/8" x 1/2" x 1/4" OD | $21.85 |
| 1351010 - Base, Mounting SS | $95.80 |
| 1694002 - Bracket, Output fitting | $18.95 |
| 1983001 - Cable Assembly, 110 volt, grounded male plug | $12.90 |
| 2501001 - Clamp 7/16" Nylon | $2.10 |
| 2726564 - Connector, Electrical Cord Gripper | $5.55 |
| 2730344 - Connector, 3/8" x 3/8" TXT | $17.90 |
| 2731234 - Connector, 3/8" Tube x 1/4" MPT | $4.50 |
| 2731266 - Connector 5/8" x 1/2" MPT | $5.80 |
| 2731286 - Connector 5/8" x 3/4" MPT | $8.15 |
| 2731624 - Connector, 3/8" Tube x 1/8" MPT | $7.40 |
| 2731334 - Connector, 1/4" MPT x 3/8" OD | $6.60 |
| 2731634 - Connector, 3/8" OD x 1/4" MPT | $10.00 |
| 2731635 - Connector, 3/8" MPT x 3/8" Tube | $3.45 |
| 2730601 - Connector, Output fitting w/nut/ferrule | $12.40 |
| 2739791 - Connector, Brass gland fitting | $14.20 |
| 1983001 - Cord, Power | $12.90 |
| 2939704 - Coupling, Split aluminum | $40.50 |
| 2930005 - Coupling, PVC, 3/4" FPT | $5.50 |
| 2930025 - Coupling, Red, PVC 3/4" x 1/2" FPT | $8.15 |
| 2960005 - Cover, Plexiglas, Grey PVC | $47.40 |
| 3002001 - Cross, Brass 1/4" | $24.50 |
| 3208001 - Diffuser Assembly (diffuser, check valve, connector, adapter) | $56.85 |
| 3200002 - Diffuser only | $8.95 |
| K3560002 - Eductor Kit, w/fittings | $142.00 |
| 3560002 - Eductor only | $98.15 |
| 3560007 - Eductor, CO2-2000 | $243.75 |
| 3581324 - Elbow, 90° 1/8" MPT x 3/8" OD | $6.60 |
| 3581334 - Elbow, 1/4" MPT x 3/8" OD | $6.60 |
| 3581625 - Elbow, 1/8" MPT x 3/8" Tube | $6.60 |
| 8855682 - Elbow, Mounting brass 1/4" | $28.45 |
| 3657001 - Enclosure, Fiberglass | $240.55 |
| 3980001 - Ferrule, 3/8" OD | $1.60 |
| 3980002 - Ferrule, 3/8" Poly | $1.60 |
| 4481005 - Gauge, Compound 2" | $68.70 |
| 4480011 - Gauge, 0-100 PSI, CO2-2000 | $46.60 |
| 4290101 - Flowmeter, 0-30- SCFH | $211.00 |
| 4290110 - Flowmeter, 20-200 SCFH | $211.00 |
| 4714001 - Handle, Selector lever | $54.20 |
| 4900003 - Heater, 120 volt | $471.00 |
| 5962021 - Nipple, 1/4" x close brass | $5.25 |
| 5962023 - Nipple, 1/4" x 1-1/2" brass | $6.60 |
| 5960061 - Nipple, 1/2" x close PVC | $1.60 |
| 6020021 - Nut, 1/4" brass | $3.70 |
| 6029921 - Nut, Tank brass | $17.90 |
| 6720201 - Plug, 1/8" MPT brass | $3.70 |
| 6720202 - Plug, 1/4" THD brass | $3.70 |
| 7331005 - Regulator, w/gauge - left side | $285.00 |

# Strantrol Parts

($CO_2$)

| PART NUMBER/DESCRIPTION | TRADE PRICE |
|---|---|
| 7331005 - Regulator, w/gauge - left side | $285.00 |
| 7331006 - Regulator, w/gauge - right side | $285.00 |
| 7770958 - Screw, 6-32 x 1/2" SS Cap Allen HD | $1.60 |
| 7781554 - Screw, 8-32 x 1/4" Pan HD | $1.85 |
| 8850004 - Tee, PVC 1/2" FPT | $6.60 |
| 9413005 - Tube, Tank braid w/vinyl 1/4" ID SS | $120.00 |
| 10342 - Tubing, 3/8" OD | $0.90 |
| RM9411101 - Tubing, 5/8" OD x 1/2" ID | $1.60 |
| 9572001 - Valve, Check 1/4" PVC | $21.60 |
| 9572202 - Valve, Check 1/4" Brass | $96.30 |
| K9571211 - Valve, Solenoid Kit, Parker, w/fittings | $137.90 |
| 9571211 - Valve, Solenoid (Parker) | $122.90 |
| 9571213 - Valve, Solenoid CO2-2000 | $210.50 |
| 7926001 - Varistor, 120 volt | $7.90 |
| 9745301 - Washer, 9/16" Flat SS | $4.75 |
| 9740100 - Washer, Tank 1/4" | $1.60 |
| F.O.B. - Bradley, IL | |

# Strantrol Parts

## (Flowcell)

| PART NUMBER/DESCRIPTION | TRADE PRICE |
|---|---|
| 1690511 - Bracket, Flow chamber PVC | $48.15 |
| 1930005 - Bushing, Reducer 1/2" x 1/4" TXT, PVC | $2.90 |
| 1930012 - Bushing, Reducer 1" x 1/4" PVC | $6.60 |
| 1939203 - Bushing, Reducer 1/2" x 1/4" SS | $3.95 |
| 2731205 - Connector, 1/2" OD x 1/2" MPT | $6.60 |
| 2731365 - Connector QD, 1/2" OD x 1/2" MPT | $7.05 |
| 2930002 - Coupling, 1/4" FPT, TXT | $6.60 |
| 2930004 - Coupling, 1/2" FPT | $6.60 |
| 2961055 - Cover, Gem Sensor rotary flowswitch | $17.90 |
| 3310002 - Divider, Flowcell PVC (System4-4) | $24.20 |
| 3570002 - Elbow, 45° 1/4" PVC (System4-4) | $5.00 |
| 3570004 - Elbow, 90° 1/2" TXT | $6.60 |
| 3570024 - Elbow, 45° 1/2" TXT | $10.00 |
| 3581332 - Elbow, 90° QD 1/4" OD x 1/4" MPT (System4-4) | $11.30 |
| 3581365 - Elbow, 90° QD 1/2" OD x 1/2" MPT (System4-4) | $13.70 |
| 3651002 - Enclosure | $315.80 |
| 1570008 - Flowcell - Body only w/inserts | $160.00 |
| 1570013 - Flowcell - Body only w/inserts (System4-4) | $210.50 |
| 4292103 - Flowmeter - System4-4 | $115.80 |
| 4481005 - Gauge, Compound-side port 2" | $68.70 |
| 1695510 - Hanger, Box | $19.50 |
| 5272202 - Insert, Brass 10-32 Thermal | $1.60 |
| 5274201 - Insert, 1/4-20 | $1.60 |
| 2961023 - Lens, Flowcell | $31.60 |
| 5690002 - Lock Assembly | $48.15 |
| 5770001 - Manifold, Flowcell PVC (System4-4) | $60.80 |
| 5960021 - Nipple, 1/4" x close PVC | $1.60 |
| 5960026 - Nipple, 1/4" x 3" PVC | $1.60 |
| 5960061 - Nipple, 1/2" x close PVC | $1.60 |
| 5960063 - Nipple, 1/2" x 1-1/2" PVC | $1.60 |
| 5960064 - Nipple 1/2" x 2" PVC | $1.60 |
| 5960066 - Nipple, 1/2" x 3" PVC | $1.60 |
| 5960067 - Nipple, 1/2" x 3-1/2" PVC | $1.60 |
| 5963021 - Nipple, 1/4" x close SS | $2.90 |
| 5963026 - Nipple, 1/4" x 3" Lg SS | $8.95 |
| 6091205 - O-ring, Flowcell | $3.70 |
| 6091413 - O'ring, Gem Sensor rotary flowswitch | $7.65 |
| 6371901 - Panel | $136.85 |
| 6533903 - Pin, Gem Sensor rotary flowswitch | $12.35 |
| 6533302 - Pin, Hinge | $6.60 |
| 6371901 - Plate, Mounting | $136.85 |
| 6674403 - Plate, Mounting (System4-4) | $136.85 |
| 6674505 - Plate, Wall | $64.20 |
| 6720002 - Plug, 1/4" MPT | $3.70 |
| 6720004 - Plug, 1/2" MPT | $5.00 |
| 6720092 - Plug, 1/4" MPT, PVC | $3.70 |
| 7331003 - Regulator, Pressure (System4-4) | $133.15 |

# Strantrol Parts

## (Flowcell)

| PART NUMBER/DESCRIPTION | TRADE PRICE |
|---|---|
| 1600308 - Screw, 1/4-20 x 1/2" Hex HD | $1.60 |
| 7772212 - Screw, 10-32 x 3/4" Flat HD | $1.60 |
| 7772508 - Screw, 10-32 x 1/2" Lg | $1.60 |
| 7772512 - Screw, 10-32 x 3/4" Pan HD | $1.60 |
| 7774412 - Screw, 1/4-20 x 3/4" Lg round HD | $1.60 |
| 8850004 - Tee, 1/2" PFT, PVC | $6.60 |
| 8857201 - Tee, 3/8" OD x 3/8" OD x 1/4" FPT | $11.05 |
| 242 - Tubing, 1/2" Poly | $1.30 |
| 10342 - Tubing, 3/8" OD | $0.90 |
| 25636 - Tubing, 1/4" OD (System4-4) | $0.95 |
| 9500004 - Union, 1/2" TXT, PVC | $13.15 |
| 9570021 - Valve, Ball 1/2" FPT, PVC | $25.25 |
| 9572022 - Valve, Check 1/2" PVC | $122.65 |
| 9576012 - Valve, Sample 1/4" MPT x 5/8" OD, PVC | $31.05 |
| 9740330 - Washer, 1/4" SS | $1.60 |
| 7730002 - Wheel, Gem Sensor rotary flowswitch | $13.70 |
| 9820003 - Window, Plexiglas | $64.75 |
| F.O.B. - Bradley, IL | |

Michigan Inter-governmental Trade Network
MITN

# Downloading History for ITB-COT 04-19Pool Maint

The report below shows all fax and e-mail vendors that matched this document when it was originally issued. It also shows all vendors that have downloaded or ordered the document and any subsequent amendments as of **6/1/2004.**

| | |
|---|---|
| **Document Title:** | City of Troy Pool Maintenance and Repair |
| **Date Issued:** | 4/13/2004 |
| **Close Date:** | 4/30/2004 |

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

| Acct # | Company Name | Service | Date Obtained Document | Date Obtained Amendments |
|---|---|---|---|---|
| 14942 | A.F.Bellisario.,Inc. | E-mail | | |
| 12133 | Allied Building Service Company of Detroit, Inc. | E-mail | | |
| 12707 | B & B Pools | E-mail | | |
| 10851 | BEI Associates Inc. | E-mail | | |
| 10231 | Bernco, Inc. | E-mail | | |
| 12584 | Camps Services | E-mail | 5/14/2004 | |
| 14834 | Controlled Temperature Inc. | Free | 4/14/2004 | |
| 16017 | Fleis & Vandebrink Engineering, Inc | E-mail | | |
| 16368 | Fluid Dynamics | Free | 4/23/2004 | |
| 11163 | G. C. MURPHY PAINTING CO., INC. | E-mail | 4/26/2004 | |
| 16187 | George J. Hartman Architects, P.C. | Free | 4/26/2004 | |
| 13448 | Great Lakes Executive Services, LLC | E-mail | | |
| 13659 | In-Line Construction Corp. | E-mail | | |
| 15040 | J.R. Mathews, Inc | Fax | | |
| 13283 | Kelcris Corporation | E-mail | 4/23/2004 | |
| 17066 | Kent Companies, Inc. | Free | 4/21/2004 | |
| 16140 | KTI Marketing | Free | 4/16/2004 | |
| 14592 | M S Consulting Engineers, P.C. | E-mail | | |
| 14795 | Navigating Business Space | Free | 4/20/2004 | |
| 13310 | North Star Refrigeration, Heating and Cooling | E-mail | | |

| | | | | |
|---|---|---|---|---|
| 13151 | Oakland CommercialInteriors | E-mail | | |
| 11361 | Quickie Carpet Cleaning | Free | 4/16/2004 | |
| 13691 | R & E Trucking Inc. | Fax | | |
| 10922 | Recreation Supply Company | Free | 4/16/2004 | |
| 12265 | scodeller construction, inc. | E-mail | | |
| 13730 | SMART Management Group, LLC | E-mail | | |
| 13684 | soil and materials engineers, inc | E-mail | | |
| 10984 | Sunset Excavating, Inc. | E-mail | | |
| 15364 | Supreme Heating & Supply Co., Inc | Free | 4/21/2004 | |
| 12577 | terrasini cement | E-mail | | |
| 12535 | The Stansley Group | E-mail | | |
| 10705 | Troxell Communications Inc. | E-mail | 4/29/2004 | |
| 15301 | Tyger Excavating Inc. | E-mail | | |
| 12554 | W. K. Krill & Associates, Inc. | E-mail | | |
| 13207 | Walbridge Aldinger Company | E-mail | | |
| 10679 | Water Specialties, Inc. | Free | 4/23/2004 | |

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June 10, 2005

To: John Szerlag, City Manager

From: Brian P. Murphy, Assistant City Manager/Services
Jeanette Bennett, Purchasing Director
Brian Stoutenburg, Library Director

Subject: **Agenda Item** – Standard Purchasing Resolution 1: Award to Low Bidder – Iron Fence at Museum

## RECOMMENDATION

On May 18, 2005, bid proposals were opened to fabricate an iron fence for the Museum. City Management recommends awarding the contract to the lowest bidder, Future Fence Company of Warren, Michigan for an estimated total cost of $18,428.00.

In addition, staff requests authorization to approve additional work as needed, due to unforeseen circumstances not to exceed 10% of the total project cost.

## SUMMARY

In order to move the Historic Church and Parsonage to the Historic Village Green and to make the shift of Troy Hall to its new location, the old fencing was removed. The fence had deteriorated over the years and was determined to be in such poor condition that it could not be reused. City staff shall install the new fencing in the same location as the previous fencing.

## BUDGET

Funds for this project are available in the Capital Account for Museum General Repairs #401804.7975.900.

43 Vendors Notified via MITN System
6 Bid Responses Rec'd
1 No Bid: (1) Company does not handle the product specified.

Prepared by: Loraine Campbell, Museum Manager

CITY OF TROY
BID TABULATION
IRON FENCE AT MUSEUM



PROPOSAL: To furnish all equipment, material, and labor to fabricate a custom iron fence including all elements for the Troy Historical Museum in accordance with the specifications and drawings. -INSTALLATION **NOT** INCLUDED -

| | | * **FUTURE FENCE COMPANY** | AMERICAN FENCE & SUPPLY CO | NATIONWIDE FENCE & SUPPLY CO | TROY ORNAMENTAL IRON & FENCE |
|---|---|---|---|---|---|
| **COMPLETE FOR THE SUM OF:** | | **$ 18,428.00** | $ 18,716.00 | $ 24,573.00 | $ 24,986.00 |
| SITE INSPECTION: | Y/N | NO | NO | YES | YES |
| | Date | | | 5/17/2005 | 5/16/04&5/17/05 |
| FACILITY SERVICE: LOCATION | | REGENCY PARK, WARREN | REPUBLIC, OAK PARK | GRATIOT, CHESTERFIELD | ROSA PARKS, DETROIT |
| 24 Hr PHONE NUMBER | | (810)523-1988 | BLANK | (586)749-6900 | (248)877-2127 |
| TERMS | | NET 30 | NET 30 | NET 30 DAYS | 70% DOWN BALANCE ON DELIVERY |
| DELIVERY DATE | | 6 WEEKS ARO | 4 WEEKS | 4-6 WEEKS | 45 DAYS ARO |
| WARRANTY: | | ONE YEAR | ONE YEAR | ONE YAER | 12 MONTHS |
| EXCEPTIONS: | | N/A | BLANK | NONE | BLANK |
| | | | | | |
| ACKNOWLEDGEMENT SIGNED: | Y or N | YES | YES | YES | YES |
| ADDENDUM #1 Attached | Y or N | YES | NO | YES | YES |

*** DENOTES LOW BIDDER**

NO BIDS:
Novi Fence & Supply

ATTEST:
Pat Rubino
Loraine Campbell
Brian Stoutenburg
Ron Hynd
Linda Bockstanz

Jeanette Bennett
Purchasing Director

| | | VULCANMASTERS WELDING COMPANY | MUELLER ORNAMENTAL IRON WORKS INC | | |
|---|---|---|---|---|---|
| PROPOSAL: To furnish all equipment, material, and labor to fabricate a custom iron fence including all elements for the Troy Historical Museum in accordance with the specifications and drawings. -INSTALLATION **NOT** INCLUDED - | | | | | |
| **COMPLETE FOR THE SUM OF:** | | $ 38,961.00 | $ 63,523.00 | | |
| SITE INSPECTION: | Y/N | YES | NO | | |
| | Date | 5/3/2005 | | | |
| FACILITY SERVICE: LOCATION | | FORDSON, DETROIT | ELK GROVE VILLAGE, IL | | |
| 24 Hr PHONE NUMBER | | (313)843-5043 | (847)758-9941 | | |
| TERMS | | NET 30 | $20,000 DOWN BALANCE ON DELIVERY | | |
| DELIVERY DATE | | TO BE NEGOTIATED | 12-14 WEEKS | | |
| WARRANTY: | | ONE YEAR | ONE YEAR | | |
| EXCEPTIONS: | | ATTACHED TO BID | ATTACHED TO BID | | |
| | | | | | |
| ACKNOWLEDGEMENT SIGNED: | Y or N | YES | YES | | |
| ADDENDUM #1 Attached | Y or N | YES | YES | | |

June 9, 2005

To: John Szerlag, City Manager

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

Subject: **Agenda Item** – Standard Purchasing Resolution 2: Bid Award- Lowest Bidder Meeting Specifications – Asphalt Patching Material

## RECOMMENDATION

On April 13, 2005, sealed bid proposals were opened to furnish one-year requirements of Asphalt Patching Material. After reviewing these proposals, City management recommends awarding a contract for Item 1, QPR- Delivered to the lowest bidder meeting specifications, Saginaw Asphalt Paving Co. of Saginaw, MI, for an estimated total cost of $16,407.00, at unit prices contained in the attached bid tabulation. Asphalt Patching Materials are purchased on an as needed basis throughout the year based upon estimated quantities.

In addition, staff recommends rejecting Item 2, QPR/UPM picked up.

## SUMMARY

**Saginaw Asphalt Paving Co.**

| Item | Est. Qty | Description | Price Per | Est. Total |
|---|---|---|---|---|
| 1. | 300 ton | QPR – Delivered | $ 54.69/ton | $ 16,407.00 |
| | | **Estimated Total Cost** | | **$ 16,407.00** |

## EXPLANATION OF BIDS NOT MEETING SPECIFICATIONS

Barrett Paving Materials Inc. was not awarded Item 1, QPR/UPM- Delivered because the alternate bid submitted for cold patch mixture, CP-6, does not meet the requirements of the current Michigan Department of State Highways Standard Specifications as listed in the bid proposal. They stated that a different liquid mixture is used and after repeated requests, Barrett failed to provide CP-6 specifications that could confirm product conformity.

Proposals submitted for Item 2, QPR-Picked up, were rejected because the cost savings gained by awarding to the apparent low bidder, Saginaw Asphalt Paving Co., would be offset by transportation and fuel costs traveling to their plant in Saginaw. The CP5 product, bid by Ajax Materials, did not meet bid specifications as listed. CP5, a lower grade cold patch, has a higher sand content, thereby reducing product workability and performance, and requiring repeat patching. Lastly, Barrett was not considered for award because it would be more cost effective to have material delivered at $54.69, rather than picked up at their Mt. Clemens plant for $56.00 per ton. Therefore, in times of emergencies, material will be purchased for pick-up on an as needed basis utilizing the informal three-quote process.

June 9, 2005

To: John Szerlag, City Manager
Re: Bid Award – Asphalt Patching Material

**BUDGET**

Funds for these materials are available through the Public Works operating budgets for Streets and Water, as monies clear through the balance sheet Inventory Accounts for Asphalt.

25 Vendors Notified via MITN System
3 Bid Responses Rec'd
1 Alternate Bid did not meet specifications

Prepared by: Emily Frontera, Administrative Aide

CITY OF TROY
BID TABULATION
ASPHALT PATCHING MATERIAL

ITB-COT 05-13


Opening Date -- 4/13/05
Date Prepared -- 6/9/05

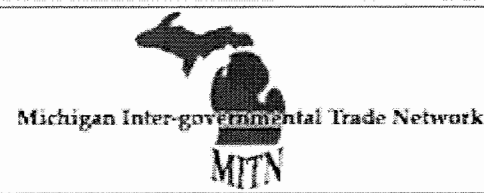
| VENDOR NAME: | * | SAGINAW ASPHALT PAVING CO | BARRETT PAVING MATERIALS INC | AJAX MATERIALS CORPORATION |
|---|---|---|---|---|
| ITEM # / EST QTY (TONS) / DESCRIPTION | | Price/Ton | Price/Ton | Price/Ton |
| 1 / 300 / QPR/UPM or Approved Alternate | | **$ 54.69** | $ 56.00 | $ 58.00 |
| Standard Train Load | | 50/Tons | 50/Tons | 50/Tons |
| 2. / 200 / QPR/UPM or Approved Alternate | | - RECOMMEND REJECTION - | | |
| Picked up as needed | | $ 51.00 | $ 56.00 | $ 52.00 |
| **ESTIMATED TOTAL FOR ITEM BEING AWARDED:** | | **$ 16,407.00** | $ 16,800.00 | $ 17,400.00 |
| HOURS OF OPERATION: | | Mon-Fri 8-5pm | 7-4pm | 7-4:30pm |
| Notice of Delivery: | | 24 Hours | 24 Hours | 24 Hours |
| For Saturdays: | | 2 Days | Call | Call |
| INSURANCE: Can Meet | | XX | XX | XX |
| Cannot Meet | | | | |
| PROXIMITY: Location-- | | I75/M13 Saginaw | Mt Clemens Plant | Rochester Hills |
| Miles-- | | 87 | | 6 |
| TERMS: | | Net 30 Days | Net 30 Days | Net 30 Days |
| WARRANTY: | | Blank | Blank | Blank |
| DELIVERY: (Item 1) | | 1 Day | 24Hr Notice | Blank |
| EXCEPTIONS: | | None | Blank | Attached |
| | | | | To Bid |
| ACKNOWLEDGEMENT: Y or N | | YES | YES | YES |

DMS:
Barrett Paving Matls - Alternate Bid - $45.00/Ton Picked up or Delivered - CP6 Cold Patch
Reason: Failed to provide specifications to confirm product conformity

ATTEST:
M.Aileen Bittner
Emily Frontera
Tom Rosewarne
Linda Bockstanz

*** DENOTES LOWEST ACCEPTABLE BIDDER**

Jeanette Bennett
Purchasing Director




# Downloading History for ITB-COT 05-13 Asphalt Pt

The report below shows all fax and e-mail vendors that matched this document when it was originally issued. It also shows all vendors that have downloaded or ordered the document and any subsequent amendments as of **6/7/2005.**

| | |
|---|---|
| **Document Title:** | One Year Requirements of Asphalt Patching Material |
| **Date Issued:** | 3/23/2005 |
| **Close Date:** | 4/13/2005 |

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

| Acct # | Company Name | Service | Date Obtained Document | Date Obtained Amendments |
|---|---|---|---|---|
| 18502 | A1 Asphalt Maintenance LLC | E-mail | | |
| 12964 | Ajax Materials Corporation | E-mail | 3/24/2005 | |
| 18545 | AnnSeal | E-mail | | |
| 10139 | B & J Parking Lot Maintenance, Inc. | E-mail | | |
| 12250 | Barrett Paving Materials Inc. | E-mail | 3/24/2005 | |
| 15088 | Colwell Equipment Co., Inc. | Free | 3/30/2005 | |
| 20813 | Ebony Construction Co., Inc. | Free | 3/31/2005 | |
| 12164 | Edw. C. Levy Co. | E-mail | | |
| 11185 | Ellsworth Industries | Free | 3/24/2005 | |
| 20199 | J.B. Machinery Company | Free | 3/30/2005 | |
| 12217 | Lafarge-QPR | E-mail | | |
| 12569 | Liquid Calcium C hloride Sales | Free | 4/7/2005 | |
| 17384 | National Highway Maintenance System Ltd. | Free | 3/28/2005 | |
| 18380 | OccuMed3 | E-mail | | |
| 15935 | Progressive Plumbing Supply | Free | 3/24/2005 | |
| 11361 | Quickie Carpet Cleaning | Free | 3/25/2005 | |
| 13691 | R & E Trucking Inc. | Fax | | |
| 19789 | RMC HOLDINGS | E-mail | | |
| 20331 | Sabiston Builders Supply | Fax | 3/24/2005 | |
| 16696 | Saginaw Asphalt Paving Co. | Free | 3/29/2005 | |
| 10971 | | | | |

| | | | | |
|---|---|---|---|---|
| | Seaboard Asphalt Products Company | E-mail | | |
| 10774 | SealMaster Industries | E-mail | 3/23/2005 | |
| 12535 | The Stansley Group | E-mail | | |
| 14676 | Unique Paving Materials | E-mail | 3/23/2005 | |
| 13436 | Wolverine Contractors, Inc. | Fax | | |

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June 10, 2005

To: John Szerlag, City Manager

From: Gert Paraskevin, Information Technology Director
Jeanette Bennett, Purchasing Director
Charles Craft, Chief of Police

Subject: **Agenda Item**: Standard Purchasing Resolution 7: Proprietary Maintenance Service Contract – Motorola Communications

## RECOMMENDATION

The Troy Police Department recommends the City renew a one-year contract with Motorola to provide hardware and software maintenance for the Police and Fire Department's 911 system. The period covered by the contract is July 1, 2005 through June 30, 2006. The current contract expires on June 30, 2005. The contract is estimated to cost $27,080.00 for the year.

## BACKGROUND

Motorola is the provider of this proprietary hardware and software. Motorola has provided service for the 911 System since installation in 1999. Motorola provides a single point of contact on a 24-hour basis.

## BUDGET

Funds are budgeted in the Police Department account number 325.7802.095.

Prepared by: Cathy Brandimore, Communications Manager

MOTOROLA

Ver. 4.9 Build 1000

# SERVICE AGREEMENT

*Attn: National Service Support*
*1307 East Algonquin Road*
*Schaumburg, IL 60196*
*(800) 247-2346*

Date: 4/28/2005

Agreement Order # :
Supersedes Agreement #(s) : 215005853

Required P.O.:
Customer # : 1035909920
Bill to Tag # :
Contract Start Date: 07/01/2005
Contract End Date: 06/30/2006
Anniversary Date:
Payment Cycle: annual
Tax Exempt: yes
PO # :

Company Name: City of Troy
Attn:
Billing Address: 500 W. Big Beaver
City, State, Zip: Troy, MI 48084
Customer Contact: Cathy Brandimore
Phone: 248-524-3590
Fax: 248-528-1238

| Qty | Model/Option | Description | Monthly Ext | Extended |
|---|---|---|---|---|
| | SVC01SVC1102 | Dispatch Service | $ 127.17 | $ 1,526.04 |
| 1 | SVC317AA | *ENH: 911 PSAP* | | |
| | SVC01SVC1104 | Technical Support Service | $ 167.50 | $ 2,010.00 |
| 1 | SVC317AG | *ENH: 911 PSAP(s)* | | |
| | SVC01SVC1103 | Network Monitoring Service | $ 424.00 | $ 5,088.00 |
| 1 | SVC317AC | *ENH: 911 PSAP* | | |
| | SVC01SVC1101 | Infrastructure Repair With Advanced Replacement Service | $ 464.86 | $ 5,578.32 |
| 1 | SVC317AB | *ENH: 911 PSAP* | | |
| 1 | SVC320AA | *ENH: 911 Printer* | | |
| 5 | SVC319AB | *ENH: 911 Call Taker Position* | | |
| | SVC01SVC1413 | OnSite Infrastructure Response Service - Premier Option | $ 1,002.62 | $ 12,031.44 |
| 1 | SVC317AF | *ENH: OnSite Infrastructure Response - 911 PSAP* | | |
| 5 | SVC319AF | *ENH: OnSite Infrastructure Response-911 Call Taker Position* | | |
| | SVC01SVC1405 | System Survey and Analysis - Site Access A | $ 70.56 | $ 846.72 |
| 1 | SVC850AA | *ENH: System - Site Access A* | | |
| 5 | SVC292AA | *ENH: 911 Call Taker Position(s)-Site Access A* | | |

| | | |
|---|---|---|
| SUBTOTAL - RECURRING SERVICES | $ 2,256.71 | $ 27,080.52 |
| SUBTOTAL - ONE-TIME EVENT SERVICES | | $ - |
| TOTAL | $ 2,256.71 | $ 27,080.52 |
| TAXES | $ - | $ - |
| GRAND TOTAL | $ 2,256.71 | $ 27,080.52 |

THIS SERVICE AMOUNT IS SUBJECT TO STATE & LOCAL TAXING JURISDICTIONS, TO BE VERIFIED BY MOTOROLA.

SPECIAL INSTRUCTIONS - ATTACH STATEMENT OF WORK FOR PERFORMANCE DESCRIPTIONS

| SUBCONTRACTOR(S) | CITY | STATE |
|---|---|---|
| | | |
| | | |
| | | |
| | | |
| | | |

I received Statements of Work that describe the services provided on this Agreement.
Motorola's Service Terms & Conditions, a copy of which is attached to this Service

Agreement, is incorporated herein by this reference

| | | |
|---|---|---|
| AUTHORIZED CUSTOMER SIGNATURE | TITLE | DATE |
| Cathy Brandimore | | |
| CUSTOMER (PRINT NAME) | | |
| Laurice Zielinski | Customer Support Manager | 4-29-05 |
| MOTOROLA REPRESENTATIVE (SIGNATURE) | TITLE | DATE |
| Laurice Zielinski | (248)642-8580 | (248)642-9050 |
| MOTOROLA REPRESENTATIVE (PRINT NAME) | PHONE | FAX |

approved
Sharon M Lancaster
asst. City Attorney - Troy
6-6-05

June 13, 2005

TO: John Szerlag, City Manager

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

SUBJECT: Agenda Item – Traffic Committee Recommendations – May 18, 2005

At the Traffic Committee meeting of May 18, 2005, the following recommendations were made for City Council approval:

1. Recommend establishing fire lanes at 50 and 100 West Big Beaver as recommended by the Fire Department (Item 3).

2. Recommend installing a STOP sign on Peacock at Ottawa (Item 4).

3. Recommend no changes to the intersection at Ridgedale and Park View (Item 5).

JKA/ln

Traffic Committee\2005 Minutes and Agendas\March 16\TC Recommendations.doc

A regular meeting of the Troy Traffic Committee was held Wednesday, May 18, 2005 in the Lower Level Conference Room at Troy City Hall. Jan Hubbell called the meeting to order at 7:30 p.m.

## 1. Roll Call

PRESENT: John Diefenbaker
Jan Hubbell
Richard Minnick
Peter Ziegenfelder
Ted Halsey
Richard Kilmer

ABSENT: Charles Solis

Also present: John Abraham, Traffic Engineer
Lt. Scott McWilliams, Police Department
Lt. Robert Matlick, Fire Department

and Dr. Arends, 6448 Park View
Barb Yagley, 860 Huntsford
Jefree Vang, 2345 Dalesford
Sim Acton, 800 Ottawa
Patrick Carolan, 6431 Park View
Brian Carolan, 4593 Cahill

## 2. Minutes – March 16, 2005

RESOLUTION #2005-05-14
Moved by Halsey
Seconded by Ziegenfelder

To approve the March 16, 2005 minutes.

YES: All-6
NO: None
ABSENT: 1 (Solis)

MOTION CARRIED

**Resolution to Excuse Absent Members**

RESOLUTION #2005-05-15
Moved by Kilmer
Seconded by Minnick

To excuse the absence of Charles Solis.

YES: All-6
NO: None
ABSENT: 1 (Solis)

3. **Establish Fire Lanes at 50 and 100 West Big Beaver Road**

During a recent review of fire lanes, the Fire Department determined that the fire lanes at 50 and 100 West Big Beaver have not been officially approved by the Traffic Committee or the City Council.

Section 8.28, Chapter 106, Troy City Code, provides for the establishment of fire lanes on private property. The Fire Department recommends that the fire lanes shown on the attached sketch be provided to allow proper deployment of and travel by emergency vehicles (fire, police, medical).

Lt. Matlick reported that these signs have already been installed.

RESOLUTION #2005-05-16

Moved by Kilmer
Seconded by Ziegenfelder

Recommend that the fire lanes/tow away zones shown in the attached sketch be established at 50 and 100 W. Big Beaver.

YES: All-6
NO: None
ABSENT: 1 (Solis)

4. **Install STOP sign on Peacock at Ottawa**

Cicero Acton, 800 Ottawa, requests a STOP sign on Peacock at Ottawa. Mr. Acton reports that he sees a lot of vehicles on Peacock not yielding to traffic on Ottawa. This problem could get even worse when the new homes on Peacock are built. He feels that a YIELD sign may not help much and requests a STOP sign on Peacock at Ottawa.

Ottawa is a very old street in the City and Peacock is relatively new. New homes are being built on Peacock, which connects to Quill Creek, which further connects to Norton. Traffic on Ottawa has the right of way at the intersection since Peacock ends in a T-intersection with Ottawa. Traffic counts indicate that Ottawa carries around 384 vehicles in a day going eastbound and 438 vehicles going westbound. Around 148 vehicles enter the intersection from Peacock. It should be noted that the homes in the new subdivision (Peacock Farms) on Peacock are not completed yet; the counted traffic may be construction and other traffic going to the homes under construction. Field observations show no major sight obstructions at the intersection. As Mr. Acton indicated, traffic on Ottawa may not be used to seeing traffic coming from Peacock, since Peacock is a brand new street.

Cicero Acton stated that this is an unsafe corner since they opened Peacock to traffic. The people on Peacock do not slow down when they reach Ottawa, and somehow think they don't have to stop. His daughter has had a crash at this intersection and his neighbor had a near crash. He stated that right now it is possible to see the cars coming down Peacock but if they build more houses on Peacock you will not be able to see any traffic coming down Peacock to Ottawa.

Minnick asked why there are gates on Peacock and what their purpose is. Dr. Abraham stated that there is a NO OUTLET sign on Peacock and believes this sign was there before the street was connected, and that maybe that is why the gates are there also.

Halsey stated that there would probably be 30-40 more houses built on Peacock and when everything is built out there, the additional traffic will warrant a stop sign.

RESOLUTION #2005-05-17
Moved by Halsey
Seconded by Kilmer

To recommend Installing a STOP sign on Peacock at Ottawa.

YES: All-6
NO: None
ABSENT: 1

**5. Install STOP sign on Ridgedale at Park View**

Patrick Carolan, 6431 Parkview, requests a STOP sign on Ridgedale at Park View. Mr. Carolan lives at the corner and has observed near misses at the intersection due to vehicles on Ridgedale not yielding to vehicles on Parkview. He feels that a STOP sign at the intersection will eliminate this concern.

Ridgedale is the entrance to the subdivision and is a very short street, 200 feet in length. Ridgedale ends in a T-intersection and serves as the connection between Beach Road and Park View. Park View further connects to other subdivision roads in the Hills of Charnwood subdivision. The T-intersection has 182 vehicles entering from Park View from the north, 130 vehicles entering from the south and 217 vehicles entering from the west from Ridgedale. Traffic volumes on Troy residential streets range between 300 and 5000, and the values observed at this intersection are in the low end of the usual residential traffic volumes. A traffic crash study was performed for this intersection and for the past 4 years, there have been NO reported traffic crashes at this location. There are no major sight obstructions at the intersections and field observations did not reveal any major confusion as to who has the right-of-way at the intersection.

Patrick Carolan addressed the Committee. He lives at the corner of Park View and Ridgedale and sees very close misses from people not yielding the right of way from Ridgedale when they reach Park View. He has installed stones to help keep people off his lawn and stated that his neighbor at 6448 Park View has done the same. He has had two cars on his front lawn this winter from people not

slowing down. He also mentioned that many pedestrians use the crosswalk to cross Ridgedale, and lack of a STOP sign could be dangerous for them.

Mr. Carolan says that the traffic study that was done at that corner was not a fair study as it was conducted during the work week and during the day and that all the near misses he sees are either at dusk or on the weekends. He stated that the traffic study found "no major confusion observed," and John Abraham told him that the traffic study does not say that, but rather there were "no major obstructions observed," and the volume study was done for an entire day.

Mr. Carolan says he is not overly concerned about the speed people are driving but rather is tired of people ending up on his lawn. He is surprised that people walking on the sidewalk have not been hit.

Mr. Halsey recommended installing STOP sign on Ridgedale at Park View.

One speaker had not had an opportunity to address the committee. Dr. Arends, of 6448 Park View, stated that he has lived on this street for 25 years and has never seen any near misses, and has a petition from 12 other residents who do not want a STOP sign either. He states that the area is beautiful and he does not want any signs ruining the beauty of the area.

He stated that the stones on his lawn were put there years ago because the teenagers used to use his drive and lawn as a turnaround to go back out to Ridgedale. They were not put there to stop people from coming down Ridgedale and ending up on his lawn – he has never had that problem. He said that the traffic study was correct that this is a very low volume intersection, he has not seen any crashes in the past 25 years and a STOP sign is not warranted on this corner. Based on crash report analysis, there have been no reported crashes in the past four years.

Mr. Minnick stated that his subdivision is very similar to this one with the short entrance street, and although a STOP sign was recently installed on the corner, only about 3% of the drivers even slow down there. He said that even installing a YIELD sign at the corner of Ridgedale and Park View would only determine who was at fault in an accident and will not help anything else.

Patrick Carolan said that this intersection is very busy. He has driven through several subdivisions that all have the short street entrances, and every one of them has a YIELD or STOP sign; this subdivision is no different and should have one also (he submitted photos of two streets with STOP signs).

Mr. Kilmer asked if they have gone to their association to request that the association contact the City. Mr. Carolan said that he did go to the association and was told there was nothing they could do. Mr. Kilmer said that the association should work with the City on this situation. Mr. Minnick stated that he would feel better about this situation if the association would come in with a request and show that a majority of the citizens in the association wanted this sign.

Jan Hubbel said that studies show that signs that are not deemed necessary by the public are not obeyed, creating a worse situation.

RESOLUTION #2005-05-18
Moved by Halsey
Seconded by Kilmer

To recommend no changes to the intersection at Ridgedale and Park View.

YES: 5 (Hubbell, Kilmer, Halsey, Diefenbaker, Minnick)
NO: 1 (Ziegenfelder)
ABSENT: 1

Mr. Ziegenfelder voted against the resolution because he believes that all intersections should have some kind of traffic control device.

Mr. Carolan stated that in recommending no changes, this Committee has made a big mistake and that he would go to City Council and try to override this decision.

## 6. Install STOP sign on Glyndebourne at Dalesford

Jefree Vang, 2345 Dalesford, requests STOP signs on Glyndebourne at Dalesford. The Traffic Committee considered this item a number of times in the past. The present configuration has STOP signs on all approaches that have sight obstructions. Basically, this intersection has five approaches and only Glyndebourne does not have any traffic control. A traffic crash analysis shows no reported crashes in the past five years. Adding STOP signs on Glyndebourne will create more confusion, since this is a five-legged intersection. The only other option is to do some physical changes to the intersection so that a "T" intersection is created at Glyndebourne/Chalgrove, and a four-way intersection at Glyndebourne/Dalesford, as shown in the attachments. Field observations indicate that currently the intersection operates in such a way that there is the least confusion. Attached are copies of earlier items considered by the Traffic Committee on this matter.

Current traffic volumes on the streets entering the intersection in a day are: Dalesford from the east, 114 vehicles per day; Dalesford from the west, 66 vehicles per day; Chalgrove from the south, 257 vehicles per day; Chalgrove from the north, 83 vehicles per day; Glyndebourne from the north, 167 vehicles per day. Traffic volumes on Troy residential streets range between 300 and 5000, and the values observed at this intersection are in the low end of the usual residential traffic volumes.

Mr. Vang stated that this is a very unsafe intersection and does not really know what to do about it but something needs to be done. He said even though he does not know how to cure this problem, safety is the main issue.

John Abraham stated that years ago a recommendation went to Council to enclose one side of the island so that it would create a three-way T-intersection at

Chalgrove and Glyndebourne, and a four-way intersection at Dalesford, Chalgrove and Glyndebourne and was approved. However, one resident went to Council to oppose this and the decision was overturned. The concern with adding more STOP signs here it that a six-way stop-controlled intersection would be created and cause even more confusion. He would like the petitioner to talk to area residents and see if they would be receptive to blocking off the short street from Chalgrove to Dalesford and reconfiguring this intersection to make a 3-way T-intersection and a 4-way intersection. He says that reconfiguring is the best solution. A roundabout would work but would also be costly.

Minnick said he sat on Sunday last week for about an hour at this intersection and there was a lot of confusion and he almost got hit a couple of times.

Lt. McWilliams stated that if an accident were to happen at this intersection he would not be able to determine who was at fault because of all the confusion of the streets coming together.

Mr. Diefenbaker said that a KEEP RIGHT sign should be at the bottom of the island on Dalesford and that the Chalgrove and Glyndebourne legs around the island should be one way only.

RESOLUTION #2005-05-19
Moved by Diefenbaker
Seconded by Ziegenfelder

To recommend that the Glyndebourne/Chalgrove/Dalesford intersection be modified to create a T-intersection at Glyndebourne/Chalgrove and a 4-way intersection at Glyndebourne/Dalesford. Put up a KEEP RIGHT sign at the bottom of the island and make both legs around the island one way, and install a temporary stop sign on Glyndebourne at Dalesford.

YES: All-6
NO: None
ABSENT: 1 (Solis)

Dr. Abraham would like to hold off on any recommendations regarding this intersection until he can speak with Engineering and see if this intersection can be reconfigured and how long it would take.

RESOLUTION #2005-05-20
Moved by Diefenbaker
Seconded by Kilmer

To rescind the previous Resolution #2005-05-19.

YES: All-6
NO: None
ABSENT: 1 (Solis)

RESOLUTION #2005-05-21
Moved by Minnick
Seconded by Diefenbaker

To recommend tabling this item until the Traffic Engineer has a chance to talk to Engineering and get a report on how long it would take to reconfigure this intersection.

YES: All-6
NO: None
ABSENT: 1 (Solis)

7. **Visitors' Time**

Barbara Yagley appeared before the committee to request that yellow slash lines be painted in the left turn lanes, before the open gate for intersection left turns, at Livernois and Wattles, Livernois and Maple, and Maple at Livernois and any other major intersections to help inform drivers that it is illegal to enter the left turn lane for a left turn before the gate opens. She presented a detailed letter. Her request was prompted by a traffic ticket she received recently for entering the center left-turn lane well ahead of the left-turn storage lane. She said that the violation was for "improper passing."

John Abraham has received her letter (attached) and an e-mail, which he has forwarded to Oakland County Road Commission, as some of the roads she is asking about are under county jurisdiction, not City roads. Dr. Abraham has been in contact with the county regarding this request. He states that there are Uniform Traffic Control Device guidelines and that typically slashed lines are not used, but he has addressed the concern with the County.

Mr. Halsey wanted to know how it is determined how long a left-turn lane should be, and Dr. Abraham told him that traffic volume of the intersection and existing driveways at the intersection are reviewed to determine the length of the left turn lanes. A determination of the length of left-turn lanes was done around six years ago and the storage lengths were upgraded on all City roads.

8. **Other Business**

Ziegenfelder suggested that the northbound right through lane of Rochester at Big Beaver be made a right-turn lane, providing two right-turn lanes for Big Beaver at this intersection.

Dr. Abraham says that possibly a right/through lane for the right lane would be warranted. He will have a traffic study conducted and bring it to the committee next month

Lt. McWilliams is concerned that the intersection of west bound Maple at Coolidge is misaligned and that people making a right turn from west bound Maple to northbound Coolidge are seeing an optical illusion when turning on red. The lane jogs coming across Maple and it appears that there is no one in the right lane and

the turns are made causing accidents because there really is someone in the right lane. He would like a "No Right Turn on Red" sign installed.

Dr. Abraham has talked to the county and the Traffic Information Association regarding this problem already and they have said that the "No Right Turn On Red" sign is not warranted, but will bring a report to the committee at the next meeting.

Diefenbaker is concerned that signs on the north side of Blanche are still not up – this was discussed at the March meeting.

Lt. McWilliams also mentioned the first driveway from Midtown Square onto Coolidge south of Maple has a two-lane exit. Both lanes have to make a right turn and Lt. McWilliams has seen sideswipe crashes due to improper lane usage. The Committee felt that it might be safer if the two lanes were consolidated into one lane. Since this is private property, the Traffic Engineer and the Lieutenant will meet with the developer to explore the possibility of modifying the driveway.

Mr. Ziegenfelder asked if there was any plan to repair/resurface New King Street, the stretch from 5555 New King to the end of the street at Crooks Road. Dr. Abraham will report back after consulting the Department of Public Works.

## 9. Adjourn

The meeting adjourned at 9:15 p.m.

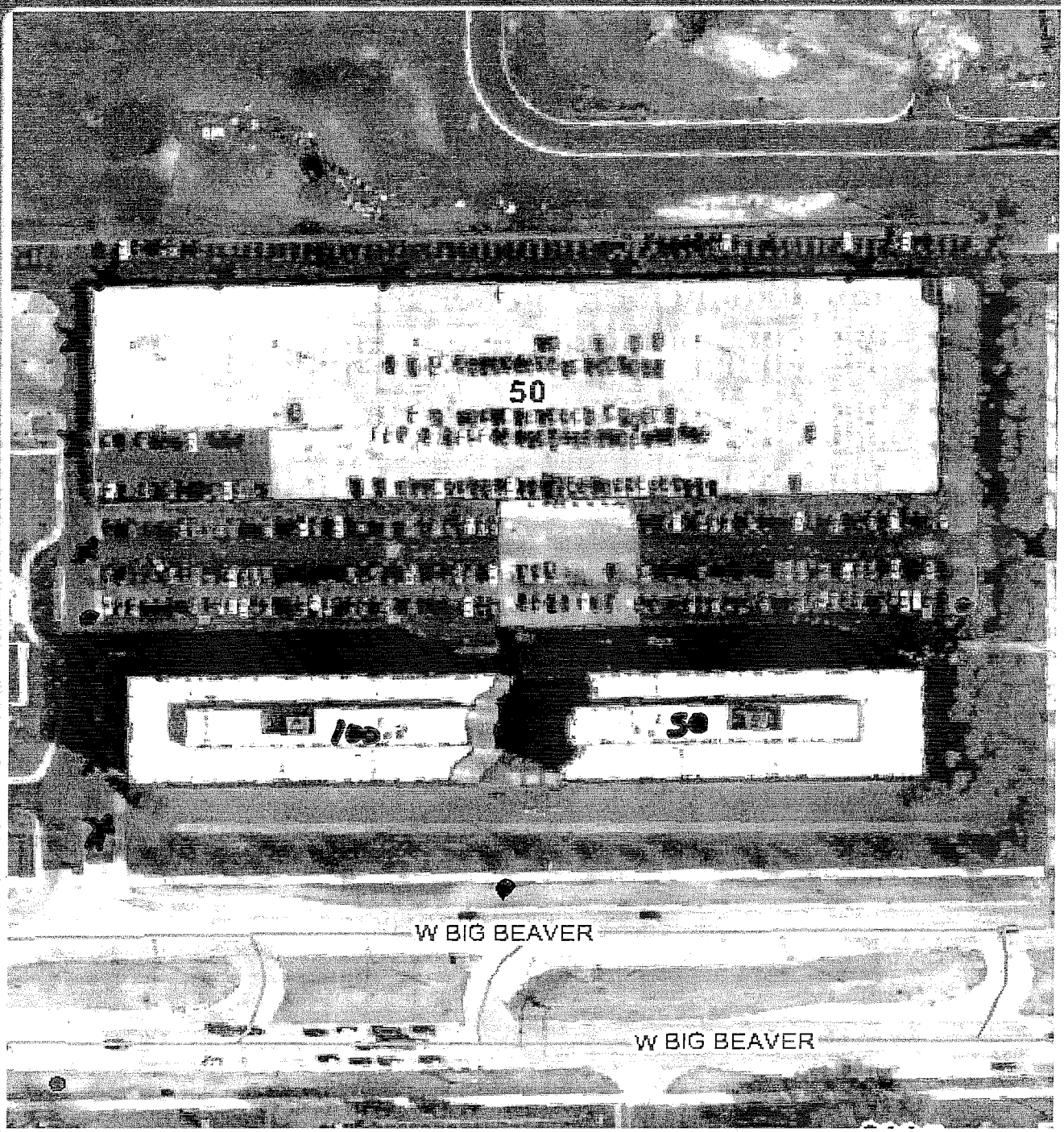
| | |
|---|---|
| Jan Hubbell<br>Vice Chair | Janet Parsons<br>Recording Secretary |

Fire Lanes

ITEM 3

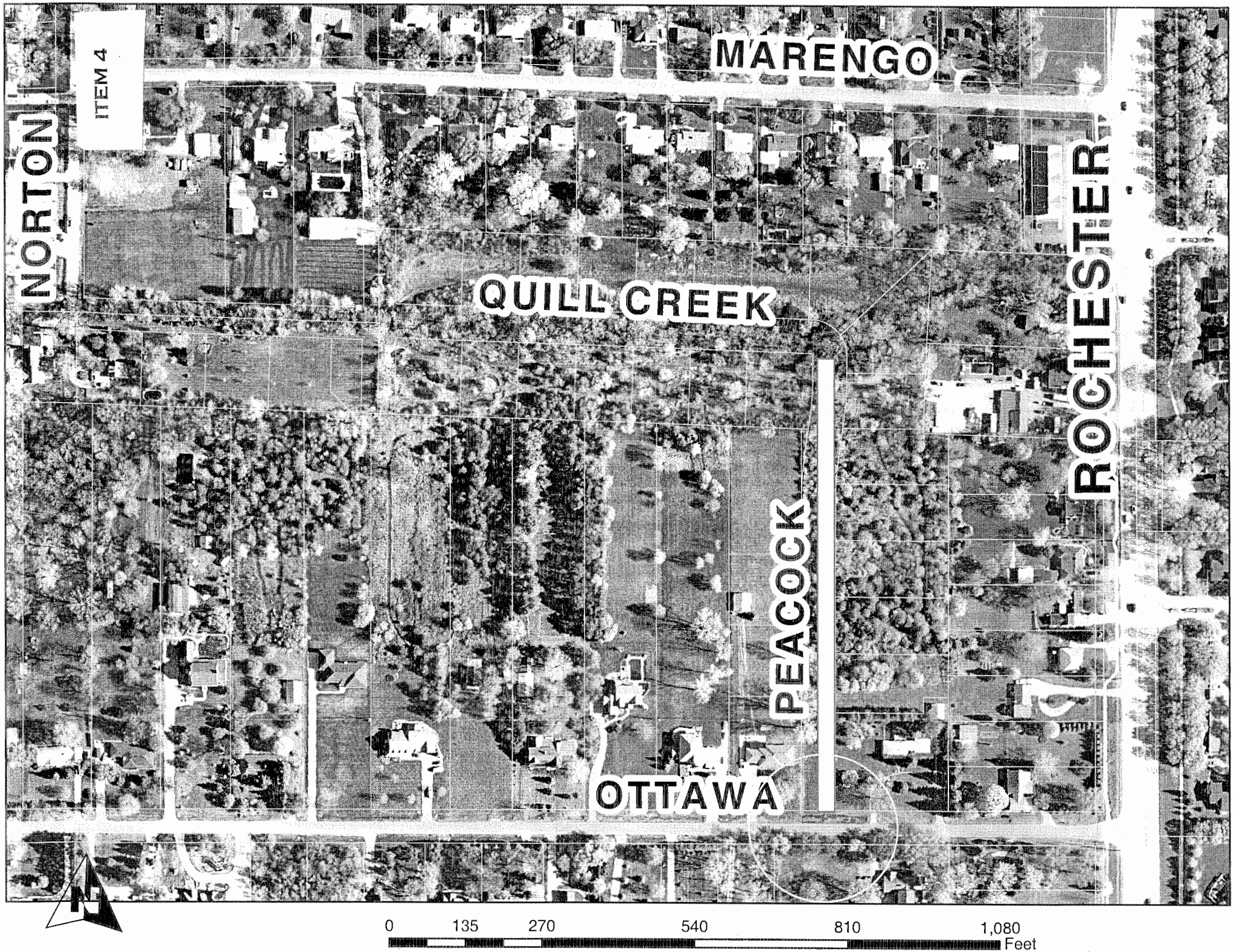
City of Troy

# Geographical Information Systems Online




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

ITEM 4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RED MAPLE
PARK VIEW
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## Those who oppose a stop sign on Ridgedale and Parkview

We, the undersigned oppose either a stop sign or yield sign on Ridgedale or Parkview for the following reasons:

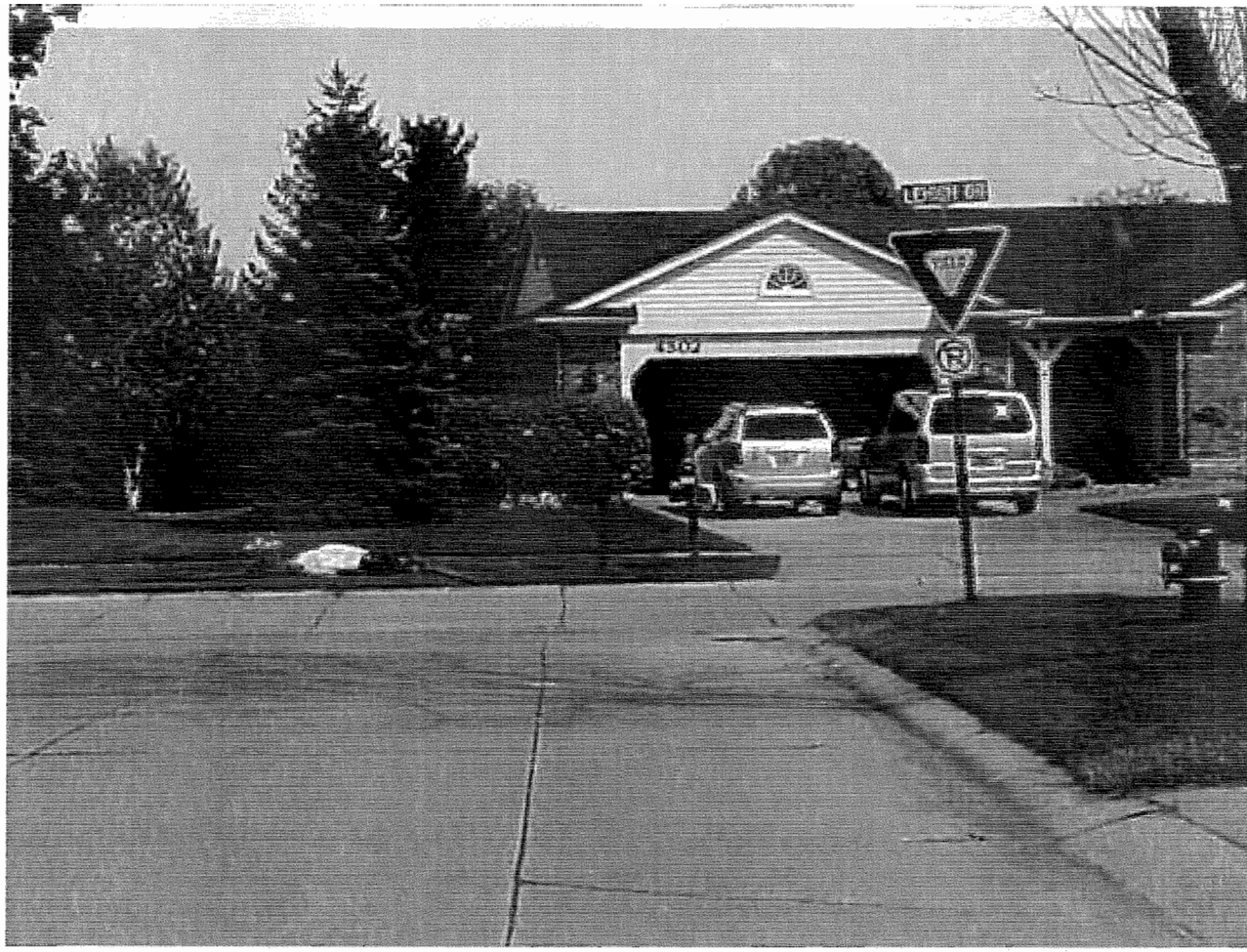
1. Traffic volumes have been proven to be the low end of usual patterns.

2. A traffic crash study for the past four years shows no traffic crashes at this location. In addition, Dr. Arends and Terry Nigolian, who have lived at this corner for the past 25 years, have also never witnessed any incident at all.

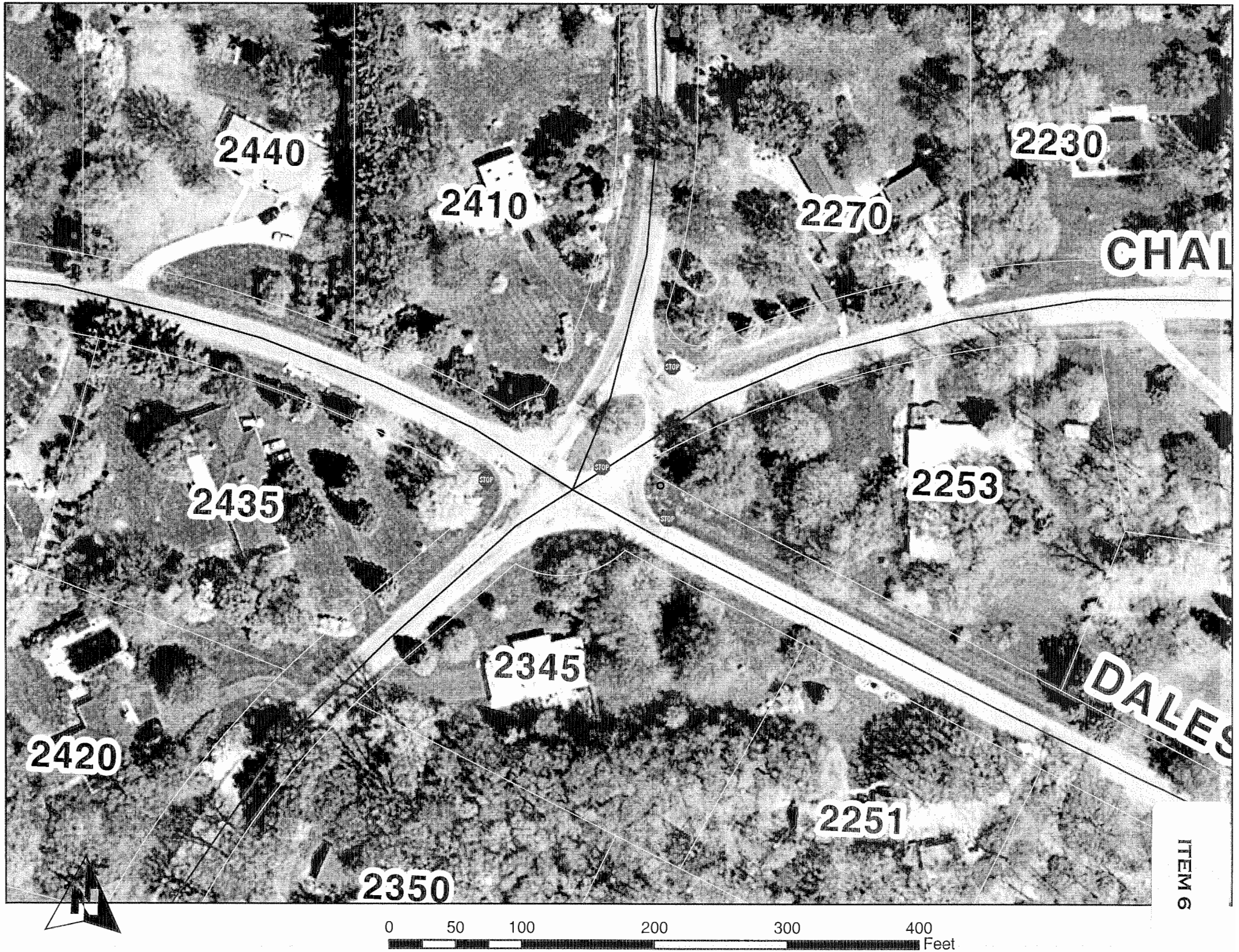
3. Adding more traffic signs will only deter from the beauty of the area.

| Signature | Address |
|---|---|
| 1. J. Arends M.D. | 6448 Parkview |
| 2. ALEX BARAGEROS | 6501 Parkview |
| 3. Dale G. [illegible] | 6500 Parkview Dr. |
| 4. Edward A. Crowder | 6480 Parkview Dr. |
| 5. Charles Schollock | 6430 Parkview |
| 6. Vish Gadgil | 2474 Red Maple |
| 7. Muhd Pickering | 6395 Parkview Dr. |
| 8. Timothy A. Caserta | 6413 Parkview Dr. |
| 9. Linda Mitchell | 6466 Parkview Dr. |
| 10. [illegible] | 6463 Parkview |
| 11. [illegible] | 2475 Red Maple Dr |
| 12. Terri Nigolian | 6475 Parkview |
| 13. [illegible] | 6377 Parkview |

ITEM 5



ITEM 5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ITEM 6

The attached collision diagrams for this intersection for the years 1986, 1987, and 1988 indicate that Warrant 6, Accident Experience, is not met because accidents at this location are a relatively rare occurrence.

A traffic signal warrant study was conducted on October 13, 1988 for the intersection of Long Lake and Calvert. This study indicates that traffic volumes on Calvert are high enough to warrant a traffic signal only between 7:00 and 8:00 AM and between 12:00 Noon and 1:00 PM. To meet the requirements of Warrant 2, Interruption of Continuous Traffic, this volume level must be equal or exceeded for 8 hours during an average day.

SUGGESTED RESOLUTIONS

(a) Recommend that a traffic signal be installed at Long Lake/Calvert.

(b) Recommend that a traffic signal not be installed at Long Lake/Calvert.

5. Install Stop Signs at Glyndebourne/Chalgrove/Dalesford.

Debbie Dobroy, 2161 Chalgrove, has called to express her concern about the confusion motorists experience when approaching the intersection of Glyndebourne/Chalgrove/Dalesford. There are some sight restrictions because of nearby trees and it is not entirely clear which path motorists should be taking. However, there have been no reported accidents at the intersection during the past three years.

One approach to address this confusion would be to install stop signs on intersection approaches where sight distance is restricted. Another approach would be to modify the intersection to create two separate intersections as indicated on the attached sketch. This would create an intersection of Glyndebourne and Chalgrove and a second intersection of Dalesford and Glyndebourne.

This item was discussed at the October, 1988 Traffic Committee meeting, but it was tabled to allow time to gather traffic count information on the streets involved. This traffic count information is attached. Daily traffic volumes were 43 on Dalesford, 170 on Chalgrove, and 207 on Glyndebourne. The attached aerial photographs show how this intersection might be modified to create two "T" intersections.

SUGGESTED RESOLUTIONS

(a) Recommend that a stop sign be installed on Chalgrove at Glyndebourne.

(b) Recommend that stop signs be installed on Dalesford at Glyndebourne.

(c) Recommend that no change be made to the existing traffic control devices at Glyndebourne/Chalgrove/Dalesford.

(d) Recommend that the Glyndebourne/Chalgrove/Dalesford intersection be modified to create a T-intersection at Glyndebourne/Chalgove and a 4-way intersection at Glyndebourne/Dalesford.

(e) Recommend that the Glyndebourne/Chalgrove/Dalesford intersection be modified to create a T-intersection at Chalgove/Dalesford and a 4-way intersection at Glyndebourne/Dalesford.

Item 5 Contd.

the school bus. She said that it was unclear to her, however, as to the location of the bus stop. She wondered why all of the suggested resolutions seem to be for stopping east-west traffic, not Glyndebourne where there is rapid traffic and the most traffic.

Mr. Beaubien explained that the right of way is given to the street which is more important and having the higher traffic volume, such as Glyndebourne which is a collector street.

Mr. Beaubien reported that he had received a call from Patricia Lowring who believes that there is not enough traffic to do anything different at this intersection. Also, the attached letter was received from Dr. Weinberger who believes that the best solution is modifying the Glyndebourne/Chalgrove/Dalesford intersection to create a T-intersection at Glyndebourne/Chalgrove and a 4-way intersection at Glyndebourne/Dalesford.

Mr. Halsey feels there is a problem at this intersection, even if it is just shrubs and bushes. Mr. Beaubien agreed that there is some sight restriction.

The Committee discussed cutting back the island for better alignment of Glyndebourne, seeding the island for creating a T-intersection at Glyndebourne/Chalgrove and a 4-way intersection at Glyndebourne/Dalesford, and the signing of these intersections.

Moved by Halsey
Supported by Perry

Recommend that the Glyndebourne/Chalgrove/Dalesford intersection be modified to create a T-intersection at Glyndebourne/Chalgove and a 4-way intersection at Glyndebourne/Dalesford and that a stop sign be installed on Chalgrove at Glyndebourne.

| | | |
|---|---|---|
| YEAS: | 6 | Coleman, Cotsonika, Halsey, Hanna, Perry, Rudell |
| NAYS: | 0 | |
| ABSENT: | 1 | Diefenbaker |

MOTION PASSED

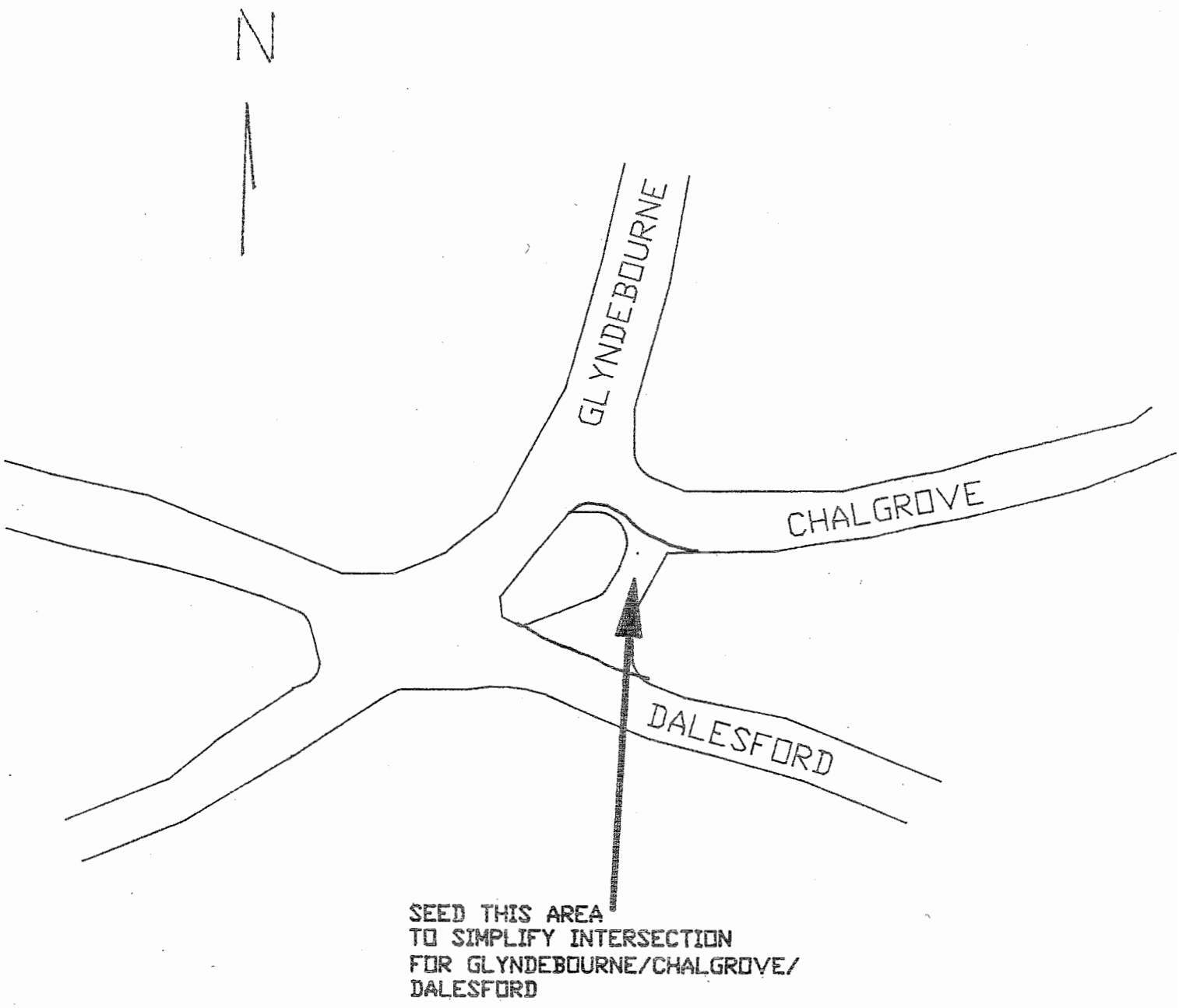
Moved by Halsey
Supported by Hanna

Recommend that stop signs be installed on Dalesford at Glyndebourne.

| | | |
|---|---|---|
| YEAS: | 6 | Coleman, Cotsonika, Halsey, Hanna, Perry, Rudell |
| NAYS: | 0 | |
| ABSENT: | 1 | Diefenbaker |

MOTION PASSED

# PROPOSED INTERSECTION REALIGNMENT
## (FOR GLYNDEBOURNE,CHALGROVE AND DALESFORD)



CREATE "T" INTERSECTION
AT CHALGROVE/GLYNDEBOURNE

ITEM 6

Traffic Committee Recommendations - Meeting of November 16, 1988 C-2

b) Install Stop Signs at Glyndebourne/Chalgrove/ Dalesford

i) Suggested Resolution

Resolution #88-1188
Moved by Pallotta
Supported by Husk

RESOLVED, that the Glyndebourne/Chalgrove/ Dalesford intersection be modified to create a T-intersection on Chalgrove at Glyndebourne and an intersection having four 90° legs at Glyndebourne/Dalesford Streets.

Yeas: All-4
Absent: Schilling, Stine, Taucher

ii) Suggested Resolution

Resolution #88-1189
Moved by Pallotta
Supported by Husk

RESOLVED, that Traffic Control Order No. 88-36-SS is hereby approved for the installation of a Stop Sign on Chalgrove at Glyndebourne after modification of the intersection, as recommended by the Traffic Committee.

Yeas: All-4
Absent: Schilling, Stine, Taucher

iii) Suggested Resolution

Resolution #88- 1190
Moved by Pallotta
Supported by Husk

RESOLVED, that Traffic Control Order No. 88-37-SS is hereby approved for the installation of Stop Signs on Dalesford at Glyndebourne after modification of the intersection, as recommended by the Traffic Committee.

Yeas: All-4
Absent: Schilling, Stine, Taucher

c) Install 4-Way Stop at Northfield/Durand/Wintergreen

Resolution #88- 1191
Moved by Pallotta
Supported by Johnson

RESOLVED, that no change be made to existing traffic control devices at Northfield/Durand/ Wintergreen, as recommended by the Traffic Committee.

Yeas: All-4
Absent: Schilling, Stine, Taucher

# AGENDA EXPLANATION
# FROM
# TRAFFIC COMMITTEE MEETING
# OF
# NOVEMBER 15, 1989

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1. Roll Call.

2. Minutes - September 27, 1989.

3. Visitors Time. - (Items not on the Agenda)

4. Change the Yield Sign to a Stop Sign at Lanergan and Beach.

Jim Forrer of 3592 Eastbourne requested a study of this intersection to determine if a stop sign should be installed in place of the existing yield sign.

A review of the accidents indicate that there were two accidents at this location since 1983. One on January 4, 1985 and the other on September 16, 1987. Both of these were for a failure to yield.

This item was tabled at the September 27, 1989 Traffic Committee meeting to allow time to gather traffic information on Beach and every street intersecting Beach from Palmerston to Wattles for review and consideration. This information is attached.

SUGGESTED RESOLUTIONS

(a) Recommend that the yield sign on Lanergan at Beach be changed to a stop sign.

(b) Recommend that no change be made to the traffic control devices at Lanergan and Beach.

5. Review of Dalesford/Glyndebourne Intersection.

The Committee requested that this intersection be reappraised in view of comments made by Gil Maestri at the September 27, 1989 meeting. The Committee recommendation of November 16, 1988 was to make a four-way intersection at Glyndebourne and Dalesford and close the Chalgrove entrance to Dalesford by making it a 'T' intersection with Glyndebourne and that a stop sign be installed on Chalgrove at Glyndebourne and that stop signs be installed on Dalesford at Glyndebourne.

The grading and landscaping to make the 'T' intersection at Chalgrove and Glyndebourne was not completed due to concerns expressed by the adjacent property owner. The stop sign approved for this location then got placed at Chalgrove and Dalesford.

I would recommend that a stop sign be installed on Chalgrove and Glyndebourne and that the stop sign be retained on Chalgrove for Dalesford. This then makes Glyndebourne the through street at this intersection. The shrubs and trees that created the sight obstruction have been removed.

The traffic volumes on Glyndebourne are 207 vehicles in a 24-hour period, Dalesford 43 vehicles in 24 hours, and Chalgrove 85 in 24 hours.

SUGGESTED RESOLUTION

Recommend that a stop sign be installed at Chalgrove and Glyndebourne, at Chalgrove and Dalesford, and that the 'T' intersection design be rescinded.

6. Install a "Handicap Crossing" Sign at the End of Robinwood at the Entrance to Section 27 Municipal Park.

Roy Bemis, 655 Robinwood, requests a "Handicap Crossing" sign at the end of Robinwood at the entrance to Section 27 Municipal Park. This crossing point allows Mrs. Bemis, who is handicapped, to travel on the sidewalk with her electric scooter and cross Robinwood at this curve to enter the park to spend time with her daughter. Mr. Bemis is requesting this sign to further alert drivers that a handicapped person is crossing on this curve. This crossing area also serves as a regular pedestrian access to the park at this location and serves a paved path.

SUGGESTED RESOLUTION

Recommend that a "Handicap Crossing" sign be installed at the end of Robinwood at the entrance to Section 27 Municipal Park.

7. Establish Fire Lanes at 5909-5953 John R.

Section 8.28, Chapter 106, Troy City Code provides for the establishment of fire lanes on private property. The Fire Department recommends that the fire lanes shown on the attached sketch be provided at 5909-5953 John R to allow proper deployment of and travel by emergency vehicles (fire, police, medical).

SUGGESTED RESOLUTION

Recommend that the fire lanes shown on the attached sketch be established at 5909-5953 John R.

ITEMS TAKEN OUT OF ORDER - CONTINUED

Traffic Committee Recommendations - Meeting of December 6, 1989 C-15

a) Install Stop Signs on Beach Road at All Intersections South of Wattles Road

Resolution #89-1152
Moved by Stine
Supported by Pallotta

RESOLVED, that the yield signs on Lanergan at Beach and on Hampton/Newport at Beach be removed to be replaced by stop signs; and

BE IT FURTHER RESOLVED, that Traffic Control Order No. 89-8-SS is hereby approved for the installation of stop signs on Lanergan at Beach, on Hampton/Newport at Beach, and on the T-intersections of Wembly/Beach, Townhill/Beach, Avonhurst/Beach and Oxford/Beach, as recommended by the Traffic Committee.

Yeas: All-6
Absent: Johnson

b) Review of Dalesford/Glyndebourne Intersection

Resolution #89-1153
Moved by Stine
Supported by Pallotta

RESOLVED, that Resolution #88-1188a, closing the Chalgrove entrance to Dalesford by making it a T-intersection with Glyndebourne, be rescinded, and Traffic Control Order No. 89-9-SS is hereby approved for the installation of Stop signs on Chalgrove at Glyndebourne.

Yeas: All-6
Absent: Johnson

e) Recommendation that a Four-Way Stop Not Be Installed at Hartland and Kilmer (Section 22)

Resolution #89-1154
Moved by Pallotta
Supported by Stine

RESOLVED, That this item be TABLED.

Yeas: All-6
Absent: Johnson

c) Installation of "Pedestrian Crossing" Signs at the Entrances to Section 27 Municipal Park on Robinwood East of the Park and on Cherry West of the Park

Resolution #89-1155
Moved by Pallotta
Supported by Schilling

RESOLVED, that Traffic Control Order No. 89-15-MR is hereby approved for the installation of "Pedestrian Crossing" signs at the entrances to Section 27 Municipal Park on Robinwood east of the park and on Cherry west of the park, as recommended by the Traffic Committee; and

BE IT FURTHER RESOLVED, that pavement markings be placed when weather permits, as recommended by the Traffic Committee.

Yeas: All-6
Absent: Johnson

ITEM 7

Barbara A. Yagley
860 Huntsford Rd.
Troy, MI 48084
248-244-9214

May 10, 2005

Mr. John Szerlag
City Manager, City of Troy
500 W. Big Beaver Rd.
Troy, MI 48084

Dear Mr. Szerlag;

I wrote this letter to request to the City to paint diagonal yellow stripes in the sections of the shared left turn lanes throughout the city where is it unsafe for vehicles to be.

Background:
On December 15, 2004, members of the Troy Police Department gave me a traffic ticket for "improper passing" because I entered the Livernois northbound left turn lane at Scottsdale Rd. This case was tried before Judge Drury on March 7, 2005 and I was found responsible for "improper lane use". No one contested that the traffic was backed up to Scottsdale Rd., or that the backup was the reason I moved over into the left turn lane there. The judge advised me that I was "not supposed to enter to make a left turn until there's the gate as it's called or break". However, the "What Every Driver Should Know" booklet published by the Michigan Dept. of State defines "Center lane. Left-turn-only" as being marked "with a solid yellow line with broken yellow lines on the inside edges", such as found the length of Livernois between Big Beaver and Wattles (and further north). It further states, "Left turns must be made from within this lane, and may be made from either direction."

Based on this information (and common practice) I had thought it was proper to enter the left turn lane when I did. However, the judge told me that it was dangerous, there had been fatalities in Troy and that was why the officers cited me.

Now my family and I refrain from moving into the center left turn lane until we reach the break in the lines and find that we are having near misses with other drivers who have not had the benefit of the lesson taught by Judge Drury or the Troy Police Department. This is why I am requesting the City to paint yellow diagonal stripes across the center lanes where it is unsafe for vehicles to be. Yellow diagonal stripes clearly indicate to drivers to stay out of the lane. I suggest these stripes be placed on the primary roads intersecting Wattles and Maple and also on Maple itself (when the roadwork is done) or wherever else these fatal accidents have occurred.

I am attaching the relevant portions of the court transcript for your information. I would appreciate a reply to this request and your recommendations for next steps for me to follow.
Thank you,

Barbara A Yagley

Attachments

ITEM 7

STATE OF MICHIGAN

IN THE DISTRICT COURT FOR THE 52-4 JUDICIAL DISTRICT

PEOPLE OF THE CITY OF TROY,

Plaintiff,

vs. District Court No. 04 006003 OI

BARBARA ANN YAGLEY,

Defendant,

_____/

FORMAL HEARING

BEFORE THE HON. DENNIS C. DRURY, DISTRICT JUDGE

Troy, Michigan Monday, March 7, 2005

APPEARANCES: ROBERT DAVISSON
Asst. Prosecuting Attorney
For the City of Troy
On Behalf of the People

BARBARA YAGLEY
In Pro Per

RECORDED BY: ROBIN A. NICE
District Court Recorder, CER 3139
(248) 528-0400

TRANSCRIBED BY: PEGGY A. KANAAN
Certified Electronic Recorder,
CER 6426
(248) 651-2990

FORM 740 PENGAD • 1-800-631-6989

FORM 740 PENGAD • 1-800-631-6989

17 THE COURT: -- how far south. But you also
18 neglected to think about the fact that people using
19 that lane that are making a left turn to come out of
20 any one of those driveways because they have a right
21 to use that left lane to merge into traffic that's
22 southbound. So as an example, and here's what happens
23 in Troy all the time, and I don't know how many
24 fatalities we've had but I can think of two or three
25 in the last five years. Traffic stops and being



2 courteous, they let somebody out of a driveway to get
3 into southbound lanes. And guess who they meet in the
4 left turn lane coming at a substantial rate of speed
5 northbound in the left turn lane passing the other
6 vehicles and you can't see the car and bam, you meet
7 each other. That's why they enforce it that way
8 because they don't want people to get hurt or killed.
9 Anyhow, I'm going to find you responsible but
10 I'll make it improper lane use. I'll give you that
11 because it's not supposed to be used to pass other
12 vehicles. You're not supposed to enter to make a left
13 turn until there's the gate as it's called or break
14 and -- so it will be a three point, not a four.
15 Is it a three point and not a four, or a two?
16 I don't know. Whatever it is, it's one point less,
okay?
17 MS. YAGLEY: All right.

31-6989

## Customer Service is a top priority

[illegible] Secretary of State Web site [illegible] and [illegible] at your fingertips. Michigan [illegible] with [illegible] of business with the Secretary [illegible] of State homes. Visit www.Michigan.gov/sos [illegible] Secretary of State services, programs [illegible]

### Skip the Trip — Save Time, Renew ON LINE!

Renewing your registration via the Internet is quick and easy. The Department of State now offers the ability to renew online for cars, trucks, motor homes, boats, trailers, motorcycles, jet skis and other watercraft. You can renew online 24 hours a day, 7 days a week at: www.Michigan.gov/sos.

Residents may also renew by touch-tone telephone or mail. Look for instructions about all of the renewal options in the brochure enclosed with your registration renewal notice. License plate tabs and watercraft decals will arrive by mail within 10 days.

### Fax-on-Demand

Fax-on-Demand allows you to use a touch-tone telephone to request copies of the department s forms and documents. To reach Fax-on-Demand, call 517/335-4FAX (4329). There is no charge for this service, except for the cost of the telephone call.

### Access for Disabled Individuals

Individuals with a disability will find Secretary of State branch offices in compliance with standards established by the Americans with Disabilities Act (ADA). If you need accommodation or have been denied services, telephone 517/322-1460 (voice) or 517/322-1477 (TTY).

### Sign Language Interpreters

Customers can request Ameslan (American Sign Language) interpreters in advance of a branch office visit or may use an interpreter they know. The Secretary of State compensates interpreters. For more information, call 517/322-1477 (TTY) or telephone the Michigan Relay Center at 800/649-3777.

### Foreign Language Tests

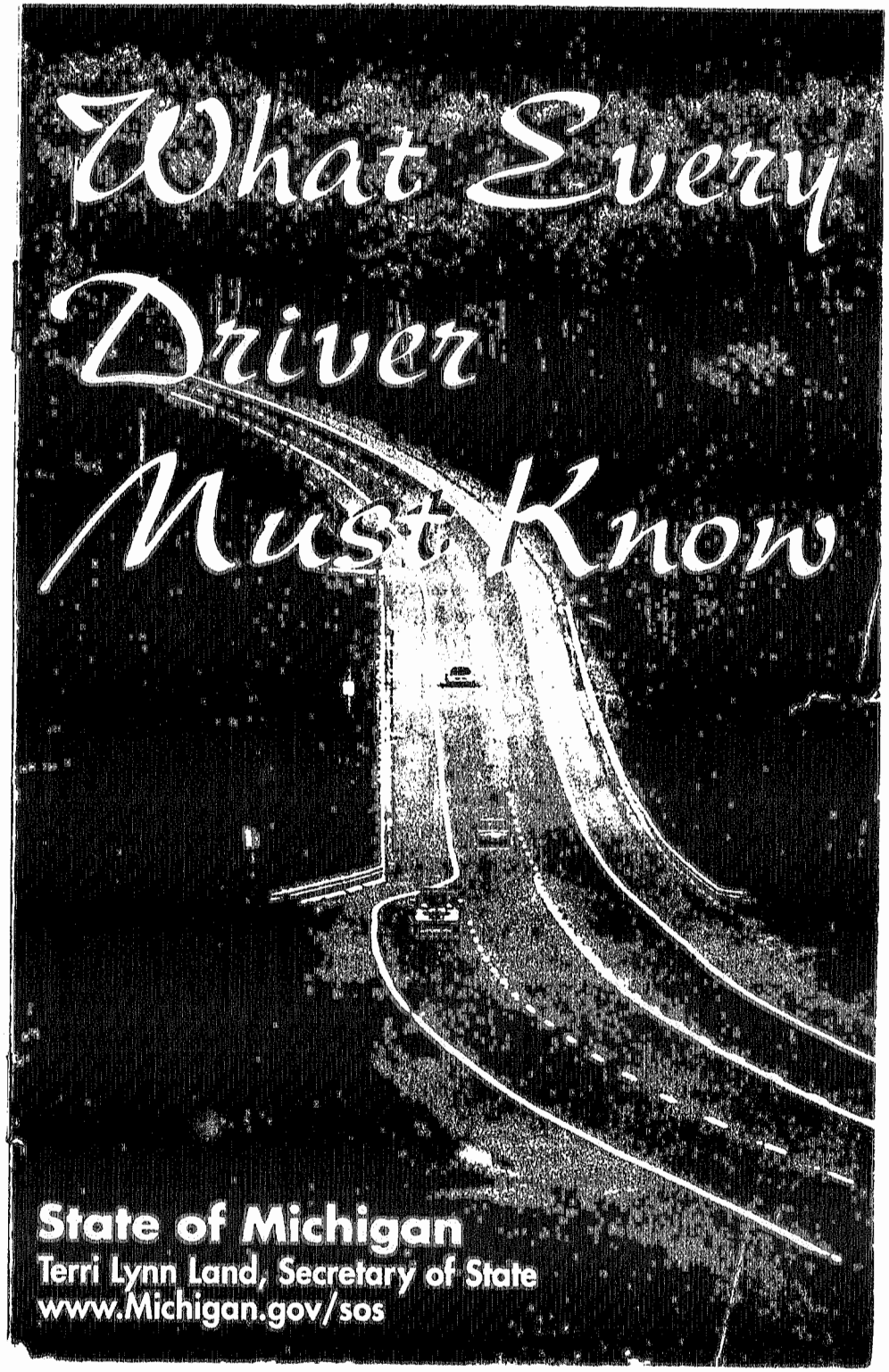
Original driver s license tests are available in many foreign languages, with English and Spanish versions available on audiotape.

### Evening Hours!

Most Secretary of State branch offices are open Wednesdays 11 a.m. to 7 p.m., providing convenient hours for customers with traditional workday hours. Branch offices are open Mondays, Tuesdays, Thursdays, and Fridays 9 a.m. to 5 p.m.

[illegible] general information not listed, telephone 517/322-1460.

Secretary of State
Terri Lynn Land
www.Michigan.gov/sos



acceleration and deceleration lanes, and other parts of the road where lane changes are considered dangerous.

A double solid white line is used to show a travel path where driving in the same direction is permitted on both sides of the line, but crossing the line is prohibited.

These lines are used to separate traffic for safety reasons such as bicycle ways, pedestrian ways, or where one lane of traffic is usually traveling at a higher speed than the other lane:

- **Crosswalk lines:** Solid white lines mark many pedestrian crosswalks. When these lines are used, they go all the way across the pavement. Notice them at intersections and, sometimes, between intersections. Stop the vehicle behind the crosswalk line.
- **Stop lines:** Wide white lines painted across a traffic lane mark where you must stop the vehicle at intersections. This keeps the vehicle out of the way of pedestrians and cross traffic. If there are no stop lines or crosswalks, stop the vehicle before entering the intersection. You should be able to see traffic from all directions.

Yellow lines separate vehicle traffic lanes moving in opposite directions. They include:

- **Broken yellow lines:** A single broken yellow line usually marks the centerline of a two-way roadway where a vehicle may pass, if it is safe.
- **Solid yellow lines:** If a solid yellow line is on your side of the centerline of a roadway, do not cross over it to pass. On a four-lane divided roadway or a one-way road, a solid yellow line usually marks the left edge of the pavement. A double solid yellow line down the middle of a two-lane roadway means that passing is not allowed for vehicles traveling in either direction.
- **Center lane, left-turn-only:** Many roads have a left-turn-only lane to help traffic flow more smoothly. Each outside edge of this lane is marked with a solid yellow line with broken yellow lines on the inside edges. Left turns must be made from within this lane, and may be made from either direction. Using this lane to pass other vehicles or as a merge lane is both dangerous and illegal.



## Signals

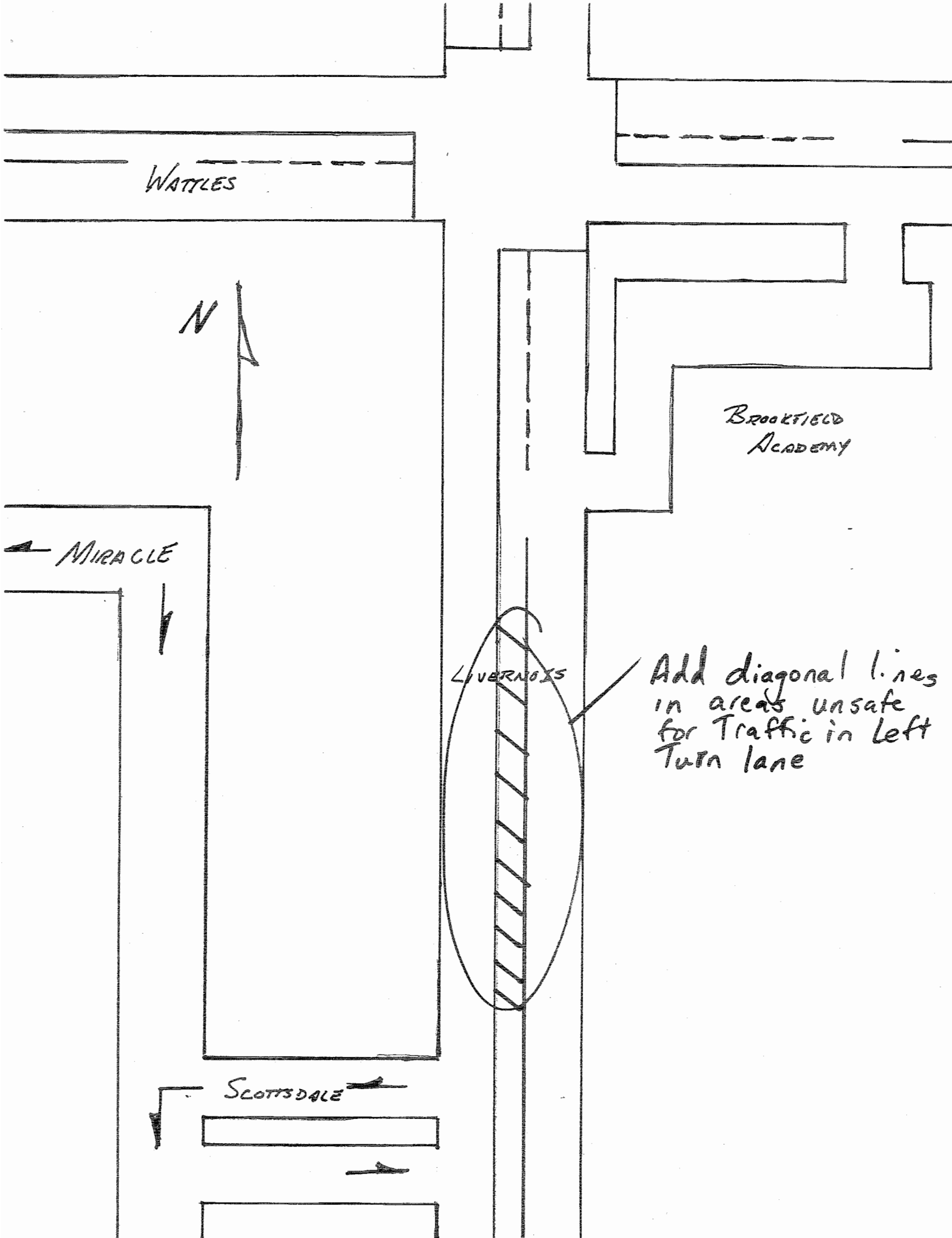
Traffic signals control traffic at intersections. Do not drive across public or private property, such as a store parking lot, to avoid a traffic control device. Combinations of traffic signals, signs, pavement markings, and other traffic control devices may be used at railroad crossings, schools, street and highway construction, and maintenance operations. Pedestrian signals control pedestrian traffic. Always give the right-of-way to pedestrians.

### Traffic Control Signals

A red light means stop. It is at the top of a traffic signal in Michigan. Stop the vehicle behind a crosswalk or stop line. A yellow light means the green signal has ended and the signal is about to turn red. You are required to stop on a yellow light. If you cannot stop safely, do not speed up but drive cautiously through the intersection. A green light means proceed cautiously after checking for pedestrians and vehicles. If a traffic light is not working at an intersection, and there are no law enforcement officers or alternate traffic signal devices present to control the flow of traffic, you should treat the intersection as a four-way stop.

(Left turn)

The 5-section head signal, or "doghouse signal," is used to regulate left and right turns at intersections. This type of signal has a red light on top, a green and yellow turn arrow, and a green and yellow light. When the green arrow is lit, turning drivers have a "protected turn,"


WATTLES
N
BROOKFIELD ACADEMY
MIRACLE
LIVERNOIS
Add diagonal lines in areas unsafe for Traffic in Left Turn lane
SCOTTSDALE

June 13, 2005

TO: John Szerlag, City Manager

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

SUBJECT: Agenda Item - Private Agreement for Stone Haven Woods East No. 2 Property Splits - Project No. 04.914.3

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

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

Approval is recommended.

cc: Tonni Bartholomew, City Clerk (Original Agreement)
James Nash, Financial Services Director
Carol Anderson, Director of Parks and Recreation
Mark Miller, Planning Director
Nino Licari, City Assessor
Timothy Richnak, Director of Public Works
William Jawlik, Inspector Supervisor.
Mondrian Properties

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

Enclosed Private Agreement, Detailed Summary, Sketch and Suggested Resolution

G:\Projects\Projects - 2004\04.914.3 - Stonehaven Woods East No. 2 Site Condominium\Private Agreement Cover Letter.doc

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

| | |
|---|---|
| PROJECT NO. 04.914.3 | PROJECT LOCATION: NE ¼ Sec 20 |
| 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 **Mondrian Properties** whose address is **1111 West Long Lake Rd., Suite 103, Troy, MI 48098** and whose telephone number is **248-833-0242** hereinafter referred to as "Owners".

**WITNESSETH, FIRST**: That the City agrees to allow the installation of **Sanitary sewer, storm sewer, water main, paving, sidewalks and soil erosion** in accordance with plans prepared by **Professional Engineering Associates** whose address is **2430 Rochester Ct., Suite 100, Troy, MI 48083** and whose telephone number is **248-689-9090** 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 **$ 173,352.00**. This amount will be transmitted to the City Clerk for installation of said improvements in the form of (check one):

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

Said funds shall be placed on deposit with the City upon the execution of this contract and shall be disbursed to the owner by the City only upon presentation of duly executed waivers of lien and sworn statements satisfactory to the City, and after final inspection and approval by the Engineering Department for the City. In addition, the owners agree to deposit and contribute **$40,943.00** cash fee per the attached **Detailed Summary of Required Escrow Deposits Cash Deposits and Cash Fees.**

RECEIVED
JUN 08 2005
ENGINEERING

# CONTRACT FOR INSTALLATION OF MUNICIPAL IMPROVEMENTS

## (PRIVATE AGREEMENT)

| | |
|---|---|
| PROJECT NO. 04-914.3 | PROJECT LOCATION: NE ¼ Sec 20 |
| 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 **$214,295.00** for the construction of said public utilities in lieu of the establishments of any special district by the City. Further, owners acknowledge that the benefit to their property conferred by the improvement is equal to, or in excess of, the aforementioned amount.

**FIFTH:** Owners agree that if, for any reason, the total cost of completion of such improvement shall exceed the sum deposited with the City in accordance with Paragraph SECOND hereof, that Owners will immediately remit such additional amount to the City upon request and City will disburse such additional amount in accordance with Paragraph SECOND hereof. In the event the total cost of completion shall be less than the sum deposited with City in accordance with Paragraph SECOND hereof, City will reimburse to the Owners the excess funds remaining after disbursement of funds.

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

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

PROJECT NO. 04.914.3 | PROJECT LOCATION: NE ¼ Sec 20

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:

JOSEPH MANIACI, MONDRIAN PROPERTIES MEMBER

Please Print or Type

_____

Please Print or Type

CITY OF TROY

By:

_____

Louise E. Schilling, Mayor

_____

Tonni Bartholomew, City Clerk

STATE OF MICHIGAN, COUNTY OF OAKLAND

On this _____ 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 Performance Bond, Cash Fees and Cash Deposits
Stonehaven Woods East No. 2 Site Condominiums - Project No. 04.914.3
4 Units - Section 20

**PERFORMANCE BOND:**

| | |
|---|---|
| Sanitary Sewers | $30,150 |
| Water Mains | $17,805 |
| Storm Sewers | $31,215 |
| Rear Yard Drains | $13,170 |
| Pavement - CONCRETE | $55,350 |
| Grading | $5,000 |
| Soil Erosion Control Measures | $432 |
| Monuments and Lot Corner Irons | $305 |
| Temporary Access Road | $2,000 |
| Sidewalks - ON SITE | $2,925 |
| Sidewalks - OFF SITE | $9,000 |
| Deposit for the Repair of Damage to Existing Public Streets Used for Access | $6,000 |
| **TOTAL PERFORMANCE BOND** | **$173,352** |

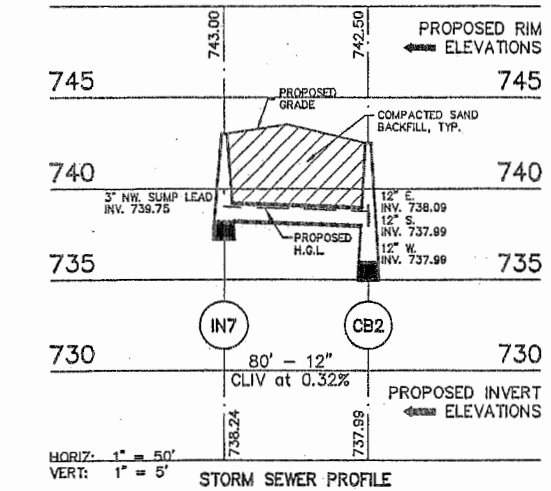
**CASH FEES (NON-REFUNDABLE):**

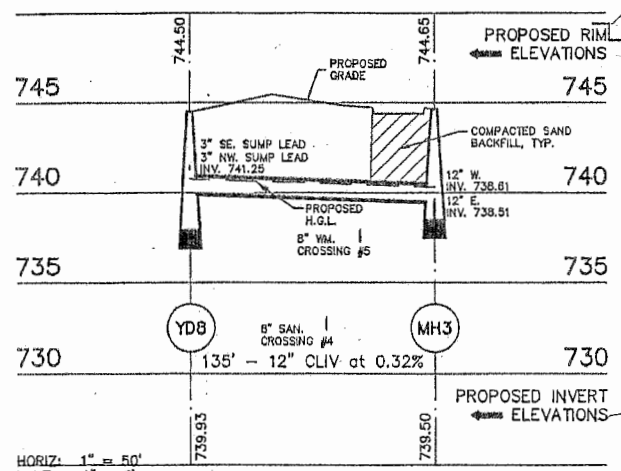
| | |
|---|---|
| Water Main Testing and Chlorination | $650 |
| Street Name and Traffic Signs | $246 |
| Soil Erosion and Sedimentation Control Permits | $433 |
| Testing Services | $2,600 |
| Engineering Review and Inspection | $13,469 |
| **TOTAL CASH FEES (NON-REFUNDABLE):** | **$17,399** |

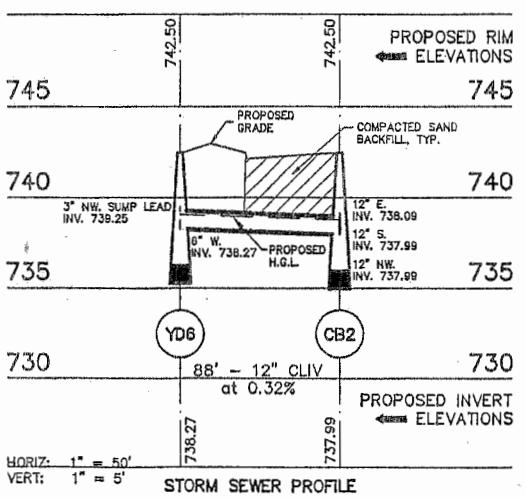
**CASH DEPOSITS (REFUNDABLE):**

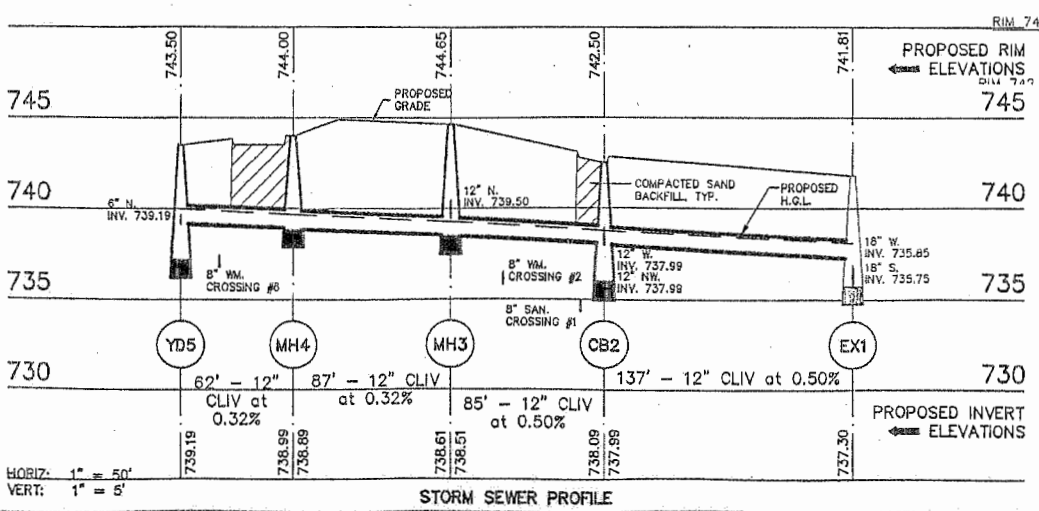
| | |
|---|---|
| Sidewalk Closures | $324 |
| Deposit for Maintenance & Cleaning of Ex. Public Streets Used for Access | $2,000 |
| Punchlist & Restoration | $21,220 |
| **TOTAL CASH DEPOSITS (REFUNDABLE):** | **$23,544** |

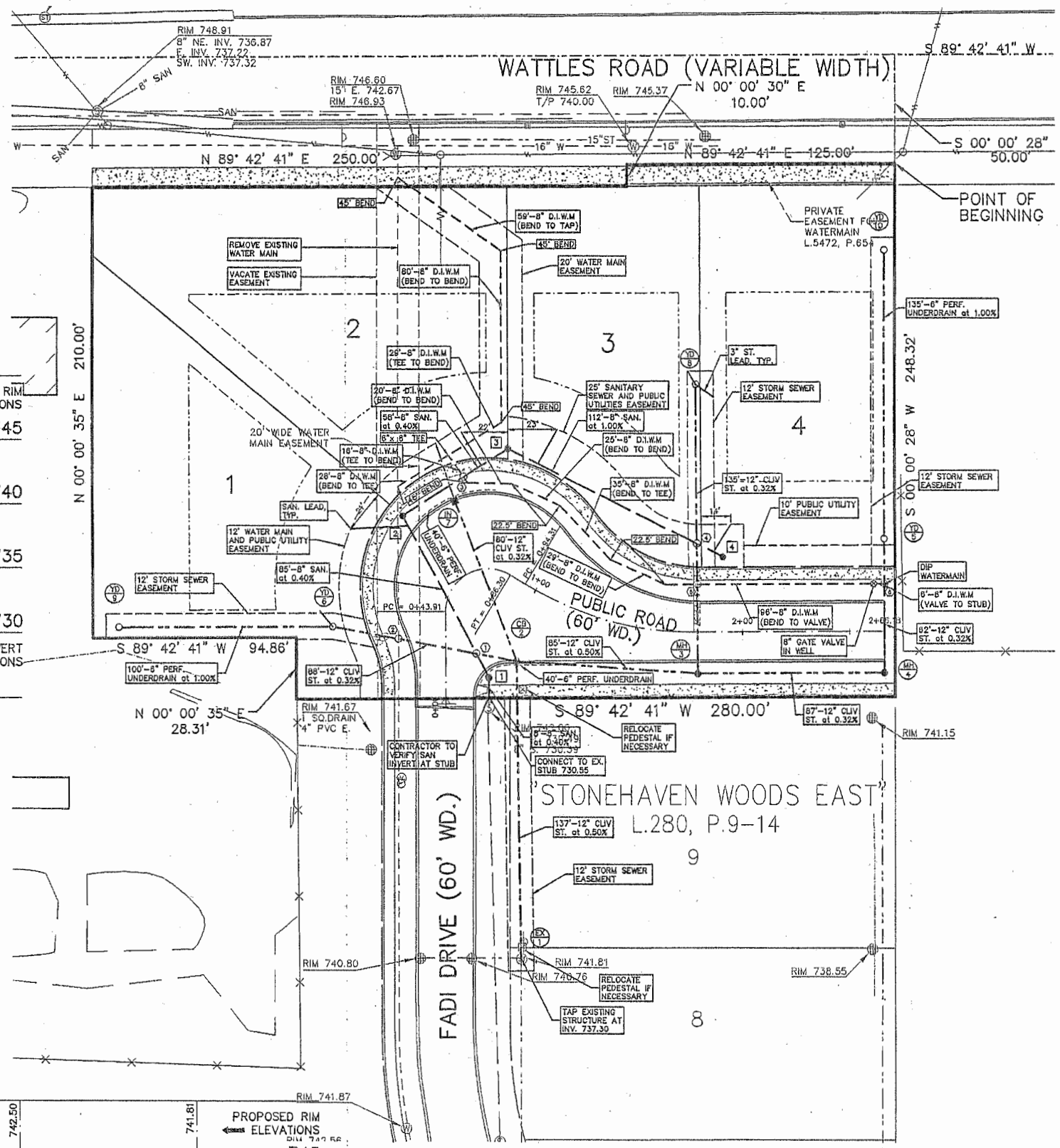
Stormwater detention for this development will be provided by the existing detention basin in Stonehaven Woods East Subdivision
Engineer: Professional Engineering Associates
Developer: Mondrian Properties



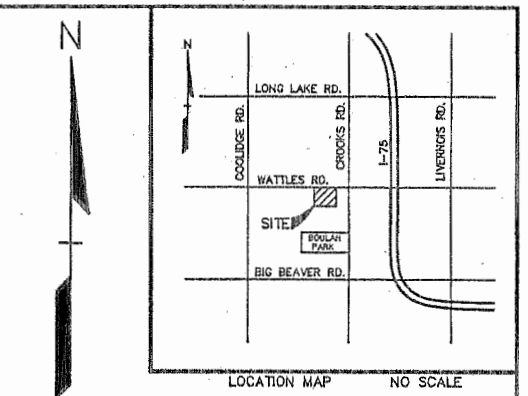




## PIPE CROSSINGS TABLE

| Crossing Number | Pipe 1 | Pipe 2 | Clearance |
|---|---|---|---|
| 1 | 12" ST B/P= 737.90 | 6" SAN T/P= 734.81 | 3.26 |
| 2 | 12" ST B/P= 736.00 | 8" WM T/P= 734.50 | 1.50 |
| 3 | 6" SAN T/P= 736.21 | 8" WM B/P= 734.90 | 1.75 |
| 4 | 12" ST B/P= 739.63 | 8" SAN T/P= 736.42 | 3.11 |
| 5 | 12" ST B/P= 739.40 | 8" WM T/P= 737.90 | 1.50 |
| 6 | 12" ST B/P= 736.85 | 8" WM T/P= 737.45 | 1.50 |

## SANITARY SEWER LEAD TABLE

| Lot # | Lead Length | Lead Inv. at Main | Riser At Main | Lead Slope | Inv. at End (inc. Riser) |
|---|---|---|---|---|---|
| Lot 1 | 27 | 734.27 | 1 | 1.99% | 730.08 |
| Lot 2 | 18 | 734.01 | 1 | 8.90% | 730.60 |
| Lot 3 | 18 | 734.94 | 1 | 4.23% | 730.70 |
| Lot 4 | 15 | 735.80 | 0 | 1.14% | 730.03 |




LOCATION MAP NO SCALE

GRAPHIC SCALE

-30 0 15 30 60 120

( IN FEET )
1 inch = 30 ft.

NOTES:

1. NO PHYSICAL CONNECTION TO THE EXISTING WATER MAIN CAN BE MADE UNTIL THE NEW WATER MAIN PASSES ALL PRESSURE AND BACTERIOLOGICAL TESTS.
3. ALL WATER MAIN SHALL BE CLASS 54 DUCTILE IRON W/ POLYETHLENE WRAP.
4. REFER TO CITY OF TROY STANDARD NOTES AND DETAILS INCLUDED WITH THIS SET.
5. SEE SANITARY SEWER BASIS OF DESIGN ON DWG. NO. C-7.
7. ANY TRENCHES UNDER OR WITHIN THREE (3) FEET OF THE 45° ZONE OF INFLUENCE OF PROPOSED BUILDING FOUNDATIONS SHALL BE BACKFILLED WITH SAND COMPACTED TO 95% OF MAXIMUM UNIT WEIGHT
8. SANITARY SEWER LEADS SHALL BE BACKFILLED WITH SAND FOR THE ENTIRE LENGTH WITHIN ROAD RIGHT-OF-WAY.
9. ALL 6" SANITARY SEWER SHALL BE A.B.S. COMPOSITE PIPE ON CLASS B BEDDING.
10. ALL 6" SEWER LEADS SHALL BE P.V.C. SOLID WALL PIPE, SDR 23.5.
11. ALL WATER MAIN IS TO BE INSTALLED TO A DEPTH OF 6' BELOW FINISH GRADE.

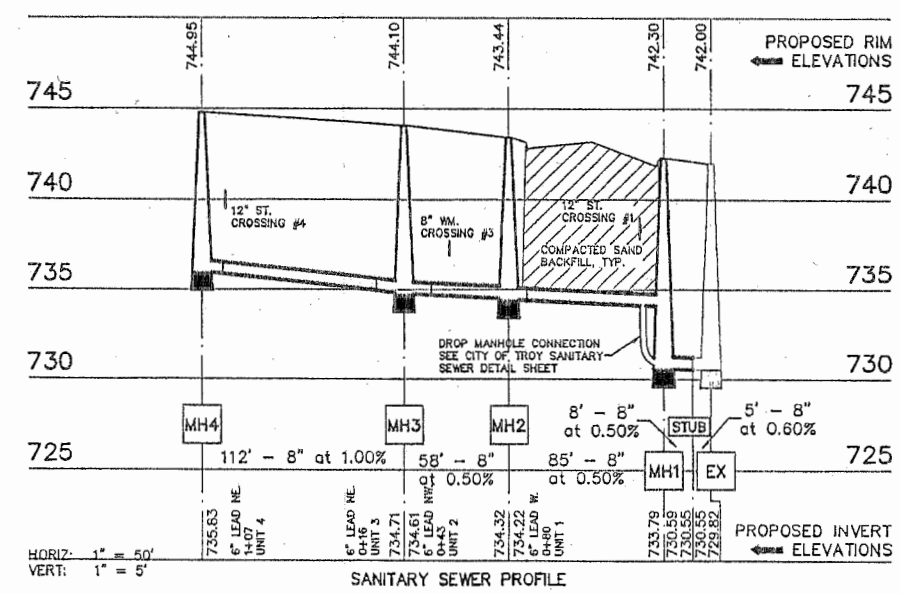
## LEGEND

IRON FOUND
IRON SET
NAIL FOUND
NAIL & CAP SET
BRASS PLUG SET
MONUMENT FOUND
MONUMENT SET
SEC. CORNER FOUND
R RECORDED
M MEASURED
C CALCULATED

EXISTING / PROPOSED

ELEC., PHONE OR CABLE TV OHL LINE, POLE & GUY WIRE
UNDERGROUND CABLE TV
TELEPHONE U.G. CABLE, SPLICING BOX & MANHOLE
ELECTRIC U.G. CABLE & MANHOLE
GAS MAIN & VALVE
WATERMAIN, HYD., GATE VALVE, TAPPING SLEEVE & VALVE
SANITARY SEWER, CLEANOUT & MANHOLE
STORM SEWER, CLEANOUT & MANHOLE
COMBINED SEWER & MANHOLE
CATCH BASIN
INLET (NO INCOMING LINES)
YARD DRAIN (2' DIA. & SMALLER)
POST INDICATOR VALVE
WATER SERVICE SHUTOFF, HYDRANT VALVE BOX
MAILBOX
UNIDENTIFIED STRUCTURE
POINT ELEVATION (AT CROSSING)
AS BUILT ELEVATION
CONTOUR LINE
FENCE
GUARD RAIL
STREET LIGHT
SIGN
SAND BACKFILL
CONCRETE
ASPHALT
WETLAND
GRAVEL SHOULDER

STANDARD DUTY, HEAVY DUTY, DEEP STRENGTH




SYMBOLS

- CITY OF TROY STANDARD 2' DIAMETER PAVEMENT INLET
- CITY OF TROY STANDARD 4' DIAMETER CATCHBASIN
- CITY OF TROY STANDARD 4' DIAMETER MANHOLE
- CITY OF TROY STANDARD 3' DIAMETER REAR YARD CATCHBASIN

CAUTION !!!

THE LOCATIONS AND ELEVATIONS OF EXISTING UNDERGROUND UTILITIES AS SHOWN ON THIS DRAWING ARE ONLY APPROXIMATE. NO GUARANTEE IS EITHER EXPRESSED OR IMPLIED AS TO THE COMPLETENESS OR ACCURACY THEREOF. THE CONTRACTOR SHALL BE EXCLUSIVELY RESPONSIBLE FOR DETERMINING THE EXACT UTILITY LOCATIONS AND ELEVATIONS PRIOR TO THE START OF CONSTRUCTION.

3 WORKING DAYS BEFORE YOU DIG CALL MISS DIG 1-800-482-7171 (TOLL FREE)

CONSTRUCTION CONTRACTOR AGREES THAT IN ACCORDANCE WITH GENERALLY ACCEPTED CONSTRUCTION PRACTICES, CONSTRUCTION CONTRACTOR WILL BE REQUIRED TO ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR JOB SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THE PROJECT, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY; THAT THIS REQUIREMENT SHALL BE MADE TO APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS, AND CONSTRUCTION CONTRACTOR FURTHER AGREES TO DEFEND, INDEMNIFY AND HOLD DESIGN PROFESSIONAL HARMLESS FROM ANY AND ALL LIABILITY, REAL OR ALLEGED, IN CONNECTION WITH THE PERFORMANCE OF WORK ON THIS PROJECT EXCEPTING LIABILITY ARISING FROM THE SOLE NEGLIGENCE OF THE DESIGN PROFESSIONAL.

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C-5 UTILDWG
X-REF: C-BASEDWG

| No. | By | Ck. | Revisions (Description) | Date |
|---|---|---|---|---|
| 1 | TJS | JEC | Revised per City of Troy Review | 1-10-05 |

MONDRIAN PROPERTIES
1111 WEST LONG LAKE RD., SUITE 103
TROY, MICHIGAN 48098

# UTILITY PLAN AND PROFILES
## STONEHAVEN WOODS EAST NO. 2 SITE CONDOMINIUM

PART OF THE NE. 1/4 OF SECTION 20, T.2N., R.11E.
CITY OF TROY, OAKLAND COUNTY, MICHIGAN

| DES. JEC | SUR. --- | SCALE 1" = 30' | JOB NO. 2004-247 |
|---|---|---|---|
| DN. JEC | P.M. DNH | DATE 11-5-04 | DWG. NO. C-5 |

PEA
PROFESSIONAL ENGINEERING ASSOCIATES
2430 Rochester Ct. Suite 100
Troy, MI 48083-1872
(248) 689-9090

DATE: June 13, 2005

TO: John Szerlag, City Manager

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

SUBJECT: Agenda Item - Request from First Baptist Church of Troy for Temporary Suspension of Chapter 47, House Trailers

We have received a request from Philip Fitzgerald, Business Manager of the Troy Baptist Church for the temporary suspension of Chapter 47 of the Troy City Code regarding the placement of an on-site motor home on their site from July 28, 2005 through August 7, 2005. A visiting pastor and his family will use the motor home during his stay at the church. Similar requests have been approved in the past without incident.

We will be happy to provide additional information regarding this request if you desire.

Prepared by: Mark Stimac, Director of Building and Zoning

# FIRST BAPTIST CHURCH OF TROY

2601 JOHN R, TROY, MI 48083 • (248) 689-4555 • www.fbctroy.org • Fax: (248) 689-3441

MICHAEL W. HARDING
Senior Pastor

RECEIVED
JUN 09 2005
BUILDING DEPARTMENT

June 9, 2005

Mr. Mark Stimac
Building Department
City of Troy
500 West Big Beaver
Troy, MI 48084

Dear Mr. Stimac,

First Baptist Church of Troy is requesting a variance to allow a visiting Pastor to park and occupy his recreational vehicle on our church property during a week of special meetings. He will be using his pull behind camper on our property July 28–August 7, this will allow him flexibility in the exact arrival and departure date from our church.

Please grant a temporary suspension of Chapter 47, House Trailer, of the Code of the City of Troy.

Please contact me if you have any questions, or if there is anything else I need to do in order to have this variance decided upon by the Council at the next possible meeting.

Sincerely,

Philip Fitzgerald
Business Manager
fitz@fbctroy.org

TAKING THE WORD TO THE WORLD

June 8, 2005

To: John Szerlag, City Manager

From: Brian Murphy, Assistant City Manager/Services
Carol Anderson, Parks and Recreation Director

Subject: Agenda Item: Medi-Go Service Agreement

Recommendation

Attached please find the annual agreement with Troy Medi-Go for 2005-2006. This agreement states that the City will fund Medi-Go $170,000.00.

The funding is the same as in 2004-2005 and is the amount that has been approved by City Council for the 2005-2006 budget.

_____
Reviewed and Approved by City Attorney's Office

Prepared by Carla Vaughan

# AGREEMENT BETWEEN
# THE CITY OF TROY, MICHIGAN AND TROY MEDI-GO

This agreement is made by and between the City of Troy, Michigan, a Michigan municipal corporation, whose address is 500 W. Big Beaver Road, Troy, Michigan 48084, hereinafter called "Troy", and Troy Medi-Go, a Michigan non-profit corporation whose address is 3179 Livernois, Troy, Michigan 48083, hereinafter called "Medi-Go".

## PURPOSE

To provide financial support from Troy to Medi-Go for the purpose of maintaining a program to provide transportation service for senior citizens and physically handicapped residents of Troy, Michigan.

## MEDI-GO RESPONSIBILITIES:

Medi-Go shall provide the following services for senior citizens and physically handicapped individuals who are residents of Troy through the fiscal year, July 1,2005, through June 30, 2006:

1. Provide four (4) passenger vans with handicapped lifts operating approximately forty (40) hours per week.

2. Provide experienced and properly licensed drivers to operate the passenger vans. Those drivers' traffic records shall be screened by Medi-Go to insure that those drivers have good driving records and will not be a threat to the users health, safety or welfare.

3. Arrange for storing the passenger vans.

4. Provide a central scheduling person to implement the transportation services.

## MEDI-GO FURTHER AGREES:

1. To maintain fiscal records and files, including appropriate income and expense ledgers.

2. To permit an independent auditor representing Troy to audit accounts of income and expenses relating to Troy's contribution with findings to be submitted to Troy.

3. To comply with all state and local regulations covering the use of passenger vans.

4. To indemnify, save and hold harmless Troy, 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, be caused directly by or in any way relate to the service provided by, or any act or omission of Medi-Go or its officers, directors, employees, agents or volunteers.

5. To furnish information requested by Troy indicating the use of the service by the senior citizens and handicapped residents of Troy.

6. Prior to execution of this Agreement by Troy, Medi-Go shall furnish a copy of a certificate of insurance indicating coverage for general liability, automobile liability and workers' compensation liability. Medi-Go shall maintain insurance as set out in this paragraph during the term of this Agreement.

7. Medi-Go shall not assign this Agreement to any other individual or entity without Troy's prior approval.

**TROY'S RESPONSIBILITIES:**

1. Provide general fund payment of $170,000.00 or entire municipal community credits transferred from SMART (whichever is more) to be paid on or after July 1, 2005. (Intent is for Medi-Go to receive $170,000 total funding.)

2. Recognize Medi-Go's autonomy in determining its own personnel and operating policies.

3. Assist, if possible, in disseminating information about the service to senior citizens and handicapped residents of Troy.

4. Make available at the Troy Community Center information regarding the Medi-Go service.

**AGREEMENT PERIOD:**

This agreement is in full force and effect from July 1, 2005, through June 30, 2006.

**CONTRACT APPROVAL:**

**CITY OF TROY**

By: _____ By: _____
Louise Schilling, Mayor Tonni Bartholomew, City Clerk

Date:_____ Date:_____

**TROY MEDI-GO**

By: Ron Ristau By: David P. Mayville
Ron Ristau, President Dan Mayville, Treasurer

Date: 6-1-05 Date: 6-1-05

June 14, 2005

TO: John Szerlag, City Manager

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

RE: AGENDA ITEM – Request for Acceptance of Warranty Deed from David Willison Company for Detention Basin – Section 4, Sidwell #88-20-04-454-005

As part of the Willison-Troy Farms Subdivision, located in Section 4, north of Square Lake Road between Elmoor and Blackwell, the Real Estate & Development Department received a Warranty Deed for a detention basin. The developer has now met all engineering and landscaping requirements.

Management recommends that City Council accept the attached Warranty Deed. The consideration on this document is $1.00.

Prepared by: Larysa Figol, Right of Way Representative

DETENTION BASIN
WILLISON-TROY FARMS SUBDIVISION
SECTION 4
SIDWELL #88-20-04-454-005

WARRANTY DEED

Sidwell #88-20-04-454-005
Project #
Parcel #
Resolution #

The Grantor(s), David Willison Company, a Michigan Corporation, whose address is 718 Browning Court, Bloomfield Hills, MI 48304 convey(s) and warrant(s) to The City of Troy, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver, Troy, Michigan 48084, the following described premises situated in the City of Troy, County of Oakland and State of Michigan:

STORM WATER DETENTION SITE, WILLISON-TROY FARMS SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN LIBER 251, PAGE 1-3 OF PLATS, OAKLAND COUNTY RECORDS, PART OF THE SOUTHEAST 1/4 OF SECTION 4, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN.

For the sum of One Dollar ($ 1.00)

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

Dated this 12TH day of DECEMBER, 1997.

Signed in presence of:

* Diana Manzo
* Diana Manzo

Judy Handzo
Judy Handzo

Signed:

DAVID WILLISON COMPANY

By J. David Willison
Its President DAVID WILLISON CO.

By Mildred Willison
Its VICE PRESIDENT

STATE OF MICHIGAN
COUNTY OF Oakland )

The foregoing instrument was acknowledged before me this 12th day of December, 1997, by J. David Willison, the President of David Willison Company, a Michigan corporation, on behalf of the corporation.

* Diana Manzo
DIANA MANZO

Notary Public, acting in Oakland County,
My commission expires: DIANA MANZO
Notary Public, Macomb County, MI
My Commission Expires Feb. 11, 2001

| County Treasurer's Certificate | City Treasurer's Certificate |
|---|---|
| | |

| When recorded return to: | Send subsequent tax bills to: | Drafted by: |
|---|---|---|
| City Clerk<br>City of Troy<br>500 West Big Beaver<br>Troy, MI 48084 | Grantee | Patricia A. Petitto<br>City of Troy<br>500 West Big Beaver<br>Troy, MI 48084 |

Tax Parcel #_____ Recording Fee _____ Transfer Tax _____

**TYPE OR PRINT NAMES UNDER SIGNATURES*

May 25, 2005

TO: John Szerlag, City Manager

FROM: Charles T. Craft, Chief of Police
Gary Mayer, Support Services Captain

SUBJECT: Agenda Item - Inmate Telephone Agreement

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RECOMMENDATION:

The Police Department recommends that the City enter into a renegotiated Inmate Telephone Agreement with Michigan Paytel, Inc. The agreement will give Paytel the exclusive rights to install and operate telephones for inmate use within the Police Department Lockup facility. The City will receive a 40% commission on the monthly fees collected by Paytel from the inmate telephones. The agreement will be for 6 years. It will renew for successive like periods, unless the Police Department provides written notice to Paytel at least 90 days in advance of the end of a 6-year term of its intent to terminate the agreement.

The Police Department receives 20% commission from Paytel through the current contract. Commission amounts vary from month to month based upon telephone usage. The Police Department does not pay anything for the telephones or service. The new agreement will increase revenue from commission by 100%.

The Police Department believes that Paytel is the sole source provider for the hardware and online tracking software available through this agreement. Paytel has already installed 8 hands free flush mount speakerphones in the Lockup holding cells as a result of its current agreement with the City.

BACKGROUND:

The City of Troy entered into an Inmate Telephone Agreement with Michigan Paytel, Inc. on July 5, 1995. The original agreement automatically renews itself every 4 years and is currently in effect. It gives Paytel exclusive rights to install and operate telephones for inmate use in the Lockup holding cells. It also gives the Police Department 20% commission of net monthly fees collected by Paytel as reimbursement of expenses for oversight. The Police Department can terminate the agreement, if it notifies Paytel in writing at least 90 days in advance of the end of a 4-year term of the contract.

Reviewed as to form and legality: _____ _____
Lori Grigg Bluhm, City Attorney Date

Prepared by: Michael P. Lyczkowski, Services Section Lieutenant

**INMATE TELEPHONE AGREEMENT**

This Agreement is made this day of _____, 2005, between MICHIGAN PAYTEL, INC., (Paytel), a Michigan corporation, whose address is 30800 Telegraph Road, Suite 2930, Bingham Farms, Michigan 48025, and the Troy Police Department, whose address is 500 West Big Beaver, Troy, MI 48084 (Customer), agree as follows:

1. **License to Install Telephones**. Customer grants Paytel for the term of this Agreement the exclusive right to install and operate telephones for inmate use and to act as Customer's limited agent for telephone services for said telephones. Customer appoints Paytel as its limited agent to deal with the local telephone company with respect to all matters relating to the installation, maintenance and repair only of the inmate telephones lines.

2. **Prohibition on Other Installations** Customer agrees to prohibit the installation of any other inmate telephones for the term of this Agreement and any renewals. Customer shall not install or permit installation or use of any inmate telephones or similar equipment in the holding cells of the Customer by anyone other than Paytel during the term of this Agreement.

3. **Payment of Commissions.** Customer will receive a monthly commission of forty (40%) percent on the monthly fees collected by Paytel from the inmate telephones while they are in place on the Customer's premises as reimbursement of Customer's expenses for oversight. Payments shall be made to Customer by the 45th day following the end of the month for which service has been provided. Upon request by the Customer, Paytel shall make available for inspection and copying records relating to the computation of the commissions due Customer.

4. **Term of Agreement**. Subject to the termination provisions below, the term of this Agreement is for a period of six (6) years commencing with Paytel’s acceptance. This Agreement shall renew for successive like periods unless Paytel receives written notice, by certified mail and return receipt requested, at least ninety (90) days prior to the expiration of the term that Customer wishes to terminate this Agreement. Paytel shall be responsible for removal of all equipment at its sole expense at the end of the term.

5. **Installation and Maintenance of Equipment.** Paytel shall maintain the inmate telephones in good working order at no cost to the Customer. Paytel shall have reasonable access to the premises during normal business hours to install, inspect and repair the inmate telephones. Customer shall make reasonable efforts to prohibit persons from

opening, adjusting, removing, disconnecting, repairing, replacing, or altering the inmate telephones in any way. The telephones are and will remain the sole property of Paytel.

6. **Default; Termination; Removal of Equipment.** If Paytel defaults in performance of its payment obligations or its maintenance and service obligations under paragraph 5, and such default remains uncured for thirty (30) days (unless such cure period is extended an additional time period not exceeding thirty (30) days), then Customer shall have the right to terminate this Agreement by giving written notice of such intention to Paytel. With respect to defaults other than defaults by Paytel in its payment obligations or maintenance and service obligations, the non-defaulting party shall have the right to declare this Agreement terminated and expired if the defaulting party fails to cure the default within forty-five (45) days after written notice of such default is given to the defaulting party. In such case, Paytel shall immediately arrange for the removal of its telephones at its sole expense and shall restore Customer's property to substantially the same condition as existed prior to the installation of such telephones.

7. **Assignment.** This Agreement shall be binding upon and inure to the benefit of the successors and assigns of the parties. Paytel shall give the Customer written notice of any assignment of the Agreement. Customer shall have the right to approve the assignment of the Agreement by Paytel. If Customer does not approve of the assignment of the Agreement by Paytel, the Customer may terminate the Agreement by written notice sent within ninety (90) days after Paytel’s written notice of assignment.

8. **Protection of Equipment.** Customer shall be responsible for taking reasonable precautions (a) to protect Paytel’s property from damage, vandalism, theft or hazardous conditions and reporting any service failures to Paytel and (b) prohibit any person (other than employees, contractors, or agents of Paytel) from connecting, disconnecting, moving or altering any of Paytel’s public telephone equipment.

9. **Authority.** Each party represents that it has the authority to enter into this Agreement and the persons signing this Agreement on behalf of a party represents that he or she has been properly authorized and empowered to enter into this Agreement.

10. **Hold Harmless.** To the fullest extent permitted by law, Paytel agrees to defend, pay on behalf of, and hold harmless the Customer, its elected and appointed officials, all employees and volunteers working on behalf of the

Customer, its boards, commissions, and/or authorities, including employees and volunteers thereof, against any and all claims, demands, suits, or loss, including all costs and attorney fees connected therewith, for any damages which may be asserted or recovered against or from the Customer, its elected and appointed officials, its employees or volunteers, working on behalf of the Customer, its boards and/or authorities, including employees and volunteers thereof, by reason of personal injury, including bodily injury, death and or property damage including loss of use thereof, which arise out of or in connection with the operations or acts of commission or omission by Paytel under this Agreement, including, but not limited to any acts by its officers, agents, employees, workmen or independent contractors, whether arising in whole or in part from such operations or acts.

11. **Insurance Requirements.** Paytel shall procure and maintain insurance with the Customer named as an additional insured with the following language: "As respects Comprehensive General Liability Insurance, it is understood and agreed that the following shall be additional insureds: Customer, including all elected and appointed officials, all employees and volunteers, all boards, commissions and/or authorities and their board members, employees and volunteers, all board members, employees and volunteers. This coverage shall be primary to the additional insureds, and not contributing with any other insurance or similar protection available to the additional insureds, whether said other available coverage be primary, contributing or excess." Thirty (30) days advance written notice of insurance cancellation, non-renewal, and/or material change in coverage, will be provided to the Customer. The limits of Liability shall be no less than One Million Dollars ($1,000,000.00) per occurrence, and/or aggregate combines single limited for Personal Injury, Bodily Injury and Property Damage.

12. **Conflict of Interest.** Subsequent to entering into this Agreement, if any City official, his or her spouse, child or parent shall become directly or indirectly interested in this Agreement, the Customer shall have the right to terminate this Agreement without further liability if the disqualification has not been removed within thirty (30) days after the Customer has given notification to the disqualifying interests. The City official shall have no vote on any issue involving the Agreement during said thirty (30) days period.

13. **Non-Discrimination.** Paytel shall, when applicable, comply with the requirements of all Federal, State and local laws and ordinances and regulations relating to minimum wages, social security, unemployment compensation insurance,

and Worker's Compensation, and shall not discriminate against any employee or applicant for employment because of race, sex, creed, color or national origin.

14. **Insolvency; Bankruptcy; Termination.** If either party shall cease conducting business in the normal course, become insolvent, make any assignment of its business for the benefit of creditors, suffer or permit the appointment of a receiver or similar officer for its business or assets, or shall avail itself of, or become subject to, any proceeding under the Federal Bankruptcy Act or any other state relating to insolvency or the protection of rights of creditors, and such condition is not remedied within thirty (30) days after written notice being given by the other party, that other party shall have the right to terminate this Agreement forthwith.

15. **Entire Agreement.** This Agreement constitutes the entire agreement between Customer and Paytel and may not be modified or amended other than by a written agreement by both parties.

**WITNESSES:** **MICHIGAN PAYTEL, INC.**
**a Michigan corporation**
**(Paytel)**

_____ _____
By: DOUGLAS SAROKI
Its: President

**WITNESSES:** **Troy Police Department**
**(Customer)**

_____ _____
By:
Its:

troymi.doc

TO: John Szerlag, City Manager

FROM John M. Lamerato, Assistant City Manager-Finance and Administration

RE: 2004-05 Budget Amendment No. 2

DATE: June 15, 2005

Please find attached Budget Amendment No. 2 for the 2004-05 Fiscal Year. Upon review of the May 31, 2005 financial statements and estimates of June activity the following budget amendments are needed.

The Fire department amendment will cover the additional contribution required for the incentive plan as determined by our actuary and the receipt of federal grants for hazmat and computer equipment.

Other General Government – City Hall public utilities are estimated to come in $50,000 over budget.

Parks and Recreation – various departments are in need of an amendment in the amount of $350,000. This amount is offset by an increase in charges for services.

The Refuse Fund budget amendment is needed to cover the additional estimated cost of the recycling program.

The Budget Stabilization Fund budget amendment is needed to cover the transfer of additional investment earnings to the General Fund.

The Troy Downtown Development Authority Debt Fund budget accounts for the transfer of funds from the Troy Downtown Development Authority operating fund to the debt fund.

The Proposal ‘A’ and ‘B’ Debt Fund amendment covers the additional fees needed for bond transfer processing.

2004-2005 BUDGET AMENDMENT NO. 2

| | CURRENT BUDGET | AMENDMENT | AMENDED BUDGET |
|---|---|---|---|
| **GENERAL FUND** | | | |
| **REVENUE** | | | |
| INVESTMENT INCOME | $ 400,000 | $ 50,000 | $ 450,000 |
| CONTIRIBUTIONS LOCAL | 135,000 | 50,000 | 185,000 |
| FEDERAL GRANTS | 22,000 | 175,000 | 197,000 |
| CHARGES FOR SERVICES - FEES | 1,156,000 | 75,000 | 1,231,000 |
| CHARGES FOR SERVICES - USE | 870,000 | 300,000 | 1,170,000 |
| TOTAL AMENDMENT TO REVENUES | | $ 650,000 | |
| **EXPENDITURES** | | | |
| **FIRE** | | | |
| FIRE COMPANIES | $ 1,071,650 | $ 100,000 | $ 1,171,650 |
| FIRE OPERATIONS | 835,070 | 150,000 | 985,070 |
| **OTHER GENERAL GOV'T.** | | | |
| CITY HALL | 1,103,590 | 50,000 | 1,153,590 |
| **PARKS & RECREATION** | | | |
| NATURE CENTER | 414,140 | 25,000 | 439,140 |
| SUMMER PROGRAMS | 752,900 | 25,000 | 777,900 |
| COMMUNITY CENTER | 2,299,800 | 150,000 | 2,449,800 |
| LOCAL TREE MAINT. | 349,090 | 100,000 | 449,090 |
| ATHLETIC FIELD MAINT. | 266,870 | 50,000 | 316,870 |
| TOTAL AMENDMENT TO EXPENDITURES | | $ 650,000 | |
| **REFUSE FUND** | | | |
| **REVENUE** | | | |
| INVESTMENT INCOME | $ 40,000 | $ 25,000 | $ 65,000 |
| TOTAL AMENDMENT TO REVENUES | | $ 25,000 | |
| **EXPENDITURES** | | | |
| CONTRACTOR'S SERVICE | $ 4,280,000 | $ 25,000 | $ 4,305,000 |
| TOTAL AMENDMENT TO EXPENDITURES | | $ 25,000 | |
| **BUDGET STABILIZATION FUND** | | | |
| **REVENUE** | | | |
| INVESTMENT INCOME | $ 7,000 | $ 33,000 | $ 40,000 |
| TOTAL AMENDMENT TO REVENUES | | $ 33,000 | |
| **EXPENDITURES** | | | |
| TRANSFER TO GENERAL FUND | $ 7,000 | $ 33,000 | $ 40,000 |
| TOTAL AMENDMENT TO EXPENDITURES | | $ 33,000 | |

2004-2005 BUDGET AMENDMENT NO. 2

| | CURRENT BUDGET | AMENDMENT | AMENDED BUDGET |
|---|---|---|---|
| **TDDA DEBT FUND** | | | |
| **REVENUE** | | | |
| TRANSFER FROM TDDA FUND | $ - | $ 3,000,000 | $ 3,000,000 |
| TOTAL AMENDMENT TO REVENUES | | $ 3,000,000 | |
| **EXPENDITURES** | | | |
| PRINCIPAL | $ - | $ 1,505,000 | $ 1,505,000 |
| INTEREST | - | 1,490,000 | 1,490,000 |
| OTHER FEES | - | 5,000 | 5,000 |
| TOTAL AMENDMENT TO EXPENDITURES | | $ 3,000,000 | |
| **PROP. 'B' DEBT FUND** | | | |
| **REVENUE** | | | |
| TRANSFER FROM DEBT SERVICE FUND | $ 1,337,280 | $ 500 | $ 1,337,780 |
| | | $ 500 | |
| **EXPENDITURES** | | | |
| OTHER FEES | $ 600 | $ 500 | $ 1,100 |
| | | $ 500 | |
| **PROP. 'A' DEBT FUND** | | | |
| **REVENUE** | | | |
| TRANSFER FROM DEBT SERVICE FUND | $ 776,170 | $ 100 | $ 776,270 |
| TOTAL AMENDMENT TO REVENUES | | $ 100 | |
| **EXPENDITURES** | | | |
| OTHER FEES | $ 500 | $ 100 | $ 600 |
| TOTAL AMENDMENT TO EXPENDITURES | | $ 100 | |

Amendment requested to provide funds for debt payments on the TDDA Bonds; Proposal A and B Bond paying agent fees; Fire Department Operations; Refuse recycling services; Budget Stabilization investment earnings transfer; and Parks and Recreation activities.

TO: John Szerlag, City Manager

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

RE: City of Troy Retiree Health Care Benefits Plan and Trust

DATE: June 16, 2005

Please find attached the City of Troy Retiree Health Care Benefits Plan and Trust prepared by the firm of VanOverbeke Michaud & Timmony, P.C. and reviewed by City Administration and City Attorney.

Based upon the recommendation of the City's actuaries, Gabriel, Roeder, Smith & Company, to adopt a Retiree Health Care Benefits Plan and Trust to fund and account for retiree health care benefits, the Retirement Board retained the services of VanOverbeke Michaud & Timmony to prepare this document.

The Retirement Board passed a resolution at their June 8, 2005 meeting recommending that City Council adopt the attached Retiree Health Care Benefits Plan and Trust with an effective date of July 1, 2005.

The attached letter from VanOverbeke Michaud & Timmony summarizes the provisions of the Plan and Trust and the reasons why the City of Troy should adopt such a document.

If you have any questions, please feel free to contact me.

Reviewed as to form and legality: _____ Date: June 16, 2005
Lori Grigg Bluhm, City Attorney

JML/jml\AGENDA ITEMS\2005\06.20.05 – Retiree Health Care Benefits Plan and Trust

VANOVERBEKE
MICHAUD &
TIMMONY, P.C.
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79 ALFRED STREET
DETROIT, MICHIGAN 48201
TEL: 313-578-1200
FAX: 313-578-1201
WWW.VMTLAW.COM

June 17, 2005

Mayor Louise Schilling
Honorable Members of City Council
City of Troy
500 W. Big Beaver
Troy, Michigan 48084

**Re: City of Troy Retiree Health Care Benefits Plan and Trust**

Dear Mayor Schilling and Honorable Members of City Council:

The City of Troy retained VANOVERBEKE, MICHAUD & TIMMONY, P.C. to draft a retiree health care plan and trust as a vehicle to fund the retiree health care benefits provided to employees of the City of Troy so that monies could be pre-accumulated in a more effective manner to pay future retiree health care costs.

As a brief introduction to VANOVERBEKE, MICHAUD & TIMMONY, P.C., we specialize in employee benefits law. To date, we represent over forty-five (45) Michigan public employee retirement systems, health care plans and employee benefit plans as general counsel, we are general counsel to the Michigan Association of Public Employee Retirement Systems (MAPERS), and we also represent numerous public employee retirement systems and health care plans on an as-needed, special counsel or of-counsel basis. As such, we have a great deal of experience in assisting our clients set-up and administer their employee benefit programs.

Currently, the City of Troy provides retiree health care benefits for its union and non-union employees and retirees. Currently, the City generally pays a percentage of a retiree's monthly retiree health insurance premium up to 100% based on the retiree's completed years of service (4% x completed years of service) or $400.00/month, whichever is greater. The benefit formula for each employee group may be found in the applicable collective bargaining agreement, personnel policy, or personal services contract for that group.

The City has historically funded these retiree health care benefits through the City of Troy Employees Retirement System. Due to certain provisions of the Internal Revenue Code and other state and federal laws, the use of the Retirement System as a funding vehicle for retiree health care benefits, while an option, is not the preferred method for funding of retiree health care. Michigan and federal law provides several alternatives for the funding of retiree health care including PA 149 accounts (enacted pursuant to The Public Employee Health Care Fund Investment Act, Public Act 149 of 1999), IRC §115 governmental trusts, and IRC §501(c)(9) VEBA trusts. Based on discussions with City of Troy personnel and review of the City's current retiree health plan, we believe the best option for the City of Troy is to establish an IRC §115 governmental trust, which also meets the requirements of Michigan Public Act 149 of 1949.

An IRC §115 governmental trust consists of a separate trust that is established to provide benefits that are a part of an essential governmental function, for instance, the funding of required retiree health care benefits. IRC §115 trusts are flexible and can be designed to incorporate the City of Troy's retiree health care benefit features. Additionally, the §115 trust can be amended to reflect any future changes made to retiree health care benefits by the City of Troy or through changes to collective bargaining agreements.

The City of Troy Retiree Health Care Benefits Plan and Trust does not change any retiree health care benefits that are currently provided by the City of Troy to its active employees or its current retirees. The establishment of the plan and trust does not create any additional healthcare liabilities in addition to those that already exist. The document merely provides the funding vehicle so that the City can pre-fund its retiree health care liability more effectively.

Please contact me to discuss any questions or comments you may have.

Sincerely,
VANOVERBEKE, MICHAUD & TIMMONY, P.C.

Michael J. VanOverbeke

Encl.

A RESOLUTION TO ESTABLISH THE CITY OF TROY RETIREE HEALTH CARE BENEFIT PLAN AND TRUST.

# CITY OF TROY
# RETIREE HEALTH CARE BENEFITS PLAN AND TRUST

## GENERAL PROVISIONS

### *1:100*. Purpose.

The Plan and Trust is created, under the authority of the Public Employee Health Care Fund Investment Act, Public Act 149 of 1999 (MCL 38.1211 et seq.), and shall constitute a governmental trust pursuant to Section 115 of the Internal Revenue Code of 1986, as amended. The Plan and Trust is established to allow for the City of Troy's funding of required retiree health care benefits, an essential governmental function and is created for the exclusive purpose of providing health care and dental insurance benefits or such other benefits approved by the City of Troy ("City") (which may include hospitalization, medical, and dental insurance) or approved by Collective Bargaining Agreements or personal services contracts for the welfare of certain Retirees of the City of Troy who are eligible to receive a retirement benefit from the City of Troy Employees Retirement System and/or the City of Troy Defined Contribution Plan and the eligible Spouses and eligible Dependents of such Retirees through a group health and insurance benefits plan. Benefits shall be provided through policies issued by duly licensed commercial insurance companies, through a fund of self-insurance, or through any other lawful means of providing group health and dental insurance in accordance with City decisions and in accordance with any and all Collective Bargaining Agreements between the City and applicable Collective Bargaining Associations and personnel policies or personal services contracts for any non-union employees, for the benefit of City Retirees and beneficiaries who are eligible to participate in accordance with the Plan for such benefits under the rules and regulations established by the Trustees.

The City intends the benefits to be provided by the establishment and maintenance of a Plan and Trust in conformance with all applicable federal statutes and regulations, state and local law.

The City reserves the right to enter into insurance agreements, and to modify, alter or amend such agreements from time to time, with commercial insurance carriers, health maintenance organizations, preferred provider organizations or any other qualified entity currently existing or created for the purpose of providing benefits under the Plan.

***1:101.*** **Short Title.**

This resolution may be known and cited as the City of Troy Retiree Health Care Benefits Plan and Trust ("Plan").

***1:102.*** **Interpretation and law; Construction.**

The Plan and Trust is established in accordance with the Public Employee Health Care Fund Investment Act, Public Act 149 of 1999 (MCL 38.1211 et seq.), shall be administered consistent with applicable federal and Michigan law, and shall constitute a Section 115 governmental trust. The Plan and Trust is intended to qualify as an accident and health plan and a group health plan under applicable provisions of the Internal Revenue Code, (Sections 105, 106, and 162), the regulations promulgated under each, and applicable federal and Michigan law. If any provisions of the Plan shall be, for any reason, invalid or unenforceable, the remaining provisions nevertheless shall be carried into effect.

Neither the establishment of the Plan nor the Trust nor any modification thereof, nor the creation of any fund or account, nor the payment of any benefits, shall be construed as giving to any person covered under the Plan and Trust or other person any legal or equitable right against the City, its elected or appointed officials or employees, the Trustees or any individual Trustee, except as may otherwise be provided in this Plan.

Neither the City nor the Trustees shall be responsible for the validity of any Insurance Agreement issued in connection with the Plan or for the failure on the part of the Insurer to make payments provided by such Insurance Agreement, or for the action of any person which may delay payment or render an Insurance Agreement null and void or unenforceable in whole or in part.

***1:103.*** **Collective Bargaining Agreements.**

The benefit provisions of this Plan are subject to relevant provisions of applicable Collective Bargaining Agreements between the City and the various Collective Bargaining Associations of the City. The provisions of a Collective Bargaining Agreement relative to retiree health care benefits are controlling in the event of a conflict between the terms of the Collective Bargaining Agreement and the Plan.

Nothing contained in this Chapter shall be deemed to modify or limit in any way the rights that the parties to the Collective Bargaining Agreement may have, any supplements or memoranda thereto, or any arbitrator's award to enforce the terms of the Plan, inclusive of the collection of any amounts due to the Plan and the right of the parties to sue for same.

***1:104.*** **Personnel Policies.**

The benefit provisions of this Plan are subject to relevant provisions of any City personnel policies for Non-Union Employees and/or personal service contracts between the City and an individual employee. The provisions of any personnel policies for Non-Union Employees and/or personal service contracts relative to retiree health care benefits are controlling in the event of a conflict between the terms of the Personnel Policies or applicable personal service contract and the Plan.

***1:105.*** **Definitions.**

For the purposes of this Plan and Trust, the following words shall have the meanings respectively ascribed to them by this section:

(1) *Base Plan* means the benefits in effect at the time of an Employee's retirement, as provided by the policy or the comprehensive program in place at the time of the Employee's retirement (exclusive of HMO, PPO and other alternative plans) or by a substantially equivalent policy or program at the election of the City. Pursuant to the terms of an applicable Collective Bargaining Agreement, upon the retiree or spouse's attainment of Medicare eligibility, the Base Plan shall be a secondary, complimentary plan to Medicare which shall be the primary plan.

(2) *City* means the City of Troy, Michigan.

(3) *Code* means the Internal Revenue Code of 1986, as amended. Reference to any section or subsection of the Code includes reference to any comparable or succeeding provision of any legislation which amends or replaces such section or subsection.

(4) *Collective Bargaining Agreements* means any written agreement, supplemental agreement, memorandum of understanding, final arbitrator's decision, judicial decision or decision of any public board or agency, by and between applicable Collective Bargaining Associations and the City, and any amendments, continuations, or renewals, which require the City or any other entity to make payments into group health and life insurance programs for employees of the City of Troy.

(5) *Collective Bargaining Associations* means those associations which have negotiated to participate in this Plan.

(6) *Contributions* means the payment required to be made to the Trust by the City under the terms of the Plan and Trust for the purpose of providing group health insurance for Retirees and beneficiaries covered by the Plan.

(7) *Dependent* generally means a Participant's or Retiree's unmarried child until the end of the year in which he or she reaches age 19 and a Participant's or Retiree's unmarried child who is totally and permanently disabled by either a physical or mental condition prior to age 19. (The Base Plan definition of Dependent above applies unless the Participant or Retiree selects an alternate insurance policy offered by the City, in which case the definition is controlled by the insurance policy covering the Participant or Retiree, which may or may not vary from the definition listed above.)

(8) *Effective Date* means July 1, 2005.

(9) *Employee* means a person employed by the City who meets one of the following requirements:
   (a) A non-union person employed by the City;
   (b) A person employed by the City who is a member of a Collective Bargaining Association which has negotiated to participate in this Plan.

(10) *Family Continuation Dependent* generally means an unmarried child of a Participant or Retiree who (i) is age 19 through the end of the calendar year in which he or she reaches age 25, (ii) is dependent on the Participant or Retiree or surviving Spouse for more than half of his or her support, (iii) is a member of the household of the Participant or Retiree or surviving Spouse, unless they temporarily reside elsewhere, as in the case of college students, (iv) is related to the Participant or Retiree by blood, marriage or legal adoption, and (v) is a full-time student with a minimum of 12 credit hours per semester or had gross income of less than four times personal exemption amount identified in the Internal Revenue Service gross income test. (The Base Plan definition of Family Continuation Dependent above applies unless the Participant or Retiree selects an alternate insurance policy offered by the City, in which case the definition is controlled by the insurance policy covering the Participant or Retiree, which may or may not vary from the definition listed above.)

(11) *Health Care Benefits* means group health care benefits as currently provided and any other future health care related benefits as may be determined to be part of the Plan pursuant to City decisions and/or Collective Bargaining Agreements.

(12) *Insurance Agreement* means the health insurance plan(s) and any amendment(s) thereto, including any substitute insurance agreement with a commercial insurance carrier, health maintenance organization, preferred provider organization, or any other qualified entity currently existing or created for the purpose of providing benefits under the Plan. The term "Insurance Agreement" shall include the plural where applicable.

(13) *Insurance Carrier* means a commercial health insurance carrier, health maintenance organization, preferred provider organization or other qualified entity designated by the City to provide benefits under the Plan.

(14) *Major Life Event Changes* means birth of a child, legal adoption, legal separation, divorce, legal guardianship, death, or marriage of a dependent child.

(15) *Participant* means an Employee who: (a) is a member of the City of Troy Employees Retirement System and whose participation has not terminated under other applicable provisions of the Plan; (b) is a member of the City of Troy Defined Contribution Plan and whose participation has not terminated under other applicable provisions of the Plan; or (c) is an employee granted health coverage under a separation agreement, settlement or court order. No person shall be considered a Participant of the Plan who is compensated for services to the City on a fee or independent contractual basis. In all cases of doubt, the Board of Trustees shall decide who is a Participant within the meaning of the provisions of this Plan and Trust provided such decision is consistent with any established City policy.

(16) *Plan* means the City of Troy Retiree Health Care Benefits Plan and Trust as described in this document and any subsequent amendments, and any Insurance Agreement(s), Collective Bargaining Agreements, personnel policies, or other applicable insurance policy documents incorporated by reference into the Plan. A description of the health benefits provided to Retirees, Spouses and Dependents under this plan is maintained by the Plan Administrator.

(17) *Plan Administrator* means the person, persons, firm, corporation or insurance company or companies, appointed by the Board of Trustees to administer the Plan. The Plan Administrator shall be the Assistant City Manager/Finance & Administration unless another individual is appointed by the Board of Trustees. The Plan Administrator shall be responsible for the day-to-day operations of the Plan who shall carry out the directives of the Board of Trustees.

(18) *Plan Year* means the period commencing on July 1 and ending on June 30 of each year.

(19) *Qualified Beneficiary* means any person satisfying the benefit eligibility requirements of the Plan and shall be in accordance with the resolutions and decisions of the Trustees.

(20) *Retiree* means an individual who meets the following requirements or who satisfies the requirements of a collective bargaining agreement, personnel policy or personal services contract

(a) <u>For members of Benefit group AFSCME Local #574</u> - an individual receiving a retirement benefit allowance from the City of Troy Employees Retirement System or the City of Troy Defined Contribution Plan who retired from employment with the City of Troy who upon termination of employment and

(i) had attained age 50 and had accrued a minimum of twenty-seven years of service with the City of Troy; or

(ii) had attained age 55 and had accrued a minimum of ten years of service with the City of Troy.

(b) For members of Benefit group Michigan Association of Police Clerical and Non-sworn Police Personnel - an individual receiving a retirement benefit allowance from the City of Troy Employees Retirement System or the City of Troy Defined Contribution Plan who retired from employment with the City of Troy who upon termination of employment and

(i) had attained age 50 and had accrued a minimum of twenty-seven years of service with the City of Troy; or

(ii) had attained age 55 and had accrued a minimum of ten years of service with the City of Troy.

(c) For members of Benefit group Police Officers Association - an individual receiving a retirement benefit allowance from the City of Troy Employees Retirement System or the City of Troy Defined Contribution Plan who retired from employment with the City of Troy who upon termination of employment and

(i) had accrued a minimum of twenty-five years of service with the City of Troy; or

(ii) had attained age 55 and had accrued a minimum of ten years of service with the City of Troy.

(d) For members of Benefit group Fire Staff Officers Association - an individual receiving a retirement benefit allowance from the City of Troy Employees Retirement System or the City of Troy Defined Contribution Plan who retired from employment with the City of Troy who upon retirement and

(i) had accrued a minimum of twenty-five years of service with the City of Troy; or

(ii) had attained age 55 and had accrued a minimum of ten years of service with the City of Troy.

(e) For members of Benefit group Command Officers Association - an individual receiving a retirement benefit allowance from the City of Troy Employees Retirement System or the City of Troy Defined Contribution Plan who retired from employment with the City of Troy who upon termination of employment and

(i) had accrued a minimum of twenty-five years of service with the City of Troy; or

(ii) had attained age 55 and had accrued a minimum of ten years of service with the City of Troy.

(f) For members of Benefit group Non-union employees - an individual receiving a retirement benefit allowance from the City of Troy Employees Retirement System or the City of Troy Defined Contribution Plan who retired from employment with the City of Troy who upon termination of employment and

(i) had attained age 50 and had accrued a minimum of twenty-seven years of service with the City of Troy; or

(ii) had attained age 55 and had accrued a minimum of ten years of service with the City of Troy.

(21) *Retirement Plan* means the City of Troy Employees Retirement System and the City of Troy Defined Contribution Plan.

(22) *Sponsored Dependent* generally means an individual not eligible as a Family Continuation Dependent who (i) is over 19 years, (ii) is related to the Participant or Retiree by blood, marriage, or legal adoption, (iii) is a member of the Participant's or Retiree's household, and (iv) is dependent on the Participant or Retiree for more than half of his or her support. (The Base Plan definition of Sponsored Dependent above applies unless the Participant or Retiree selects an alternate insurance policy, in which case the definition is controlled by the insurance policy covering the Participant or Retiree, which may or may not vary from the definition listed above.)

(23) *Spouse* means a Participant's or Retiree's spouse by legal marriage who is Participant's spouse on the date the Participant retires from employment with the City of Troy.

(24) *Trust* means the Declaration of Trust of the City of Troy Retiree Health Care Benefits Plan as provided for in this Plan.

(25) *Trustee(s) or Board* means the Board of Trustees of the Trust or a member of the Board of Trustees of the Trust as provided for in this Plan.

***1:106***. **Notice**.

Notice given to all interested parties shall, unless otherwise specified in this Resolution, be sufficient if in writing and delivered or sent by prepaid first class mail. Except as otherwise noted, the distribution or delivery of any statements or documents required under the Plan and Trust shall be sufficient if delivered in person or prepaid first class mail.

***1:107.*** **Reporting and Disclosure**.

The Board and the Plan Trustees, or their respective designees, shall complete and provide to Participants, Retirees, Spouses and/or Dependents and to the appropriate government agencies any reports as may be required by the Code, applicable federal, state or local law.

***1:108.*** **Amendments.**

The provisions of the Plan and Trust may be amended at anytime by resolution(s) adopted by the City of Troy in accordance with applicable law.

HEALTH CARE BENEFIT PLAN

## *1:200* Benefit Groups

(1) Composition of.

The following benefit groups are designated for the purpose of determining benefit eligibility conditions, benefit amounts, and member contribution rates.

(a) Benefit group AFSCME Local #574 - All employees who are members of AFSCME Local #574.
(b) Benefit group Michigan Association of Police Clerical and Non-sworn Police Personnel - All employees who are members of the local chapter of Michigan Association of Police Clerical and Non-sworn Police Personnel.
(c) Benefit group Police Officers Association - All employees who are members of the Troy Police Officers Association.
(d) Benefit group Fire Staff Officers Association - All employees who are members of the Troy Fire Staff Officers Association.
(e) Benefit group Command Officers Association - All employees who are members of the Troy Command Officers Association.
(f) Benefit group Non-union employees - All employees who are not a part of a collective bargaining unit as described above who are eligible for benefits under this Plan.

In case of doubt, the Board of Trustees shall determine the benefit group(s) that apply to a particular member.

(2) Benefit eligibility conditions shall be those applicable to the member's benefit group at the time of that member's termination of membership.

## *1:201.* Eligibility

In order to be eligible for post-retirement health care benefits during any Plan Year, an individual must:

(1) Be a Retiree of the City of Troy that had been a Participant of this Plan; and
(a) have been an Employee on the date preceding the effective date of the Retiree's retirement and commencement of benefits from the City of Troy; or

(b) met the requirements of the member's benefit group as described in Section 1:105(20); or

(2) be a Retiree, who was a Participant of the Plan, receiving duty and/or non-duty disability benefits from the Retirement Plan; or

(3) be a Retiree who was in receipt of benefits at the Effective Date of this Plan; or

(4) be a Spouse of an individual who meets the eligibility requirements in subsection (1) above, provided that, in the case of a surviving Spouse, the Retiree had either

(a) a contractual agreement with the City of Troy to provide health benefits at retirement which included the right to name a beneficiary, or

(b) was a member of the Defined Benefit Plan and elected an optional joint and survivor beneficiary form of retirement and nominated his or her surviving Spouse as beneficiary of the option benefit; or

(c) was a member of the Defined Contribution Plan.

The cost of Spousal coverage shall be in accordance with Section 1:208 unless otherwise provided by an applicable Collective Bargaining Agreement or resolution of the City: or

(5) be a Dependent of an individual who meets the eligibility requirements in subsection (1) above; and in the event of the Retiree's death, the Retiree had either

(a) a contractual agreement with the City to provide health benefits at retirement which included the right to name a beneficiary, or

(b) was a member of the Defined Benefit Plan and elected an optional joint and survivor beneficiary form of retirement, and there is a surviving spouse or surviving Dependent as named beneficiary; or

(c) was a member of the Defined Contribution Plan.

The cost of Dependent coverage shall be in accordance with Section 1:208 unless otherwise provided by an applicable Collective Bargaining Agreement or resolution of the City; or

(6) be a Sponsored Dependent of an individual who meets the eligibility requirements in subsection (1) above; and in the event of the Retiree's death, the Retiree had either

(a) a contractual agreement with the City to provide health benefits at retirement which included the right to name a beneficiary and there is a surviving named beneficiary, or

(b) was a member of the Defined Benefit Plan and elected an optional joint and survivor beneficiary form of retirement and there is a surviving named beneficiary; or

(c) was a member of the Defined Contribution Plan.

The cost of Sponsored Dependent coverage shall be borne by the Retiree or the Sponsored Dependent unless otherwise provided by an applicable Collective Bargaining Agreement or resolution of the City; or

(7) be a Family Continuation Dependent of an individual who meets the eligibility requirements of subsection (1) above; and in the event of Retiree's death, the Retiree had either

(a) a contractual agreement with the City to provide health benefits at retirement which included the right to name a beneficiary and there is a surviving named beneficiary, or

(b) was a member of the Defined Benefit Plan and elected an optional joint and survivor beneficiary form of retirement and there is a surviving named beneficiary; or

(c) was a member of the Defined Contribution Plan.

The cost of Family Continuation Dependent coverage shall be borne by the Retiree or the Family Continuation Dependent unless otherwise provided by an applicable Collective Bargaining Agreement or resolution of the City; or

(8) be the surviving Spouse or Dependent of a former Participant, who on the date preceding the individual's date of death, was an Employee; provided, the surviving Spouse or Dependent is eligible for duty death and/or non-duty death benefits payable from the Retirement Plan; or

(9) be an individual granted health coverage under a settlement agreement between the City and the individual; or

(10) be an individual granted health coverage under a court order entered pursuant to applicable law, provided

(a) that the individual produces satisfactory documentation at the time of application for benefits and satisfies plan eligibility requirements, and

(b) that the City reserves the right to challenge the validity of the court order and that if such a challenge proves successful that the cost of any benefits provided be reimbursable to the Trust; or

***1:202.*** **Commencement of Benefit.**

Subject to all applicable provisions of the Plan and/or Insurance Agreement, a Participant shall commence eligibility for benefits from the Plan on the first day he or she satisfies the eligibility requirements of Section 1:201, provided the Participant has enrolled for coverage on such date.

***1:203.*** **Enrollment.**

(1) The City shall give each Participant timely written notice of his or her eligibility and his or her right to enroll for coverage under the Plan. A Participant or Retiree may enroll for coverage on a form or forms provided by and filed with the City. In connection with his or her enrollment for coverage, the Participant or Retiree shall furnish all pertinent information requested by the City, Plan Administrator and/or the Insurance Carrier, and the Plan Administrator or the Insurance Carrier may rely upon all such forms and information furnished. The Participant, Retiree, Spouse, and eligible Dependent may be held responsible for costs for the false or incorrect information reported.

(2) The Retiree should enroll for coverage at the time of retirement or within the time periods as specified by the provisions of the applicable Collective Bargaining Agreement or policy.

(3) Spouse and Dependents shall be eligible for coverage as provided in the Plan and/or Insurance agreement and in Section 1:201 above. Spouse and Dependents shall be enrolled for coverage under the Plan by the Participant or Retiree at the time the Participant or Retiree enrolls for coverage under the Plan or as provided for in subsection 4.

(4) Participants or Retirees must report Major Life Event Changes to the City within thirty (30) days of the event in order to add or delete persons from their benefit plans (health insurance). Major Life Event Changes may impact eligibility for benefits. Notification beyond thirty (30) days of the event may delay any additions of persons to benefits until the group's next reopening date. If failure to report the event within thirty (30) days results in additional benefit costs by the Plan and Trust due to non-termination of benefits, the Participant or Retiree may be held responsible for such costs.

(5) In the event a Participant, Retiree, Spouse or Eligible Dependent elects not to receive benefits as provided in the Plan, such individual may enroll for coverage at any time provided they satisfy the eligibility requirements for coverage as provided in the Plan pursuant to provisions of any applicable Collective Bargaining Agreement or personnel policy.

***1:204*. Termination of Benefits.**

Except as provided in Section 1:205, participation in the Plan shall terminate in accordance with the Plan and/or Insurance Agreement or applicable Collective Bargaining Agreement, on the earliest of:

(1) termination of the Plan;

(2) non-payment of any required Participant or Retiree contributions;

(3) death of the individual receiving benefits under the Plan;

(4) a Participant's or Retiree's election in writing to cease coverage under the Plan;

(5) in the case of a Spouse or Dependent, the date the Spouse or Dependent ceases to be a Spouse or Dependent as defined in this Plan; or

(6) in the case of a Spouse, Dependent, Family Continuation Dependent or Sponsored Dependent, death of the Retiree if the Retiree elected a straight life equivalent form of retirement benefit at the time of retirement or if the Retiree failed to nominate the required beneficiary necessary to ensure coverage of the Spouse, Dependent, Family Continuation Dependent or Sponsored Dependent; or

(7) in the case of a Retiree, if that individual had a contractual agreement with the City to provide health benefits at retirement which did not include the right to name a beneficiary, or if the contractual agreement did include the right to name a beneficiary, and the Retiree failed to nominate the required beneficiary to ensure coverage of the Spouse, Dependent, Family Continuation Dependent or Sponsored Dependent; or

***1:205.*** **COBRA Continuation Coverage.**

Notwithstanding the provisions of Section 1:203, continuing coverage shall be provided under the Plan to eligible Participants, Retirees, their Spouses and Dependents in accordance with Internal Revenue Code provisions (currently Section 4980B, and Title XXII of the Public Health Services Act ("COBRA continuation coverage"), as amended).

***1:206.*** **Health Care Benefits, General.**

Beginning on the Effective Date, the City shall provide Health Care Benefits to each eligible Retiree and, if elected, to his or her eligible Spouse and, eligible Dependents, unless modified by an applicable Collective Bargaining Agreement or resolution of City. The benefits provided under the Plan are those set forth in the Plan and/or Insurance Agreement(s), Collective Bargaining Agreements, personnel policies, personal services contracts and/or resolutions of the Board of Trustees. The Insurance Agreement(s), Collective Bargaining Agreements, personnel policies, and personal services contracts are incorporated herein by this reference. A complete description of benefits provided under the Plan and the Insurance Agreement(s), inclusive of those set forth in the Collective Bargaining Agreements, personnel policies, and personal services contracts, shall be maintained by the City or the Plan Administrator.

In accordance with the Plan and/or Insurance Agreement with the Insurance Carrier, Retirees and their Spouses and Dependents will be entitled to the benefits in effect at the time of the Retiree's retirement ("Base Plan"). These benefits may be provided under the same policy or program in place at the Retiree's retirement or under a substantially equivalent policy or program at the discretion of the City. All Retirees, Spouses, and/or Dependents in receipt of Health Care Benefits at the time of enactment of this Plan and Trust shall continue to be eligible for the same benefits as received prior to the enactment of this Plan and shall continue to receive those benefits until they are terminated pursuant to the health care provisions in effect at the time of the Retiree's retirement.

***1:207.*** **Health Care Benefits, Cost.**

Collective Bargaining Agreements, personnel policies, or personal services contracts may modify this section. In the event of a conflict between this section and a collective bargaining agreement, personnel policy or a personal services contract, the collective bargaining agreement, personnel policy or personal services contract will control.

(1) Benefit group AFSCME Local #574 - For Retirees retiring on or after January 1, 2001, the City shall pay four (4%) percent of the monthly cost of health care for the retiree and the spouse for each year of credited retirement service (maximum of 100%), or $400 per month, whichever is greater. For Retirees retiring prior to January 1, 2000, the City shall

pay three (3%) percent of the monthly cost of health care for the retiree, current spouse or dependent child for each year of credited service (maximum of 100%, or $400.00 per month whichever is greater. A retiree may pay, at his or her own option and expense, the difference between a two-person and family rate.

In the event that dental insurance is provided to future retirees of other non-Act 312 eligible employee groups, it will also be provided to future retirees of AFSCME Local #574.

(2) Benefit group Michigan Association of Police Clerical and Non-sworn Police Personnel - For Retirees retiring on or after July 1, 2001, the City shall pay four (4%) percent of the monthly cost of health care for the retiree and the spouse for each year of credited retirement service (maximum of 100%), or $400 per month, whichever is greater, provided that the retiree shall apply for Medicare or its equivalent when eligible, and the City shall then provide supplemental insurance benefits. .

Prior to July 1, 2001, the City shall pay three (3%) percent of the monthly cost of health care for two-person coverage for the retiree, current spouse or dependent child for each year of credited retirement service (maximum of 100%), or $400 per month, whichever is greater.

(3) Benefit group Police Officers Association - For Retirees retiring on or after February 20, 1996, the City shall pay four (4%) percent of the monthly cost of health care for two-person coverage for the retiree, current spouse or dependent child for each complete year of credited retirement service (maximum of 100%).

For Retirees retiring prior to February 20, 1996, the City shall pay three (3%) percent of the monthly cost of health care for two-person coverage for the retiree, current spouse or dependent child for each year of credited retirement service (maximum of 100%), or $400.00 per month, whichever is greater. A retiree may pay, at his or her own option and expense, the difference between a two-person and family rate.

Effective July 1, 2001, the City will provide fully paid medical insurance for two-person coverage in the event of a duty death.

(4) Benefit group Fire Staff Officers Association - For Retirees retiring on or after July 1, 2001 the City shall pay four (4%) percent of the monthly cost of health care for two-person coverage for the retiree, current spouse or dependent child for each complete year of credited retirement service (maximum of 100%), provided that the retiree shall apply for Medicare or its equivalent when eligible, and the City shall then provide supplemental insurance benefits. A retiree may pay, at his or her own option and expense, the difference between a two-person and family rate.

Prior to July 1, 2001, the City shall pay three (3%) percent of the monthly cost of health care for two-person coverage for the retiree, current spouse or dependent child for each year of credited retirement service (maximum of 100%), or $400 per month, whichever is greater.

In the case of a duty disability retiree, the computation shall not be less than the amount it would be if the retiree had 10 years of credited service.

(5) Benefit group Command Officers Association - For Retirees retiring on or after July 15, 2000 the City shall pay four (4%) percent of the monthly cost of health care for two-person coverage for the retiree, current spouse or dependent child for each complete year of credited retirement service (maximum of 100%), provided that the retiree shall apply for Medicare or its equivalent when eligible, and the City shall then provide supplemental insurance benefits. A retiree may pay, at his or her own option and expense, the difference between a two-person and family rate.

Prior to July 15, 2000, the City shall pay three (3%) percent of the monthly cost of health care for two-person coverage for the retiree, current spouse or dependent child for each year of credited retirement service (maximum of 100%), or $400 per month, whichever is greater.

For Retirees retiring on or after July 15, 2000 the City shall provide dental/orthodontic coverage consistent with that received by active employees for retiree and spouse at a rate of four (4%) percent of the monthly cost of health care for two-person coverage for the retiree, current spouse or dependent child for each complete year of credited retirement service (maximum of 100%), provided that the retiree shall apply for Medicare or its equivalent when eligible, and the City shall then provide supplemental insurance benefits. A retiree may pay, at his or her own option and expense, the difference between a two-person and family rate.

For retirees receiving a non-duty disability retirement on or after May 7, 2001, the City shall pay four (4%) percent of the monthly cost of health care for the retiree and the spouse for each year of credited retirement service (maximum of 100%), or $400 per month, whichever is greater.

(6) Non-union employee – On or after January 17, 2000, the City shall pay four (4%) of the monthly cost of health care for two-person coverage for the retiree, current spouse or dependent child for each year of credited retirement service (maximum of 100%) or $400 per month, whichever is greater.

Prior to January 17, 2000, the City shall pay three (3%) percent of the monthly cost of health care for two-person coverage for the retiree, current spouse or dependent child for each year of credited retirement service (maximum of 100%), or $400 per month, whichever is greater.

### *1:208.* Alternative Policies or Programs.

The City, in its discretion, may offer alternative policies or benefit structures to Participants, Retirees, Spouses and/or Dependents in addition to the Base Plan. In the event that the City chooses to offer alternative policies or benefit structures, Participants or Retirees and their Spouses and/or Dependents may transfer from one policy or benefit structure to another policy or benefit structure during open enrollment periods. However, any additional cost above the Base Plan shall be borne by the Participant or Retiree or the Participant's or Retiree's Spouse and/or Dependents.

### *1:209.* Duplicate Coverage Disallowed.

Duplicate coverage will not be provided in the event that there are two or more Participants and/or Retirees who (a) are each independently eligible for health care benefits from the City or the Plan and (b) are each also eligible for health care benefits from the City or the Plan as a Spouse or Dependent of a Participant or a Retiree. Said parties shall be eligible to participate in only one policy or program so that one party participates in the one policy or program as the principal insured and the other party(ies) participates in the same policy or program as a Spouse or Dependent of the Participant or Retiree. The Dependent shall suffer no detriment as a result of the disallowance of duplicate coverage.

### *1:210.* Medicare Eligibility

Upon attaining the age of Medicare eligibility, pursuant to the terms of the applicable Collective Bargaining Agreements and personnel policies, those eligible Retirees and/or Spouses shall enroll in both Medicare A and B, and are obligated to pay for Medicare Part B. Once a Retiree is in receipt of Medicare A and B coverage, this Plan will provide supplemental coverage as provided pursuant to the coverage in effect at the time of retirement.

### *1:211.* Coordination of Benefits

The City intends that the Plan shall provide each Retiree with payment for health care expenses incurred by the Retiree and, if eligible, his or her Spouse and his or her Dependents, as provided in the Plan and/or Insurance Agreement. The City does not intend that payment under this Plan shall exceed the amount of the expenses incurred. For this reason, the Plan coordinates benefits with other insurance policies according to industry standards and applicable laws.

(1) Reimbursement.

If an expense is paid under the Plan by the Plan Administrator on behalf of a Retiree, his or her Spouse or Dependents, and such expense subsequently is paid from any other source, in whole or in part, the Retiree, his or her Spouse or Dependents, shall remit to the Plan an amount equal to the duplicated benefits. In addition, the Plan Administrator may reimburse any other Plan, person or entity that has paid an expense on behalf of a Retiree, his or her Spouse or Dependents which expense was payable under this Plan. In such event, the Plan, Plan Administrator and/or the Insurance Carrier shall be relieved of all further responsibility with respect to that expense.

(2) Subrogation.

In the event any payment is made by the Trust under the Plan, the Plan and the Trust shall be subrogated and shall succeed to the rights of any Retiree, his or her Spouse and Dependents against any other plan, person or entity for recovery of health care expenses for which such other plan, person or entity legally is liable. All amounts so recovered, by settlement, judgment or otherwise, shall be paid to the Trust. Retirees, their Spouses and Dependents shall furnish such information, execute and deliver such assignments, documents or other instruments, and take whatever steps are necessary to secure the rights of the Plan. Retirees, their Spouses and Dependents shall take no action to prejudice the rights and interests of the Plan hereunder.

(3) Effect of Exclusions.

The provisions of this Section shall not be construed to create any independent right to payment of any benefit under this Plan. Any exclusion or limitation contained in the Plan and/or Insurance Agreement shall supersede any provision of this Section regarding coordination of benefits.

***1:212.*** **Plan Administration, City Duties.**

(1) The City shall be responsible for complying with the Code's reporting and disclosure requirements and for the purpose of fulfilling such other Plan administrative functions as are not specifically assigned to the Plan Administrator and/or Insurance Carrier. The City may employ a Plan Administrator and/or Insurance Carrier who will be responsible for the interpretation, administration and the payment of health care claims under the Plan.

(2) The City also shall be responsible for the performance of its duties as employer and Plan sponsor under applicable Internal Revenue Code Sections. The City may delegate all or any part of its Plan administration responsibilities. Any such delegation shall be done in writing.

(3) The City may employ one or more persons to render advice with regard to any responsibility such fiduciary has under the Plan. Any fiduciary, agent, representative or other person performing services to or for the Plan shall be entitled to reasonable compensation for services rendered, unless such person is employed by the City and already receives full pay from the City, and to reimbursement or expenses properly and actually incurred.

(4) The City shall furnish the Plan Administrator and/or Insurance Carrier, while this Plan is in effect, any information as may be required, at intervals and in the form prescribed by the Plan Administrator and/or Insurance Carrier, for the enrollment of Retirees, Spouses and/or Dependents for coverage under the Plan and for the processing of terminations or other changes in coverage of Retirees, Spouses and/or Dependents and also shall furnish to the Plan Administrator and/or Insurance Carrier such other information required for the administration of the Plan.

***1:213.*** **Plan Administration, Insurance Carrier Duties.**

Each Insurance Carrier shall have the responsibility for interpreting and administering their respective Insurance Agreement and for processing and paying benefit claims thereunder, and shall provide the City with such information as the City may deem necessary to permit the timely filing of all reports required by law. The Insurance Carrier also shall provide a description of the benefits provided under their respective Insurance Agreement directly to the Retirees, Spouses and/or Dependents or to the City for distribution to Retirees, Spouses and/or Dependents.

***1:214.*** **Plan Administration, Plan Administrator Duties.**

The Plan Administrator as set forth in Section 1:105(17) shall have the responsibility for interpreting and administering the Plan and for processing and paying benefit claims thereunder, and shall provide the Trustees with such information necessary to permit the timely filing of all reports required by applicable laws or regulations governing the Trust.

***1:215.*** **Health Care Benefits, Claims Procedures.**

A claim for benefits under the Plan must be submitted in writing to the Plan Administrator and/or Insurance Carrier in accordance with procedures established by the Plan Administrator or the Plan and/or Insurance Carrier as communicated in writing to Retirees, Spouses and/or Dependents. The Plan Administrator and/or Insurance Carrier shall provide written notice within 30 days to any Participant or Qualified Beneficiary whose claims for benefits under this Plan have been denied, setting forth the specific reasons for such denial, written in a manner calculated to be understood by the party. The Plan Administrator and/or respective Insurance Carrier has responsibility for the resolution of disputes involving payment of benefits under the portion of the Plan assigned to the Plan Administrator or Insurance Agreement with the Insurance Carrier. The Plan Administrator and/or Insurance Carrier shall afford a reasonable opportunity to any Participant or Qualified Beneficiary whose claim for benefits has been denied for a full and fair review of the decision denying the claim.

***1.216.*** **Funding**.

For the purpose of creating and maintaining the Plan and Trust for the payment of benefits payable as provided in this Plan and Trust, the City shall appropriate an amount sufficient to maintain the Trust subject to the provisions of this Plan.

DECLARATION OF TRUST

***1:300*. Irrevocable Trust, Established.**

The Section 115 governmental trust established in this Plan shall be irrevocable and shall conform to all applicable sections of the Internal Revenue Code, the applicable Collective Bargaining Agreements, the statement of purpose in this Plan, and all statutes, ordinances, rules, regulations, arbitrators' awards and judicial decisions interpreting the foregoing provisions.

The Trust shall consist of City of Troy Contributions, any Contributions which may be paid by Retirees and other Qualified Beneficiaries due pursuant to the provisions of an applicable Collective Bargaining Agreement or to the election of additional coverage beyond that provided by the City, all investments made or held under Trust, and all income therefrom, both received and accrued, and any other property, which may be received or held by reason of this Trust. Funds paid by Retirees and other Qualified Beneficiaries as a result of premium sharing required pursuant to applicable City policy, shall be paid directly to the City and/or the applicable Insurance Carrier and shall not be paid into the Trust.

***1:301*. Use of Trust Assets.**

(1) No part of the net earnings of the Trust may inure to the benefit of any Participant, Retiree or other beneficiary other than by benefit payments or for services provided to the Trustees in their administration of the Trust. The Trust assets shall not be used for or diverted to purposes other than to provide the benefits contemplated under the Plan for the exclusive benefit of Retirees and their eligible Spouses and eligible Dependents, except any administrative expenses for which the Trust is liable. A portion of net earnings may be used for payment for reasonable and necessary professional services, costs and expenses related to assisting the Trustees in the operation of the Trust.

(2) All income, profits, recoveries, contributions, forfeitures and any and all monies, securities and properties of any kind at anytime received or held by the Trustees hereunder, shall become part of the Trust when received, and shall be held for the use and purposes hereof.

***1:302*. Funding.**

(1) For the purpose of creating and maintaining a fund for the payment of health care benefits payable as provided in this Plan, the City shall be required to pay to the Trust an amount consistent with the actuarial valuations and calculations made by the Actuary for the Trust to result in a prefunded plan. The City reserves the right to fund these health care benefits on a "pay-as-you-go" basis. Such contributions shall also be made in accordance with any regulations of the Board of Trustees as are not inconsistent with the

authority stated in this Plan and any Collective Bargaining Agreements between the Collective Bargaining Associations and the City and this Plan.

(2) Qualified Beneficiaries shall contribute those amounts required for additional coverage as optioned by such Qualified Beneficiaries and otherwise as determined by the Trustees.

(3) Subject to the tax provisions of applicable ordinances, resolutions and state law, the Trustees may, to the extent matters are not set forth in the Trust, in their discretion decide the manner and means of payments, the procedures to be followed in making the payments, and the forms required to accompany the payments to the Trust. Upon determination by the Trustees of these matters, the Trustees shall provide written notice to the City and require payments by the City to be made pursuant to the rules and regulations of the Trust.

(4) Time is of the essence in making and processing all payments to the Trust. The parties recognize that the regular and timely payments of Contributions are essential to the operation of the Trust and the providing of benefits under various insurance programs.

***1:303*. Board of Trustees.**

(1) The Board of Trustees shall consist of eight (8) trustees which shall be the same elected and appointed individuals that serve on the City of Troy Employees Retirement System Board of Trustees, as follows:

(a) The City Manager, by virtue of his/her position.

(b) The Assistant City Manager/Finance & Administration, by virtue of his/her position.

(c) A member of the Troy City Council, as appointed by the Council.

(d) A citizen, who is an elector of the City, and who is not a member, retirant, or beneficiary of the City of Troy Employees Retirement System or the City of Troy Defined Contribution Plan who shall be appointed by the City Council.

(e) Three members of the City of Troy Employees Retirement System or the City of Troy Defined Contribution Plan in accordance with such rules and regulations of the Board that governs such elections.

(f) A retiree of the City of Troy Employees Retirement System (Defined Benefit Plan), who shall be appointed by the City Council and who shall serve as a non-voting member.

(g) A minimum of two of the five employee member Trustees, as set forth in paragraphs (a), (b), or (e) must be a member of the City of Troy Employees Retirement System (Defined Benefit Plan).

(2) The general administration, management and responsibility for the proper operation of the Trust and for making effective and construing the provisions of the Trust shall be vested in the Board of Trustees established by this Section, consistent with applicable state and federal laws and regulations. A Trustee or other fiduciary under the Trust shall discharge his or her duties with respect to the Trust solely in the interest of the Participants and Qualified Beneficiaries for the exclusive purpose of providing benefits to Participants and Qualified Beneficiaries and paying reasonable expenses of administering the Trust. A Trustee shall discharge his or her duties with the care, skill, and caution under the circumstances then prevailing which a prudent person, acting in a like capacity and familiar with those matters, would use in the conduct of an activity of like character and purpose.

(3) The election of the trustees as provided in subsection (1) of this section shall be held under such rules and regulations, as the Board of Trustees shall adopt.

***1:304*. Trustees' Terms of Office.**

(1) The regular terms of office of the Trustees shall be as follows:

(a) the three (3) employee trustees shall each have a three (3) year term of office.

(b) the citizen trustee shall have a three (3) year term of office.

(c) the Council trustee shall have a four (4) year term of office.

The term of the appointed and elected Trustees shall be identical to and coincide respectively with the term each Trustee serves as trustees of the City of Troy Employees Retirement System Board of Trustees. Upon expiration of his or her term, each Trustee shall continue to serve until a successor has been appointed.

(2) Each Trustee shall serve until the expiration of his or her term of office or until his or her death, incapacity, resignation or removal.

(3) In the event a Trustee fails to attend four (4) consecutive meetings of the Board of Trustees, unless in each case the absence is excused for cause by the Chairperson or Vice-Chairperson, or in the event a member Trustee leaves the employ of the City, he/she shall be considered to have resigned from the Board. The Board shall, by resolution, declare his/her office of Trustee vacated as of the date of such resolution. In the event a Trustee vacancy occurs, then the Board of Trustees, by majority vote, may appoint an

individual that meets the necessary qualifications or may call for a special election to fulfill the remainder of the unexpired term.

(4) A vacancy or vacancies in the office of the Trustees shall not impair the powers of the remaining Trustees to administer the affairs of the Trust, provided there are sufficient Trustees to constitute a quorum.

***1:305*. Officers and Administration.**

(1) At its meeting in February of each year, the Trustees shall select a chairperson and a vice-chairperson from the group of the then existing Trustees and the chairperson and vice-chairperson shall serve a term of one year or until a new chairperson and vice-chairperson is elected. The City Treasurer shall be the Treasurer of the Trust. The Assistant City Manager/Finance & Administration shall serve as Secretary of the Plan and Trust and shall be the custodian of its money and investments.

(2) Consistent with applicable state and federal laws and regulations, the Trustees shall have the power to promulgate rules and regulations for the day-to-day management of the Trust, the investment of monies held by the Trust, to determine all questions regarding the interpretation of the Trust, and such other Trust related subjects as shall be deemed necessary and proper by the Trustees. If any rule or regulation of the Trust or part thereof is found to be in conflict with any law, statute, judicial decision, arbitration decision or any other competent body or tribunal, such rule or regulation or part thereof shall be deemed voided and, all other rules and regulations of the Trust shall remain in full force and effect.

(3) Whenever the signature of a Trustee is required on any document, signature of the chairperson or acting chairperson and secretary or acting secretary shall be required.

(4) In the event of any suit brought against the Trustees arising out of the acts within the scope and powers and duties of the Trustees, or in the event of any lawsuit brought by the Trustees as authorized by the Plan and Trust, the cost of defense or prosecution of such lawsuit shall be charged to the Trust, and shall be paid directly from the Trust, provided such costs are not incurred by reason of bad faith, gross negligence, or breach of a fiduciary obligation to the Trust or to the beneficiaries thereof.

(5) The Board of Trustees may employ such clerical personnel or administrative personnel to perform whatever administrative activities are required in the proper performance of the Trust. In addition thereto, the Trustees may, if they desire, contract with an administrator to perform such clerical and administrative duties as they may, in their sole discretion, determine is reasonably and prudently necessary to carry out the Trust's activities and purposes. Under no circumstances shall said administrator have control or authority with respect to the management of the Trust or its assets. The said administrator shall not be

clothed with any type of authority or power which will constitute the administrator as a fiduciary. Said administrator will not have the power or authority to act as an investment counselor or manager and will not be authorized to furnish investment advice.

(6) The Board of Trustees may utilize City staff for such functions as personnel administration, accounting, banking and purchasing and will comply with all established City control procedures and policies related to these services. The Board will annually reimburse the City for actual costs of these services as determined by a method jointly agreed upon by the Board of Trustees and the City.

(7) Employees, upon the request of the Board of Trustees, may also be assigned to the Trust for the proper operation of the Trust. Said employees shall be subject to the supervision of the Board of Trustees. The Board of Trustees shall have the authority to establish job descriptions and promulgate rules and regulations appropriate for the Trust in addition to those adopted by the City. The Board will annually reimburse the City for the actual costs of these employees as determined by a method jointly agreed upon by the Board and the City.

(8) The Board of Trustees may employ (an) investment manager(s) to manage the assets of the Trust. Such investment manager(s) must be registered under the Investment Advisor's Act of 1940, as amended, (15 USCS 80b-1) and must meet any applicable state and federal requirements to act as an investment manager. The Trustees may, if they deem proper in their discretion, or if the circumstances require it, appoint such investment manager, managers, banks or insurance companies as fiduciaries and enter into an agreement with such institutions, naming it a fiduciary and conveying to such fiduciary all or a portion of the assets of the Trust, so that said fiduciary may handle, manage and hold those assets conveyed to it. All assets conveyed to said fiduciary shall be subject to the provision of the agreement or agreements between the Trustees and the fiduciary.

(9) The Board of Trustees may employ legal counsel with whom they may seek advice, consult with, require attendance at meetings and to otherwise represent the Trustees in matters relating to the Trust.

(10) The Board of Trustees may authorize the purchase of insurance for the Trust and for the Trustees to cover liability or losses occurring for any reason, including but not limited to, an act or omission (errors or omissions) of a fiduciary, including the Trustees; provided however, that such insurance policy permits recourse by the insured against the fiduciary, including the Trustee or Trustees involved, in case of breach of fiduciary obligation by the fiduciary.

(11) The Board of Trustees shall appoint an Actuary who shall advise the Trustees on the actuarial operation of the Plan and Trust. The Trustees shall, from time to time, adopt such mortality and other tables of experience and a rate or rates of regular interest as are necessary in the operation of the Trust on an actuarial basis.

***1:306*. Board Meetings.**

(1) The Trustees shall meet at least once quarterly. The Trustees shall determine the time for the regular meetings of the Trustees and the place or places where such meetings shall be held. The secretary of the Trustees or his or her designee shall be responsible for giving notice of the time and place of such meetings to the other Trustees.

(2) Notice and conduct of all meetings of the Trustees, both regular and special, shall be given in accordance with applicable law including the Michigan Open Meetings Act (MCL 15.261 et seq.).

(3) The Board of Trustees shall adopt its own rules of procedure and shall keep a record of its proceedings. Four (4) Trustees shall constitute a quorum at any meeting of the Board of Trustees Each Trustee shall be entitled to one vote on each question before the Board of Trustees and at least four (4) concurring votes shall be necessary for a decision of the Board of Trustees.

***1:307*. Compensation.**

All Trustees shall serve without compensation as members of the Board of Trustees, except that employee Trustees shall suffer no loss in compensation on account of their services as Trustees.

***1:308*. Trustees' Powers and Responsibilities.**

The Trustees shall hold all the powers that are necessary to carry out the purposes of the Trust and are generally available to Trustees under the laws of the State of Michigan, except as limited by the Trust and by federal law and regulations. It is intended that the Plan and Trust shall be tax exempt and shall qualify under the Internal Revenue Code and any amendments of the Code applicable to plans of this type. The Trustees shall have the continuing duty to propose to the City amendments to this Plan to the extent it becomes necessary to qualify said Plan under the Internal Revenue Code and to continue the tax exempt status of the Trust. The Trustees shall take no action nor make any determination inconsistent with any qualification or ruling of the Internal Revenue Service, an arbitrator or the courts with respect to the Trust. In the case of amendments to the Internal Revenue Code or changes of regulations by the Internal Revenue Service or the Labor Department, the Trustees are empowered to take all necessary action(s)

authorized by the Plan and Trust, federal and state law and regulations, to continue the qualification of the Trust as a qualified Trust. In carrying out the purposes of the Trust, the Trustees shall have the following powers and duties:

(1) The Trustees shall, in order to effectuate the purposes of the Trust, be bound by the terms of the Plan and any applicable Collective Bargaining Agreements between the City and the Collective Bargaining Associations, or applicable personnel policies.

(2) The Trustees shall establish a uniform system for the timely transmission of required reports and contributions from the City on behalf of the Participants and/or Qualified Beneficiaries.

(3) The Trustees, in accordance with the requirements of law, may direct an impartial firm of independent certified public accountants to act as agent of the Trustees to examine the payroll records and reports as may be necessary to determine the monies due on behalf of a Participant and/or Qualified Beneficiary covered by this Trust and to make a written report to the Trustees.

(4) The Trustees shall maintain, or cause to be maintained, proper books of accounts and records of and for the administration of the Trust, including the minutes of all meetings, make them available for inspection at the permanent office of the Trust during reasonable business hours by the City, or any Participant or Qualified Beneficiary covered by the Plan and Trust.

(5) The financial records of the Trust shall be subject to the annual audit of the City. The Trustees shall fully comply with all applicable statutory and municipal budgetary and accounting procedures and provide access to and/or documentation of all assets and liabilities of the Trust and a resume of the operations of the Trust for the preceding year together with such other data as may be required by law and/or as part of the City's annual financial report.

(6) The Trustees shall be authorized, pursuant to Public Act 149 of 1999 (MCL 38.1211 et seq.), as amended, to invest the assets of the Trust in accordance with the provisions of Public Act 314 of 1965 (MCL 38.1132 et seq.), as amended.

***1:309*. Trust Liabilities.**

(1) The City shall not be liable for payment to the Trust of any amount other than those required of it by the Trust. Neither the City, nor any Participant or Qualified Beneficiary or Trustee shall be liable for any debts, liabilities or obligations of the Trust except as provided for in this Chapter. Neither the City nor any Participant and/or Qualified Beneficiary shall have any right to the return of any money properly paid into the Trust, except as otherwise specifically provided in this Plan and Trust, or to money improperly

paid which has already been invested or distributed. Any contribution improperly paid into the Trust by the City or on behalf of a Participant or Qualified Beneficiary shall be returned by the Trustees upon the request of the City, the Participant or the Qualified Beneficiary or upon discovery by the Trustees that such monies have been improperly paid into the Trust, unless those monies have already been invested or distributed.

(2) No part of the Trust or any benefits payable by the Trustees shall be subject to alienation, sale, transfer, assignment, pledge or encumbrance charge by any person. No Participant or Qualified Beneficiary shall be entitled to receive any part of the Contributions made by the City or payments required to be made by the Trust, in lieu of such benefits provided under the Plan as determined by the Trustees in accordance with the Trust.

***1:310*. Termination of the Trust.**

(1) Subject to the limitations of this Plan and Trust, the parties hereby contemplate that new employment benefit decisions may be made by the City and/or new Collective Bargaining Agreements may be entered into which continue or modify the provisions of the Trust. The Trust shall continue during such period of time as may be necessary to carry out the provisions of any Plan or Collective Bargaining Agreement requiring payment to the Trust and the fact that such Collective Bargaining Agreements or employment benefit decisions are not extended, shall not by itself terminate the Trust, which shall continue for a period of time sufficient to wind up the affairs of the Trust.

(2) Provided there are no longer any Qualified Beneficiaries eligible for benefits from the Trust, the Trust may be terminated at any time by the Trustees so long as the termination is not inconsistent with any then existing City decisions. It shall not be necessary for the City to execute such an agreement for the Trust to terminate.

(3) If the Trust shall terminate, the Trustees shall forthwith notify any Insurance Carrier or Carriers then providing insurance to Retirees and Qualified Beneficiaries in the Trust.

(4) In the event of the termination of the Trust, the remaining funds available after providing for all the outstanding obligations, shall be used in a manner as will, in the opinion of the Trustees, best effectuate the purposes of the Trust, including, but not limited to, the purchase of insurance benefits.

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

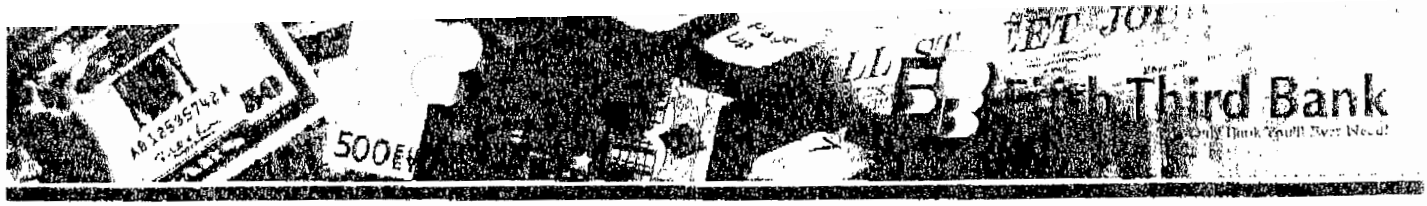
The recommended bidder was selected as a result of a request for proposal process. The original resolution granted approval to negotiate with Fifth Third Bank to provide additional banking services, as the City was ready to implement them. Since the beginning of the contract, we have added lock box services 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.

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 | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 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 | | | | | | | SWEEP SERVICE: | |
| PHOTOCOPY REQUEST | | | | $ 4.00 | | | | | | | FOR ALL ACCOUNTS | |
| ADDITIONAL CASHNET REPORTING OPTIONS: | | | | | | | | | | | UTILIZING THE SWEEP TO REPO | |
| STATEMENT-TO-DATE REPORT | | | | | | | | | | | SERVICE -- $150.00 MTHLY FEE | |
| MONTHLY PRODUCT CHARGE | | | | $ 40.00 | | | | | | | FOR EA ACCT, WAIVED, | |
| TERMINAL OUTPUT - PER ACCESS | | | | $ 1.60 | | | | | | | PROVIDED $250,000 AVE BAL | |
| TERMINAL OUTPUT - PER TRANSACTION | | | | $ 0.12 | | | | | | | MAINTAINED IN REPO | |
| DEBIT/CREDIT DETAIL REPORT | | | | | | | | | | | INVESTMENT ACCT. | |
| MONTHLY PRODUCT CHARGE | | | | $ 75.00 | | | | | | | | |
| 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 CRÉDIT. 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<br>DETROIT | MI | 500 WOODWARD AVE<br>48275-3354 | P O BOX 75000 |
| ATTN ROBERT H DUSCHINSKE, VP | NATIONAL CITY BANK MICHIGAN/ ILLINO<br>BIRMINGHAM | MI | 1001 SOUTH WORTH<br>48009-6943 | |
| ATTN RONALD JESZKE<br>P O BOX 9065 | PUBLIC FUNDS DEPARTMENT<br>FARMINGTON HILLS | MI | MICHIGAN NATIONAL BANK<br>48333-9065 | 27777 INKSTER RD |
| ATTN D'ARCY GONZALES, VP | NATIONAL BANK OF DETROIT<br>WATERFORD | MI | 3245 ELIZABETH LAKE RD<br>48328-3304 | |
| ATTN PAMELA J HARDY, VP | STANDARD FEDERAL BANK<br>TROY | MI | 2600 WEST BIG BEAVER RD<br>48084-3703 | P O BOX 3703 |
| ATTN DAN VIANT, VP | OLD KENT BANK AND TRUST COMPANY<br>TROY | MI | 2280 W BIG BEAVER RD<br>48084 | |

RFP 99-01 BANKING SERVICES
COMMODITY CODE: 946-25
BANKING SERVICES

June 10, 2005

TO: John Szerlag, City Manager

FROM: Brian P. Murphy, Assistant City Manager/Services
Doug Smith, Real Estate and Development Director

SUBJECT: **AGENDA ITEM - SALE OF ROCHESTER ROAD REMNANT PARCEL, PIN# 20-23-352-035, 037 SECTION 22, PART OF LOTS 86 THROUGH 91, AND VACATED ALLEY OF SUPERVISOR'S PLAT OF BEAVER RUN.**

The City of Troy presently owns a parcel of land located on the northeast corner of Hartland Street and Rochester Road, which is a remnant parcel of land left from the Rochester Road re-construction project. It contains 11,000 square feet and due to its small size and shape is best developed by combining it with an abutting property to achieve an economically viable improvement. The parcel is described as:

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

Buscemis Party Shoppe would like to purchase this parcel, combine it with the abutting parcel on the east and develop a commercial project. This would require the rezoning of the remnant parcel from B-3 to B-1 and the rezoning of the abutting parcel from R-1E to B-1. This would create a B-1 zoned parcel of 16,505 square feet in size.

City Council Res. #85-254, which is attached, authorizes remnant parcel sales at appraised value to abutting property owners when the combining of the two parcels achieves a desirable development result.

The City owned parcel has been appraised to have a value of $36,000.00, by a state certified appraiser, and reviewed by a state licensed appraiser.

Buscemis Party Shoppe has submitted an Offer to Purchase this parcel, at the appraised value, with the conditions that the re-zonings as requested are approved, and that the site plan receives final approval.

It is recommended by City management that City Council approve the sale to Buscemis Party Shoppe for the appraised value according to the attached Offer to Purchase.

Attachments

**EXHIBIT "A"**

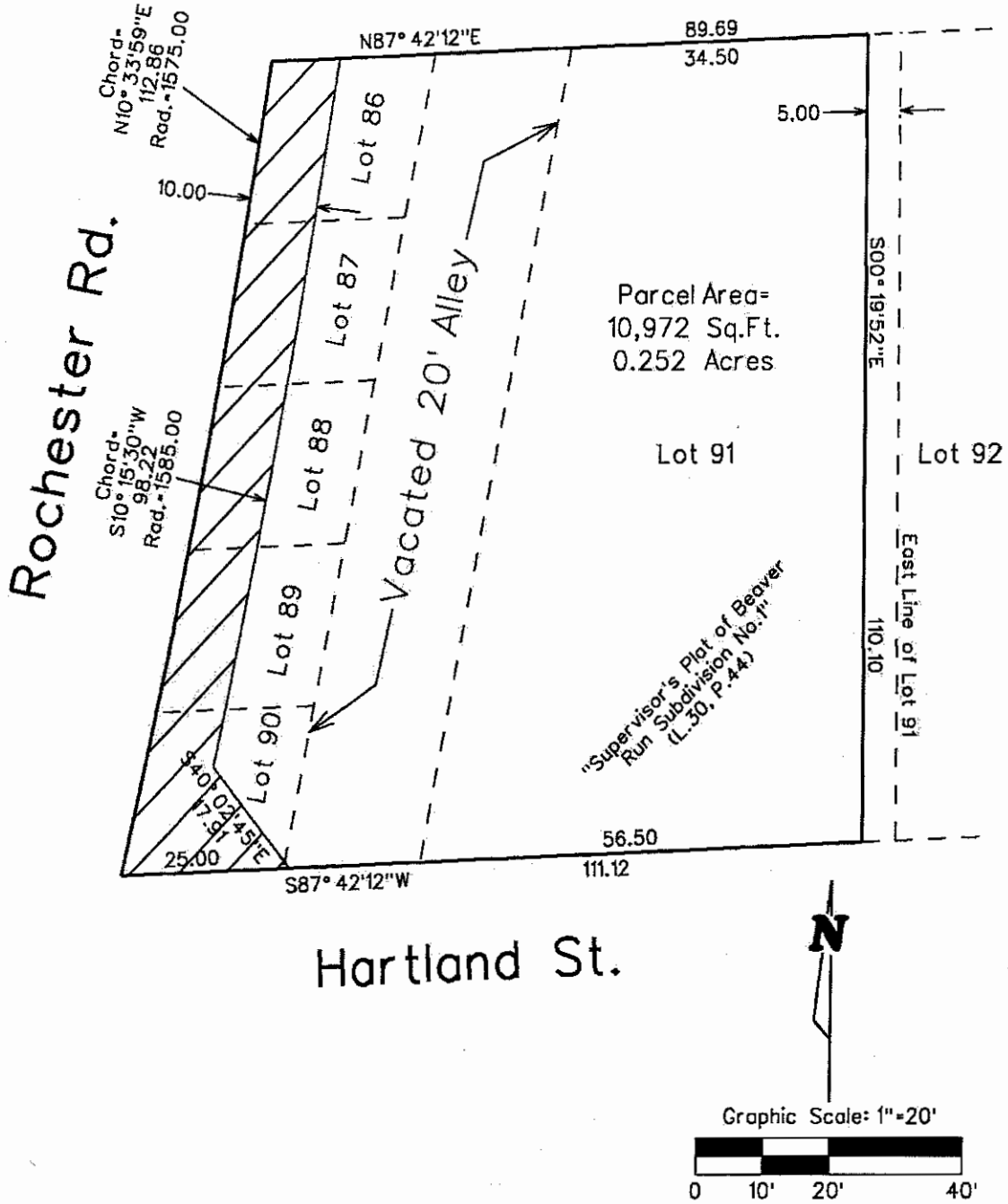
LOTS 86 THROUGH 89, INCLUSIVE, ALSO LOT 90, EXCEPT THAT PART TAKEN FOR ROAD, DESCRIBED AS BEGINNING AT THE SOUTHWEST CORNER OF LOT 90, THENCE NORTHERLY 15 FEET ALONG THE WEST LOT LINE; THENCE SOUTHERLY TO A POINT ON THE SOUTH LOT LINE, DISTANCE EASTERLY 15 FEET FROM BEGINNING; THENCE WESTERLY 15 FEET ALONG THE SOUTH LOT LINE TO BEGINNING, ALSO LOT 91, EXCEPT THE EAST 5.00 FEET, ALSO THE VACATED ALLEY ADJACENT TO LOTS 86 THROUGH 91, ALL IN "SUPERVISOR'S PLAT OF BEAVER RUN SUBDIVISION NO. 1" ACCORDING TO THE PLAT THEREOF, AND BEING PART OF THE SOUTHEAST ¼ OF SECTION 23, AND PART OF THE SOUTHWEST ¼ OF SECTION 22, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN AS RECORDED IN LIBER 30, PAGE 44 OF PLATS, OAKLAND COUNTY RECORDS.

**EXCEPT:**

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 22, T. 2 N., R. 11 E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN, AND PROCEEDING S. 87° 55' 56" W., 224.08 FEET ALONG THE SOUTH LINE OF SECTION 22 (ALSO BEING THE RIGHT-OF-WAY CENTERLINE OF BIG BEAVER ROAD, BOTH EXISTING AND PROPOSED), TO THE EAST RIGHT-OF-WAY LINE OF ROCHESTER ROAD(M-150); THENCE CONTINUING ALONG THE EAST RIGHT-OF-WAY LINE N. 10° 58' 26" E., 252.56 FEET; THENCE 203.46 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 1925.12 FEET, PASSING THROUGH A CENTRAL ANGLE OF 6° 03' 19" WITH A CHORD BEARING OF N. 14° 00' 06" E., 203.36 FEET; THENCE N. 17° 01' 45" E., 339.52 FEET; THENCE 121.21 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 1575.00 FEET, PASSING THROUGH A CENTRAL ANGLE OF 4° 24' 34" WITH A CHORD BEARING OF N. 14° 49' 28" E., 121.18 FEET TO THE INTERSECTION OF THE SOUTH LINE OF LOT 90, WITH THE EAST RIGHT-OF-WAY LINE OF ROCHESTER ROAD(M-150), AND BEING THE <u>POINT OF BEGINNING</u>; THENCE S. 87° 42' 12" W., 50.38 FEET TO A POINT BEING DISTANT N. 87° 42' 12" E., 15.00 FEET FROM THE SOUTHWEST CORNER OF SAID LOT 90; THENCE N. 40° 43' 25" W., 18.65 FEET; THENCE N. 10° 50' 59" E., 97.99 FEET, TO THE NORTHWEST CORNER OF LOT 86; THENCE N. 87° 42' 12" E., 64.81 FEET TO THE INTERSECTION OF THE NORTH LINE OF LOT 86, WITH THE EAST RIGHT-OF-WAY LINE OF ROCHESTER ROAD(M-150); THENCE 112.89 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 1575.00 FEET, PASSING THROUGH A CENTRAL ANGLE OF 4° 06' 24" WITH A CHORD BEARING OF S. 10° 33' 59" W., 112.86 FEET TO THE <u>POINT OF BEGINNING</u>. CONTAINING 10,972 SQUARE FEET OR 0.252 ACRES.

**RESERVING THE FOLLOWING DESCRIBED PERMANENT PUBLIC UTILITY EASEMENT:**

THAT PART OF THE SOUTHWEST ¼ OF SECTION 23, T. 2 N., R. 11 E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS FOLLOWS:
A PORTION OF LAND LYING 10 FEET EAST OF, PERPENDICULAR TO AND PARALLEL WITH THE EAST RIGHT-OF-WAY LINE OF ROCHESTER ROAD (M-150), ALSO BEGINNING AT THE EAST RIGHT-OF-WAY LINE OF ROCHESTER ROAD (M-150), AND THE SOUTH LINE OF THE PARENT PARCEL AS DESCRIBED ABOVE AND BEING THE POINT OF BEGINNING; THENCE EASTERLY ALONG THE SOUTH LINE OF THE PARENT PARCEL 25.00 FEET; THENCE NORTHWESTERLY 30.62 FEET TO THE EAST RIGHT-OF-WAY LINE OF ROCHESTER ROAD (M-150): THENCE SOUTHERLY ALONG SAID LINE 25.00 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 1575.00 FEET, PASSING THROUGH A CENTRAL ANGLE OF 0° 54' 34" WITH A CHORD BEARING OF S. 12° 09' 54" W., 25.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 1,232 SQ. FT. OF LAND.




Public Utility Easement
Area=1,232 Sq.Ft.

CITY OF TROY
OAKLAND COUNTY, MICHIGAN

# Remnant Parcel Sketch

| SCALE | DRAWN BY | CHECKED | FILE |
|---|---|---|---|
| HOR. | NAME GJBill | NAME | |
| VER. | DATE 3-22-05 | DATE | VIEW |

DATE REV.

DOCUMENT PREPARED BY
George J. Ballard III
LAND SURVEYOR

CONTRACT No.

STEVEN J. VANDETTE
CITY ENGINEER

SHEET No. 1OF1

JOB No.

# OFFER TO PURCHASE CITY OF TROY REAL ESTATE

1. THE UNDERSIGNED, Buscemis Party Shoppe hereby offers and agrees to purchase from the City of Troy the following land situated in the City of Troy, Oakland County, Michigan, described as follows:

   See Exhibit "A" Attached Hereto And By Reference Made A Part Hereof
   Sidwell # 88-20-23-352-035 & 037

   To pay therefore the sum of Thirty Six Thousand Dollars ($36,000.00) subject to the existing building and use restrictions, easements, zoning ordinances, and other deed restrictions and conditions as specified herein.
   THE SALE IS TO BE CONSUMMATED BY: the delivery of a Warranty Deed conveying a marketable title. Payment of purchase money is to be made in cash or certified check made payable to the City of Troy

2. As evidence of title, Seller agrees to furnish Purchaser as soon as possible a Commitment for Title Insurance for information purposes. Purchase of Title Insurance shall be the option of the Purchaser at Purchaser's expense.

3. At the time this offer is accepted by the Seller, title can be conveyed in the condition required hereunder, the Purchaser agrees to complete the sale within 30 days after delivery of the commitment of title insurance.

4. If objection to the title is made in the Commitment for Title Insurance or based upon a written opinion of Purchaser's attorney after examination of the Abstract that the title is not in the condition required for performance hereunder, the Seller shall have 30 days from the date he is notified in writing of the particular defects claimed either (1) to fulfill the requirements in said commitment or to remedy the title defects set forth in said attorney's opinion or (2) to refund the deposit in full termination of this agreement or if unable to furnish satisfactory title. If the Seller is able to comply with such requirements or remedy such defects within the time specified as evidenced by written notification, revised commitment or endorsement to commitment, the Purchaser agrees to complete the sale within 10 days of receipt thereof. If the Seller is unable to furnish satisfactory title within the time specified, the deposit shall be refunded forthwith in full termination of this agreement.

5. Purchaser understands and agrees that although the property being conveyed may at the time of conveyance be tax exempt, and that upon acceptance of this offer to purchase the property will be placed on the tax assessor's roll.

6. The covenants herein shall bind and inure to the benefit of the heirs, executors, administrators, successors and assigns of the respective parties.

7. By the execution of this instrument the Purchaser acknowledges THAT THEY HAVE EXAMINED THE ABOVE DESCRIBED PREMISES and is satisfied with the physical condition of structures and/or land thereon.

8. The closing of this sale shall take place at the offices of the City of Troy unless otherwise agreed.

9. Purchaser agrees to comply with Troy City Council Resolution #85-254, a copy of which is attached, and understands that this sale is contingent upon City Council approval.

10. Deed Restrictions and Subsequent Conditions: The sale of this property is conditioned upon the following deed restrictions which shall be recorded at the time of sale and shall be binding upon the Purchaser, their heirs, executors, administrators, successors and assigns: See Attachment "A"

11. Additional Conditions:
    1. Sale is contingent upon the rezoning of the adjacent property owned or controlled by purchaser to B-1, Parcel I.D. # 88-20-23-352-038, & the rezoning of the subject city owned parcel to B-1, Parcel I.D. #88-20-23-352-035, 037 before closing.
    2. Sale is contingent upon final site plan approval.

IN THE PRESENCE OF: ----------Purchaser

Buscemis Party Shoppe

_____ ✓ _____L.S.

Paul Buscemi – Owner

_____ _____L.S.

Date _____ Phone _____Address _____

IN THE PRESENCE OF: ----------Seller

_____ _____L.S.

_____ _____L.S.

Date _____ Phone: _____Address: 500 W. Big Beaver, Troy, 48084

PURCHASER'S RECEIPT OF ACCEPTED OFFER

The Purchaser hereby acknowledges the receipt of the Seller's signed acceptance of the foregoing offer to purchase.

Purchaser

_____ _____L.S

_____ _____L.S.

Date_____

**EXHIBIT "A"**

LOTS 86 THROUGH 89, INCLUSIVE, ALSO LOT 90, EXCEPT THAT PART TAKEN FOR ROAD, DESCRIBED AS BEGINNING AT THE SOUTHWEST CORNER OF LOT 90, THENCE NORTHERLY 15 FEET ALONG THE WEST LOT LINE; THENCE SOUTHERLY TO A POINT ON THE SOUTH LOT LINE, DISTANCE EASTERLY 15 FEET FROM BEGINNING; THENCE WESTERLY 15 FEET ALONG THE SOUTH LOT LINE TO BEGINNING, ALSO LOT 91, EXCEPT THE EAST 5.00 FEET, ALSO THE VACATED ALLEY ADJACENT TO LOTS 86 THROUGH 91, ALL IN "SUPERVISOR'S PLAT OF BEAVER RUN SUBDIVISION NO. 1" ACCORDING TO THE PLAT THEREOF, AND BEING PART OF THE SOUTHEAST ¼ OF SECTION 23, AND PART OF THE SOUTHWEST ¼ OF SECTION 22, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN AS RECORDED IN LIBER 30, PAGE 44 OF PLATS, OAKLAND COUNTY RECORDS.

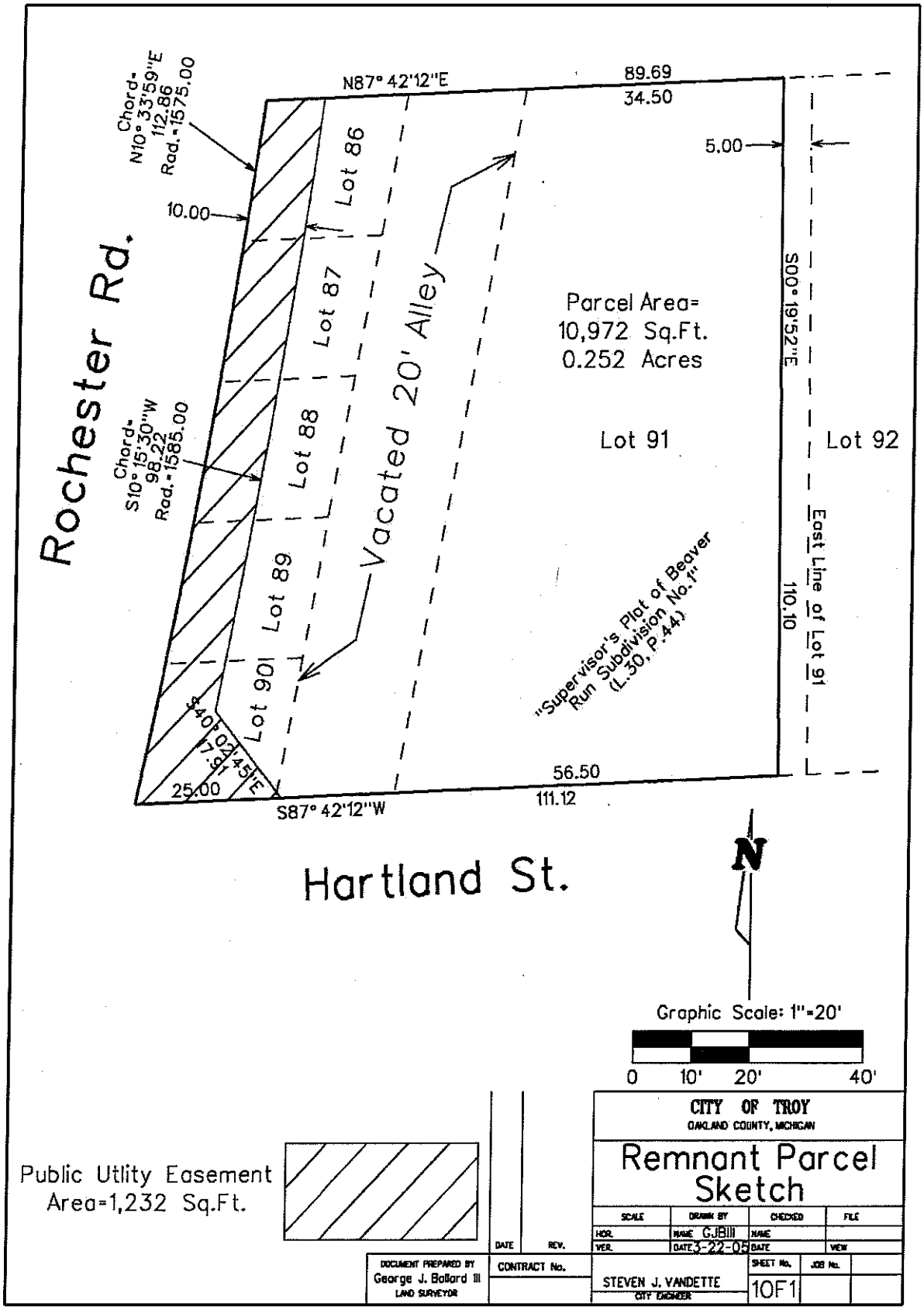
**EXCEPT:**

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 22, T. 2 N., R. 11 E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN, AND PROCEEDING S. 87° 55' 56" W., 224.08 FEET ALONG THE SOUTH LINE OF SECTION 22 (ALSO BEING THE RIGHT-OF-WAY CENTERLINE OF BIG BEAVER ROAD, BOTH EXISTING AND PROPOSED), TO THE PROPOSED EAST RIGHT-OF-WAY LINE OF ROCHESTER ROAD (M-150); THENCE CONTINUING ALONG THE PROPOSED EAST RIGHT-OF-WAY LINE N. 10° 58' 26" E., 252.56 FEET; THENCE 203.46 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 1925.12 FEET, PASSING THROUGH A CENTRAL ANGLE OF 6° 03' 19" WITH A CHORD BEARING OF N. 14° 00' 06" E., 203.36 FEET; THENCE N. 17° 01' 45" E., 339.52 FEET; THENCE 121.21 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 1575.00 FEET, PASSING THROUGH A CENTRAL ANGLE OF 4° 24' 34" WITH A CHORD BEARING OF N. 14° 49' 28" E., 121.18 FEET TO THE INTERSECTION OF THE SOUTH LINE OF LOT 90, WITH THE PROPOSED EAST RIGHT-OF-WAY LINE OF ROCHESTER ROAD(M-150), AND BEING THE POINT OF BEGINNING; THENCE S. 87° 42' 12" W., 50.38 FEET TO A POINT BEING DISTANT N. 87° 42' 12" E., 15.00 FEET FROM THE SOUTHWEST CORNER OF SAID LOT 90; THENCE N. 40° 43' 25" W., 18.65 FEET TO THE EXISTING RIGHT-OF-WAY LINE OF ROCHESTER ROAD(M-150); THENCE N. 10° 50' 59" E., 97.99 FEET ALONG THE EXISTING RIGHT-OF-WAY LINE OF ROCHESTER ROAD, TO THE NORTHWEST CORNER OF LOT 86; THENCE N. 87° 42' 12" E., 64.81 FEET TO THE INTERSECTION OF THE NORTH LINE OF LOT 86, WITH THE PROPOSED EAST RIGHT-OF-WAY LINE OF ROCHESTER ROAD(M-150); THENCE 112.89 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 1575.00 FEET, PASSING THROUGH A CENTRAL ANGLE OF 4° 06' 24" WITH A CHORD BEARING OF S. 10° 33' 59" W., 112.86 FEET TO THE POINT OF BEGINNING. CONTAINING 10,972 SQUARE FEET OR 0.252 ACRES.

**EXHIBIT "A" (CON'T)**

**RESERVING THE FOLLOWING DESCRIBED PERMANENT PUBLIC UTILITY EASEMENT:**

THAT PART OF THE SOUTHWEST ¼ OF SECTION 23, T. 2 N., R. 11 E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS FOLLOWS:
A PORTION OF LAND LYING 10 FEET EAST OF, PERPENDICULAR TO AND PARALLEL WITH THE PROPOSED EAST RIGHT-OF-WAY LINE OF ROCHESTER ROAD (M-150), ALSO BEGINNING AT THE PROPOSED EAST RIGHT-OF-WAY LINE OF ROCHESTER ROAD (M-150), AND THE SOUTH LINE OF THE PARENT PARCEL AS DESCRIBED ABOVE AND BEING THE POINT OF BEGINNING; THENCE EASTERLY ALONG THE SOUTH LINE OF THE PARENT PARCEL 25.00 FEET; THENCE NORTHWESTERLY 30.62 FEET TO THE PROPOSED EAST RIGHT-OF-WAY LINE OF ROCHESTER ROAD (M-150): THENCE SOUTHERLY ALONG SAID LINE 25.00 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 1575.00 FEET, PASSING THROUGH A CENTRAL ANGLE OF 0° 54' 34" WITH A CHORD BEARING OF S. 12° 09' 54" W., 25.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 1,232 SQ. FT. OF LAND.


Rochester Rd.
Hartland St.
Chord-
N10° 33'59"E
112.86
Rad.-1575.00
Chord-
S10° 15'30"W
98.22
Rad.-1585.00
N87° 42'12"E
89.69
34.50
5.00
10.00
Lot 86
Lot 87
Lot 88
Lot 89
Lot 90
Vacated 20' Alley
Parcel Area=
10,972 Sq.Ft.
0.252 Acres
Lot 91
Lot 92
S00° 19'52"E
East Line of Lot 91
110.10
"Supervisor's Plat of Beaver Run Subdivision No.1"
(L.30, P.44)
S40° 07'45"E
7.91
25.00
56.50
111.12
S87° 42'12"W
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Graphic Scale: 1"=20'
0
10'
20'
40'
Public Utility Easement
Area=1,232 Sq.Ft.
CITY OF TROY
OAKLAND COUNTY, MICHIGAN
Remnant Parcel Sketch
SCALE
DRAWN BY
CHECKED
FILE
HOR.
NAME GJBIII
NAME
VER.
DATE 3-22-05
DATE
VIEW
DATE
REV.
DOCUMENT PREPARED BY
George J. Ballard III
LAND SURVEYOR
CONTRACT No.
STEVEN J. VANDETTE
CITY ENGINEER
SHEET No.
10F1
JOB No.

## TABLED ITEMS

RESOLUTION TO ESTABLISH POLICY GOVERNING DISPOSAL (SALE) OF EXCESS

**RIGHT-OF-WAY**

Resolution #85-254
Moved by Liebrecht
Supported by Stine

WHEREAS, the City Council of the City of Troy endeavors to attain the highest and best land use, effective growth control measures and to enhance the health, safety and welfare of the community; and

WHEREAS, Chapter 12 of the Troy City Charter requires that . . . "in all sales or purchases in excess of $3,000 (1) the sales or purchases shall be approved by the City Council, (b) sealed bids shall be obtained, except where the City Council shall determine that an emergency exists or that the public interest will be best served without obtaining sealed bids. . .";

NOW, THEREFORE, BE IT RESOLVED, That the City Council may from time to time determine that the sale of certain parcels of land will best serve the public interest; and

BE IT FURTHER RESOLVED, That the City Council of the City of Troy may determine that the public interest will best be served without obtaining sealed bids for the sale of remnant parcels which remain after required right-of-way is taken when a purchase agreement is offered to the City of Troy by a prospective buyer which:

1. Has submitted evidence of ownership or control of an assembly of adjoining land of sufficient size so as to achieve what is believed to be the best possible development as determined by the City Council after review and recommendation from the City Manager.

2. Has submitted a site plan which has been drawn to sufficient detail to indicate any and all features which are governed by codes of the City of Troy, said site plan shall not include variances from any code of the City of Troy.

3. Is accompanied by a petition for rezoning, if necessary, in compliance with the Master Land Use Plan of the City of Troy or as may be determined by the City Council of the City of Troy as being the most appropriate land use; and

4. Commits the prospective buyer to a purchase price at a value established by an appraiser named by the Right-of-Way Division of the City of Troy.

5. Commits the buyer to construct or pay for the construction of any and all improvements to public facilities or private improvements as required by ordinances or design standards of the City of Troy; and

6. Is accompanied by architectural renderings of all building indicated on the site plan along with a description of building materials and methods to permit evaluation of building quality;

7. Is accompanied by a draft of proposed deed restrictions which will be imposed upon the owner of the purchaser of the City-owned property, the adjoining land included in the site plan and their assigns and successors which embodies all of the aforementioned requirements and conditions; and

BE IT FINALLY RESOLVED, That the City Council retains discretionary authority to determine the applicability of this policy.

Yeas: All-7

**ATTACHMENT "A"**

**CITY OF TROY PROPERTY SALE**

**DEED RESTRICTION**

A. Construction shall take place based on an approved set of architectural drawings, as submitted to and approved by the Building Department and Planning Department of the City of Troy and all construction shall conform to all codes of the City of Troy. Purchaser shall complete the fee purchase of other parcels, which comprise the full site, if any.

B. The purchaser shall construct or pay for the construction of any and all improvements to public facilities or private improvements as required by ordinances or design standards of the City of Troy.

C. All buildings shall be constructed based on an approved set of architectural drawings as submitted to and approved by the Troy Planning Department and Building Department.

D. The Purchaser shall combine this parcel description with adjacent properties owned or controlled by Purchaser on City tax records.

E. These deed restrictions and the full purchase agreement shall be recorded with and as part of the deed at the Oakland County Register of Deeds.

F. The Purchaser agrees upon closing this transaction that all restrictions and conditions shall bind and inure to Purchaser, heirs, executors, administrators, successors and assigns, and that they will reimburse to the City all costs incurred by the City in the future, including court and attorney fees, in order for the City to gain compliance with this agreement and the stated restrictions.

## TABLED ITEMS

RESOLUTION TO ESTABLISH POLICY GOVERNING DISPOSAL (SALE) OF EXCESS

**RIGHT-OF-WAY**

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Moved by Liebrecht
Supported by Stine

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5. Commits the buyer to construct or pay for the construction of any and all improvements to public facilities or private improvements as required by ordinances or design standards of the City of Troy; and

6. Is accompanied by architectural renderings of all building indicated on the site plan along with a description of building materials and methods to permit evaluation of building quality;

7. Is accompanied by a draft of proposed deed restrictions which will be imposed upon the owner of the purchaser of the City-owned property, the adjoining land included in the site plan and their assigns and successors which embodies all of the aforementioned requirements and conditions; and

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Yeas: All-7

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## DEED RESTRICTION

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B. The purchaser shall construct or pay for the construction of any and all improvements to public facilities or private improvements as required by ordinances or design standards of the City of Troy.

C. All buildings shall be constructed based on an approved set of architectural drawings as submitted to and approved by the Troy Planning Department and Building Department.

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June 13, 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 – Hidden Parc Site Condominium, north of Welling, west of John R, section 14 – R-1C

.

**RECOMMENDATION**

At the May 10, 2005 Regular Meeting, the Planning Commission approved the following resolution:

***Resolution # PC-2005-05-081***
Moved by: Drake-Batts
Seconded by: Littman

***RESOLVED***, That the Planning Commission recommends to City Council, that the Preliminary Site Plan (Section 34.30.00 Unplatted One-Family Residential Development), as requested for Hidden Parc Site Condominium, including 35 units, located north of Welling on the west side of John R, Section 14, within the R-1C zoning district be granted, for the alternate plan which shows the cul-de-sac at Rosewood Court and a cul-de-sac at Honey Locust Drive.

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

**MOTION CARRIED**

City Management recommends approval of the applicant's submitted layout, with interconnection and access to John R Road to the east (Hazelnut Lane), Welling to the south and a stub street to the north.

**SUBMITTED (INTERCONNECTION) LAYOUT VS ALTERNATE (CUL-DE-SAC) LAYOUT**

City Management continues to support the City policy of neighborhood interconnection.

City Management does not support the alternate version that was recommended for approval by the Planning Commission. This alternate layout was originally submitted at the request of City Management, as is required for all single family residential developments. This alternate version has both Rosewood Court and Honey Locust terminating in cul-de-sacs.

The City of Troy Subdivision Ordinance requires that the maximum length of a cul-de-sac shall generally not exceed 500 feet. For the alternate version, the length of the Rosewood Court cul-de-sac measured from Whitesell would be approximately 1,250 feet. However the distance from the Rosewood cul-de-sac to a major thoroughfare would be approximately 5,600 feet to John R Road and 4,100 feet to Long Lake Road. This distance would significantly impact the length of time it would take police, fire or ambulance vehicles to respond to an emergency. Honey Locust Drive would also terminate in a cul-de-sac at its southern terminus. The length of this cul-de-sac would be approximately 1,100 feet.

The difference between the submitted layout and the alternate layout includes vehicular connection between Welling Drive and John R Road. The distance from John R Road to the end of the Rosewood Court cul-de-sac under the submitted version is approximately 1,600 feet. This is significantly closer to a major thoroughfare than the alternate version recommended for approval by the Planning Commission. The submitted version would help to reduce traffic on Hamman, one of the City's busiest residential streets, and would improve overall traffic management in this quarter section.

If City Council approves the alternate layout with the cul-de-sacs on Rosewood and Honey Locust, it is recommended that the applicant provide Emergency Vehicle Access (EVA). These EVA's would be located between John R Road to Rosewood Court and between Luisa Drive and Honey Locust. The EVA's would be designed to City standards. It should be noted that the submitted version and the alternate version both yield 35 units. However, the applicant is required to design the development with the EVA's and submit plans for review. It is possible the unit count will be affected by the inclusion of the two EVA's.

## 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 Welling, west of John R, in section 14.

Size of subject parcel:
The parcel is approximately 13.3 acres in area.

Description of proposed development:
The applicant is proposing a 35-unit site condominium, with access to both John R and Welling Drive.

Current use of subject property:
Six (6) single-family homes presently sit on the property. The applicant proposes to remove 5 of the homes and retain one home (unit 26).

Current use of adjacent parcels:
North: Beer Barrel Party Store.
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-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.

A wetland determination was prepared for the site by S & R Environmental Consulting on December 20, 2004. The report concludes that there are no regulated wetlands on the property.

Stormwater detention:
The applicant proposes to provide two storm water detention basins on the property, one on the east side adjacent to John R and one on the east side of Honey Locust.

Natural features and floodplains:
The Natural Features Map indicates there are woodlands 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 John R and Welling. The preferred layout reduces curb cuts on John R. The number of curb cuts would be reduced from six curb cuts to one curb cut (unit 22) and one street entrance.

Sidewalks: The applicant is proposing to construct an 8-foot wide sidewalk on the west side of John R. The applicant is also proposing to construct a 5-foot wide sidewalk on both sides of all interior streets.

Utilities: The parcel is served by public water and sewer.

Attachments:
1. Interconnection Memo, dated June 13, 2005.
2. Maps.
3. Wetland report prepared by S & R Environmental Consulting dated December 20, 2004.
4. Minutes from May 10, 2005 Planning Commission Regular Meeting.
5. Letters in opposition of development.

Prepared by RBS/MFM

cc: Applicant
File/Hidden Parc Site Condominium

G:\SUBDIVISIONS & SITE CONDOS\Hidden Parc Site Condo Sec 14\CC Preliminary Approval Hidden Parc Site Condo 06 20 05.doc

June 13, 2005

TO: John Szerlag, City Manager

FROM: Brian Murphy, Assistant City Manager / Services
Charles Craft, Police Chief
William Nelson, Fire Chief
Steve Vandette, City Engineer
Doug Smith, Real Estate and Development Director
Mark Miller, Planning Director
John Abraham, Deputy City Engineer/Traffic Engineer

SUBJECT: Hidden Parc Site Condominium - Interconnection Pros and Cons

City staff was requested to provide the impact of the alternative layouts proposed for the Hidden Parc Site Condominium development.

City management recommends a layout that connects the south and north sections of the proposed development, consistent with the policy of interconnecting neighborhoods. Following are some pros and cons of this configuration:

a. Interconnected streets is the preferred alternative for good emergency vehicle access. Though EVAs provide reasonable access, there could be volunteer fire fighters, EMS drivers, police officers and other emergency respondents who may be delayed in their response times. The EVA's also require that responding personnel know their location and factor the EVA into their response plan. EVA's are intended to provide emergency access where it is difficult to provide otherwise. These EVA's may be become cut-throughs themselves unless we put some type of gate / barrier to positively restrict access. This will of course increase the complexity for the emergency responders.
b. This configuration will bring the old and new portions of the neighborhood together and enhance a sense of community to both portions.
c. This layout provides another access to John R from Long Lake Village. This will provide relief to Hamman Street, since a portion of the traffic will now use this John R access. Other streets that may experience lower traffic with this configuration are Calvert and Chapel. Hamman is one of our most heavily traveled residential streets in the City due to the fact that it provides the only access to John R Road for all Long Lake Village traffic and provides access to the Costello Elementary School. A good percentage of the Shallowbrook subdivision also uses Hamman to access

John R. Hamman is a residential public street, similar to Louisa, Calvert Chapel or Welling. Looking at this square mile, overall traffic will be better distributed if the proposed new streets are interconnected with the existing Long Lake Village subdivision street.

d. This configuration will provide easier access to John R from Gamber, Whitesell and portions of Calvert and Alton.

e. In the alternate layout with two cul-de-sacs, residents of the south section of the proposed development will have to travel close to a mile to access John R using Welling, Calvert, Chapel and Hamman (as shown in the illustration).

f. Interconnection will facilitate better operation for other 'services', such as school buses, garbage pick-up and other utilities, police patrol, snow plowing, mail service and others, by reducing travel time and travel distance while servicing this section of the City.

It should also be noted that, all of the streets in question are public streets and maintained with public funds for public use, for the overall health safety and welfare of the people.

JKA
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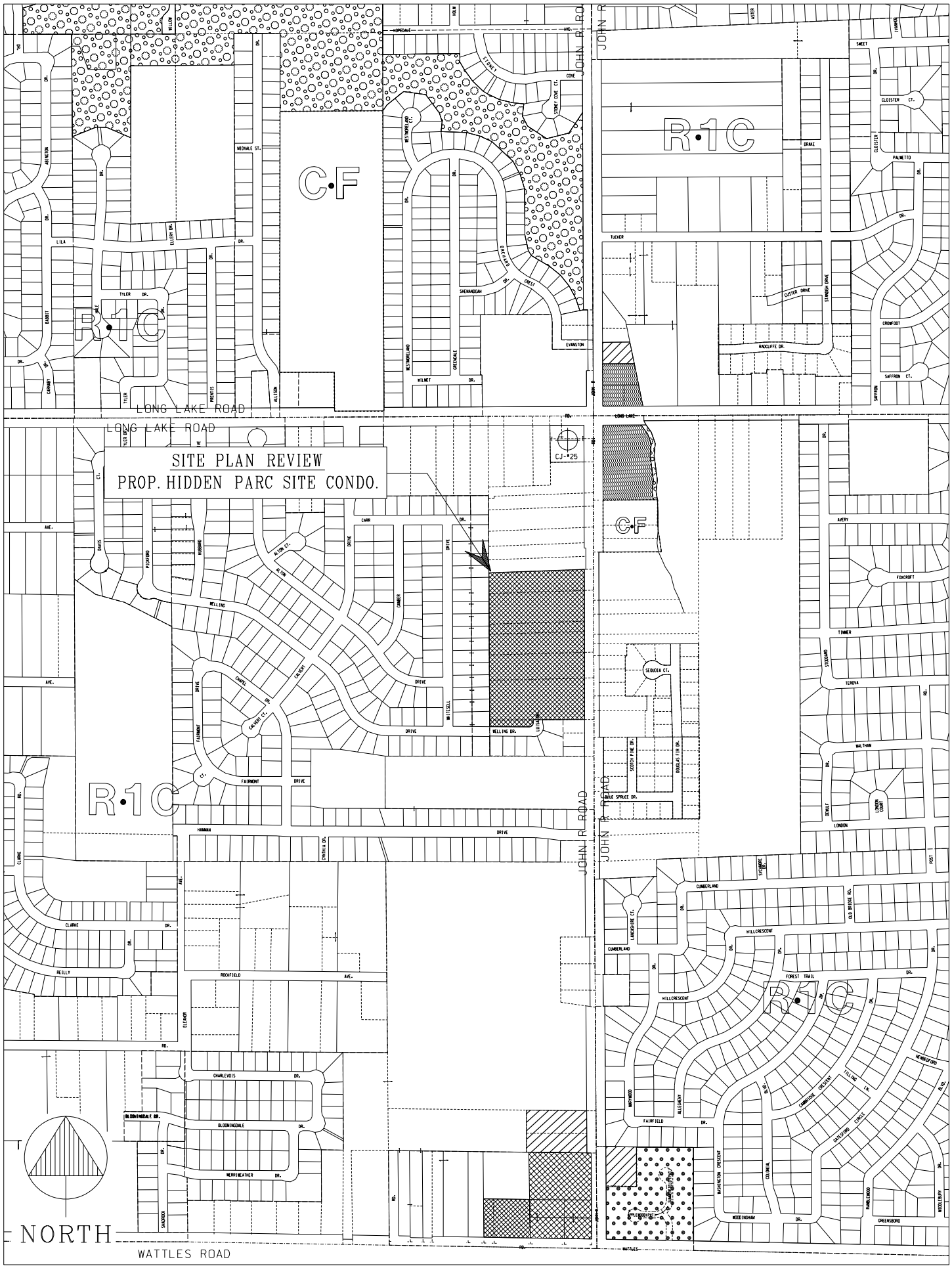
# CURRENT CITY OF TROY POLICY AND ORDINANCE THAT REQUIRE INTER-CONNECTION OF SUBDIVISIONS AND SITE CONDOMINIUMS

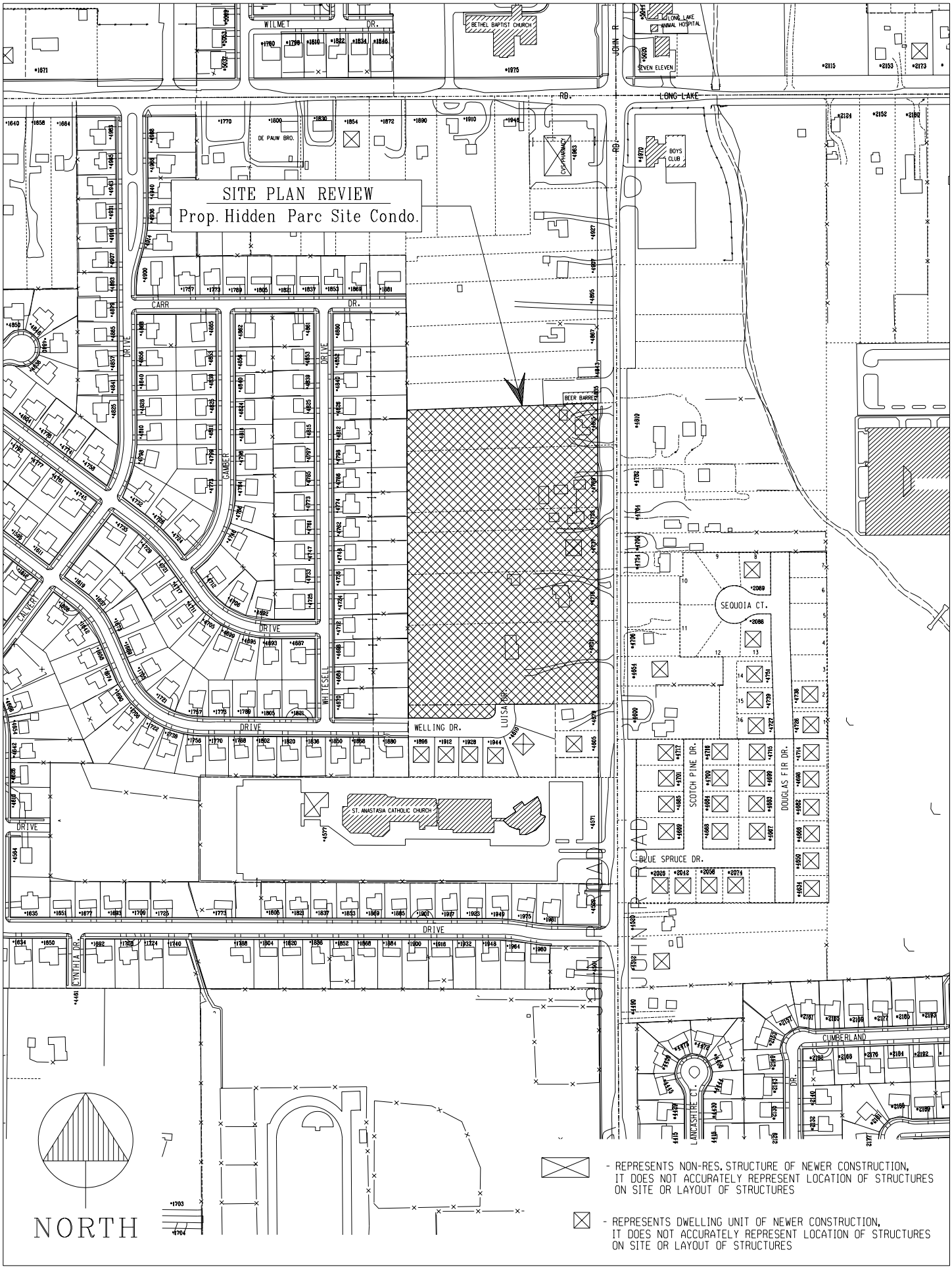
| ADVANTAGES | DISADVANTAGES |
|---|---|
| • ALLOWS FOR EFFICIENT DEVELOPMENT OF ADJACENT PROPERTIES<br>• ALLOWS FOR "LOOPED" WATER MAINS<br>• REDUCES NUMBER OF CURB CUTS ONTO MAJOR THOROUGHFARES. MORE DRIVEWAYS UNDERMINE THE SAFETY AND EFFCIENCY OF THOROGHFARES.<br>• PROVIDES ALTERNATE ROUTE FOR POLICE AND FIRE RESPONSE<br>• COULD REDUCE RESPONSE TIMES FOR POLICE, FIRE AND EMS<br>• CITY COUNCIL APPROVED A TRAFFIC HARMONIZATION PROGRAM TO ADDRESS NEIGHBORHOOD TRAFFIC PROBLEMS<br>• PEDESTRIANS AND BICYCLISTS HAVE CONNECTION TO ADJACENT NEIGHBORHOODS<br>• RESIDENTS DO NOT HAVE TO USE ALREADY CONGESTED MAJOR THOROGHFARES TO GET TO THE NEXT SUBDIVISION, SCHOOL, PARK OR PLAYGROUND<br>• REDUCES NEED FOR SCHOOL DISTRICTS TO BUS MORE CHILDREN (HEALTH, SAFETY BENEFITS) | • ALLOWS FOR "CUT-THROUGH" AUTO TRIPS<br>• GENERALLY, EXISTING RESIDENTS DO NOT WANT THEIR NEIGHBORHOODS CONNECTED TO NEW SUBDIVISIONS OR SITE CONDOS<br>• CREATES DEAD-END STUB STREETS THAT REMAIN UNTIL ADJACENT PROPERTY IS DEVELOPED<br>• PROVIDES MULTIPLE ROUTES FOR AUTOS BEING PURSUED BY POLICE<br>• CREATES ISOLATED NEIGHBORHOODS AND POTENTIAL LOSS OF SENSE OF COMMUNITY |

# CITY OF TROY

PREPARED BY CITY OF TROY PLANNING DEPT.

SITE PLAN REVIEW
PROP. HIDDEN PARC SITE CONDOMINIUM
W SIDE OF JOHN R, S OF LONG LAKE
SEC. 14 (R-1C 35 LOT/UNITS)
SITE PLAN REVIEW
HIDDEN PARC SITE CONDOMINIUM
CARR
CALVERT
GAMBER
ALTON
WHITESELL
JOHN R
SEQUOIA CT
DOUGLAS FIR
LUISA
WELLING
SCOTCH PINE
BLUE SPRUCE
CHAPEL
Feet
0 50 100 200 300 400


SITE PLAN REVIEW
PROP. HIDDEN PARC SITE CONDO.
LONG LAKE ROAD
JOHN R ROAD
WATTLES ROAD
NORTH
C•F
R•1C
CJ-#25




HIDDEN PARC SITE CONDO. / SEC. 14 / 05-21-05

S & R
Environmental
Consulting

P.O. Box 157 • St. Charles, Michigan 48655 • Phone (989) 865-6297

December 20, 2004

Mr. William Mosher, P.E. President
Apex Engineering Group Inc.
47745 Van Dyke Avenue
Shelby Township, MI 48317

Dear Mr. Mosher:

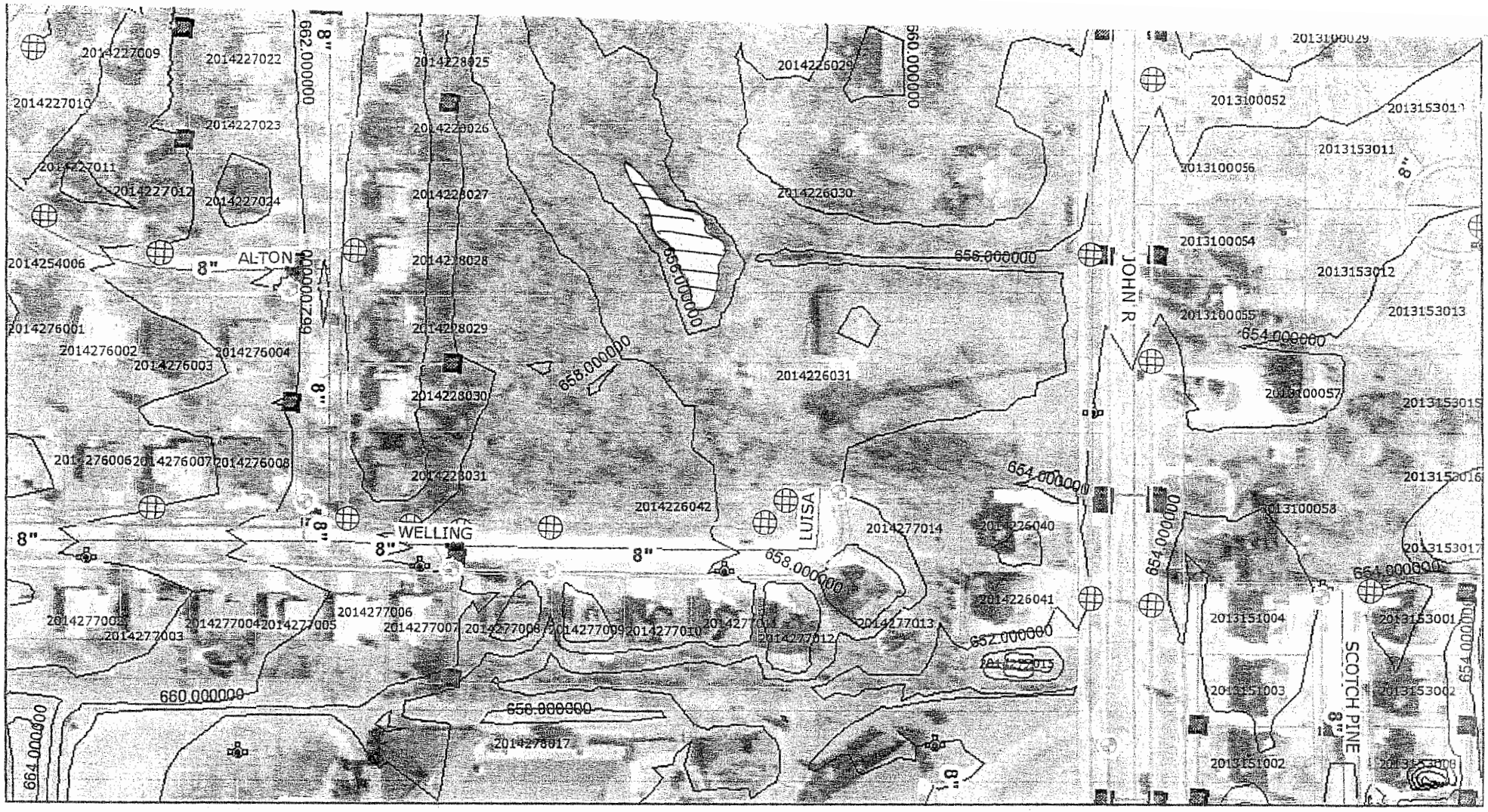
At your request, I recently examined a propery in Troy on the west side of John R Road between Wattles and Long Lake Road. Based on analyses of topography, soils, vegetation and hydrology, I found no regulated wetlands on the property. I found a very small (less than 1 acre) swale with forested wetland vegetation, but this area is much too small to be regulated and is not associated with a lake, pond or stream.

Please write or call if you have any questions about my findings.

Sincerely,

S & R Environmental Consulting

Patrick J. Rusz, Ph.D.
Chief Wetlands Ecologist




Wetlands Line estimated in 1999 by a project consultant for the City of Troy.

N
W E
S

# CITY OF TROY
# OAKLAND COUNTY MICHIGAN

1 inch equals 165.6 feet

The information provided by this program has been compiled from recorded deeds, plats, tax maps, surveys, and other public records and data. Users of this data are hereby notified that the source information represented should be consulted for verification.

12. SITE PLAN REVIEW – Hidden Parc Site Condominium, 35 units/lots proposed, North of Welling, West of John R, Section 14, Zoned R-1C (One Family Residential) District

Mr. Savidant presented a summary of the Planning Department report for the proposed Hidden Parc Site Condominium. Mr. Savidant reviewed the site plan as submitted and two alternate site plans that were provided by the petitioner. Mr. Savidant addressed the outlot that would be used as part of the development proposal with respect to the Open Space Agreement that was reviewed by the City Attorney's office. Mr. Savidant reported that City Management prefers the site plan layout with a connection on John R to the east, Welling to the south and a stub road to the north. It is the recommendation of the Planning Department to approve the site plan as submitted.

Mr. Motzny said he reviewed the Open Space Agreement and the plat at the request of the Planning Department. He said the plat that was recorded and approved designates the outlot for future development. There is no indication on the recorded plat that it is part of the open space that is covered by the restrictions mentioned in the Open Space Agreement. Mr. Motzny said based on that review, it appears that the outlot could be used as part of the site condominium development.

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. Mr. Mancini clarified the driveway access for the existing house.

Chair Strat opened the floor for public comment.

Barbara Upmeyer of 1928 Welling, Troy, was present. Ms. Upmeyer said the proposed development would eliminate the 13.3 acres of woods directly across the street from her house. Ms. Upmeyer is concerned about the increase in traffic and the cut-through traffic to John R. She said she would favor the plan that provides for a cul-de-sac and would eliminate the potential cut-through traffic to John R.

Bill Konitsney of 4773 Whitesell, Troy, was present. Mr. Konitsney said he bought his home because of the beautiful view out of his front window. Mr. Konitsney said the proposed development would kill trees and destroy the homes of wildlife. He said the loss of trees would devalue the neighboring residents. He addressed the construction noise and questioned the need for additional condominiums in the City when newly constructed condominiums remain on the market.

Nancy Lakin of 4610 Luisa, Troy, was present. Ms. Lakin lives in the Hidden Oaks subdivision that is south of the proposed development. Ms. Lakin is not opposed to the proposed development. She is opposed to the plan that would provide for access to John R. Ms. Lakin expressed concerns with respect to the increase in traffic and its impact on the residents' quality of life. She said the subdivision

residents support the alternate plan that provides for no connection to John R. Ms. Lakin cited several subdivisions where access to major roadways were eliminated; i.e., Woodside Manor, Rhode Island Estates, Cedar Crest (long extended cul-de-sac), and Oak Forest South (blocked access to adjacent subdivision).

Neal Harris of 4762 Whitesell, Troy, was present. Mr. Harris addressed the wetlands. His daughter who has a master degree in engineering says the area is definitely wetlands. Mr. Harris questioned what would happen to the fragile plants in the area. He said the loss of the woods would be equivalent to environmental rape. Mr. Harris said the area is boggy, muddy, low, and wet all the time. Solicited feedback from homeowners Mr. Harris contacted is that no one wants the proposed development to go in.

Dave Lakin of 4610 Luisa, Troy, was present. Mr. Lakin lives two houses away from the proposed project. Mr. Lakin is a civil engineer with an approximate 30 years of experience in the representation of municipalities in many areas of southeastern Michigan. He expressed appreciation for the work done by City staff and Planning Commission members. Mr. Lakin shared copies of a schematic plan that shows future development to the north of Hidden Oaks subdivision with no connection to John R. Mr. Lakin said he met with City staff and the petitioner with respect to an alternative plan that would maintain the overall scope of the project and eliminate the John R access. The result was the alternative site plan provided by the petitioner. Mr. Lakin cited advantages to the alternative site plan: (1) eliminates John R access; (2) results in no loss of number of lots; (3) creates premium lots on cul-de-sac; (4) provides access to Luisa that adds to continuity of residential area; (5) provides high profile access entrance to John R for marketing purposes; and (6) provides emergency vehicle access to Luisa from John R. Mr. Lakin complimented the petitioner's skills as a builder. On behalf of the residents of Hidden Oaks subdivision, Mr. Lakin expressed support for the alternative site plan with no connection to John R and urged members to approve the alternative plan.

Paul Fitzgerald of 4698 Whitesell, Troy, was present. Mr. Fitzgerald expressed concern with the increase in traffic and cut-through traffic. He said he has not seen a plan that would allow access only from John R. Mr. Fitzgerald questioned if his two lots would be landlocked should the development be approved.

Chair Strat said the Planning Department would be able to answer that question.

Curtis Eves of 4736 Whitesell, Troy, was present. Mr. Eves spoke with reference to the density of the project, the lack of continuity in the neighborhood and the trees that would be eliminated from the wooded area.

Shirley Harris of 4762 Whitesell, Troy, was present. Ms. Harris said putting 35 large homes on small lots is not what one would call controlled growth. She asked if the developer would agree to have the plantings rescued by Cranbrook or a greenhouse owner. Ms. Harris also questioned the location of the open space.

Chair Strat encouraged Ms. Harris to contact the Planning Department during regular business hours for information relating to her questions.

Rachel Leo of 1611 Welling, Troy, was present. Ms. Leo asked the members to give consideration to not providing access to John R for the safety of the residents. She asked why the City would let a developer trump the desires, feelings and lifestyles of the residents.

Donna Brokenshire of 1596 Welling, Troy, was present. Ms. Brokenshire addressed concerns relating to density, traffic, congestion and safety for the square mile area in which the three proposed developments are under consideration.

Doug Palmer of 1896 Welling, Troy, was present. Mr. Palmer addressed concerns relating to traffic and safety of pedestrians. He would support having no access to John R.

The floor was closed.

***Resolution # PC-2005-05-079***
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 Hidden Parc Site Condominium, including 35 units, located north of Welling on the west side of John R, Section 14, within the R-1C zoning district be granted, as recommended by the Planning Department.

Discussion on the motion on the floor.

Chair Strat asked for clarification on the Planning Department's recommendation.

Mr. Savidant said the Planning Department encourages interconnectivity. He indicated it was the recommended layout of the Engineering and Traffic Engineering Departments after their review. The plan provides better interconnectivity than the plan that utilizes the cul-de-sac.

Ms. Drake-Batts said she would not support the plan for interconnectivity. She said the members should listen to the residents.

Mr. Khan said there should be more than one exit from the subdivision to avoid potential problems with emergency vehicle access.

Mr. Littman said the City's Environmental Specialist, whose comments are incorporated in the Planning Department's report, reviews wetlands. Mr. Littman

said Planning Commission members share the residents' concern about wetlands.

Mr. Schultz said he has a concern with the length of the cul-de-sac and agrees it could cause problems for emergency vehicle access. Mr. Schultz said he empathizes with the residents on the loss of trees, but the only way to keep the trees is to own them.

Vote on the motion on the floor.

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

**MOTION DENIED**

***Resolution # PC-2005-05-080***
Moved by: Drake-Batts
Seconded by: Wright

***RESOLVED***, That Resolution # PC-2005-05-079 be reconsidered.

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

**MOTION CARRIED**

***Resolution # PC-2005-05-081***
Moved by: Drake-Batts
Seconded by: Littman

***RESOLVED***, That the Planning Commission recommends to City Council, that the Preliminary Site Plan (Section 34.30.00 Unplatted One-Family Residential Development), as requested for Hidden Parc Site Condominium, including 35 units, located north of Welling on the west side of John R, Section 14, within the R-1C zoning district be granted, for the alternate plan which shows the cul-de-sac at Rosewood Court and a cul-de-sac at Honey Locust Drive.

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

**MOTION CARRIED**

**Paula P Bratto**

**From:** Mark F Miller
**Sent:** Thursday, April 28, 2005 8:10 AM
**To:** Paula P Bratto
**Subject:** FW: Proposed Condominiums

Please prepare a response and cc those on the original distribution. Thanks.

Mark

-----Original Message-----
**From:** Cynthia A Stewart
**Sent:** Thursday, April 28, 2005 8:01 AM
**To:** Mark F Miller; Brian P Murphy
**Cc:** John Szerlag
**Subject:** FW: Proposed Condominiums

-----Original Message-----
**From:** NealShirlHarris@aol.com [mailto:NealShirlHarris@aol.com]
**Sent:** Wednesday, April 27, 2005 12:09 PM
**To:** Louise Schilling; dave@lambert.net; rbeltram@wideopenwest.com; talk2cristina@aol.com; david@eisenbacher.org; Mfhowryl@umich.edu; stinejm@wwnet.net; arharris@andrew.cmu.edu
**Cc:** Cynthia A Stewart; planning@troy.mi.us
**Subject:** Proposed Condominiums

This letter is in regard to a proposed 13.32 acre condominium development called Hidden Parc Site Condominium adjacent to our property at 4762 Whitesell Drive. We are disturbed by the process that is taking place to approve this development and the potential impact on our community.

According to the letter we received from the City of Troy the following is true: 1. the Planning Commission has already formulated a recommendation for this project. 2. as an adjacent property owner we have been informed of a city council meeting on May 10 at which this recommendation will be presented for approval by the city council. We assume that there will be opportunity to discuss this recommendation at the council meeting.

As things now stand, we are being invited at the last minute to ask questions on a proposal that, frankly, appears to be a "done deal". Where is the fairness in that? How can we possibly ask the right questions when we have seen absolutely nothing about the proposal?

If the city really wanted citizen input from the adjoining property owners, then it would have invited them to a meeting of the Planning Commission while it was deliberating the condo proposal and prior to making a recommendation.

While we have little confidence that this letter or our presence at the May 10 meeting will do any good, we are posing some quiestions now with the slim hope someone in power will understand our perspective and hear us out and even provide us some information prior to May 10:

1. What environmental study has been done? Several years ago we were told by the neighbor behind us who owns (or owned) some of this parcel that he could not build deeper into the woods because of wetland law. As far as we know the wetlands have not gone away.

2. This is the largest stand of hardwood forest in this square mile. Given the recent ash borer problem, why are we now about to wipe out this lovely woods? This stand of trees is home to trillium (a protected and endangered species), mayapple, a small deer herd, and other flora and fauna?

3. What will be done to insure our privacy and safety?

Given the recent history of this city with zoning issues, we think it's time to change the process by which zoning and land use

matters are handled. We feel we are being left out of the loop. Where is the democracy in that?

Feel free to contact us at your earliest convenience.

Sincerely,

Neal and Shirley Harris
248-689-3382

**Paula P Bratto**

**From:** Mark Anthony Aiello [maaiello@jtesperlaw.com]

**Sent:** Tuesday, May 10, 2005 4:19 PM

**To:** Paula P Bratto

**Subject:** Planned development at the west side of John R between Wattles and Long Lake

Hello,

My name is Mark Aiello and my wife Kimberly and I are residents of the Long Lake subdivision, residing on Calvert Street. It has come to our attention that a condominium complex is being planned for the wooded area behind Whitesell Street in our subdivision. We are adamantly opposed to this plan.

The woods are an integral part of our sub and one of the reasons why we chose this area when we were looking for a home. This area has many majestic trees, flora, fauna and wildlife. It will be an absolute tragedy to destroy them in order to shoehorn in an unneeded three dozen homes. It will create additional traffic in a square mile that is more than busy enough already. In addition, we ask: Must every untouched square inch of this city be mowed down for "development"?

We respectfully request that you deny the developer's plan.

Sincerely,

Mark A. Aiello
J. Timothy Esper & Associates, P.C.
535 Griswold Street, Suite 1650
Detroit, MI 48226
(313) 964-4900 x 102
Fax: (313) 961-1893

ORIGINAL

**Paula P Bratto**

**From:** J9mosc@aol.com
**Sent:** Tuesday, May 10, 2005 10:46 AM
**To:** Paula P Bratto
**Subject:** re: Hidden Parc Site Condominium

I live at 1805 Welling and I would like to voice my opinion regarding this Condominium proposal. We love how there is not much traffic on our street due to the fact that our street ends at a cul de sac. We have lots and lots of little children in our subdivision and on our street. I feel that the traffic would increase heavily due to our street Welling turning into Luisa and the children would be at risk. I am voting against this proposal. Thank you for your time, Janine Moscone

REC'D
MAY 10 2005

#12

**Paula P Bratto**

**From:** Allison Harris [arharris@andrew.cmu.edu]
**Sent:** Monday, May 09, 2005 11:33 PM
**To:** Paula P Bratto
**Subject:** Proposed Condominiums

Dear Planning Commission:

I am writing to express my displeasure over the three proposed condominium developments on the Planning Commission's meeting agenda for May 10, 2005. I am an environmental engineer by training, and as such I am especially concerned with the proposed Hidden Parc Condominiums in Section 14 of Troy.

An email from Paula Bratto dated April 28, 2005 states that the land to be developed for the Hidden Parc Condos is not classified as wetlands. I question this judgment. I assure you, by every definition ? ecological or legal ? the acreage in question is in fact wetlands and should be treated as such. I have notified the Michigan Department of Environmental Quality of the possible violation, and I expect that you will behave in accordance with Michigan law.

If state approval were to be obtained for the construction at any of these sites, the drawbacks of going forward with such plans are significant. While I understand that these housing projects will increase tax revenue for the city, it is not necessarily true that condominiums are the wisest choice ? even in economic terms. Widespread environmental destruction and the subsequent public health threats have their own costs. I have listed some applicable data below, but I encourage you to seek out other resources as well. I think you might be surprised.

A 1996 cost benefit analysis of wetlands(1) found that homeowners in suburban St. Paul, MN were willing to pay $148 to live just 10 meters closer to forested freshwater wetlands. Another study(2) looked at a wet pond in a subdivision in Champaign-Urbana, IL. The results by the numbers: the perceived increase in property values was put at 21.9% for lots near the wetland when compared to comparable homes located elsewhere, 63% of residents listed the wetland as what they liked best about their neighborhood, 74% of residents believe that the wetland contributed to the neighborhood's image as an attractive place to live, and 82% of residents were willing to pay a premium to live close to a wet pond. Just 3.5% of residents felt that the wet pond gave the subdivision a negative image.

Finally, I will add that as a former Troy resident, it is issues like these that prevent me from moving back. I can't help but feel that Troy consistently chooses what is best for the city's economy rather than what is best for the city as a whole. I assure you that condominiums do not make a great city, nor does this reckless destruction of the city's last green spaces.

Please consider saying no to these proposed condominiums. I urge you to consider a sustainable vision for the city that balances development with natural places, one that weighs economic well-being against just plain well-being.

I look forward to discussing this issue with you.

Sincerely,

Allison Harris
Dept. of Civil & Environmental Engineering
Carnegie Mellon University
5000 Forbes Ave.
Pittsburgh, PA, 15213

#12

RECD
MAY 10 2005
PLANNING DEPT.

**Paula P Bratto**

**From:** avanhoef@comcast.net
**Sent:** Monday, May 09, 2005 8:31 AM
**To:** Paula P Bratto; Mark F Miller
**Cc:** dwsnat@comcast.net
**Subject:** Opposed to Hidden Park Site Condo development

Dear Planning Commision and Director,

I just heard about this Hidden Parc site condo plan from a neighbor last night. I wish the commision would let families directly impacted by a plan like this notified in writing. My family and I live at 1756 Welling Drive. We enjoy the sight of the trees now on the proposed site as well as the wildlfe which still remains. We would be very disappointed to see this destroyed. Please do not approve this site for development.

We understand this development may continue and if so we are adamantly opposed to Welling / Luisa going through to John R. There are many small children living on Welling east of Calvert most of these families are comforted in the fact that this street is fairly quite with only necessary traffic. If Luisa goes through to John R the traffic will increase dramatically. I can find no good reason for this street to continue to John R. It must not. A sidewalk can come through but not the street. A sidewalk will allow bikes and children walking access to Cosatello and friends in the sub. Any one purchasing in the complex should have to come and go via John R and not Welling!

Sincerely,

Andy Van Hoef
1756 Welling Drive
12 year resident
248-680-2165 (W)

REC'D
MAY - 9 2005

#12

**Paula P Bratto**

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**From:** Natalie Van Hoef [dwsnat@comcast.net]
**Sent:** Monday, May 09, 2005 8:30 PM
**To:** Paula P Bratto
**Subject:** Hidden Parc Condominiums

Dear Planning Commission and Director,

I just learned about the Hidden Parc Site Condo plan from a neighbor last night. I was very upset bu this proposal. I feel the commission should have notified, in writing, the families directly impacted by this project earlier. My family and I live at 1756 Welling Drive. We enjoy the sight of the trees now on the proposed site as well as the wildlife which still remains. We would be very disappointed to see the destroyed to put condos up in it's place.

I do not feel we need a condo complex adjacent to our subdivision. If the development must happen, I/we are adamantly opposed to Welling/Luisa going through to John R. We have many small childeren living on Welling east of Calvert, including my own. The families are comforted in the fact that this street is fairly quiet with only the necessary traffic. If Luisa goes through to John R the traffic will increase dramatically. There is are no good reasons that Luisa needs to go through to Welling. The residents can go out to John R and go down Hamman to get into the subdivision. A sidewalk can come through the not the street! A sidewalk would allow bikes and childern walking access to Costello and friends in the subdivision. Anyone purchasing in the complex should have to come and go via John R and NOT Welling.

Thank you,

Natalie Van Hoef
1756 Welling Drive
12 Year resident
248-680-9783 (H)
248-765-2344 (c)

REC'D
MAY 10 2005
#12 PLANNING DEPT.

**Paula P Bratto**

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**From:** Cindy Colo [colocrew@wowway.com]
**Sent:** Thursday, May 12, 2005 12:38 PM
**To:** Paula P Bratto
**Cc:** Cindy Colo
**Subject:** Proposed Hidden Parc Condominium Site

I'm hoping we're not to late to be heard regarding the proposed Hidden Parc Condominium Site, north of Welling, west of John R. We were unable to attend the meeting at the last minute. We live on Gamber one street west of the proposed site which we call "our woods". We're fortunate to be able to sit in our kitchen or on our deck and enjoy the tree-lined sky; or to have an occasional deer cross our lawn. While our children grew we hunted dinosaur in "our woods" and went on great safaris in search of wild lions and elephants. As they get older we search for certain leaves or insects, and we always find animal tracks. Sometimes we just walk to the store without worrying about traffic. "Our woods" also absorbs the traffic noise of John R. When we moved to our house the woods neighboring our subdivision was a major factor. We had great schools, a central location between our places of employment and a feeling of being away from the rat race when we came home. Since our move here, twice the city has allowed developments and a CVS pharmacy in "our woods" (Lord only knows why Troy needs so many pharmacies!). I implore you to take a drive around our square mile. Take a good look at all the "pockets of new development". It looks awful! There isn't a single area that could be considered woods much less a field. It's disgusting that the people who live in and love this city pay the price while the land developers line their pockets. Leave "our woods" for the new children in our neighborhood so that they may experience a magical safari. Leave "our woods" for the older children in our neighborhood so that they may experience nature outside classroom walls. Leave "or woods" for the adults so that we may experience a little serenity after working all day in cement, treeless cities. Please just leave "our woods" The question shouldn't be about whether or not the property is buildable, of course it is. What should be questioned is whether or not it's necessary, the answer is simply no.
Dan, Cindy, Louise, and Joseph Colo
4766 Gamber

**Paula P Bratto**

**From:** Mark F Miller
**Sent:** Tuesday, June 14, 2005 8:52 AM
**To:** Brent Savidant; Kathy Czarnecki; Paula P Bratto; Ronald Figlan
**Subject:** FW: Hidden Parc site-condos

-----Original Message-----
**From:** Cynthia A Stewart
**Sent:** Tuesday, June 14, 2005 8:52 AM
**To:** Cristina Broomfield (E-mail); Cynthia A Stewart; Dave Lambert (E-mail 2); David Eisenbacher (E-mail); Jeanne Stine (E-mail); John Szerlag; Louise Schilling (E-mail); Martin Howrylak (E-mail); Robin Beltramini (E-mail)
**Cc:** Douglas J Smith; Mark F Miller
**Subject:** FW: Hidden Parc site-condos

-----Original Message-----
**From:** NealShirlHarris@aol.com [mailto:NealShirlHarris@aol.com]
**Sent:** Tuesday, June 14, 2005 8:43 AM
**To:** Cynthia A Stewart; arharris@andrew.cmu.edu; Telcen@wowway.com
**Subject:** Hidden Parc site-condos

Dear City Council,

At your next meeting, June 20, you will be voting on the Hidden Parc site condo project. Part of your packet of materials for this meeting will include a petition signed by many residents regarding this project. This petition requests the Planning Department and the developer (at your direction) to address the concerns of the neighborhood regarding greenspace, traffic safety, and building density.

As I stated to you on June 6 in regard to the Athens Parc development (which you approved), these two projects together will forever alter the character of our square mile. If you permit the project to go forward as it now stands, every tree will come down in Hidden Parc. It will not be hidden. At least give us a perimeter of trees so that we have the illusion of what we are about to lose. These trees are a wonderful ecosystem. They also give us sound insulation and make our neighborhood quieter.

Residents are rightfully concerned about increased traffic and the issue of safety. Some of us believe that no connection is needed to Welling Street from Louisa as it is now proposed.
The 12 houses on the long cul-de-sac will necessarily be isolated from the rest of the Hidden Parc development. A better configuration would be a simple loop with two outlets on to John R and eliminate this long cul-de-sac altogether. From a safety point of view, access to these twelve houses will require a long winding route to get to them from John R or Long Lake. Depsite their proximity to John R they will not be easily accessible. Please do not add any more traffic to the Long Lake Village sub. This will be another assault on the tranquility of the neighborhood we love.

Finally, the developer will be building very large houses on small lots. This violates the character of the existing neighborhood. Our houses average about 1700 square feet. These houses will be 3200-3800 square feet with only ten feet to the lot line. Our houses average 15 feet to the lot line. As my neigbhor put it, these places will look like barracks. In addition, the housing density will necessitate the removal of all the trees for construction.

You need to know we have met with Mark Miller of the Planning Department and Mr. Mancini of Milano Development in a meeting two weeks ago. They know how we feel, but at this point we have received no assurances anything will change. I have included an attachment of the questions we asked them. Maybe you would like to ask some of the same questions at the council meeting. In addition I have requested updates from them as they work out the details with the engineering department. Thus far I have heard nothing.

In every way possible this development and the Athens Parc site represents the very worst of what is happening all over

town and state-wide. Given our 90+% development already, it is time to put the brakes on this slash and burn approach to every square foot of undeveloped land. We are alarmed at the direction Troy is proceeding. We are quickly losing our city to the big buck boys over whom we have no influence. Enough is enough.

Before June 20 take a drive through our square mile. Notice the beautiful green space behind Athens and the one off John R north of St. Anastasia. Look at the houses we live in, listen to the sounds we hear and know that all of this is about to be lost. While we wish we could stop the whole thing, we rely on you to speak boldly about our concerns.

I hope you will take the time to study the proposal and listen to what we are saying. You do not have to rubber stamp this proposal. If a monster garage upsets you, then losing 1000 trees (Athens Parc and Hidden Parc together) and destroying the tranquility of a wonderful neighborhood ought to make you feel outraged.

Sincerely,

Neal and Shirley Harris

# Questions for the Developer

**Buffers:**

1. In an attempt to preserve the woodland character of both Hidden Parc and Athens Parc, could a buffer/greenbelt be preserved around the perimeter? If all trees come down, how can one call a development "***Hidden*** Parc"?

2. Better yet, could the lot sizes be increased to preserve more trees? Treed lots sell at a premium. Wouldn't the net financial result be the same to you?

3. Are you aware of any protected/endangered woodland plants in either development?

4. Would you permit the harvesting of woodland plants by the city of Troy Nature Center or another organization prior to clearing the property?

5. We understand the environmental study was done by a private firm chosen by you, and that this study was done in the winter. Is this true? If so, why was this study done in winter when the natural features are hidden and plant life is dormant and difficult to assess?

6. Was the Department of Environmental Quality contacted regarding either parcel?

**Traffic Safety**

1. The residents are concerned about increased traffic during construction and, of course, after when new residents move in. In the case of Hidden Parc, couldn't the street configuration be a closed loop without extending Louisa (as currently planned) thus limiting all Hidden Parc residents to one John R entrance and reducing traffic density in the rest of the square mile? This would reduce the time needed for emergency vehicles to reach those residents on the extension of Louisa, a long cul-de-sac accessible only from Welling.

2. In the case of Athens Parc, residents of Rockfield and those on Lamb are concerned about increased construction and residential traffic on already overburdened narrow roads without curbs or sidewalks and considerable pedestrian traffic (given their proximity to two public schools). What will be done to address this problem?

3. When do you intend to build after receiving approval?

4. How long do you anticipate it will take to fully build both sites?

**Density**

1. We understand these houses will be close together and built on smaller lots than is customary in this square mile. Long Lake Village and the houses on Rockfield are not built to maximum density. What will be the distance to the side property lines?
2. What will be the lot size?
3. The houses in Long Lake Village are about one-half the size of what you propose to build. What will be the actual square feet of the "footprint" of the house? Won't this give the feeling of large houses squeezed tightly together?
4. How many total square feet will these houses be?
5. Most of us do not understand the definition of a "site condo". Please explain.
6. We understand that the process by which a developer gets approval for a site condo development eliminates what used to be required consent of the adjoining landowners. Is this true?
7. Do you have plans to expand Hidden Parc and Athens Parc in the future?
8. We know the Hidden Parc site is very wet. There are many areas near the west border of this site where water stands and flows during rainy periods. The runoff from this site ponds in the backyard of at least one Whitesell resident. Can you guarantee that drainage will be adequate since the removal of trees increases runoff? Will the land-locked lots on Whitesell become "detention ponds" for this development?
9. Will these houses have basements?
10. What happened to the easement that was promised to those second lots when the Whitesell houses were originally sold?
11. What percentage of the Hidden Parc development will be occupied by detention ponds? How many acres then will actually have home sites?
12. What and where is the lowest elevation in Hidden Parc? Will the detention ponds be at higher elevations?
13. Will either parcel have a commons area?
14.

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ROCKFIELD

21

| DATE | SIGNATURE | ADDRESS |
|---|---|---|
| 5-26-05 | [illegible] | 1666 ROCKFIELD TROY 248524-2974 |
| 5-26-05 | [illegible] | 1666 ROCKFIELD TROY 248 524-2974 |
| 5-26-05 | [illegible] | 1704 Rockfield Troy (248)709-9061 |
| 5-26-05 | [illegible] | 1704 ROCKFIELD Troy 248 709 |
| 5-25-05 | [illegible] | 1656 ROCKFIELD Troy MI 248-689-7455 |
| | | |
| 5.25.05 | [illegible] | 1671 ROCKFIELD TROY MI 48098 |
| 5-26-05 | [illegible] | 1590 ROCKFIELD Troy MICH. 248 689-8325 |
| | | |
| 5/26/05 | [illegible] | 1661 Rockfield Troy, MI 48085 |
| 5/26/05 | [illegible] | 1661 Rockfield Troy, MI 48085 |
| 5/26/05 | [illegible] | 1643 Rockfield Troy MI 48085 |
| 5/26/05 | [illegible] | 1643 Rockfield Troy, MI 48085 |
| 5/26/05 | [illegible] | 1617 Rockfield Troy, MI 48085 |
| 5-26-05 | Bethany Palmer | 1593 Rockfield Troy, MI 48085 |
| 5/26/05 | [illegible] | 1593 Rockfield Troy, MI 48085 |
| 5-26-05 | [illegible] | 1593 Rockfield Troy, Mich 48085 |
| 5-26-05 | Linda B Palmer | 1593 Rockfield Troy, MI 48085 |
| | | 1586 " " " " |
| 5/31/05 | William R Palmer | 1607 " " " " |
| | | 1580 " " " " |
| 5/26/05 | [illegible] | 4197 ELEANOR DR. TROY MI 48085 |
| 5/26/05 | [illegible] | 1524 Rockfield Dr. Troy, MI 48085 |
| 5/26/05 | [illegible] | 1524 Rockfield D. Troy, MI 48085 |
| 5/31/05 | [illegible] | 1547 ROCKFIELD TROY 48085 |
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Dave Nice

Pete

We, the undersigned of the square mile bounded by, Wattles, Rochester, John R & Long Lake Roads, request Milano Development, the developer of Athens Parc and Hidden Parc, and the City of Troy, Planning Department to reconsider the current proposed site design to include and provide a suitable buffer, safe construction access and reduced dwelling density.

| DATE | SIGNATURE | ADDRESS |
|---|---|---|
| 5-31-05 | [illegible] | 1547 Rockfield, Troy — 48085 |
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| DATE | SIGNATURE | ADDRESS |
|---|---|---|
| 5-31-05 | James Lemp | 1608 Merriweather Troy MI 48085 |
| 5-31-05 | Maureen E. Lemp | 1594 Merriweather Dr. Troy 48085 |
| 5-31-05 | Mark Hopkins | 1551 MERRIWEATHER TROY MI 48085 |
| 5-31-05 | Ashley Meadows | 1634 Marriweather troy MI 48085 |
| 5-31-05 | [illegible] | 1634 Marriwether troy MI 48085 |
| 5-31-05 | Brittany Cunningham | 1634 marriweather troy MI |
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No 1537

We, the undersigned of the square mile bounded by, Wattles, Rochester, John R & Long Lake Roads, request Milano Development, the developer of Athens Parc and Hidden Parc, and the City of Troy, Planning Department to reconsider the current proposed site design to include and provide a suitable buffer, safe construction access and reduced dwelling density.

(6)

| DATE | SIGNATURE | ADDRESS | Phone |
|---|---|---|---|
| 5/31/05 | Daniel Valleskey | 4747 Whitesell | |
| 5/31/05 | [illegible] | 4733 Whitesell | |
| 5/31/05 | [illegible] | 4725 Whitesell | |
| 5/31/05 | [illegible] | 4684 Whitesell | 248-740-9764 |
| 5-31-05 | Shirley A. Harris | 4762 Whitesell Troy | 248-689-3382 |
| 6-1-05 | Neal R Harris | 4762 Whitesell " | 248-689-3382 |

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(26)

| DATE | SIGNATURE | ADDRESS | PHONE |
|---|---|---|---|
| 5/27/05 | [illegible] | 4670 Whitesell Troy | 524-1554 |
| 5/27/05 | [illegible] | 4698 WHITESELL DR. | |
| 5/27/05 | Michele Smith | 4684 Whitesell Dr. | 740-9764 |
| 5-27-05 | [illegible] | 4712 Whitesell | 689-7793 |
| 5/27/05 | [illegible] | 4712 WHITESELL | " |
| 5/27/05 | Clifford Nickerson | 4724 Whitesell | 524-9060 |
| 5/27/05 | Melanie Nickerson | 4724 Whitesell | " " |
| 5/27/05 | Connie Langkopler | 4812 Whitesell | 248 689-4161 |
| 5/27/05 | William Langkopler | 4826 Whitesell | |
| 5/27/05 | [illegible] | 4852 Whitesell | 248 740 9775 |
| 5/27/05 | [illegible] | 4815 Whitesell | 248 619 2070 |
| 5/27/05 | [illegible] | 4860 Whitesell | |
| 5/27/05 | [illegible] | 4860 Whitesell | |
| 5/31/05 | [illegible] | 4736 Whitesell | 248-680-1187 |
| 5/31/05 | Marilyn [illegible] | 4786 Whitesell | |
| 5/31/05 | [illegible] | " | |
| 5/31/05 | [illegible] | 4840 Whitesell | |
| 5/31/05 | Kevin Peters | 4861 Whitesell Dr. | |
| 5/31/05 | Alece Chamberlin | 4839 Whitesell | |
| 5/31/05 | Chris Phillips | 4885 Whitesell Dr | |
| 5/31/05 | Ronald A Dargo | 4785 Whitesell | 248-689-1320 |
| 5/31/05 | Patricia A Dargo | 4785 Whitesell Dr | |
| 5-31-05 | Karen A. Dargo | 4785 Whitesell Dr | |
| 5-31-05 | [illegible] | 4773 WHITESELL | 248-524-1044 |
| 5-31-05 | [illegible] | 4773 Whitesell | " |
| 5/31/05 | [illegible] | 4761 Whitesell | |

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Phone #

(18)

| DATE | SIGNATURE | ADDRESS |
|---|---|---|
| 5-27-05 | Nancy Garling Nancy Garling | 4826 Hubbard Dr. Troy, MI 48085 248-689-4078 |
| 5-27-05 | Gary Carl (GARY CARL | 4810 HUBBARD DR TROY MI 48085 248689284 |
| 5/27/05 | Channy McGarvey | 4825 Hubbard Dr. Troy MI 48085 248-740-700 |
| 5/27/05 | JOY TIPTON | 4841 HUBBARD DR TROY MI 48085 248-689-4214 |
| 3/27/05 | Jean R. Goodrich | 4852 Hubbard Dr. Troy MI 48085 248 689-6315 |
| 3-27-05 | Glen H. Goodrich | 4852 Hubbard Troy MI 48085 248 689-6315 |
| 5-27-05 | Thomas O'Rourke | 4857 Hubbard Troy MI 48085 248 524 4856 |
| 5-27-05 | Rosemarie Dascenza | 4886 Hubbard Dr. Troy MI 48085 |
| 5-27-05 | Francis T. Dascenzo | 4886 Hubbard Dr. Troy MI 48085 |
| 5/27/05 | Gail Slater | 4902 Hubbard Dr. Troy MI 48085 |
| 5-27-05 | Beverly J. Raine | 4916 Hubbard Drive Troy MI. 48085 |
| 5-27-05 | [illegible] | 4916 HUBBARD DRIVE TROY, MI 48085 |
| 5/27/05 | Vivian Negrotti | 4940 Hubbard Dr. Troy 48085 |
| 5-27-05 | Marcia J. Siegel | 4974 Hubbard Dr., Troy 48085 |
| | | |
| 5-27-05 | Hajrij Polog | 4838 Hubbard Dr. Troy, MI 48085 |
| 5-27-05 | Brian McKenna | 4989 HUBBARD TROY MI 48085 |
| 5-31-05 | Arlene Mecto | 4925 HUBBARD TROY, MI 48085 |
| 5-31-05 | Jonathan Garling JONATHAN GARLING | 4826 HUBBARD, TROY MI 48085 |
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(4)

| DATE | SIGNATURE | ADDRESS | Phone |
|---|---|---|---|
| 5-31-05 | Delphine T. Wilk | 1642 Welling DR | (248) 689-2504 |
| 5/31/05 | Joseph V. Wilk | 1642 Welling Dr | 248 689-2504 |
| 5/31/05 | [illegible] Eck | 1674 Welling | 248 524 2495 |
| 5/31/05 | Sharon Eck | 1674 Welling | 248 524-2495 |

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(24)

| DATE | SIGNATURE | ADDRESS | Phone |
|---|---|---|---|
| May 27-05 | Betty Armbrust | 4810 Calvert Dr. | 689-8493 |
| May 27 2005 | Robert Armbrust | 4810 Calvert Dr. | 689-8493 |
| May 27 2005 | Esther Rosenbaum | 4840 Calvert Dr | 689-4359 |
| " " " | Sandra Sugerkly | 4840 Calvert Dr. | 689-4359 |
| " " " | Robert Rosenbaum | 4840 Calvert R | " " " " |
| " " " | [illegible] | 4840 Calvert Dr | 1756-8479 |
| " " " | Brittane Farley-Washington | 4856 Calvert Dr | 457-0474 |
| " " " | Jennifer M. Taylor | 4868 Calvert Dr. | 528-2022 |
| " " " | [illegible] | 4868 Calvert Dr. | 528-2022 |
| 5-27-05 | Ann White | 4914 Calvert Dr. | 248 680 1977 |
| 5-27-05 | Fadi Farry | 4940 CALVERT DR | 248-877-9655 |
| 5-27-05 | Victoria Kulkowski | 4966 CALVERT DR | — |
| | | | |
| 5-27/05 | [illegible] | 4983 CALVERT DR | 248-229-2959 |
| 5/27/05 | Janet Schroder | 4943 CALVERT DR | N/A |
| 5/27/05 | [illegible] | 4931 Calvert Dr. | 248/903-7686 |
| 5-27-05 | [illegible] | 4907 CALVERT D | 248-689 7076 |
| 5-27-05 | Antoniette Falcano | 4907 Calvert | 248 689-7076 |
| 5-27-05 | [illegible] | 4865 Calvert | 248 528-1727 |
| 5-27-05 | Joyce M. Van Diem | 4865 CALVERT | 248 528-1727 |
| 5-27-5 | [illegible] | 4841 Calvert | 248 526 9625 |
| 5-27-05 | Susan J. Bielman | 4841 Calvert | 248-526-9625 |
| 5-27-05 | [illegible] | 2773 CARR | 248-689-7869 |
| | | | |
| 5-31-05 | Betty Rizzo | 1658 Welling Dr | 528-5126 |
| 5-31-05 | Joseph Rizzo | 1658 Welling | 528-5126 |

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(19)

| DATE | SIGNATURE | ADDRESS |
|---|---|---|
| 5/27/05 | [illegible] | 1740 Hamman Troy 48085 |
| 5/27-05 | [illegible] | 1740 HAMMAN TROY 48085 |
| 5/27/05 | [illegible] | 1692 Hamman Dr. Troy 48085 |
| 5/27/05 | [illegible] | 1692 Hamman Dr. Troy 48085 |
| 5/27/05 | [illegible] | 1635 Hamman Dr Troy 48085 |
| 5/27/05 | Marina Tsokur | 1651 Hamman Dr Troy 48085 |
| 5/27/05 | [illegible] VICTOR TSOKUR | 1651 Hamman Dr Troy 48085 |
| 5/27/05 | Patina [illegible] | 1677 Hamman Dr Troy 48085 |
| 5/27/05 | [illegible] | 1677 Hamman Dr TROY 48085 |
| 5/28/05 | [illegible] | 1724 HAMMAN DR TROY 48085 |
| 5/28/05 | Karen E. Bigoski | 1602 HAMMAN DR. TROY 48085 |
| 5/28/05 | Wendy Blount | 1586 HAMMAN Dr. Troy 48085 |
| 5/28/05 | William Breyer | 1570 HAMMAN DR. TROY 48085 |
| 5/28/05 | Michelle L Gardner | 1540 Hamman Dr Troy 48085 |
| 5/28/05 | Duelle Gashay | 1517 HAMMAN DR. TROY. 48085 |
| 5/28/05 | [illegible] | 1533 HAMMAN DR. TROY 48085 |
| 5/28/05 | [illegible] | 1549 HAMMAN DR. TROY 48085 |
| 5/28/05 | [illegible] | 1565 HAMMAN DR TROY 48085 |
| 5/28/05 | Beatrice Moore | 1725 HAMMAN Dr Troy 48085 |
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(18)

| DATE | SIGNATURE | ADDRESS |
|---|---|---|
| 5-25-05 | [illegible] | 4564 CHAPEL DR TROY |
| 5-25-05 | Beatrice Zepernick | 4666 Chapel Troy |
| 5-26-05 | Mary E. Drouillard | 4610 Chapel, Troy 48085 |
| 5-26-05 | Peter N. Miller | 4798 Whitesell Troy 48085 |
| 5-26-05 | Jim Fenner | 4685 Chapel Troy 48085 |
| 5-26-05 | Eryka N. Walker | 4678 Chapel Troy 48085 |
| 5-26-05 | Thaddeus J. Kuczma | 4694 Chapel Troy 48085 |
| 5-26-05 | Marianne Ephlin | 4720 Chapel Dr Troy 48085 |
| 5-26-05 | Werner Halberstadt | 4719 Fairmount Troy 48085 |
| 5-26-05 | Beverly Dixon | 4708 Fairmont 48085 |
| 5-26-05 | Wayne Stutzman | 4665 Chapel DR TROY 48085 |
| 5-26-05 | Hilda S. Wootton | 4643 Chapel Dr., TROY, 48085 |
| 5/26/05 | M. Joseph Wootton | 4643 Chapel Dr., Troy 48085 |
| 5/27/05 | Audrey Sheldon | 4454 Chapel Dr Troy 48085 |
| 5/27/05 | Joseph Gerhardt | 4621 CALVERT CT. TROY 48085 |
| 5-27-05 | [illegible] | 4609 CALVERT CT Troy 48085 |
| 5-27-05 | Mary Wellington | 4614 CALVERT CT TROY 48085 |
| 5-27-05 | Joseph P. Block | 4629 CALVERT CT TROY 48085 |
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(12)

| DATE | SIGNATURE | ADDRESS |
|---|---|---|
| 5/25/05 | Susan M Douglas | 4824 Pickford |
| 5/25/05 | Cheryl Lundgren | 4864 PICKFORD |
| 5/25/05 | [illegible] | 4880 PICKFORD |
| 5/25/05 | [illegible] | 4936 PICKFORD |
| 5/25/05 | [illegible] | 4950 Pickford Dr |
| 5/25/05 | Marion Fullton | 4964 Pickfor Dr. |
| 5/25/05 | [illegible] | 4911 PICKFORD DR. |
| 5/25/05 | [illegible] | 4897 PICKFORD |
| 5/25/05 | Cynthia Woodcock | 4897 Pickford |
| 5/25/05 | [illegible] | 4869 PICKFORD |
| 5/25/05 | Robert [illegible] | 4855 PICKFORD |
| 5/25/05 | [illegible] | 4835 PICKFORD |
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Meeting June 1, 7:30 Room 304 Comm Ctr.

We, the undersigned of the square mile bounded by, Wattles, Rochester, John R & Long Lake Roads, request Milano Development, the developer of Athens Parc and Hidden Parc, and the City of Troy, Planning Department to reconsider the current proposed site design to include and provide a suitable buffer, safe construction access and reduced dwelling density.

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| DATE | SIGNATURE | ADDRESS |
|---|---|---|
| 5/28/05 | [illegible] | 4615 FAIRMONT |
| 5/28/05 | [illegible] Ferdari | 4613 Fairmont |
| 5/28/05 | Margaret Black | 1597 HAMMAN DR Troy 48085 |
| 05/28/05 | Samuel S. Edwin | 4621 Fairmont, Troy, 48085 |
| 5/28/05 | [illegible] | 4629 Fairmont, Troy, MI 48085 |
| 5/28/05 | [illegible] | 4641 FAIRMONT, Troy, MI 48085 |
| 5/28/05 | Willard J. Fairbanks | 4652 FAIRMONT TROY MI 48085 |
| 5/28/05 | Thomas H. Bair | 4669 FAIRMONT TROY MI 48085 |
| 5-28-05 | [illegible] | 4693 Fairmont Troy MI 48085 |
| 5-28-05 | [illegible] | 4693 Fairmont Troy MI 48085 |
| 5-28-05 | Patricia A. B. Lachford | 4707 Fairmont TROY MI 48085 |
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(26)

| DATE | SIGNATURE | ADDRESS |
|---|---|---|
| 5/25/05 | [illegible] | 4706 Alton Drive Troy, MI 48085 |
| 5/25/05 | [illegible] | 4692 Alton Dr Troy MI 48085 |
| 5/25/05 | [illegible] | 4724 ALTON DR. Troy MI 48085 |
| 5/25/05 | [illegible] | 4728 Alton Dr. Troy, MI 48085 |
| 5/25/05 | [illegible] | 4758 Alton Dr Troy MI 48085 |
| 5/25/05 | [illegible] | 4758 ALTON DR TROY MI 48085 |
| 5/25/05 | Sam DeCillian | 4788 Alton Dr. Troy MI 48085 |
| 5/25/05 | Cynthia Buchanan | 4820 Alton Troy MI 48085 |
| 5-25-05 | [illegible] | 4836 ALTON TROY MI 48085 |
| 5-25-05 | [illegible] | 4840 ALTON CT. TROY MI 48085 |
| 5-25-05 | [illegible] | 4846 Alton Ct Troy MI 48085 |
| 5-25-05 | Erica Sallas | 4936 ALTON DR TROY MI 48085 |
| 5-25-05 | [illegible] | 4970 Alto dr Troy MI - 48085 |
| 05-25-05 | Angela Barr | 4986 Alton Dr. Troy MI 48085 |
| 5-25-05 | [illegible] | 4986 Alton Dr. Troy MI 48085 |
| 5-25-05 | [illegible] Marcel | 4985 Alton Drive Troy MI 48085 |
| 5-25-05 | [illegible] Grosso | 4887 ALTON Dr TROY MI 48085 |
| 5-25-05 | [illegible] Grosso | 4887 ALTON Dr TROY MI 48085 |
| 5-25-05 | [illegible] Grosso | 4887 Alton Dr Troy MI 48085 |
| 5-25-05 | [illegible] Grosso | 4887 Alton Dr Troy MI 48085 |
| 5-25-05 | George Grosso | 4887 Alton Dr Troy MI 48085 |
| 5-25-05 | Della Schaening | 4863 Alton Dr. Troy mi 48085 |
| 5-25-05 | Gordon Schaening | 4863 Alton Dr. Troy MI 48085 |
| 5-25-05 | Sarah L. Boris | 4853 Alton Dr. Troy, MI 48085 |
| 5-25-05 | [illegible] | 4793 ALTON DR TROY MI 48085 |
| 5-25-05 | Leonard Prazze | 4777 ALTON DR TROY MI 48085 |

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(4)

| DATE | SIGNATURE | ADDRESS |
|---|---|---|
| 5/25 | Megan Robison | 4748 Whitesell |
| 5/25 | Steven Robison | 21662 Winter Dr. |
| 5/25 | Denise Robison | 4748 Whitesell |
| 5/25 | Richard Robison | 4748 Whitesell |

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| DATE | SIGNATURE | ADDRESS |
|---|---|---|
| 5/25/05 | Jeanette M MacRae | 4761 Alton Dr. Troy, Mi 48085 |
| 5/25/05 | Joseph A MacRae | 4761 Alton Dr. Troy MI 48085 |
| 5/25/05 | [illegible] | 4721 Alton Dr. Troy MI 48085 |
| 5/25/05 | [illegible] | 4721 Alton Dr Troy Mi 48085 |
| 5/25/05 | Satwinder Singh | 4693 ALTON DR TROY MI 48085 |

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| DATE | SIGNATURE | ADDRESS |
|---|---|---|
| 5-25-05 | Rachel R. Leo | 1611 Welling Dr, Troy, Mich 48085 |
| 5-25-05 | Dominic V. Leo | 1611 Welling Dr., Troy, Mich. 48085 |
| 05/25/05 | Laurna J. Kozak | 1612 WELLING DR TROY MI 48085 |
| 5-25-05 | [illegible] | 1580 WELLING DR. TROY MI 48085 |
| 5-25-05 | Robert M. Kozowski | 1580 WELLING DRIVE TROY, MI 48085 |
| 5-25-05 | [illegible] | 1579 WELLING DRIVE troy, MI 48085 |
| 5/25/05 | Nikolay [illegible] | 1579 Welling Dr TROY MI 48085 |
| 5/25/05 | [illegible] | 1563 Welling Dr Troy Mi 48085 |
| 5/25/05 | Chris Rabb | 1563 Welling Dr Troy Mi 48085 |
| 5/25/05 | [illegible] | 1563 WELLING TROY MI 48085 |
| 5/25/05 | Peter & Ann Kliac | 1547 Welling Dr. Mi. TROY 48085 |
| 5/25/05 | [illegible] Travis | 1499 Welling Dr. TROY - 48085 |
| 5/25/05 | Claudia [illegible] | " " " " |
| 5/25/05 | Roy Rogers | 1452 Welling Troy 48085 |
| 5/26/05 | [illegible] | 4745 Alton Dr. Troy 48085 |
| 5/26/05 | [illegible] | 4735 ALTON DR TROY 48085 |
| 5/26/05 | Melvin Singleton | 1619 Welling Dr. Troy 48085 |
| 5/26/05 | Barbara Singleton | 1619 Welling Dr. Troy 48085 |
| 5-26-05 | [illegible] | 1596 Welling Troy 48085 |
| 5-26-05 | [illegible] | 1548 Welling Troy Mi |
| 5/26/05 | Marguerite Stark Norton | 1532 Welling Troy, MI |
| 5-26-05 | [illegible] Norton | 1532 Welling Troy MIch |
| 5-27-05 | Phillip W. Lloyd | 1595 WELLING Troy |
| 5-27-05 | [illegible] | 1595 Welling Troy MI 48085 |
| 5/27/05 | [illegible] | 1596 Welling Troy Mi 48085 |
| 5-29-05 | Maria Zonese | 4774 Alton Dr. Troy Mi 48085 |

26

6/1/05

We, the undersigned of the square mile bounded by, Wattles, Rochester, John R & Long Lake Roads, request Milano Development, the developer of Athens Parc and Hidden Parc, and the City of Troy, Planning Department to reconsider the current proposed site design to include and provide a suitable buffer, safe construction access and reduced dwelling density.

18

| DATE | SIGNATURE | ADDRESS | PHONE # |
|---|---|---|---|
| 5/26/05 | Teresa Felton | 1949 HAMMAN | 248-689-2625 |
| 5/26/05 | Kathleen Borger | 1975 Hamman | 248-524-1718 |
| 5/26/05 | John C Borger | 1975 HAMMAN | 248-524-1718 |
| 5/26/05 | Elizabeth Beckrous | 1964 HAMMAN | 248 689-263 |
| 5/26/05 | Jackie Markiewicz | 1948 HAMMAN | 248-524-9226 |
| 5/26/05 | Michael Markiewicz | 1948 HAMMAN | 248-524-9226 |
| 5-26-05 | Margaret Morison | 1916 Hamman | 248 528 2538 |
| 5-26-05 | James E. Morison | 1916 Hamman | 248 528 2538 |
| 5-26-05 | Diane Zuid | 1885 Hamman | 248 689-2207 |
| 5-26-05 | Kenneth Zuid | 1885 Hamman | (248) 689-2207 |
| 5-26-05 | Denise E Johnston | 1837 HAMMAN DR. | 248-689-0485 |
| 5-26-05 | Ruth Slate | 1773 Hamman Dr | 248 6199188 |
| 5-26-05 | Chuck Slate | " " " | " " " |
| 5-26-05 | Angela Lamantis | 1788 HAMMAN DR | 248-670-6740 |
| 5-26-05 | [illegible] | 1788 HAMMAN DR | 248-670-6740 |
| 5-26-05 | Pat Hallman | 1836 Hamman | 248-680-0956 |
| 5-26-05 | Rita Hare | 1901 Hamman Dr | 248-528-1166 |
| 5-26-05 | Ed Hare | 1901 Hamman DR | " |
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We, the undersigned of the square mile bounded by, Wattles, Rochester, John R & Long Lake Roads, request Milano Development, the developer of Athens Parc and Hidden Parc, and the City of Troy, Planning Department to reconsider the current proposed site design to include and provide a suitable buffer, safe construction access and reduced dwelling density.

| DATE | SIGNATURE | ADDRESS |
|---|---|---|
| 5/26/05 | Anthony Danowske | 1349 Lamb Rd |
| 5/26/05 | [illegible] | 1337 Lamb Rd |
| 5/26/05 | [illegible] | 1323 Lamb Rd |
| 5/26/05 | Lawrence B. Busby | 1311 LAMB RD. |
| 5/26/05 | Shirley A Busby | 1311 LAMB RD. |
| 5/26/05 | [illegible] | 1281 LAMB RD |
| 5/26/05 | [illegible] | 1263 LAMB RD |
| 5/26/05 | [illegible] | 1253 Lamb Rd |
| 5/26/05 | [illegible] | 1197 Lamb RD |
| 5-26-05 | [illegible] | 4250 Willow Creek |
| 5-26-05 | [illegible] | 4249 Willow Creek |
| 05/26/05 | [illegible] | 1147 Lamb Rd. |
| 5-26-5 | [illegible] | 1168 Lamb Rd |
| 5-26-05 | Josephine Lepore | 1256 Lamb |
| 5-26-05 | Flavia Morea | 1354 Lamb Dr. |
| 5-26-05 | Darlene Thomas | 1368 LAMB RD |
| 5-26-05 | [illegible] | 1381 LAMB RD |
| 5-26-05 | [illegible] | 1436 Lamb Rd |
| 5-26-05 | [illegible] | 1499 LAMB. |
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We, the undersigned of the square mile bounded by, Wattles, Rochester, John R & Long Lake Roads, request Milano Development, the developer of Athens Parc and Hidden Parc, and the City of Troy, Planning Department to reconsider the current proposed site design to include and provide a suitable buffer, safe construction access and reduced dwelling density.

| DATE | SIGNATURE | ADDRESS |
|---|---|---|
| 5/31/05 | [illegible] | 4773 Gamber Dr., Troy, MI 48085 |
| 5/3/05 | [illegible] | 4773 Gamber Troy MI 48085 |
| 6/1/05 | [illegible] | 4814 Gamber Troy, MI 48085 |
| 6-1-05 | Cindy Cole | 4766 Gamber Troy, MI 48085 |
| 6-1-05 | [illegible] | 4766 GAMBER TROY MI 48085 |
| 6/1/05 | Karen Carlton | 4839 Gamber Troy MI 48085 |
| " | [illegible] | " " " " " |
| 6-1-05 | Maurice Mylberg | 4746 Gamber Troy MI 48085 |
| 6/1/05 | Thomas Thorpe | 4824 GAMBER |
| 6/1/05 | [illegible] | 4856 Gamber Troy MI 48085 |
| 6-1-05 | Phyllis Craft | 4862 Gamber Dr. Troy 48085 |
| 6-1-05 | Elaine C. Lance | 4865 Gamber Dr. Troy 48085 |
| 6-1-05 | Leslie B. Bazzell | 4853 Gamber Dr. Troy 48085 |
| 6-1-05 | [illegible] | 4799 GAMBER Dr TROY 48085 |
| 6-1-05 | Alison Weaver | 4799 Gamber Dr. Troy 48085 |
| 6-1-05 | Denise Calhoun | 4746 Gamber Dr. Troy 48085 |
| 6-1-05 | Thomas A. Kacmarski | 4811 GAMBER DR, TROY, 48085 |
| 6-1-05 | Jane Thorpe | 4824 Gamber Troy 48085 |
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18

Subj: **Condos Take 5**
Date: 5/9/2005 11:30:23 PM Eastern Standard Time
From: arh006@yahoo.com
To: nealshirlharris@aol.com

This is the email I sent to the Planning Commission. I found some really interesting data, which I though you might like to see.

Love,

Allison

Dear Planning Commission:

I am writing to express my displeasure over the three proposed condominium developments on the Planning Commission's meeting agenda for May 10, 2005. I am an environmental engineer by training, and as such I am especially concerned with the proposed Hidden Parc Condominiums in Section 14 of Troy.

An email from Paula Bratto dated April 28, 2005 states that the land to be developed for the Hidden Parc Condos is not classified as wetlands. I question this judgment. I assure you, by every definition – ecological or legal – the acreage in question is in fact wetlands and should be treated as such. I have notified the Michigan Department of Environmental Quality of the possible violation, and I expect that you will behave in accordance with Michigan law.

If state approval were to be obtained for the construction at any of these sites, the drawbacks of going forward with such plans are significant. While I understand that these housing projects will increase tax revenue for the city, it is not necessarily true that condominiums are the wisest choice – even in economic terms. Widespread environmental destruction and the subsequent public health threats have their own costs. I have listed some applicable data below, but I encourage you to seek out other resources as well. I think you might be surprised.

A 1996 cost benefit analysis of wetlands(1) found that homeowners in suburban St. Paul, MN were willing to pay $148 to live just 10 meters closer to forested freshwater wetlands. Another study(2) looked at a wet pond in a subdivision in Champaign-Urbana, IL. The results by the numbers: the perceived increase in property values was put at 21.9% for lots near the wetland when compared to comparable homes located elsewhere, 63% of residents listed the wetland as what they liked best about their neighborhood, 74% of residents believe that the wetland contributed to the neighborhood's image as an attractive place to live, and 82% of residents were willing to pay a premium to live close to a wet pond. Just 3.5% of residents felt that the wet pond gave the subdivision a negative image.

Finally, I will add that as a former Troy resident, it is issues like these that prevent me from moving back. I can't help but feel that Troy consistently chooses what is best for the city's economy rather than what is best for the city as a whole. I assure you that condominiums do not make a great city, nor does this reckless destruction of the city's last green spaces.

Please consider saying no to these proposed condominiums. I urge you to consider a sustainable vision for the city that balances development with natural places, one that weighs economic well-being against just plain well-being.

I look forward to discussing this issue with you.

Sincerely,

Allison Harris
Dept. of Civil & Environmental Engineering
Carnegie Mellon University
5000 Forbes Ave.
Pittsburgh, PA, 15213
day: 412-421-3956
evening: 412-268-5811

(1)Wilson, M.A.; Carpenter, S.R., Ecological Applications, 9, 772-283, 1999.
(2)Emmerling-DiNova, C. Water Resources Bulletin, 31 (3), 515-520, 1995.

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PREPARED BY CITY OF TROY PLANNING DEPARTMENT

## COMPARISON BETWEEN SITE CONDOMINIUMS AND PLATS

The site condominium is a form of development that closely resembles the more traditional form of land subdivision known as a "subdivision" or a "plat". Although both types of development have the same basic characteristics, site condominiums are a newer form of development and are not, therefore, as familiar to homebuyers and neighbors as the more customary plats. An important concept related to any type of condominium development is that condominiums are a form of OWNERSHIP, not a type of physical development.

The following summary is intended to compare and contrast the two types of development.

1. **Comparisons between site condominiums and plats.**

   a. **Statutory Basis** – Site condominium subdivisions first became possible under the Michigan Condominium Act, which was adopted by the Michigan Legislature in 1978. Plats are created under the Michigan Land Division Act, formerly the Michigan Subdivision Control Act of 1967.

   b. **Nature and Extent of Property Ownership** – An individual homesite building in a platted subdivision is called a "lot". In a site condominium, each separate building site or homesite is referred to by the Condominium Act as a "unit". Each unit is surrounded by "limited common area", which is defined as common elements reserved in the master deed for the exclusive use of less than all of the co-owners". The remaining area in the site condominium is "general common area", defined as the common elements reserved in the master deed for the use of all of the co-owners. The nature and extent of ownership of a platted lot and a condominium unit, with the associated limited common area, are essentially equivalent from both a practical and legal standpoint.

   c. **Compliance with Zoning Ordinance** – Both site condominiums and subdivisions are required to comply with the minimum requirements of the City of Troy Zoning Ordinance for area and bulk, including minimum lot size, lot width, setbacks and building height. Essentially, site condominiums and subdivisions in Troy must "look" similar.

   d. **Creation/Legal Document** – A site condominium is established by recording in the records of the county in which the land is located a master deed, bylaws and condominium subdivision plan ("plan"). A platted subdivision is created by the recording of a subdivision plat ("plat"), usually coupled with a declaration of easements, covenants, conditions and restrictions The plan depicts the condominium units and limited and general common areas, while the plat defines the lots. Both have

TO: John Szerlag, City Manager

FROM: John M. Lamerato, Assistant City Manager/Finance & Admin.
Cindy Stewart, Community Affairs Director

SUBJECT: Proposed 2006 City Council Meetings

DATE: June 13, 2005

The Community Affairs Department is working on a number of projects for 2006. We need your assistance regarding dates for the 2006 City Council meetings for inclusion in the City website, calendar and future Troy Today issues. The following dates take into account all holidays and election days, as well as the third regular meetings and are submitted for your approval:

Monday, January 9 & 23
Monday, February 6, 20 & 27
Monday, March 6, 20 & 27
Monday, April 3, 17 & 24
Monday, May 8, 15 & 22
Monday, June 5 & 19
Monday, July 10 & 24
Monday, August 14 & 28
Monday, September 11, 18 & 25
Monday, October 2, 16 & 23
Monday, November 13, 20 & 27
Monday, December 4, 18 (two meetings due to end of month holidays)

These are dates for Liquor Violation Hearings
Wednesday, February 15 7:30 pm
Wednesday, February 22 7:30 pm

RESOLVED, That the City Council shall hold Regular meetings according to the following schedule at 7:30 p.m;

Monday, January 9 & 23
Monday, February 6, 20 & 27
Monday, March 6, 20 & 27
Monday, April 3, 17 & 24
Monday, May 8, 15 & 22
Monday, June 5 & 19
Monday, July 10 & 24
Monday, August 14 & 28
Monday, September 11, 18 & 25
Monday, October 2, 16 & 23
Monday, November 13, 20 & 27
Monday, December 4, 18 (two meetings due to end of month holidays)

These are dates for Liquor Violation Hearings
Wednesday, February 15  7:30 pm
Wednesday, February 22  7:30 pm

BE IT FURTHER RESOLVED, That Study meetings may be scheduled as needed.

June 7, 2005

TO: John Szerlag, City Manager

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

SUBJECT: **Agenda Item** - Approval of MDOT Contract 05-5169 for Construction Project No. 01.105.5 – Big Beaver, Rochester to Dequindre

## RECOMMENDATION

Staff recommends that City Council approve the attached Contract No. 05-5169 with the Michigan Department of Transportation for the widening and reconstruction of Big Beaver, Rochester to Dequindre, with all necessary related work. Furthermore, staff recommends that the Mayor and City Clerk be authorized to execute the agreement.

The agreement, as submitted, is based on estimated costs, as is standard with all MDOT agreements, since these agreements are prepared when funding for the project is obligated and before actual costs are known. The City's reimbursements from MDOT will be based on the actual cost incurred within the parameters of the agreement.

## SUMMARY

The construction phase involves widening existing Big Beaver between Rochester and Dequindre from the current 4 lanes to a full 6 lane concrete boulevard with the construction of new dedicated right turn lanes for eastbound Big Beaver to southbound Dequindre and westbound Big Beaver to northbound Rochester. The existing two lanes and median will not be removed as part of this project. The project will also include: traffic signal modifications; drainage improvements; removal and replacement of deteriorated concrete slabs; brick paver and sidewalk ramp work; and the construction of a wall and landscaping between Sparta and Dequindre along the residential frontage on the south side of Big Beaver where the houses have been demolished. It is anticipated that the construction will start in July 2005 and be open to traffic by November 2005. Slab replacements and project completion would take place in the spring and early summer of 2006.

## FUNDING

The estimated cost for the construction phase is $4,169,400. Of this amount, $271,092 will be paid for by Tri-Party funds in accordance with the Cost Participation agreement that is included as a separate item on the agenda. The use of Tri-Party funds reduces the amount of City funds for the project to an estimated $1,544,908. The total City share, including Tri-Party funds, is estimated at $1,816,000. Funds for the City's share are included in the 2005-06 Major Road Capital fund, account number 401479.7989.011055.

Prepared by: William J. Huotari, Deputy City Engineer
G:\Contracts\Contracts - 2005\05-4 Big Beaver_Roch to Deq\To CC re MDOT Agreement_CON_r1.doc

C: Engineering ✓
O: Clerk

JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
**DEPARTMENT OF TRANSPORTATION**
LANSING

GLORIA J. JEFF
DIRECTOR

May 19, 2005

Ms. Tonni Bartholomew
Clerk
City of Troy
500 W. Big Beaver Road,
Troy, MI 48084-5285

RECEIVED
MAY 23 2005
ENGINEERING

Dear Ms. Bartholomew:

RE: MDOT Contract No.: 05-5169
Control Section: STU 63544
Job Number: 83672

Enclosed is the original and one copy of the above described contract between your organization and the Michigan Department of Transportation (MDOT). Please take time to read and understand this contract. If this contract meets with your approval, please complete the following checklist:

___ **PLEASE DO NOT DATE THE CONTRACTS.** MDOT will date the contracts when they are executed. A contract is not executed unless it has been signed by both parties.

___ **Secure the necessary signatures on all contracts.**

___ **Include a certified resolution.** The resolution should specifically name the officials who are authorized to sign the contracts.

___ **Return all copies of the contracts to my attention of the Department's Design Division, 2nd floor for MDOT execution.**

**In order to ensure that the work and payment for this project is not delayed, the agreement needs to be returned within 35 days from the date of this letter.**

A copy of the executed contract will be forwarded to you. If you have any questions, please feel free to contact me at (517) 335-2264.

Sincerely,

Jackie Burch

Jackie Burch
Contract Processing Specialist
Design Support Area

Enclosure

STP

DIR

| | |
|---|---|
| Control Section | STU 63544 |
| Job Number | 83672 |
| Project | STP 0563(036) |
| Federal Item No. | YY 0259 |
| CFDA No. | 20.205 (Highway Research Planning & Construction) |
| Contract No. | 05-5169 |

PART I

THIS CONTRACT, consisting of PART I and PART II (Standard Agreement Provisions), is made and entered into this date of _____, by and between the MICHIGAN DEPARTMENT OF TRANSPORTATION, hereinafter referred to as the "DEPARTMENT"; and the CITY OF TROY, a Michigan municipal corporation, hereinafter referred to as the "REQUESTING PARTY"; for the purpose of fixing the rights and obligations of the parties in agreeing to the following improvements, in the City of Troy, Michigan, hereinafter referred to as the "PROJECT" and estimated in detail on EXHIBIT "I", dated April 22, 2005, attached hereto and made a part hereof:

PART A – FEDERAL PARTICIPATION

Widening from four lanes to six lanes work along Big Beaver Road from Rochester Road to Dequindre Road; including concrete pavement repairs, concrete paving, earthwork, drainage improvements, curb and gutter, and sidewalk replacement work; and all together with necessary related work.

PART B – NO FEDERAL PARTICIPATION

Landscaping, irrigation, and sidewalk repair work along Big Beaver Road from Rochester Road to Dequindre Road; pavement removal and concrete paving work along Dover Street from Big Beaver Road to Thomas Drive; and all together with necessary related work.

WITNESSETH:

WHEREAS, pursuant to Federal law, monies have been provided for the performance of certain improvements on public roads; and

WHEREAS, the reference "FHWA" in PART I and PART II refers to the United States Department of Transportation, Federal Highway Administration; and

WHEREAS, the PROJECT, or portions of the PROJECT, at the request of the REQUESTING PARTY, are being programmed with the FHWA, for implementation with the use of Federal Funds under the following Federal program(s) or funding:

SURFACE TRANSPORTATION PROGRAM

WHEREAS, the parties hereto have reached an understanding with each other regarding the performance of the PROJECT work and desire to set forth this understanding in the form of a written contract.

NOW, THEREFORE, in consideration of the premises and of the mutual undertakings of the parties and in conformity with applicable law, it is agreed:

1. The parties hereto shall undertake and complete the PROJECT in accordance with the terms of this contract.

2. The term "PROJECT COST", as herein used, is hereby defined as the cost of the physical construction necessary for the completion of the PROJECT.

Costs for construction engineering and inspection as may be incurred by the DEPARTMENT and the REQUESTING PARTY, including any other costs incurred by the DEPARTMENT as a result of this contract, will be at PROJECT COST. Costs for construction engineering and inspection incurred by the REQUESTING PARTY for the PART A portion of the PROJECT shall be limited to the lesser of: (1) 100 percent of the actual costs for construction engineering and inspection for the PART A portion of the PROJECT, or (2) 15 percent of the actual contracted physical construction costs for the PART A portion of the PROJECT.

The costs incurred by the REQUESTING PARTY for preliminary engineering, construction engineering and inspection for the PART B portion of the PROJECT, and right-of-way are excluded from the PROJECT COST as defined by this contract.

3. The DEPARTMENT is authorized by the REQUESTING PARTY to administer on behalf of the REQUESTING PARTY all phases of the PROJECT including advertising and awarding the construction contract for the PROJECT or portions of the PROJECT. Such administration shall be in accordance with PART II, Section II of this contract.

Any items of the PROJECT COST incurred by the DEPARTMENT may be charged to the PROJECT.

4. The REQUESTING PARTY, under the terms of this contract, shall:

A. Appoint a project engineer who shall be in responsible charge of the PROJECT and ensure that the plans and specifications are followed.

B. At PROJECT COST

(1) Perform or cause to be performed the traffic signal work necessary for the completion of the PART A portion of the PROJECT.

(2) Perform or cause to be performed the construction engineering and inspection services necessary for the completion of the PART A portion of the PROJECT.

C. At no cost to the PROJECT

(1) Design or cause to be designed the plans for the PROJECT.

(2) Perform or cause to be performed the construction engineering and inspection services necessary for the completion of the PART B portion of the PROJECT.

The REQUESTING PARTY will furnish the DEPARTMENT proposed timing sequences for trunkline signals that, if any, are being made part of the improvement. No timing adjustments shall be made by the REQUESTING PARTY at any trunkline intersection, without prior issuances by the DEPARTMENT of Standard Traffic Signal Timing Permits.

The method of performing the work will be indicated on the work authorization. The REQUESTING PARTY will comply with PART II, Section IIF, when applicable.

5. The PROJECT COST shall be met in accordance with the following:

PART A
Federal Surface Transportation Funds shall be applied to the eligible items of the PART A portion of the PROJECT COST at the established Federal participation ratio equal to 65 percent. The balance of the PART A portion of the PROJECT COST, after deduction of Federal Funds, shall be charged to and paid by the REQUESTING PARTY in the manner and at the times hereinafter set forth.

PART B
The PART B portion of the PROJECT COST is not eligible for Federal participation and shall be charged to and paid 100 percent by the REQUESTING PARTY in the manner and at the times hereinafter set forth.

Any items of PROJECT COST not reimbursed by Federal Funds will be the sole responsibility of the REQUESTING PARTY.

6. No working capital deposit will be required for this PROJECT.

In order to fulfill the obligations assumed by the REQUESTING PARTY under the provisions of this contract, the REQUESTING PARTY shall make prompt payments of its share of the PROJECT COST upon receipt of progress billings from the DEPARTMENT as herein provided. All payments will be made within 30 days of receipt of billings from the DEPARTMENT. Billings to the REQUESTING PARTY will be based upon the REQUESTING PARTY'S share of the actual costs incurred less Federal Funds earned as the PROJECT progresses.

In the event of any discrepancies between PART I and PART II of this contract, the provisions of PART I shall prevail.

7. Upon completion of construction of the PROJECT, the REQUESTING PARTY will promptly cause to be enacted and enforced such ordinances or regulations as may be necessary to prohibit parking in the roadway right-of-way throughout the limits of the PROJECT.

8. The performance of the entire PROJECT under this contract, whether Federally funded or not, will be subject to the provisions and requirements of PART II that are applicable to a Federally funded project.

9. The REQUESTING PARTY certifies that a) it is a person under 1995 PA 71 and is not aware of and has no reason to believe that the property is a facility as defined in MSA 13A.20101(1)(l); b) the REQUESTING PARTY further certifies that it has completed the tasks required by MCL 324.20126 (3)(h); MSA 13A.20126(3)(h); c) it conducted a visual inspection of property within the existing right of way on which construction is to be performed to determine if any hazardous substances were present; and at sites on which historically were located businesses that involved hazardous substances, it performed a reasonable investigation to determine whether hazardous substances exist. This reasonable investigation should include, at a minimum, contact with local, state and federal environmental agencies to determine if the site has been identified as, or potentially as, a site containing hazardous substances; d) it did not cause or contribute to the release or threat of release of any hazardous substance found within the PROJECT limits.

The REQUESTING PARTY also certifies that, in addition to reporting the presence of any hazardous substances to the Department of Environmental Quality, it has advised the DEPARTMENT of the presence of any and all hazardous substances which the REQUESTING PARTY found within the PROJECT limits, as a result of performing the investigation and visual inspection required herein. The REQUESTING PARTY also certifies that it has been unable to identify any entity who may be liable for the cost of remediation. As a result, the REQUESTING PARTY has included all estimated costs of remediation of such hazardous substances in its estimated cost of construction of the PROJECT.

10. If, subsequent to execution of this contract, previously unknown hazardous substances are discovered within the PROJECT limits, which require environmental remediation

pursuant to either state or federal law, the REQUESTING PARTY, in addition to reporting that fact to the Department of Environmental Quality, shall immediately notify the DEPARTMENT, both orally and in writing of such discovery. The DEPARTMENT shall consult with the REQUESTING PARTY to determine if it is willing to pay for the cost of remediation and, with the FHWA, to determine the eligibility, for reimbursement, of the remediation costs. The REQUESTING PARTY shall be charged for and shall pay all costs associated with such remediation, including all delay costs of the contractor for the PROJECT, in the event that remediation and delay costs are not deemed eligible by the FHWA. If the REQUESTING PARTY refuses to participate in the cost of remediation, the DEPARTMENT shall terminate the PROJECT. The parties agree that any costs or damages that the DEPARTMENT incurs as a result of such termination shall be considered a PROJECT COST.

11. If federal and/or state funds administered by the DEPARTMENT are used to pay the cost of remediating any hazardous substances discovered after the execution of this contract and if there is a reasonable likelihood of recovery, the REQUESTING PARTY, in cooperation with the Department of Environmental Quality and the DEPARTMENT, shall make a diligent effort to recover such costs from all other possible entities. If recovery is made, the DEPARTMENT shall be reimbursed from such recovery for the proportionate share of the amount paid by the FHWA and/or the DEPARTMENT and the DEPARTMENT shall credit such sums to the appropriate funding source.

12. The DEPARTMENT'S sole reason for entering into this contract is to enable the REQUESTING PARTY to obtain and use funds provided by the Federal Highway Administration pursuant to Title 23 of the United States Code.

Any and all approvals of, reviews of, and recommendations regarding contracts, agreements, permits, plans, specifications, or documents, of any nature, or any inspections of work by the DEPARTMENT or its agents pursuant to the terms of this contract are done to assist the REQUESTING PARTY in meeting program guidelines in order to qualify for available funds. Such approvals, reviews, inspections and recommendations by the DEPARTMENT or its agents shall not relieve the REQUESTING PARTY and the local agencies, as applicable, of their ultimate control and shall not be construed as a warranty of their propriety or that the DEPARTMENT or its agents is assuming any liability, control or jurisdiction.

The providing of recommendations or advice by the DEPARTMENT or its agents does not relieve the REQUESTING PARTY and the local agencies, as applicable of their exclusive jurisdiction of the highway and responsibility under MCL 691.1402, MSA 3.996(102).

When providing approvals, reviews and recommendations under this contract, the DEPARTMENT or its agents is performing a governmental function, as that term is defined in MCL 691.1401; MSA 3.996(101), which is incidental to the completion of the PROJECT.

13. The DEPARTMENT, by executing this contract, and rendering services pursuant to this contract, has not and does not assume jurisdiction of the highway, described as the

PROJECT for purposes of MCL 691.1402; MSA 3.996(102). Exclusive jurisdiction of such highway for the purposes of MCL 691.1402; MSA 3.996(102) rests with the REQUESTING PARTY and other local agencies having respective jurisdiction.

14. The REQUESTING PARTY shall approve all of the plans and specifications to be used on the PROJECT and shall be deemed to have approved all changes to the plans and specifications when put into effect. It is agreed that ultimate responsibility and control over the PROJECT rests with the REQUESTING PARTY and local agencies, as applicable.

15. The REQUESTING PARTY agrees that the costs reported to the DEPARTMENT for this contract will represent only those items that are properly chargeable in accordance with this contract. The REQUESTING PARTY also certifies that it has read the contract terms and has made itself aware of the applicable laws, regulations, and terms of this contract that apply to the reporting of costs incurred under the terms of this contract.

16. The parties shall promptly provide comprehensive assistance and cooperation in defending and resolving any claims brought against the DEPARTMENT by the contractor, vendors or suppliers as a result of the DEPARTMENT'S award of the construction contract for the PROJECT. Costs incurred by the DEPARTMENT in defending or resolving such claims shall be considered PROJECT COSTS.

17. The DEPARTMENT shall require the contractor who is awarded the contract for the construction of the PROJECT to provide insurance in the amounts specified and in accordance with the DEPARTMENT'S current Standard Specifications for Construction and to:

A. Maintain bodily injury and property damage insurance for the duration of the PROJECT.

B. Provide owner's protective liability insurance naming as insureds the State of Michigan, the Michigan State Transportation Commission, the DEPARTMENT and its officials, agents and employees, the REQUESTING PARTY and any other county, county road commission, or municipality in whose jurisdiction the PROJECT is located, and their employees, for the duration of the PROJECT and to provide, upon request, copies of certificates of insurance to the insureds. It is understood that the DEPARTMENT does not assume jurisdiction of the highway described as the PROJECT as a result of being named as an insured on the owner's protective liability insurance policy.

C. Comply with the requirements of notice of cancellation and reduction of insurance set forth in the current standard specifications for construction and to provide, upon request, copies of notices and reports prepared to those insured.

18. This contract shall become binding on the parties hereto and of full force and effect upon the signing thereof by the duly authorized officials for the parties hereto and upon the adoption of the necessary resolutions approving said contract and authorizing the signatures thereto of the respective officials of the REQUESTING PARTY, a certified copy of which resolution shall be attached to this contract.

IN WITNESS WHEREOF, the parties hereto have caused this contract to be executed the day and year first above written.

CITY OF TROY

By_____
Title:

By_____
Title:

MICHIGAN DEPARTMENT
OF TRANSPORTATION

By_____
Department Director MDOT

LEGAL APPROVED
5/9/05
ASSISTANT
ATTORNEY
GENERAL

REVIEWED
4-25-05
CONTRACT ADMIN

April 22, 2005

EXHIBIT I

| | |
|---|---|
| CONTROL SECTION | STU 63544 |
| JOB NUMBER | 83672 |
| PROJECT | STP 0563(036) |

ESTIMATED COST

CONTRACTED WORK

| | PART A | PART B | TOTAL |
|---|---|---|---|
| Estimated Cost | $3,110,200 | $548,800 | $3,659,000 |

FORCE ACCOUNT & AGREED UNIT PRICE WORK (REQUESTING PARTY)

| | | | |
|---|---|---|---|
| Traffic Signals | $ 43,900 | $ 0 | $ 43,900 |
| Construction Engineering & Inspection | $ 466,500 | $ 0 | $ 466,500 |
| TOTAL ESTIMATED COST (FORCE ACCOUNT, ETC.) | $ 510,400 | $ 0 | $ 510,400 |
| GRAND TOTAL | $3,620,600 | $548,800 | $4,169,400 |

COST PARTICIPATION

| | | | |
|---|---|---|---|
| GRAND TOTAL ESTIMATED COST | $3,620,600 | $548,800 | $4,169,400 |
| Less Federal Funds | $2,353,400 | $ 0 | $2,353,400 |
| BALANCE (REQUESTING PARTY'S SHARE) | $1,267,200 | $548,800 | $1,816,000 |

NO DEPOSIT

# PART II

## STANDARD AGREEMENT PROVISIONS

SECTION I COMPLIANCE WITH REGULATIONS AND DIRECTIVES

SECTION II PROJECT ADMINISTRATION AND SUPERVISION

SECTION III ACCOUNTING AND BILLING

SECTION IV MAINTENANCE AND OPERATION

SECTION V SPECIAL PROGRAM AND PROJECT CONDITIONS

## SECTION I

## COMPLIANCE WITH REGULATIONS AND DIRECTIVES

A. To qualify for eligible cost, all work shall be documented in accordance with the requirements and procedures of the DEPARTMENT.

B. All work on projects for which reimbursement with Federal funds is requested shall be performed in accordance with the requirements and guidelines set forth in the following Directives of the Federal-Aid Policy Guide (FAPG) of the FHWA, as applicable, and as referenced in pertinent sections of Title 23 and Title 49 of the Code of Federal Regulations (CFR), and all supplements and amendments thereto.

1. Engineering

   a. FAPG (6012.1): Preliminary Engineering

   b. FAPG (23 CFR 172): Administration of Engineering and Design Related Service Contracts

   c. FAPG (23 CFR 635A): Contract Procedures

   d. FAPG (49 CFR 18.22): Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments–Allowable Costs

2. Construction

   a. FAPG (23 CFR 140E): Administrative Settlement Costs-Contract Claims

   b. FAPG (23 CFR 140B): Construction Engineering Costs

   c. FAPG (23 CFR 17): Recordkeeping and Retention Requirements for Federal-Aid Highway Records of State Highway Agencies

   d. FAPG (23 CFR 635A): Contract Procedures

   e. FAPG (23 CFR 635B): Force Account Construction

   f. FAPG (23 CFR 645A): Utility Relocations, Adjustments and Reimbursement

   g. FAPG (23 CFR 645B): Accommodation of Utilities (PPM 30-4.1)

h. FAPG (23 CFR 655F): Traffic Control Devices on Federal-Aid and other Streets and Highways

i. FAPG (49 CFR 18.22):Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments–Allowable Costs

3. Modification Or Construction Of Railroad Facilities

a. FAPG (23 CFR 140I): Reimbursement for Railroad Work

b. FAPG (23 CFR 646B): Railroad Highway Projects

C. In conformance with FAPG (23 CFR 630C) Project Agreements, the political subdivisions party to this contract, on those Federally funded projects which exceed a total cost of $100,000.00 stipulate the following with respect to their specific jurisdictions:

1. That any facility to be utilized in performance under or to benefit from this contract is not listed on the Environmental Protection Agency (EPA) List of Violating Facilities issued pursuant to the requirements of the Federal Clean Air Act, as amended, and the Federal Water Pollution Control Act, as amended.

2. That they each agree to comply with all of the requirements of Section 114 of the Federal Clean Air Act and Section 308 of the Federal Water Pollution Control Act, and all regulations and guidelines issued thereunder.

3. That as a condition of Federal aid pursuant to this contract they shall notify the DEPARTMENT of the receipt of any advice indicating that a facility to be utilized in performance under or to benefit from this contract is under consideration to be listed on the EPA List of Violating Facilities.

D. Ensure that the PROJECT is constructed in accordance with and incorporates all committed environmental impact mitigation measures listed in approved environmental documents unless modified or deleted by approval of the FHWA.

E. All the requirements, guidelines, conditions and restrictions noted in all other pertinent Directives and Instructional Memoranda of the FHWA will apply to this contract and will be adhered to, as applicable, by the parties hereto.

## SECTION II

## PROJECT ADMINISTRATION AND SUPERVISION

A. The DEPARTMENT shall provide such administrative guidance as it determines is required by the PROJECT in order to facilitate the obtaining of available federal and/or state funds.

B. The DEPARTMENT will advertise and award all contracted portions of the PROJECT work. Prior to advertising of the PROJECT for receipt of bids, the REQUESTING PARTY may delete any portion or all of the PROJECT work. After receipt of bids for the PROJECT, the REQUESTING PARTY shall have the right to reject the amount bid for the PROJECT prior to the award of the contract for the PROJECT only if such amount exceeds by twenty percent (20%) the final engineer's estimate therefor. If such rejection of the bids is not received in writing within two (2) weeks after letting, the DEPARTMENT will assume concurrence. The DEPARTMENT may, upon request, readvertise the PROJECT. Should the REQUESTING PARTY so request in writing within the aforesaid two (2) week period after letting, the PROJECT will be cancelled and the DEPARTMENT will refund the unused balance of the deposit less all costs incurred by the DEPARTMENT.

C. The DEPARTMENT will perform such inspection services on PROJECT work performed by the REQUESTING PARTY with its own forces as is required to ensure compliance with the approved plans & specifications.

D. On those projects funded with Federal monies, the DEPARTMENT shall as may be required secure from the FHWA approval of plans and specifications, and such cost estimates for FHWA participation in the PROJECT COST.

E. All work in connection with the PROJECT shall be performed in conformance with the Michigan Department of Transportation Standard Specifications for Construction, and the supplemental specifications, Special Provisions and plans pertaining to the PROJECT and all materials furnished and used in the construction of the PROJECT shall conform to the aforesaid specifications. No extra work shall be performed nor changes in plans and specifications made until said work or changes are approved by the project engineer and authorized by the DEPARTMENT.

F. Should it be necessary or desirable that portions of the work covered by this contract be accomplished by a consulting firm, a railway company, or governmental agency, firm, person, or corporation, under a subcontract with the REQUESTING PARTY at PROJECT expense, such subcontracted arrangements will be covered by formal written agreement between the REQUESTING PARTY and that party.

This formal written agreement shall: include a reference to the specific prime contract to which it pertains; include provisions which clearly set forth the maximum reimbursable and the basis of payment; provide for the maintenance of accounting records in accordance with generally accepted accounting principles, which clearly document the actual cost of the services provided; provide that costs eligible for reimbursement shall be in accordance with clearly defined cost criteria such as 49 CFR Part 18, 48 CFR Part 31, 23 CFR Part 140, OMB Circular A-87, etc. as applicable; provide for access to the department or its representatives to inspect and audit all data and records related to the agreement for a minimum of three years after the department's final payment to the local unit.

All such agreements will be submitted for approval by the DEPARTMENT and, if applicable, by the FHWA prior to execution thereof, except for agreements for amounts less than $100,000 for preliminary engineering and testing services executed under and in accordance with the provisions of the "Small Purchase Procedures" FAPG (23 CFR 172), which do not require prior approval of the DEPARTMENT or the FHWA.

Any such approval by the DEPARTMENT shall in no way be construed as a warranty of the subcontractor's qualifications, financial integrity, or ability to perform the work being subcontracted.

G. The REQUESTING PARTY, at no cost to the PROJECT or the DEPARTMENT, shall make such arrangements with railway companies, utilities, etc., as may be necessary for the performance of work required for the PROJECT but for which Federal or other reimbursement will not be requested.

H. The REQUESTING PARTY, at no cost to the PROJECT, or the DEPARTMENT, shall secure, as necessary, all agreements and approvals of the PROJECT with railway companies, the Railroad Safety & Tariffs Division of the DEPARTMENT and other concerned governmental agencies other than the FHWA, and will forward same to the DEPARTMENT for such reviews and approvals as may be required.

I. No PROJECT work for which reimbursement will be requested by the REQUESTING PARTY is to be subcontracted or performed until the DEPARTMENT gives written notification that such work may commence.

J. The REQUESTING PARTY shall be responsible for the payment of all costs and expenses incurred in the performance of the work it agrees to undertake and perform.

K. The REQUESTING PARTY shall pay directly to the party performing the work all billings for the services performed on the PROJECT which are authorized by or through the REQUESTING PARTY.

L. The REQUESTING PARTY shall submit to the DEPARTMENT all paid billings for which reimbursement is desired in accordance with DEPARTMENT procedures.

M. All work by a consulting firm will be performed in compliance with the applicable provisions of 1980 PA 299, Subsection 2001, MCL 339.2001; MSA 18.425(2001), as well as in accordance with the provisions of all previously cited Directives of the FHWA.

N. The project engineer shall be subject to such administrative guidance as may be deemed necessary to ensure compliance with program requirement and, in those instances where a consultant firm is retained to provide engineering and inspection services, the personnel performing those services shall be subject to the same conditions.

O. The DEPARTMENT, in administering the PROJECT in accordance with applicable Federal and State requirements and regulations, neither assumes nor becomes liable for any obligations undertaken or arising between the REQUESTING PARTY and any other party with respect to the PROJECT.

P. In the event it is determined by the DEPARTMENT that there will be either insufficient Federal funds or insufficient time to properly administer such funds for the entire PROJECT or portions thereof, the DEPARTMENT, prior to advertising or issuing authorization for work performance, may cancel the PROJECT, or any portion thereof, and upon written notice to the parties this contract shall be void and of no effect with respect to that cancelled portion of the PROJECT. Any PROJECT deposits previously made by the parties on the cancelled portions of the PROJECT will be promptly refunded.

Q. Those projects funded with Federal monies will be subject to inspection at all times by the DEPARTMENT and the FHWA.

## SECTION III

## ACCOUNTING AND BILLING

A. Procedures for billing for work undertaken by the REQUESTING PARTY:

1. The REQUESTING PARTY shall establish and maintain accurate records, in accordance with generally accepted accounting principles, of all expenses incurred for which payment is sought or made under this contract, said records to be hereinafter referred to as the "RECORDS". Separate accounts shall be established and maintained for all costs incurred under this contract.

   The REQUESTING PARTY shall maintain the RECORDS for at least three (3) years from the date of final payment of Federal Aid made by the DEPARTMENT under this contract. In the event of a dispute with regard to the allowable expenses or any other issue under this contract, the REQUESTING PARTY shall thereafter continue to maintain the RECORDS at least until that dispute has been finally decided and the time for all available challenges or appeals of that decision has expired.

   The DEPARTMENT, or its representative, may inspect, copy, or audit the RECORDS at any reasonable time after giving reasonable notice.

   If any part of the work is subcontracted, the REQUESTING PARTY shall assure compliance with the above for all subcontracted work.

   In the event that an audit performed by or on behalf of the DEPARTMENT indicates an adjustment to the costs reported under this contract, or questions the allowability of an item of expense, the DEPARTMENT shall promptly submit to the REQUESTING PARTY, a Notice of Audit Results and a copy of the audit report which may supplement or modify any tentative findings verbally communicated to the REQUESTING PARTY at the completion of an audit.

   Within sixty (60) days after the date of the Notice of Audit Results, the REQUESTING PARTY shall: (a) respond in writing to the responsible Bureau or the DEPARTMENT indicating whether or not it concurs with the audit report, (b) clearly explain the nature and basis for any disagreement as to a disallowed item of expense and, (c) submit to the DEPARTMENT a written explanation as to any questioned or no opinion expressed item of expense, hereinafter referred to as the "RESPONSE". The RESPONSE shall be clearly stated and provide any supporting documentation necessary to resolve any disagreement or questioned or no opinion expressed item of expense. Where the documentation is voluminous, the REQUESTING PARTY

may supply appropriate excerpts and make alternate arrangements to conveniently and reasonably make that documentation available for review by the DEPARTMENT. The RESPONSE shall refer to and apply the language of the contract. The REQUESTING PARTY agrees that failure to submit a RESPONSE within the sixty (60) day period constitutes agreement with any disallowance of an item of expense and authorizes the DEPARTMENT to finally disallow any items of questioned or no opinion expressed cost.

The DEPARTMENT shall make its decision with regard to any Notice of Audit Results and RESPONSE within one hundred twenty (120) days after the date of the Notice of Audit Results. If the DEPARTMENT determines that an overpayment has been made to the REQUESTING PARTY, the REQUESTING PARTY shall repay that amount to the DEPARTMENT or reach agreement with the DEPARTMENT on a repayment schedule within thirty (30) days after the date of an invoice from the DEPARTMENT. If the REQUESTING PARTY fails to repay the overpayment or reach agreement with the DEPARTMENT on a repayment schedule within the thirty (30) day period, the REQUESTING PARTY agrees that the DEPARTMENT shall deduct all or a portion of the overpayment from any funds then or thereafter payable by the DEPARTMENT to the REQUESTING PARTY under this contract or any other agreement, or payable to the REQUESTING PARTY under the terms of 1951 PA 51, as applicable. Interest will be assessed on any partial payments or repayment schedules based on the unpaid balance at the end of each month until the balance is paid in full. The assessment of interest will begin thirty (30) days from the date of the invoice. The rate of interest will be based on the Michigan Department of Treasury common cash funds interest earnings. The rate of interest will be reviewed annually by the DEPARTMENT and adjusted as necessary based on the Michigan Department of Treasury common cash funds interest earnings. The REQUESTING PARTY expressly consents to this withholding or offsetting of funds under those circumstances, reserving the right to file a lawsuit in the Court of Claims to contest the DEPARTMENT'S decision only as to any item of expense the disallowance of which was disputed by the REQUESTING PARTY in a timely filed RESPONSE.

The REQUESTING PARTY shall comply with the Single Audit Act of 1984, P.L. 98-502.

The REQUESTING PARTY shall adhere to the following requirements associated with audits of accounts and records:

a. Agencies expending a total of $300,000 or more in federal funds, from one or more funding sources in its fiscal year, shall comply with the requirements of the federal Office of Management and Budget (OMB) Circular A-133, as revised or amended.

The agency shall submit two copies of:

The Reporting Package
The Data Collection Form
The management letter to the agency, if one issued by the audit firm

The OMB Circular A-133 audit must be submitted to the address below in accordance with the time frame established in the circular, as revised or amended.

b. Agencies expending less than $300,000 in federal funds must submit a letter to the Department advising that a circular audit was not required. The letter shall indicate the applicable fiscal year, the amount of federal funds spent, the name(s) of the Department federal programs, and the CFDA grant number(s). This information must also be submitted to the address below.

c. Address: Michigan Department of Transportation
Bureau of Highways Technical Services
425 W. Ottawa, P.O. Box 30050
Lansing, MI 48909

d. Agencies must also comply with applicable State laws and regulations relative to audit requirements.

e. Agencies shall not charge audit costs to Department's federal programs which are not in accordance with the OMB Circular A-133 requirements.

f. All agencies are subject to the federally required monitoring activities, which may include limited scope reviews and other on-site monitoring.

2. Agreed Unit Prices Work - All billings for work undertaken by the REQUESTING PARTY on an agreed unit price basis will be submitted in accordance with the Michigan Department of Transportation Standard Specifications for Construction and pertinent FAPG Directives and Guidelines of the FHWA.

3. Force Account Work and Subcontracted Work - All billings submitted to the DEPARTMENT for Federal reimbursement for items of work performed on a force account basis or by any subcontract with a consulting firm, railway company, governmental agency or other party, under the terms of this contract, shall be prepared in accordance with the provisions of the pertinent FHPM Directives and the procedures of the DEPARTMENT. Progress billings may be submitted monthly during the time work is being performed provided, however, that no bill of a lesser amount than $1,000.00 shall be submitted unless it is a final or end of fiscal year

billing. All billings shall be labeled either "Progress Bill Number _____", or "Final Billing".

4. Final billing under this contract shall be submitted in a timely manner but not later than six months after completion of the work. Billings for work submitted later than six months after completion of the work will not be paid.

5. Upon receipt of billings for reimbursement for work undertaken by the REQUESTING PARTY on projects funded with Federal monies, the DEPARTMENT will act as billing agent for the REQUESTING PARTY, consolidating said billings with those for its own force account work and presenting these consolidated billings to the FHWA for payment. Upon receipt of reimbursement from the FHWA, the DEPARTMENT will promptly forward to the REQUESTING PARTY its share of said reimbursement.

6. Upon receipt of billings for reimbursement for work undertaken by the REQUESTING PARTY on projects funded with non-Federal monies, the DEPARTMENT will promptly forward to the REQUESTING PARTY reimbursement of eligible costs.

B. Payment of Contracted and DEPARTMENT Costs:

1. As work on the PROJECT commences, the initial payments for contracted work and/or costs incurred by the DEPARTMENT will be made from the working capital deposit. Receipt of progress payments of Federal funds, and where applicable, State Critical Bridge funds, will be used to replenish the working capital deposit. The REQUESTING PARTY shall make prompt payments of its share of the contracted and/or DEPARTMENT incurred portion of the PROJECT COST upon receipt of progress billings from the DEPARTMENT. Progress billings will be based upon the REQUESTING PARTY'S share of the actual costs incurred as work on the PROJECT progresses and will be submitted, as required, until it is determined by the DEPARTMENT that there is sufficient available working capital to meet the remaining anticipated PROJECT COSTS. All progress payments will be made within thirty (30) days of receipt of billings. No monthly billing of a lesser amount than $1,000.00 will be made unless it is a final or end of fiscal year billing. Should the DEPARTMENT determine that the available working capital exceeds the remaining anticipated PROJECT COSTS, the DEPARTMENT may reimburse the REQUESTING PARTY such excess. Upon completion of the PROJECT, payment of all PROJECT COSTS, receipt of all applicable monies from the FHWA, and completion of necessary audits, the REQUESTING PARTY will be reimbursed the balance of its deposit.

2. In the event that the bid, plus contingencies, for the contracted, and/or the DEPARTMENT incurred portion of the PROJECT work exceeds the estimated cost therefor as established by this contract, the REQUESTING PARTY may be advised and billed for the additional amount of its share.

C. General Conditions:

1. The DEPARTMENT, in accordance with its procedures in existence and covering the time period involved, shall make payment for interest earned on the balance of working capital deposits for all projects on account with the DEPARTMENT. The REQUESTING PARTY in accordance with DEPARTMENT procedures in existence and covering the time period involved, shall make payment for interest owed on any deficit balance of working capital deposits for all projects on account with the DEPARTMENT. This payment or billing is processed on an annual basis corresponding to the State of Michigan fiscal year. Upon receipt of billing for interest incurred, the REQUESTING PARTY promises and shall promptly pay the DEPARTMENT said amount.

2. Pursuant to the authority granted by law, the REQUESTING PARTY hereby irrevocably pledges a sufficient amount of funds received by it from the Michigan Transportation Fund to meet its obligations as specified in PART I and PART II. If the REQUESTING PARTY shall fail to make any of its required payments when due, as specified herein, the DEPARTMENT shall immediately notify the REQUESTING PARTY and the State Treasurer of the State of Michigan or such other state officer or agency having charge and control over disbursement of the Michigan Transportation Fund, pursuant to law, of the fact of such default and the amount thereof, and, if such default is not cured by payment within ten (10) days, said State Treasurer or other state officer or agency is then authorized and directed to withhold from the first of such monies thereafter allocated by law to the REQUESTING PARTY from the Michigan Transportation Fund sufficient monies to remove the default, and to credit the REQUESTING PARTY with payment thereof, and to notify the REQUESTING PARTY in writing of such fact.

3. Upon completion of all work under this contract and final audit by the DEPARTMENT or the FHWA, the REQUESTING PARTY promises to promptly repay the DEPARTMENT for any disallowed items of costs previously disbursed by the DEPARTMENT. The REQUESTING PARTY pledges its future receipts from the Michigan Transportation Fund for repayment of all disallowed items and, upon failure to make repayment for any disallowed items within ninety (90) days of demand made by the DEPARTMENT, the DEPARTMENT is hereby authorized to withhold an equal amount from the REQUESTING PARTY'S share of any future distribution of Michigan Transportation Funds in settlement of said claim.

4. The DEPARTMENT shall maintain and keep accurate records and accounts relative to the cost of the PROJECT and upon completion of the PROJECT, payment of all items of PROJECT COST, receipt of all Federal Aid, if any, and completion of final audit by the DEPARTMENT and if applicable, by the FHWA, shall make final accounting to the REQUESTING PARTY. The final PROJECT accounting will not include interest earned or charged on working capital deposited for the PROJECT which will be accounted for separately at the close of the State of Michigan fiscal year and as set forth in Section C(1).

5. The costs of engineering and other services performed on those projects involving specific program funds and one hundred percent (100%) local funds will be apportioned to the respective portions of that project in the same ratio as the actual direct construction costs unless otherwise specified in PART I.

## SECTION IV

## MAINTENANCE AND OPERATION

A. Upon completion of construction of each part of the PROJECT, at no cost to the DEPARTMENT or the PROJECT, each of the parties hereto, within their respective jurisdictions, will make the following provisions for the maintenance and operation of the completed PROJECT:

1. All Projects:

   Properly maintain and operate each part of the project, making ample provisions each year for the performance of such maintenance work as may be required, except as qualified in paragraph 2b of this section.

2. Projects Financed in Part with Federal Monies:

   a. Sign and mark each part of the PROJECT, in accordance with the current Michigan Manual of Uniform Traffic control Devices, and will not install, or permit to be installed, any signs, signals or markings not in conformance with the standards approved by the FHWA, pursuant to 23 USC 109(d).

   b. Remove, prior to completion of the PROJECT, all encroachments from the roadway right-of-way within the limits of each part of the PROJECT.

      With respect to new or existing utility installations within the right-of-way of Federal Aid projects and pursuant to FAPG (23 CFR 645B): Occupancy of non-limited access right-of-way may be allowed based on consideration for traffic safety and necessary preservation of roadside space and aesthetic quality. Longitudinal occupancy of non-limited access right-of-way by private lines will require a finding of significant economic hardship, the unavailability of practicable alternatives or other extenuating circumstances.

   c. Cause to be enacted, maintained and enforced, ordinances and regulations for proper traffic operations in accordance with the plans of the PROJECT.

   d. Make no changes to ordinances or regulations enacted, or traffic controls installed in conjunction with the PROJECT work without prior review by the DEPARTMENT and approval of the FHWA, if required.

B. On projects for the removal of roadside obstacles, the parties, upon completion of construction of each part of the PROJECT, at no cost to the PROJECT or the DEPARTMENT, will, within their respective jurisdictions, take such action as is necessary to assure that the roadway right-of-way, cleared as the PROJECT, will be maintained free of such obstacles.

C. On projects for the construction of bikeways, the parties will enact no ordinances or regulations prohibiting the use of bicycles on the facility hereinbefore described as the PROJECT, and will amend any existing restrictive ordinances in this regard so as to allow use of this facility by bicycles. No motorized vehicles shall be permitted on such bikeways or walkways constructed as the PROJECT except those for maintenance purposes.

D. Failure of the parties hereto to fulfill their respective responsibilities as outlined herein may disqualify that party from future Federal-aid participation in projects on roads or streets for which it has maintenance responsibility. Federal Aid may be withheld until such time as deficiencies in regulations have been corrected, and the improvements constructed as the PROJECT are brought to a satisfactory condition of maintenance.

## SECTION V

## SPECIAL PROGRAM AND PROJECT CONDITIONS

A. Those projects for which the REQUESTING PARTY has been reimbursed with Federal monies for the acquisition of right-of-way must be under construction by the close of the twentieth (20th) fiscal year following the fiscal year in which the FHWA and the DEPARTMENT projects agreement covering that work is executed, or the REQUESTING PARTY may be required to repay to the DEPARTMENT, for forwarding to the FHWA, all monies distributed as the FHWA'S contribution to that right-of-way.

B. Those projects for which the REQUESTING PARTY has been reimbursed with Federal monies for the performance of preliminary engineering must be under construction by the close of the tenth (10th) fiscal year following the fiscal year in which the FHWA and the DEPARTMENT projects agreement covering that work is executed, or the REQUESTING PARTY may be required to repay to the DEPARTMENT, for forwarding to the FHWA, all monies distributed as the FHWA'S contribution to that preliminary engineering.

C. On those projects funded with Federal monies, the REQUESTING PARTY, at no cost to the PROJECT or the DEPARTMENT, will provide such accident information as is available and such other information as may be required under the program in order to make the proper assessment of the safety benefits derived from the work performed as the PROJECT. The REQUESTING PARTY will cooperate with the DEPARTMENT in the development of reports and such analysis as may be required and will, when requested by the DEPARTMENT, forward to the DEPARTMENT, in such form as is necessary, the required information.

D. In connection with the performance of PROJECT work under this contract the parties hereto (hereinafter in Appendix "A" referred to as the "contractor") agree to comply with the State of Michigan provisions for "Prohibition of Discrimination in State Contracts", as set forth in Appendix A, attached hereto and made a part hereof. The parties further covenant that they will comply with the Civil Rights Acts of 1964, being P.L. 88-352, 78 Stat. 241, as amended, being Title 42 U.S.C. Sections 1971, 1975a-1975d, and 2000a-2000h-6 and the Regulations of the United States Department of Transportation (49 C.F.R. Part 21) issued pursuant to said Act, including Appendix "B", attached hereto and made a part hereof, and will require similar covenants on the part of any contractor or subcontractor employed in the performance of this contract.

E. The parties will carry out the applicable requirements of the DEPARTMENT'S Disadvantaged Business Enterprise (DBE) program and 49 CFR, Part 26, including, but not limited to, those requirements set forth in Appendix C.

## APPENDIX A
## PROHIBITION OF DISCRIMINATION IN STATE CONTRACTS

In connection with the performance of work under this contract; the contractor agrees as follows:

1. In accordance with Act No. 453, Public Acts of 1976, the contractor hereby agrees not to discriminate against an employee or applicant for employment with respect to hire, tenure, terms, conditions, or privileges of employment, or as a matter directly or indirectly related to employment, because of race, color, religion, national origin, age, sex, height, weight, or marital status. Further, in accordance with Act No. 220, Public Acts of 1976 as amended by Act No. 478, Public Acts of 1980 the contractor hereby agrees not to discriminate against an employee or applicant for employment with respect to hire, tenure, terms, conditions, or privileges of employment, or a matter directly or indirectly related to employment, because of a disability that is unrelated to the individual's ability to perform the duties of a particular job or position. A breach of the above covenants shall be regarded as a material breach of this contract.

2. The contractor hereby agrees that any and all subcontracts to this contract, whereby a portion of the work set forth in this contract is to be performed, shall contain a covenant the same as hereinabove set forth in Section 1 of this Appendix.

3. The contractor will take affirmative action to insure that applicants for employment and employees are treated without regard to their race, color, religion, national origin, age, sex, height, weight, marital status or a disability that is unrelated to the individual's ability to perform the duties of a particular job or position. Such action shall include, but not be limited to, the following: employment, upgrading, demotion or transfer, recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.

4. The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, national origin, age, sex, height, weight, marital status or disability that is unrelated to the individual's ability to perform the duties of a particular job or position.

5. The contractor or his collective bargaining representative will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice advising the said labor union or workers' representative of the contractor's commitments under this appendix.

6. The contractor will comply with all relevant published rules, regulations, directives, and orders of the Michigan Civil Rights Commission which may be in effect prior to the taking of bids for any individual state project.

7. The contractor will furnish and file compliance reports within such time and upon such forms as provided by the Michigan Civil Rights Commission, said forms may also elicit information as to the practices, policies, program, and employment statistics of each subcontractor as well as the contractor himself, and said contractor will permit access to his books, records, and accounts by the Michigan Civil Rights Commission and/or its agent, for purposes of investigation to ascertain compliance with this contract and relevant with rules, regulations, and orders of the Michigan Civil Rights Commission.

8. In the event that the Civil Rights Commission finds, after a hearing held pursuant to its rules, that a contractor has not complied with the contractual obligations under this agreement, the Civil Rights Commission may, as part of its order based upon such findings, certify said findings to the Administrative Board of the State of Michigan, which Administrative Board may order the cancellation of the contract found to have been violated and/or declare the contractor ineligible for future contracts with the state and its political and civil subdivisions, departments, and officers, and including the governing boards of institutions of higher education, until the contractor complies with said order of the Civil Rights Commission. Notice of said declaration of future ineligibility may be given to any or all of the persons with whom the contractor is declared ineligible to contract as a contracting party in future contracts. In any case before the Civil Rights Commission in which cancellation of an existing contract is a possibility, the contracting agency shall be notified of such possible remedy and shall be given the option by the Civil Rights Commission to participate in such proceedings.

9. The contractor will include, or incorporate by reference, the provisions of the foregoing paragraphs (1) through (8) in every subcontract or purchase order unless exempted by the rules, regulations or orders of the Michigan Civil Rights Commission, and will provide in every subcontract or purchase order that said provisions will be binding upon each subcontractor or seller.

March, 1998

# APPENDIX B

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

1. Compliance with Regulations: The contractor shall comply with the Regulations relative to nondiscrimination in Federally assisted programs of the Department of Transportation, Title 49, Code of Federal Regulations, Part 27, as they may be amended from time to time (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.

2. Nondiscrimination: The contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, or natural origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.

3. Solicitations for Subcontracts, Including Procurements of Materials and Equipment: In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin.

4. Information and Reports: The contractor shall provide all information and reports required by the Regulations, or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Michigan Department of Transportation or the Federal Highway Administration to be pertinent to ascertain compliance with such Regulations or directives. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information, the contractor shall so certify to the Michigan Department of Transportation, or the Federal Highway Administration as appropriate, and shall set forth what efforts it has made to obtain the information.

5. Sanctions for Noncompliance: In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, the Michigan Department of Transportation shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:

   (a) Withholding of payments to the contractor under the contract until the contractor complies, and/or

   (b) Cancellation, termination, or suspension of the contract, in whole or in part.

6. Incorporation of Provisions: The contractor shall include the provisions of paragraphs 1 through 6 of every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontract or procurement as the Michigan Department of Transportation or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for non-compliance; provided, however, that in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request the Michigan Department of Transportation to enter into such litigation to protect the interests of the State, and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

# APPENDIX C

## TO BE INCLUDED IN ALL FINANCIAL ASSISTANCE AGREEMENTS WITH LOCAL AGENCIES

### Assurance that Recipients and Contractors Must Make (Excerpts from US DOT Regulation 49 CFR 26.13)

A. Each financial assistance agreement signed with a DOT operating administration (or a primary recipient) must include the following assurance:

> The recipient shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any US DOT-assisted contract or in the administration of its DBE program or the requirements of 49 CFR Part 26. The recipient shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of US DOT-assisted contracts. The recipient's DBE program, as required by 49 CFR Part 26 and as approved by US DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the recipient of its failure to carry out its approved program, the department may impose sanctions as provided for under Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).

B. Each contract MDOT signs with a contractor (and each subcontract the prime contractor signs with a subcontractor) must include the following assurance:

> The contractor, sub recipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of US DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate.

**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

**TO:** Mayor and Members of Troy City Council
**FROM:** Lori Grigg Bluhm, City Attorney
Allan T. Motzny, Assistant City Attorney
**DATE:** June 10, 2005
**SUBJECT:** Paul and Louise Piscopo v. Troy, *et al*

---

On April 19, 2005, the Troy Board of Zoning Appeals (BZA) considered an appeal that was filed by George Reed, Betty Reed and Thomas Krent, concerning the garage at 3129 Alpine (property owned by Paul and Louise Piscopo). This appeal challenged the City's decision to issue a building permit for the structure. After a public hearing, the BZA determined the permit should not have been issued, based on its interpretation of Section 04.20.01 of the City of Troy zoning ordinance. According to the BZA decision, accessory structures, as defined by section 04.20.01, must be smaller than the ground floor area of the main building. The garage on Alpine exceeds the ground floor area of the residence (the main building), and therefore the property owners were notified of the new interpretation and the requirement to be in compliance with the BZA interpretation of the Troy ordinances. Subsequently, Paul and Louise Piscopo, the owners of 3129 Alpine, filed a lawsuit filed a lawsuit in Oakland County Circuit Court, which is attached. This lawsuit names the City of Troy, the Troy BZA, George Reed, Betty Reed and Thomas Krent as defendants.

Count I of the lawsuit is an appeal of the BZA decision, which is permitted as of right under Michigan's City and Village Zoning Act. Count II is a claim for equitable relief, which seeks a court order enjoining Troy from taking any action to remove or reduce the size of the garage. Count III is a claim for declaratory relief, where the Plaintiffs request the Court enter an order that finds that the garage is legal under its interpretation of Troy's ordinances.

If the BZA decision is ultimately upheld on appeal, Troy may need to pursue a court order for removal of the garage. Instead of waiting until final adjudication of this matter, and for purposes of judicial economy, it is our recommendation that Troy file a counterclaim with its answer to the complaint. In this counterclaim, Troy could seek an order requiring the garage to be removed and/or reduced in size in the event that the BZA decision is upheld. A counter-claim or subsequent action could also be necessary if the uses of the garage are not permitted by the Troy ordinances.

Absent any objection from City Council, our office will assume the defense of the lawsuit and file a counterclaim. Please contact our office if you should have any questions.

Approved, SCAO

Original - Court
1st copy - Defendant

2nd copy - Plaintiff
3rd copy - Return

05-066788-AA

STATE OF MICHIGAN
JUDICIAL DISTRICT
6TH JUDICIAL CIRCUIT
COUNTY PROBATE

# SUMMONS AND COMPLAINT

JUDGE MICHAEL WARREN
PISCOPO,PAUL, V TROY CITY

Court address 1200 N. Telegraph Rd., Dept. 404
Pontiac, Michigan 48341-0404

Plaintiff name(s), address(es), and telephone no(s).
**Paul Piscopo and Linda Piscopo**
**c/o One Town Square, Ste. 1835**
**Southfield, Michigan 48076**
**(248) 263-3514**

v

Defendant name(s), address(es), and telephone no(s).
**City of Troy Board of Zoning Appeals**

Plaintiff attorney, bar no., address, and telephone no.
**Jill A. Bankey, P48202**
**One Town Square, Suite 1835**
**Southfield, Michigan 48076**
**(248) 263-3514**

**SUMMONS** **NOTICE TO THE DEFENDANT:** In the name of the people of the State of Michigan you are notified:

1. You are being sued.
2. **YOU HAVE 21 DAYS** after receiving this summons to file an answer with the court and serve a copy on the other party or to take other lawful action (28 days if you were served by mail or you were served outside this state).
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.

| Issued | This summons expires | Court clerk |
|---|---|---|
| | JUN 3 1 2005 | RUTH JOHNSON |

*This summons is invalid unless served on or before its expiration date.

**COMPLAINT** ***Instruction: The following is information that is required to be in the caption of every complaint and is to be completed by the plaintiff. Actual allegations and the claim for relief must be stated on additional complaint pages and attached to this form.***

**Family Division Cases**

☐ There is no other pending or resolved action within the jurisdiction of the family division of circuit court involving the family or family members of the parties.

☐ An action within the jurisdiction of the family division of the circuit court involving the family or family members of the parties has been previously filed in _____ Court.

The action ☐ remains ☐ is no longer pending. The docket number and the judge assigned to the action are:

| Docket no. | Judge | Bar no. |
|---|---|---|
| | | |

**General Civil Cases**

☒ There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint/

☐ A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has been previously filed in _____ Court.

The action ☐ remains ☐ is no longer pending. The docket number and the judge assigned to the action are:

| Docket no. | Judge | Bar no. |
|---|---|---|
| | | |

**VENUE**

| Plaintiff(s) residence (include city, township, or village) | Defendant(s) residence (include city, township, or village) |
|---|---|
| **Troy, MI** | **Troy, MI** |

Place where action arose or business conducted
**Troy, MI**

June 1 2005
Date

Jill A. Bankey
Signature of attorney/plaintiff

If you require special accommodations to use the court because of a disability or if you require a foreign language interpreter to help you to fully participate in court proceedings, please contact the court immediately to make arrangements.

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

PAUL PISCOPO and LOUISE PISCOPO

Petitioners,

Case No. _____AA

Hon. _____

-vs-

CITY OF TROY, CITY OF TROY BOARD OF
ZONING APPEALS, GEORGE REED,
BETTY REED and THOMAS KRENT

Respondents.

_____/

SIEGEL, GREENFIELD, HAYES & GROSS P.L.C.
By: Jill A. Bankey (P48202)
Attorneys for Petitioners
One Towne Square, Suite 1835
Southfield, Michigan 48076
(248) 263-3514

## PETITION FOR REVIEW

NOW COME Petitioners Paul Piscopo and Louise Piscopo, by and through their attorneys, Siegel, Greenfield, Hayes & Gross P.L.C., and for their Petition for Review state as follows:

## JURISDICTION AND VENUE

1. Petitioners Paul Piscopo and Louise Piscopo are owners of real property commonly known as 3129 Alpine, located in the City of Troy, County of Oakland, State of Michigan.

2. Respondent City of Troy is a duly organized municipality located in the City of Troy, County of Oakland, State of Michigan.

3. Respondent City of Troy Board of Zoning Appeals is an administrative board of the City of Troy and it conducts business in the City of Troy, County of Oakland, State of Michigan.

4. Respondents George Reed, Betty Reed and Thomas Krent are individuals residing in the City of Troy, County of Oakland, State of Michigan.

5. In 2005, Respondents George Reed, Betty Reed and Thomas Krent filed an application with the City of Troy's Board of Zoning Appeals relating to Petitioners' Property and attached garage.

6. Petitioners are appealing the City of Troy Board of Zoning Appeals' decision on Respondents George Reed, Betty Reed and Thomas Krent's application.

7. This action involves a piece of real property located in the City of Troy, County of Oakland, State of Michigan.

8. Petitioners seek equitable and injunctive relief from this Honorable Court.

9. This Honorable Court has jurisdiction pursuant to MCL §125.585 and MCR 7.105.

10. Jurisdiction and venue are otherwise proper before this Honorable Court.

## GENERAL ALLEGATIONS

11. Petitioners hereby incorporate Paragraphs 1 through 10 of their Petition as though more fully set forth herein.

12. Petitioners are the owner of real property commonly known as 3129 Alpine, Troy, Michigan (hereinafter "Property").

13. The Property is zoned R1-B (one family residential).

14. In 2003, Petitioners' desired to improve their Property and to build upon the Property a single family residence with an attached garage.

15. Based upon the City's urging and suggestions, Petitioners desired to construct a large attached garage to store vehicles and equipment so that Petitioners did not have to further seek the City's permission to park vehicles in the residential district outside of their home. City of Troy Zoning Ordinance 44.00.00-44.02.03.

16. In 2003, Petitioners submitted building plans to the City for a residence with an attached garage.

17. The plans depicted an attached garage of approximately 6,000 square feet and a residence of approximately 1,486 square feet.

18. On August 18, 2003, the City's building department approved the plans and specifications and issued a building permit to Petitioners, finding that the attached garage complied with the zoning ordinances.

19. In reliance upon the permit and in conformity with the approved plans, Petitioners constructed a 6,000 square foot attached garage and began construction of the single family dwelling.

20. In March 2005, after expending approximately $88,000.00, Petitioners finished construction of the attached garage.

21. On March 15, 2005, the City granted partial final approval of the garage, but it indicated that a final certificate of occupancy would not be issued until Petitioners completed construction of their house.

22. Petitioners continue to construct their house.

23. Respondents George Reed, Betty Reed and Thomas Krent own property and reside on Alpine Street, near Petitioners' Property.

24. In early 2005, Respondents George Reed, Betty Reed and Thomas Krent (hereinafter

collectively referred to as "Reed, Reed & Krent") filed an application with the Respondent City of Troy's Board of Zoning Appeals: (1) seeking an interpretation of the City of Troy's Zoning Ordinance as it applies to Petitioners' already-constructed attached garage; and (2) appealing the City's issuance of a building permit to Petitioners to construct the attached garage.

25. Respondents Reed, Reed & Krent requested the Board to interpret the City's zoning ordinances §§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 as applied to Petitioners' attached garage.

26. The Board of Zoning Appeals held a public hearing on February 15, 2005 and it requested additional information from Respondents Reed, Reed & Krent.

27. On April 19, 2005, the Board of Zoning Appeals held a second hearing on Respondents Reed, Reed & Krent's application.

28. At the hearing, the Board of Zoning Appeals decided that the City's building official issued a building permit to Petitioners in error.

29. The Board of Zoning Appeals based its decision upon its interpretation of zoning ordinance §40.55.02, even though Respondents Reed, Reed & Krent did not request an interpretation of this ordinance.

30. Zoning ordinance §40.55.02 reads as follows:

> Accessory buildings and structures, by their definition and nature, shall be secondary and clearly incidental to the principal building on a parcel of land. Such buildings or structures shall therefore not be permitted as the only building or structure on a parcel of land.

31. The Board of Zoning Appeals interpreted the language "secondary and clearly incidental" to mean that any attached garage must be smaller in square footage than the footprint of

the main structure, or of the house.

32. The Board of Zoning Appeals found that Petitioners' attached garage violated §40.55.02 and §10.10.00 of the City of Troy's zoning ordinance because the attached garage's square footage is greater than the square footage of Petitioners' residence.

33. The Board of Zoning Appeals then reconsidered its motion and found that Petitioners' attached garage violated §04.20.01.

34. Section 04.20.01 reads as follows:

> ACCESSORY BUILDING: a subordinate building, the use of which is clearly incidental to that of the main building or to the use of the land. (See Section 40.55.00).

35. The Board of Zoning Appeals interpreted §04.20.01 to mean that in order for an accessory building to be a subordinate building, the accessory building must be smaller than the ground floor area of the main building.

36. A copy of the Board of Zoning Appeals' decision is attached hereto as Exhibit A and is incorporated as though more fully set forth herein.

37. The City has never before interpreted its zoning ordinances, and/or §40.55.02 §04.20.01 as dictating or governing the size or height requirements for attached garages.

38. The Board of Zoning Appeals' interpretation of §40.55.02 and §04.20.01 violates the rules of ordinance interpretation and construction.

39. The Board of Zoning Appeals' interpretation of §40.55.02 and §04.20.01 is not supported by a plain reading of the entire zoning ordinance.

40. The Board of Zoning Appeals' interpretation of §40.55.02 and §04.20.01 is contrary to the express language of §40.57.02 which states that where the accessory building or structure is

structurally attached to a main building, it is subject to the zoning regulations applicable to the main building.

41. Under the City's zoning ordinance, in an R-1B zoning district, Petitioners are permitted to construct a house with an attached garage so long as the two together are not higher than 2 ½ stories or 25 feet and so long as the two together do not cover more than 30% of Petitioners' Property. Troy Zoning Ordinance §30.10.00.

42. Petitioners' attached garage and residence meets the requirements of §§30.10.02.

43. The City is now attempting to apply this new interpretation of §§40.55.02 and §04.20.01 to Petitioners' Property and attached garage.

44. The City has demanded that Petitioners reduce the size of their already-constructed attached garage so that the size of the garage is less than the size of the footprint of the house, or less than 1,486 square feet.

**COUNT I - APPEAL**

45. Petitioners hereby incorporate Paragraphs 1 through 44 of their Petition as though more fully set forth herein.

46. Petitioners have an interest in and are affected by the Board of Zoning Appeals' decision.

47. Petitioners hereby appeal the Board of Zoning Appeals' decision to this Honorable Court.

48. The Board of Zoning Appeals interpretation of §40.55.02 and §04.20.01 does not comply with the Constitution and laws of this State.

49. The Board of Zoning Appeals did not properly apply the rules of ordinance construction and interpretation to §40.55.02 and §04.20.01.

50. The Board of Zoning Appeals' interpretation of §40.55.02 and §04.20.01 is void for vagueness as the express language of §40.55.02 and §04.20.01 does not provide notice to Petitioners, or any other property owner, of the size limitations of attached garages or structures.

51. The Board of Zoning Appeals' decision is not based upon proper procedure.

52. The Board of Zoning Appeals' decision is not supported by competent, material and substantial evidence on the record.

53. The Board of Zoning Appeals' decision and interpretation do not represent a reasonable exercise of discretion.

54. There is no reasonable basis for the Board of Zoning Appeals' interpretation of the City of Troy's Zoning Ordinances.

55. The Board of Zoning Appeals' interpretation of the ordinances is unconstitutional as applied to Petitioners.

56. This Honorable Court should reverse the decision and ordinance interpretations of the Board of Zoning Appeals and find that the City of Troy's building department properly issued a building permit to Petitioners.

57. This Honorable Court should find that the Board of Zoning Appeals' interpretation of the ordinances is unconstitutional as applied to Petitioners and it should enjoin the City from enforcing the ordinances, as interpreted, against Petitioners.

WHEREFORE, Petitioners respectfully request that this Honorable Court:

A. Reverse the decision and interpretations of the City of Troy's Board of Zoning

Appeals.

B. Find and declare that the City of Troy's Building Official properly issued a building permit to Petitioners.

C. Find and declare that §40.57.02 and §30.10.02 apply to Petitioners' property and garage;

D. Find that Petitioners' attached garage complies with §40.57.02 and §30.10.02, and is, therefore, lawful.

E. Find and declare that the Board of Zoning Appeal's interpretation of the ordinances violates the Michigan Constitution and state law because, including, but not limited to: i) applying a new interpretation to an existing structure is unconstitutional; ii) the City's Board of Zoning Appeals' interpretation does not provide adequate notice to property owners of the size limitations of attached garages; iii) the Board of Zoning Appeals' interpretation renders the ordinances vague; iv) the Board of Zoning Appeals' interpretation of §40.55.02 and §04.20.01 renders §40.57.02 superfluous, in violation of the rules of construction and interpretation.

F. Find and declare that the Board of Zoning Appeals' interpretation of the ordinances is not based on substantial, competent and material evidence.

G. Find that the City of Troy is equitably estopped from enforcing or applying this new interpretation against Petitioners.

H. Enjoin the City from applying the new interpretation of the zoning ordinances to Petitioners' already-constructed attached garage.

I. Enjoin the City from taking any action to compel Petitioners to remove or reduce the size of their attached garage on their Property.

J. Award Petitioners any and all damages suffered by them.

K. Award Petitioners their attorneys fees and costs so wrongfully incurred in having to bring this action.

L. Award such other and further relief as this Court deems equitable and just.

**COUNT II- EQUITABLE ESTOPPEL**

58. Petitioners hereby incorporate Paragraphs 1 through 57 of their Petition as though more fully set forth herein.

59. Petitioners acted in good faith when they applied for and obtained the building permit.

60. The City's building director acted in good faith when he issued the building permit to Petitioners.

61. Petitioners acted in good faith when they relied upon the permit and constructed the attached garage.

62. Petitioners relied upon the building permit issued by the City and constructed their attached garage at the approximate cost of $88,000.00.

63. Respondents Reed, Reed & Krent sat on their hands and waited until Petitioners were almost completely done constructing their attached garage before challenging the issuance of the building permit.

64. Equity dictates that Respondents be estopped from requiring Petitioners to remove or to reduce the size of their attached garage.

WHEREFORE, Petitioners respectfully request that this Honorable Court:

A. Reverse the decision and interpretations of the City of Troy's Board of Zoning Appeals.

B. Find and declare that the City of Troy's Building Official properly issued a building permit to Petitioners.

C. Find and declare that §40.57.02 and §30.10.02 apply to Petitioners' property and garage;

D. Find that Petitioners' attached garage complies with §40.57.02 and §30.10.02, and is, therefore, lawful.

E. Find and declare that the Board of Zoning Appeal's interpretation of the ordinances violates the Michigan Constitution and state law because, including, but not limited to: i) applying a new interpretation to an existing structure is unconstitutional; ii) the City's Board of Zoning Appeals' interpretation does not provide adequate notice to property owners of the size limitations of attached garages; iii) the Board of Zoning Appeals' interpretation renders the ordinances vague; iv) the Board of Zoning Appeals' interpretation of §40.55.02 and §04.20.01 renders §40.57.02 superfluous, in violation of the rules of construction and interpretation.

F. Find and declare that the Board of Zoning Appeals' interpretation of the ordinances is not based on substantial, competent and material evidence.

G. Find that the City of Troy is equitably estopped from enforcing or applying this new interpretation against Petitioners.

H. Enjoin the City from applying the new interpretation of the zoning ordinances to Petitioners' already-constructed attached garage.

I. Enjoin the City from taking any action to compel Petitioners to remove or reduce the size of their attached garage on their Property.

J. Award Petitioners any and all damages suffered by them.

K. Award Petitioners their attorneys fees and costs so wrongfully incurred in having to bring this action.

L. Award such other and further relief as this Court deems equitable and just.

**COUNT III - DECLARATORY RELIEF**

65. Petitioners hereby incorporate Paragraphs 1 through 64 of their Petition as though more fully set forth herein.

66. Petitioners believe that the City properly issued a building permit to them and that their attached garage complies with the City of Troy's current zoning ordinances.

67. The Board of Zoning Appeals believes that the City wrongfully issued the building permit and that Petitioners' attached garage violates the City's zoning ordinances.

68. The City is attempting to apply the Board of Zoning Appeals' new interpretation of §40.55.02 and §04.20.01 to Petitioners' existing attached garage.

69. The City is demanding and requiring Petitioners to remove their attached garage or to reduce the size of their attached garage to comply with the Board of Zoning Appeals' interpretation of the zoning ordinance.

70. There exists a case of actual controversy.

71. The Court should declare the rights and or other legal relations of Petitioners' and the City of Troy as it relates to Petitioners' already-constructed attached garage and Property.

WHEREFORE, Petitioners respectfully request that this Honorable Court:

A. Reverse the decision and interpretations of the City of Troy's Board of Zoning Appeals.

B. Find and declare that the City of Troy's Building Official properly issued a building permit to Petitioners.

C. Find and declare that §40.57.02 and §30.10.02 apply to Petitioners' property and garage;

D. Find that Petitioners' attached garage complies with §40.57.02 and §30.10.02, and is, therefore, lawful.

E. Find and declare that the Board of Zoning Appeal's interpretation of the ordinances violates the Michigan Constitution and state law because, including, but not limited to: i) applying a new interpretation to an existing structure is unconstitutional; ii) the City's Board of Zoning Appeals' interpretation does not provide adequate notice to property owners of the size limitations of attached garages; iii) the Board of Zoning Appeals' interpretation renders the ordinances vague; iv) the Board of Zoning Appeals' interpretation of §40.55.02 and §04.20.01 renders §40.57.02 superfluous, in violation of the rules of construction and interpretation.

F. Find and declare that the Board of Zoning Appeals' interpretation of the ordinances is not based on substantial, competent and material evidence.

G. Find that the City of Troy is equitably estopped from enforcing or applying this new interpretation against Petitioners.

H. Enjoin the City from applying the new interpretation of the zoning ordinances to Petitioners' already-constructed attached garage.

I. Enjoin the City from taking any action to compel Petitioners to remove or reduce the size of their attached garage on their Property.

J. Award Petitioners any and all damages suffered by them.

K. Award Petitioners their attorneys fees and costs so wrongfully incurred in having to bring this action.

L. Award such other and further relief as this Court deems equitable and just.

Respectfully submitted,

SIEGEL, GREENFIELD, HAYES & GROSS P.L.C.

By: Jill A. Bankey

Dated: June 1, 2005

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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.



EXHIBIT A

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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

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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

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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

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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

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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

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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

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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.

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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

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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

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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

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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.

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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.

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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

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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

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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.

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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

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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

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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

June 7, 2005

TO: John Szerlag, City Manager

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

SUBJECT: **Agenda Item** - Approval of Cost Participation Agreement for the Reconstruction of Big Beaver, Rochester to Dequindre
Project No. 01.105.5

---

## RECOMMENDATION

Staff recommends that City Council approve the attached Cost Participation agreement with the Board of Road Commissioners for Oakland County for the Reconstruction of Big Beaver, Rochester to Dequindre. Furthermore, staff recommends that the Mayor and City Clerk be authorized to execute the agreement.

## SUMMARY

By Resolution #2004-12-628-E9, City Council approved the City of Troy allotment for the 2005 Tri-Party Program in the amount of $406,638 with the City's share being $135,546. These funds are to be used for the Big Beaver, Rochester to Dequindre construction phase. The Cost Participation agreement formalizes the funding and establishes the methodology for requesting reimbursement from the Board and the County.

## FUNDING

2005 Tri-Party funds in the amount of $406,638 are programmed for the Big Beaver, Rochester to Dequindre project. Of this amount, Troy's share is one-third or $135,546. The remaining two-thirds or $271,092 is paid by the Board of Road Commissioners for the County of Oakland and the Oakland County Board of Commissioners.

The total construction cost for the Big Beaver project is estimated at $4,169,400. The City share of the project is estimated at $1,816,000. The use of Tri-Party funds reduces the amount of City funds for the project to an estimated $1,409,362. Funds for the City's share are included in the 2005-06 Major Road Capital fund, account number 401479.7989.011055. Construction is anticipated to begin in July 2005.

Prepared by: William J. Huotari, Deputy City Engineer
G:\Contracts\Contracts - 2005\05-4 Big Beaver_Roch to Deq\To CC re Tri Party Agreement.doc

ROAD COMMISSION for OAKLAND COUNTY

June 7, 2005

Mr. William J. Huotari, P.E., Deputy City Engineer
City of Troy
500 West Beaver Road
Troy, Michigan 48084

Board of Road Commissioners

Rudy D. Lozano
Chairman

Larry P. Crake
Vice-Chairman

Richard G. Skarritt
Commissioner

Brent O. Bair
Managing Director

Gerald M. Holmberg
Deputy Managing Director
County Highway Engineer

RE: Big Beaver Road, Rochester Road to Dequindre Road
Local Cost Participation Agreement
RCOC Project No. 48461

Dear Mr. Huotari:

Enclosed for your review and approval is two original sets of the local cost participation agreement for the above referenced project in the City of Troy.

Please arrange for signatures, but do not date all original sets and forward signed agreements to me. Our Board will return a fully executed original to you after action.

Please call me at 248 645-2000, extension 2213, if you have any questions.

Respectfully,

Sina Escoe
Engineering Aide

Enclosures (2)

Programming Division
Engineering
Department

31001 Lahser Road
Beverly Hills, MI
48025

248-645-2000

FAX
248-645-0618

TDD
248-645-9923

www.rcocweb.org

**COST PARTICIPATION AGREEMENT**

CONSTRUCTION

Big Beaver Road

Rochester Road to Dequindre Road

City of Troy

BOARD Project No. 48461

This Agreement made and entered into this _____ day of_____, 2005, by and between the Board of Road Commissioners for the County of Oakland, Michigan, hereinafter referred to as the BOARD, and the City of Troy, hereinafter referred to as the CITY, provides as follows:

WHEREAS, the CITY, in cooperation with the Michigan Department of Transportation, hereinafter referred to as MDOT, and the BOARD have programmed the widening of Big Beaver Road from Rochester Road to Dequindre Road, which improvements involve roads under the jurisdiction of the BOARD and within in the CITY, hereinafter referred to as the PROJECT, as described in detail on Exhibit A, attached hereto and made a part hereof; and

WHEREAS, for the purposes of identification and funding, the PROJECT has been divided into two segments as follows:

Part A – Federal Participation

Widening from four lanes to six lanes work along Big Beaver Road from Rochester Road to Dequindre Road; including concrete pavement repairs, concrete paving, earthwork, drainage improvements, curb and gutter, and sidewalk replacement work; and all together with necessary related work.

Part B – No Federal Participation

Landscaping, irrigation, and sidewalk repair work along Big Beaver Road from Rochester Road to Dequindre Road; pavement removal and concrete paving work along Dover Street from Big Beaver Road to Thames Drive; and all together with necessary related work.

WHEREAS, the CITY has entered into an agreement with MDOT in Contract No. 05-5169 for partial funding of the PROJECT with federal program dollars under the Surface Transportation Program, hereinafter referred to as STP funds; and

WHEREAS, in MDOT Contract No. 05-5169 the CITY, as requesting party therein, is the party financially responsible to MDOT to bear all costs of the PROJECT in excess of the federal funds, hereinafter referred to as the LOCAL MATCH; and

WHEREAS, a portion of the CITY'S share of said LOCAL MATCH involves certain designated and approved Tri-Party Program funding in the amount of $406,638, which amount shall be paid through equal contributions by the BOARD, the CITY, and the Oakland County Board of Commissioners, hereinafter referred to as the COUNTY, in accordance with the Tri-Party Program; and

WHEREAS, the BOARD and the CITY have reached a mutual understanding regarding the cost sharing of the LOCAL MATCH and wish to commit that understanding to writing in this Agreement.

NOW, THEREFORE, in consideration of the mutual covenants set forth herein, it is hereby agreed between the CITY and the BOARD that:

1. The BOARD approves of the PROJECT, declares its public necessity and authorizes the CITY and MDOT to undertake and complete the PROJECT, as above described, under Road Commission for Oakland County permit, and shall perform all engineering, inspection and administration in reference thereto.

2. The financial responsibility of the CITY pursuant to MDOT Contract 05-5169 to bear all costs of the PROJECT in excess of the federal funds and the costs of the LOCAL MATCH, estimated in the amount of $1,816,000, shall be funded in accordance with the attached Exhibit A.

3. The actual cost of the PROJECT shall include total payments to the contractor, engineering and inspection, temporary and permanent traffic controls.

4. All costs of the LOCAL MATCH for Part A and all costs for Part B shall be funded over the life of the PROJECT in accordance with the following:

   a. A portion of the LOCAL MATCH for Part A shall be funded from the Tri-Party Program in the amount of $406,638.

   b. The BOARD shall credit the COUNTY'S Tri-Party contribution of $135,546, together with the BOARD'S Tri-Party contribution in an amount equal thereto.

   c. The CITY'S remaining share of the LOCAL MATCH for Part A and the total cost for Part B, along with any overages shall be funded entirely by the CITY, estimated to be $1,409,362.

   d. In the event that additional Tri-Party funds become available, the CITY may use those funds to offset their share of the LOCAL MATCH, if necessary.

5. Upon execution of this Agreement, the CITY shall submit an invoice to the BOARD for $271,092 (being 100% of the BOARD'S share and the COUNTY'S share of the Tri-Party contributions).

6. Upon receipt of said invoice, the BOARD shall pay to the CITY the full amount thereof, within thirty (30) days of such receipt.

7. Upon 30 days following completion of the PROJECT construction, the CITY shall submit to the BOARD a copy of the pay estimate(s), and a statement of completion reflecting the estimated final PROJECT costs. The BOARD is desirous of receiving one courtesy copy of as-built drawings when available.

8. The total actual amount of the LOCAL MATCH shall be determined from records of the CITY upon completion of state financial audits of the PROJECT, and a final determination of the federal funds used toward the PROJECT costs. Final adjustments in the financial obligations of the parties hereto shall be made upon completion of the required audits. The

CITY shall submit a final invoice to the BOARD for the balance of the remaining share(s), if any.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement the day and date first written above.

| CITY OF TROY | BOARD OF ROAD COMMISSIONERS<br>FOR THE OAKLAND COUNTY<br>A Public Body Corporate |
|---|---|
| By _____ | By _____ |
| By _____ | By _____ |
| By _____ | By _____ |
| By _____ | By _____ |

**Exhibit A**

TRI- PARTY PROGRAM

2005

County Supported Road Improvements

In The

City of Troy

Big Beaver Road, Rochester Road to Dequindre Road

BOARD Project No. 48461

PART A Widening from four to six lanes work, including concrete pavement repairs, concrete paving, earthwork, drainage improvements, curb and gutter, and sidewalk replacement work; and all together with necessary related work.

PART B Landscaping, irrigation, and sidewalk repair work along Big Beaver Road from Rochester Road to Dequindre Road; pavement removal and concrete paving work along Dover Street from Big Beaver Road to Thames Drive; and all together with necessary related work.

ESTIMATED PROJECT COST

| | Part A | Part B | Total |
|---|---|---|---|
| Contractor Payments (Based on MDOT Contract 05-5169) | $3,110,200 | $548,800 | $3,659,000 |
| Construction Engineering (15% of Contractor Payments) | 466,500 | 0 | 466,500 |
| Force Account Work (Traffic Signal Controller Rebuild, Signal Timing, Video Detection System & Utility Work performed by the BOARD) | 43,900 | 0 | 43,900 |
| Total Project Cost | $3,620,600 | $548,800 | $4,169,400 |
| Less Federal Funds | (2,353,400) | 0 | (2,353,400) |
| LOCAL MATCH | $1,267,200 | $548,800 | $1,816,000 |

DISTRIBUTION OF LOCAL MATCH

| | CITY | BOARD | COUNTY | TOTAL |
|---|---|---|---|---|
| 2005 Tri-Party alottment | $ 135,546 | 135,546 | 135,546 | $ 406,638 |
| Non Tri-Party Funding | 1,409,362 | 0 | 0 | 1,409,362 |
| TOTAL SHARE | $1,544,908 | $135,546 | $135,546 | $1,816,000 |

June 9, 2005

TO: John Szerlag, City Manager

FROM: John M. Lamerato, Assistant City Manager/ Finance and Administration
Gert Paraskevin, Information Technology Director
Jeanette Bennett, Purchasing Director
Charles Craft, Police Chief

SUBJECT: **Agenda Item** – Computers for Kids Program
Divert Auction-Ready Computers to the Program

## SUMMARY:

City Management recommends diverting used, out-of service computers to needy children through a new program organized by Police Sgt. George Zielinski and sponsored through Oakland County (Troy and Avondale) Youth Assistance. The computers would be those that have been taken out of service from City Departments, stripped, and ready for auction. We are currently electronically auctioning the computers on the MITN e-procurement website and receiving between $10 and $101.50 (depending upon model, etc.) for equipment. Computers would be diverted to fully implement the program and be an on-going commitment.

## BACKGROUND

Through Sgt. George Zielinski's involvement with Oakland County (Troy and Avondale) Youth Assistance, he has formulated an idea that would provide computers for needy kids and families in Troy. Although still in the early stages of development, the program essentially encompasses taking older, used computer equipment donated by individuals, businesses, and other entities, refurbishing the computers by Sgt. Zielinski, and distributing the equipment to needy children and families in Troy. Hopefully, in time, other volunteers can be found to assist with the program. Troy Youth Assistance would then assist in promoting the program, reviewing requests, and determining those who would qualify to get the computers. Sgt. Zielinski has already researched obtaining the appropriate operating systems and software to build a basic package.

## CONCLUSION

Staff believes that this would be a great program for needy youths and families in Troy. Learning and using computers is now an essential part of youth development and skill building. In order for the program to work, the computers have to be in working order and Pentium class and above.

City of Troy

Human Resources Department

DATE: June 10, 2005

TO: John Szerlag, City Manager

FROM: John M. Lamerato, Assistant City Manager/Finance and Administration
Brian Murphy, Assistant City Manager/Services
Peggy E. Clifton, Human Resources Director

SUBJECT: **Agenda Item** - 2005 Annual Salary Update for Classified and Exempt Employees and Proposed Changes to Benefit Package and Personnel Rules & Regulations

## RECOMMENDATION

City Administration recommends approval of the 2005 Classification and Pay Plans for Classified and Exempt employees, and proposed benefit changes for employees hired after July 1, 2005.

The proposed Pay Plan adjustment results in an average salary increase of 2.78%. This is comprised of a 2% across the board increase to the pay range, plus a merit increase depending on performance of up to 1.0%. This year 3.0% was budgeted for these wage increases. The proposed changes to the Classification Plans are indicated on both Plans.

## BACKGROUND

### Pay Plan

By way of background, from 1999 to 2002 the Hay Group was retained to update the Classification and Pay Plans for Classified and Exempt employees. On April 11, 2002, City Council approved the city administration's recommendation not to contract with an outside consultant due to cost and service concerns, and approved a proposed Pay Plan pursuant to a survey conducted internally.

Due to continued budget constraints again this year, it was determined not to contract with an outside consultant for the purpose of updating the Classification and Pay Plans. A survey was conducted internally, and on June 9, 2005 the Personnel Board reviewed the proposed plans. These Plans are recommended to City Council for approval.

Once again, our goal is to advance high performance employees through the range, within budgetary constraints.

Proposed Changes to Benefit Package

Changes proposed for the benefit package for new employees hired on or after July 1, 2005 address two areas: health insurance and pension. In health insurance, it is recommended that a $10/$20 drug rider be implemented for generic/brand name drugs (increased from the $5/$10 drug rider in place for current employees.) In the pension plan, it is recommend that the employer contribution to the Defined Contribution (DC) plan be reduced from 11% to 10%.

For all Classified and Exempt employees, it is recommended that the tuition reimbursement program be adjusted to allow for an Associates or Bachelors degree or a certificate program that is organizationally related (as opposed to related to the employee's present position), and to institute a maximum amount of $4,000, with a $2,000 maximum amount for employees hired on or after July 1, 2005.

Revision to Personnel Rules & Regulations

The proposed revisions to the Personnel Rules and Regulations reflect the recommended changes in the provisions for health insurance, tuition reimbursement and pension discussed above.

The Personnel Board reviewed the proposed changes and recommends City Council approval.

PEC/bjm/PC05M.030

Attachments: a) Recommended Pay Plan
b) Recommended Classification Plans
c) Personnel Board Minutes & Rules Changes

# PAY PLAN

## CLASSIFIED AND EXEMPT EMPLOYEES

## JULY 2, 2005 *

| Grade | Minimum | Mid-Point | Maximum |
|---|---|---|---|
| 1 | $23,590 | $29,488 | $35,385 |
| 2 | $27,631 | $34,540 | $41,448 |
| 3 | $32,285 | $40,357 | $48,429 |
| 4 | $37,920 | $47,399 | $56,878 |
| 5 | $44,532 | $55,666 | $66,799 |
| 6 | $52,984 | $66,230 | $79,475 |
| 7 | $62,781 | $78,477 | $94,173 |
| 8 | $77,621 | $97,027 | $116,433 |
| 9 | $79,698 | $99,623 | $119,547 |
| 10 | $82,148 | $102,685 | $123,221 |
| 11 | $85,074 | $106,344 | $127,613 |
| 12 | $88,536 | $110,670 | $132,804 |
| | | | |
| 15 | $103,514 | $129,393 | $155,272 |

**Pay Plan represents a 2% increase over 2004 Pay Plan*

Personnel Board Approved: 6/09/05
City Council Approved:

G:C&E/C & E PAY PLAN 2005

# CLASSIFICATION PLAN
# CLASSIFIED EMPLOYEES
## ~~July 1, 2004~~ July 1, 2005

### Pay Grade 1

### Pay Grade 2

Inventory Control Assistant
Museum Archivist

### Pay Grade 3

Administrative Aide
Assistant Naturalist
Education Coordinator
Engineering Technician
**Legal Secretary**
Library Aide
Manager's Office Secretary
Secretary II

### Pay Grade 4

Building Maintenance Specialist
Engineering Assistant
GIS Data Analyst
Inspector
Insurance & Safety Coordinator
Landscape Analyst
Legal Assistant
Librarian I
Office Coordinator
**PC Specialist/Help Desk Technician**
Planning Technician
Survey Supervisor

### Pay Grade 5

Accountant
Administrative Assistant to the City Manager
Appraiser
Building Inspector
Civilian Communications Supervisor
Community Affairs Officer
Cross Connection Inspector
Environmental Specialist
Field Supervisor
Project Manager (Engrg.)
Right-of-Way Representative

### Pay Grade 6

Inspector Supervisor

### Pay Grade 7

Plan Analyst

Personnel Board Approved: 6/09/05
Council Approved:

**N = ~~33~~ 35**

**G: C&E/ClassifiedClassPlan~~2004~~ 2005**

# CLASSIFICATION PLAN
# EXEMPT EMPLOYEES
## ~~July 1, 2004~~ July 1, 2005

Pay Grade 3

Assistant to the City Manager
~~**Legal Secretary**~~

Pay Grade 4

Aquatics Coordinator
Associate Buyer
Fitness and Gym Coordinator
Naturalist
~~**PC Specialist/Help Desk Technician**~~

Pay Grade 5

Application Support Specialist
Buyer
Community Center Facility Manager
Data Processing Analyst/Programmer
Director of Golf Operations
Greens Superintendent
Land Surveyor
Librarian II
Nature Center Manager
Planner
Police Records Supervisor
Recreation Supervisor
Solid Waste Coordinator

Pay Grade 6

Civil Engineer
Communications Manager
Deputy City Clerk
GIS Administrator
Human Resources Specialist
Museum Manager
Network Administrator
Operations Coordinator
Project Construction Manager
Purchasing Systems Administrator
Research and Technology Administrator

Pay Grade 7

Attorney I
Attorney II
City Treasurer
Community Affairs Director
Deputy City Assessor

Pay Grade 7 (continued)

Deputy City Engineer
Parks Superintendent
Plans Examiner/Coordinator
Principal Planner
Risk Manager
Senior Right-of-Way Representative
Superintendent of Building Operations
Superintendent of Motor Pool
Superintendent of Recreation
Superintendent of Streets and Drains
Water and Sewer Maintenance Superintenent

Pay Grade 8

Assistant City Attorney
City Clerk
Director of Building Operations
Director of Purchasing

Pay Grade 9

City Assessor
City Engineer
Director of Building and Zoning
Financial Services Director
Fire Chief
Human Resources Director
Information Technology Director
Library Director
Parks and Recreation Director
Planning Director
Real Estate and Development Director

Pay Grade 10

Police Chief
Public Works Director

Pay Grade 11

City Attorney

Pay Grade 12

Assistant City Manager/Finance
Assistant City Manager/Services

Pay Grade 15

City Manager

To view the Personnel Board minutes, please visit Section J-1 of the agenda ("Minutes: Boards and Committees").

## XXVI. HOSPITALIZATION AND MEDICAL INSURANCE

The City shall provide hospitalization and medical insurance for the employee and dependents equal to the following:

1) Blue Cross/Blue Shield, MVF I, Master Medical Option III, with the following riders: $5.00 deductible prescription (PD-CR) (for employees hired on or after 1/01/04, $5/$10 prescription drug rider for generic/brand name drugs**; $10/$20 for employees hired on or after 7/1/05)**), D45NM, FC, SD, G65, Optical, ML, FAE-RC, V-ST, Reciprocity, PCES-1, PCES-2, SAT-2, COB, GLE, RM. Employees hired on or after 1/01/04 will receive the Blue Cross Blue Shield PPO insurance under Group Suffix 65337-001 with Master Medical Option 1. (~~12/03~~**7/05**)

2) Dental Insurance, including Class I and Class II benefits, with a 10% employee co-payment of claims and a maximum benefit of $1,000 per person per year (benefit year depends on date of hire) and Orthodontic coverage, with 50% employee co-payment up to a maximum of $2,000 lifetime benefit (for dependents 19 years and under). (8/02)

3) Effective July 1, 2001, the City's unilateral responsibility of paying premiums for medical insurance shall be frozen at $700.00 per month. Any increase in the cost of medical insurance in excess of $700.00 per month will be paid by deducting 50% of the premium increase from the employee's paycheck, but not more than $85 per month. Should an employee choose to elect like coverage (i.e. family coverage to family coverage) through a less expensive carrier, the City will pay to the employee 50% of the money saved by such conversion. Should an employee elect not to be provided with medical insurance through the City of Troy, the City will pay to the employee $250 per month. (12/03)

The City pays 50% of the cost of family continuation coverage for eligible children between the ages of 19 and 25 years. The remaining cost is deducted from the employee's paycheck on a monthly basis.

## XXVIII. TUITION REIMBURSEMENT

The City will reimburse an employee for up to 100% of the cost of tuition for work-related college courses or degrees subject to the following conditions:

1) Tuition will be reimbursed, not including books, supplies, or other fees or expenses, and cannot duplicate any other financial aid such as scholarships, grants, GI Bill, etc., to which the employee may be entitled or apply for.

2) Courses ~~must be either related to the employee's present position or be a required course in a degree program which is related to the employee's present position.~~ **included in this program must be required for an Associates degree, Bachelors degree, or a certificate program that is organizationally related. (7/05)**

3) Payment must be approved by the Department Director and the Human Resources Director before enrolling in the class.

4) The course must be taken at an accredited school or university, but need not be a credit course.

5) The employee must submit verification of having paid for the course and passed the course with a grade of "C" (2.0) or better.

**6) No employee shall receive more than $4000 under this program in any fiscal year. Employees hired on or after 7/1/05 shall not receive more than $2000 in any fiscal year. (7/05)**

~~6)~~**7)** Prior to receiving payment, the employee must sign an agreement to reimburse the City of the employee terminates his employment or is terminated by the City within one (1) year of the completion of the course.

## XXX. RETIREMENT

Employees hired before 1/1/98 who chose to remain in the Defined Benefit plan continue to participate in the Defined Benefit (DB) Pension Program, as explained in Chapter 10 of the Troy City Code.

City of Troy employees hired on or after 1/1/98 participate in the Defined Contribution (DC) pension program which is administered by the ICMA Retirement Corporation.

1. Contributions: The contribution rates for this plan are (as a % of earnings):

   Employer: 12% (for employees hired before 1/1/04)

   11% (for employees hired on or after 1/1/04) (1/04)

   **10% (for employees hired on or after 7/1/05) (7/05)**

   Employees: 4%

2. Vesting: Employees are 50% vested at three years, 75% vested at four years and 100% vested at five years.



Upon normal retirement, early retirement, or disability retirement, employees may be eligible for medical and hospitalization insurance. For employees retiring after January 1, 2000, the City will pay for medical and hospitalization coverage at the rate of 4% per complete year of service, or the first $400.00 per month of the cost of coverage for retirees, whichever is greater. Employees who participate in the Defined Contribution Pension Plan must meet the age and service requirement specified in the retir

DATE: June 13, 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
Request for Outdoor Seating in excess of 20 seats
in Conjunction with a Restaurant in B-3 Zoning
1515 East Maple – Mon Jin Lau Restaurant

We have received a request from Marco Chin, representing Mon Jin Lau Restaurant, to install an outdoor dining area for 40 seats at their restaurant at the 1515 East Maple. The seating area is proposed to be located in an area on the southeast side of the building in an area that will be enclosed by landscape screening and fencing elements.

Section 22.30.07 of the Zoning Ordinance establishes outdoor seating areas in excess of 20 seats for restaurants to be a Use Subject to Special Use Approval in the B-3 (General Business) Zoning District. This Section further states that City Council (in place of the Planning Commission) shall hold a Public Hearing in consideration of the request.

The restaurant currently has seating for 140 persons inside. With the addition of 40 seats outside their total seating capacity will be 180. Section 40.21.31 requires a minimum of 108 parking spaces for a restaurant with 180 seats. The site has 111 parking spaces available.

A Public Hearing has been scheduled for your meeting of July 11, 2005.

We will be happy to provide any additional information that you may require regarding this request.

Attachments:

# OUTDOOR DINING APPLICATION

Applications shall be accompanied by fully dimensioned plans indicating the location of the proposed seating area within the subject site, the layout of the proposed outside seating, and information as to any proposed building or site alterations, seating area enclosure elements, etc.

Setbacks for outside seating area involving the construction of "structures" as defined by the Building Code shall be at least equal to those required for conventional buildings within the applicable zoning district.

Outside seating areas shall not occupy required sidewalk areas or required landscape areas.

In their consideration for outside seating, the City Council, when involved, may require modification or rearrangement of inside and outside seating areas in order to assure that adequate parking is available.

Restaurants and food service establishments selling or serving alcoholic beverages shall further be subject to the requirements of the Michigan Liquor Control Commission.

NAME OF BUSINESS: MON JIN LAU

ADDRESS OF BUSINESS: 1515 E Maple MI 48084

NAME OF APPLICANT: Marco Chin

ADDRESS: 1515 E Maple

TROY MI PHONE: 248 689-2332

cell 248-821-8148

NUMBER OF SEATS: Existing Inside 140

Proposed Outside: 40

NUMBER OF AVILABLE PARKING SPACES: 108

WILL INSIDE SEATS BE ASSIGNED FOR OUTDOORS? Yes _____ No X

Signature: [signature]

Date: 6/10/05

RECEIVED
JUN 10 2005
BUILDING DEPARTMENT

# OUTDOOR DINING APPLICATION

## OWNER AFFIDAVIT

I Marco Chin as owner/representative
(name)

of the property located at 1515 E Maple

do approve of Mon Jin Lau
(business)

providing 40 seats for outdoor dining.

Signature: [illegible]

Date: 6/10/05

**********

DO NOT FILL IN - FOR USE BY BUILDING DEPARTMENT

## OUTDOOR DINING CERTIFICATE OF APPROVAL

**NAME OF BUSINESS:** _____

**ADDRESS:** _____

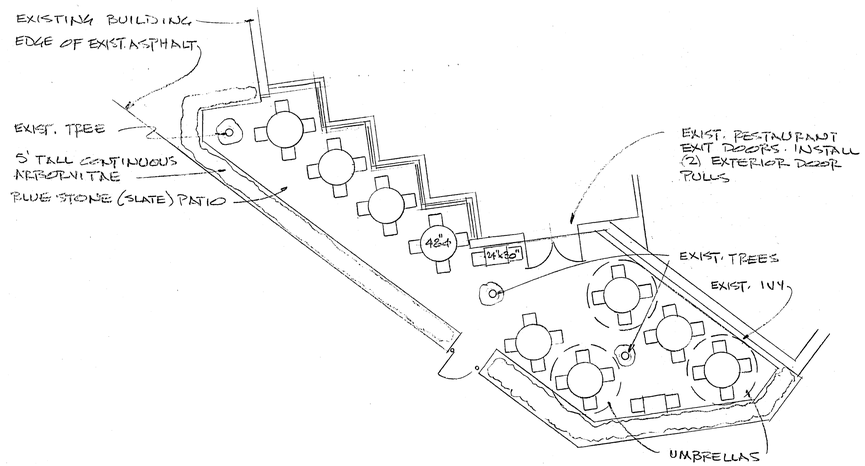
**OWNER/MANAGER:** _____

**NUMBER OF SEATS** _____

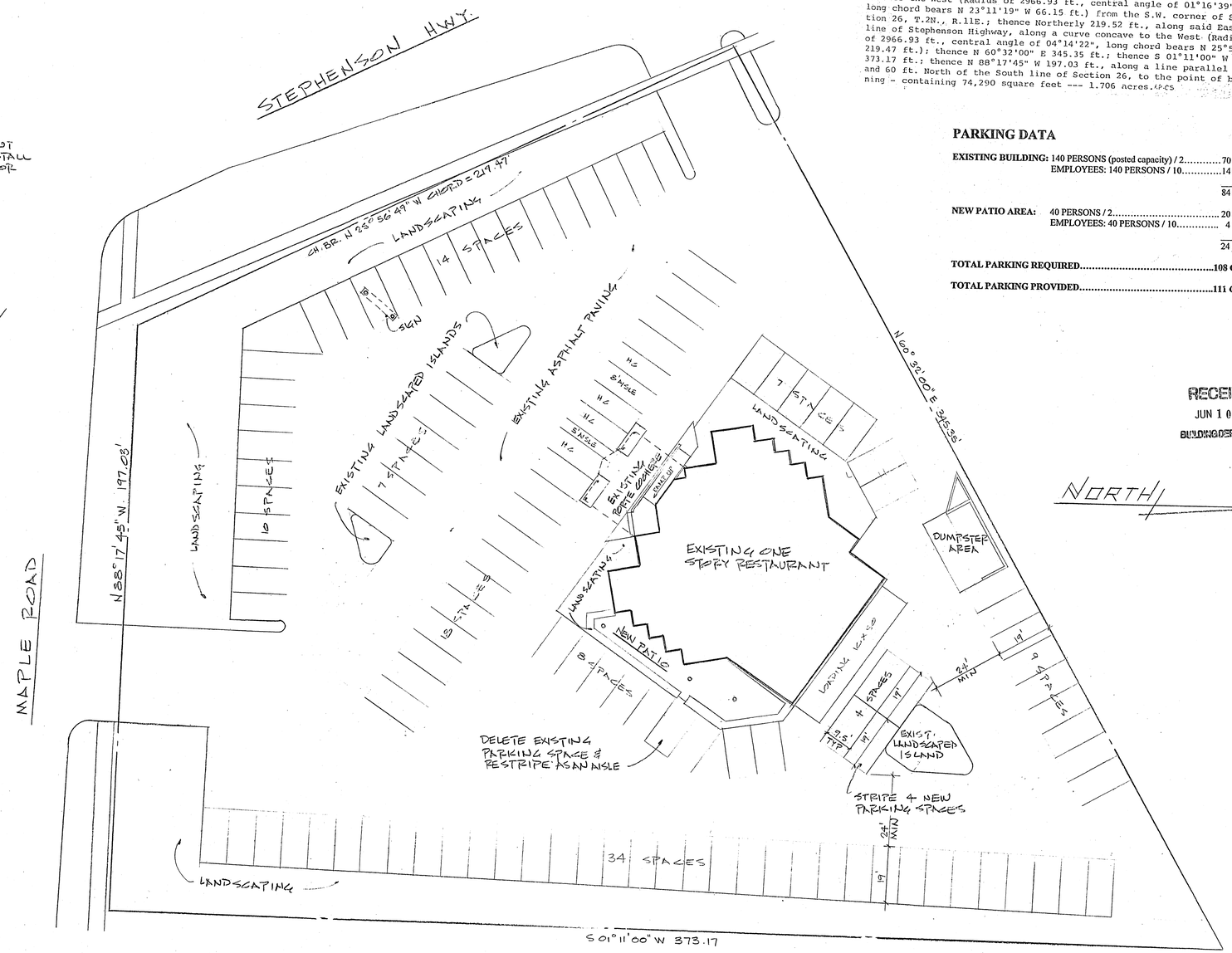
**DATE APPROVED:** _____

RECEIVED
JUN 10 2005
BUILDING DEPARTMENT

**BY:** _____
City of Troy, Building Department




PATIO PLAN
1/8"=1'-0"




SITE PLAN
1" = 20'

LEGAL DESCRIPTION: Part of the S.W. 1/4 of Section 26, T.2N., R.11E., City of Troy, Oakland County, Michigan, being more particularly described as follows: Beginning at a point which is S 88°17'45" E 1594.04 ft., along the South line of Section 26 and Northerly 66.15 ft.; along the East line of Stephenson Highway (204 feet wide), along a curve concave to the West (Radius of 2966.93 ft., central angle of 01°16'39", long chord bears N 23°11'19" W 66.15 ft.) from the S.W. corner of Section 26, T.2N., R.11E.; thence Northerly 219.52 ft., along said East line of Stephenson Highway, along a curve concave to the West (Radius of 2966.93 ft., central angle of 04°14'22", long chord bears N 25°56'49"W 219.47 ft.); thence N 60°32'00" E 345.35 ft.; thence S 01°11'00" W 373.17 ft.; thence N 88°17'45" W 197.03 ft., along a line parallel to and 60 ft. North of the South line of Section 26, to the point of beginning - containing 74,290 square feet --- 1.706 acres.

## PARKING DATA

**EXISTING BUILDING:** 140 PERSONS (posted capacity) / 2.....70 CARS
EMPLOYEES: 140 PERSONS / 10.....14 CARS
84 CARS

**NEW PATIO AREA:** 40 PERSONS / 2.....20 CARS
EMPLOYEES: 40 PERSONS / 10..... 4 CARS
24 CARS

**TOTAL PARKING REQUIRED.....108 CARS**

**TOTAL PARKING PROVIDED.....111 CARS**

RECEIVED
JUN 10 2005
BUILDING DEPARTMENT

DO NOT SCALE PRINTS. USE FIGURED DIMENSIONS.

ISSUED FOR
OWNER REVIEW
4-22-05

SUBJECT
SITE PLAN, NOTES & DETAILS

PROJECT
MON JIN LAU
NEW PATIO AREA
1515 E. MAPLE ROAD
TROY, MI 48084

ROGER SHERMAN PARTNERS, INC
15301 CENTURY DRIVE, SUITE 204 DEARBORN, MI 48120
313/271-7240 FAX 313/271-7506

JOB NO.
1624-01B

SHEET NO.
S-1 OF

June 13, 2005

TO: John Szerlag, City Manager

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

SUBJECT: Agenda Item –Announcement of Public Hearing – Community Development Block Grant (CDBG) for Tacoma and Olympia Streets

This memorandum is being forwarded for consideration on scheduling a Public Hearing for July 11, 2005 at 7:30 PM to add Tacoma and Olympia Streets to our list of projects for 2005 and to re-program year 2005 funds as detailed below:

Existing (From):

| **Account #** | **ACTIVITY DESCRIPTION** | **AMOUNT** |
|---|---|---|
| 2696 | Section 36/Flood Drain Improvements | $27,000 |

Proposed (To)

| **Account #** | **ACTIVITY DESCRIPTION** | **AMOUNT** |
|---|---|---|
| 3616 | Special Assessment | $27,000 |

Reprogramming year 2005 funds will allow us to be reimbursed for the special assessment cost of asphalt paving for Tacoma and Olympia Streets. This project was initiated after the 2005 application was submitted, so it was not included on the initial list of projects.
11 residents of Tacoma and Olympia have come forward and qualified for Community Development Block Grant funds.

Prepared by: Vicki Richardson, Solid Waste Coordinator

G-02a

June 8, 2005

TO: The Honorable Mayor and City Council Members

FROM: John Szerlag, City Manager

SUBJECT: Unsolicited Proposal for Indoor Sports Facility

Attached is a memorandum from staff indicating that they received an unsolicited proposal from Oakland Yard Athletics, a company interested in a land lease on City of Troy property for the operation of an indoor sports facility. These uses include soccer, lacrosse, and flag football. Additionally, Oakland Yard Athletics has requested that the Civic Center property, as well as Firefighters Park, be suggested as two possible sites.

Please know that determination of whether an indoor sports facility should be constructed on City property is not within my purview of authority; it's within yours. And given our recent experience with the proposed baseball stadium, I'm going to instruct staff to advise Oakland Yard Athletics that the City of Troy is not interested in an indoor sports facility on City property. Having said this, should City Council wish me to do otherwise, then you'll need to pass a resolution delineating a different set of instructions.

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

c: Stuart Alderman, Superintendent of Recreation
Carol Anderson, Parks and Recreation Director
Brian P. Murphy, Assistant City Manager/Services

JS/mr\AGENDA ITEMS\2005\06.20.05 - Unsolicited Proposal for Indoor Sports Facility

RECEIVED

JUN 13 2005

CITY OF TROY
CITY MANAGER'S OFFICE

June 1, 2005

To: John Szerlag, City Manager

From: Brian Murphy, Assistant City Manager/Services
Carol K. Anderson, Parks and Recreation Director
Stu Alderman, Superintendent of Recreation

Subject: Indoor Sports Facility Proposal

Attached is an unsolicited proposal from the owners of Oakland Yard Athletics, a company interested in a land-lease on City of Troy property for the operation of an indoor sports facility. Possible uses include: soccer, lacrosse, and flag football. The owners would provide a financial guarantee as well as provide a percentage of revenues for programs offered.

The proposal suggests two possible sites as options – the Civic Center property and Firefighters Park.

There has been one other verbal inquiry proposing construction of a soccer facility. However, we have not received anything in writing.

With the interest of indoor soccer (and some of the other sports mentioned in the proposal) in Troy, the facility could prove to be a benefit for the residents and the community as well as produce revenue for the city. In light of recent Council action on public/private partnerships, city staff thought it prudent to bring the matter to your attention before proceeding.

The Troy Sports Center offered indoor soccer at one time, but has since converted the field to ice hockey. Indoor soccer facilities exist in Royal Oak and Shelby Twp.

Troy Sports Dome Proposal by Oakland Yard Athletics, L.L.C. is attached to agenda packet in hard copy format.

**PERSONNEL BOARD MINUTES - FINAL June 8, 2004**

A Regular Meeting of the Troy Personnel Board was held Tuesday, June 8, 2004, at City Hall, 500 W. Big Beaver Road. Chairman Patrick called the meeting to order at 7:06 PM.

## Roll Call:

**PRESENT**: Chairman Patrick
Member Baughman
Member Nelson
Member Tschirhart
Member Vanderbrink

**ABSENT**: None

**ALSO PRESENT**: Human Resources Director Clifton
Jeanette Menig, Human Resources Specialist

## Approval of Minutes:

PB-04-06-001: Moved by Patrick, Seconded by Patrick that the Minutes of the City of Troy Personnel Board Meeting of December 9, 2003 are **APPROVED** as submitted.

Yes: Patrick, Baughman, Nelson, Tschirhart, Vanderbrink

## Old Business: None

## New Business:

### A. Recommendation for Classification and Pay Plans and Merit Pay Increases for Classified Employees (FY 2004-2005)

Peggy Clifton, Human Resources Director advised the Board that HR staff surveyed surrounding communities and determined the average pay increase to be just under 3%. The budgeted amount for increases was set at 3.5%. Staff recommends the following:

Range adjustment: 2%
Across-the-board salary increases: 2%
Merit (based on performance evaluation score of 490 or above): 1%

In addition to the range increase, staff is recommending 1 addition to the Classification Plan. The addition is Administrative Assistant to the City Manager at Pay Grade 5.

PB-04-06-002: Moved by Patrick, Seconded by Nelson, That the proposed Classification and Pay Plans and merit increases for Classified Employees (FY 2004-2005) be **APPROVED** as submitted.

Yes: Patrick, Baughman, Nelson, Tschirhart, Vanderbrink

## B. Approval of Revisions to Personnel Rules

Peggy Clifton, Human Resources Director advised the Board that the purpose of this proposal is to clarify that retiree health insurance is a benefit offered only to those who retire under a normal, early or disability retirement, not to those who leave the City with a deferred retirement.

PB-04-06-003: Moved by Vanderbrink, Seconded by Patrick, That the Personnel Rules, Article XXX. Retirement, be **APPROVED** as amended to reflect that employees who retire under a Normal, Early or Disability retirement may be eligible for retiree health insurance.

Yes: Patrick, Baughman, Nelson, Tschirhart, Vanderbrink

Peggy Clifton indicated that Board members would be provided a complete copy of the Personnel Rules, which will include revisions approved at the December 2003 and June 2004 meetings.

## Adjournment:

PB-04-06-004: Moved by Patrick, Seconded by Vanderbrink, CARRIED UNANIMOUSLY: That there being nothing else to come before the Board, the meeting be **ADJOURNED**.

Yes: Patrick, Baughman, Nelson, Tschirhart, Vanderbrink

Meeting adjourned at 7:34 PM.

Stephen Patrick, Chairman

Peggy Clifton, Human Resources Director

Advisory Committee for Senior Citizens

A regular meeting of the Advisory Committee for Senior Citizens was held on Thursday, April 7 2005 at the Troy Community Center. Chair JoAnn Thompson called the meeting to order at 10:05 AM.

**Present:** JoAnn Thompson, Chair
Pauline Noce, Member
James Berar, Member
Marie Hoag, Member
Carla Vaughan, Staff
Jo Rhoads, Member
Bud Black, Member
Merrill Dixon, Member
Bill Weisgerber, Member

**Absent:** David Ogg, Member

**Visitors:** Mary Beth Halushka, Connie Rasa

**Approval of Minutes**

Resolution # SC-2005-04-001
Moved by Bill Weisgerber
Seconded by Jo Rhoads

RESOLVED, That the Minutes of April 7, 2005 be approved as submitted.

Yes: 8
No: 0

MOTION CARRIED

**Visitor Comments**

Mary Beth Halushka discussed the upcoming school district millage renewal.

**Old Business**

**Senior Centers in Neighboring Cities:** Carla will compile the information that members gather from their visits. Bud suggested that members call before visiting.

**Shuffleboard and Bocce Ball:** The Park Board will discuss this issue at their April meeting and JoAnn suggested that committee members try to attend this meeting. The Senior Advisory Committee would like to see both shuffleboard and bocce. Mrs. Rasa suggested that an indoor bocce court could be used year round. Mr. Dixon handed out court specifications (**copy attached**).

**Catering Service at the Community Center:** Kim Haveraneck, President of Emerald Food Service, could not attend the April meeting but said she would attend in May. The issue is snacks, not meals, and JoAnn will prepare a letter to Kim to clarify that.

**New Business**
None

**Reports**

**Park Board:** Merrill Dixon did not attend the March meeting. He reported that the Park Board was asked to review the task force plan (**copy enclosed**).

**Medi-Go:** Jo Rhoads reported SMART has been more than generous by setting up computers and insurance coverage. Health care rides are top priority and seniors can schedule a ride as soon as they make their doctor appointment.

**Nutrition:** No report.

**Senior Program:** Carla reported that the TESA workshops went well and over 100 seniors participated. A 12-week follow up ***Eat Better and Move More*** program is being offered beginning April 6. We have had a good response to the new women's softball program and Troy will have a team in the league. Money Smart, an Aging Forum, and the spring Expo are three big programs coming up in April. Mr. Weisgerber asked about the Adopt-Our-Senior-Center program. Carla will prepare a report for the May meeting.

**OLHSA:** Jo Rhoads reported that several home care service providers attended giving them a good chance to compare services. Make sure that the service you use is licensed.

**Suggestion Box:** Regarding last month's suggestions, Carla reported that anyone can bring their lunch into the lunchroom and eat it when the seniors are having the federally funded lunch. The bridge group is not interested in meeting one additional time per week, and the lady who made the suggestion is moving to Texas. The newsletter will now be available for people to pick up on or after the 27th of each month, and this is stated in the newsletter.

**Comments**
Jo Rhodes reported that having the meetings televised helps seniors know what is going on.

Bill Weisgerber resigned his seat as vice-chair. His term expires April 30 and he is not seeking reappointment.

Merrill Dixon will ask the Park Board to take Mr. Berar's suggestion about benches at the driving range under advisement.

The meeting was adjourned at 11:30 a.m.

Respectfully submitted,

JoAnn Thompson, Chair Carla Vaughan, Secretary

**ADVISORY COMMITTEE FOR PERSONS WITH DISABILITIES – DRAFT – MAY 4, 2005**

A Regular Meeting of the Troy Advisory Committee for Persons with Disabilities was held Wednesday, May 4, 2005, at the lower level conference room at City Hall. Leonard Bertin called the Meeting to order at 7:05 P.M.

| | | |
|---|---|---|
| Present: | L Bertin, member | C. Buchanan, member |
| | S. Burt, member | A. Fuhrman, alternate |
| | T. House, member | P. Manetta, member |
| | D. Pietron, member | S. Werpetinski, member |
| Present: | M. Grusnick, staff | |
| | K. Jearls, staff | |
| Absent: | A. Done, member, EA | K Gauri, member, EA |
| | N. Johnson, alternate, UA | M. Pritzlaff, alternate, EA |
| | A. Wiqar, student, UA | |

**ITEM B – APPROVAL OF MINUTES OF MEETING OF APRIL 6, 2005**
Fuhrman made a motion that the minutes of April 6, 2005 be approved as amended. Supported by Pietron. All voted in favor.

**ITEM C – VISITORS, DELEGATIONS AND GENERAL PUBLIC**
Talese Castillo was in attendance fulfilling professional growth hours for her college degree.

**ITEM D – NEW BUSINESS**
This Committee is appreciative of Carla Vaughn and the Seniors Advisory Committee for their invitation to take part in the Sr. Expo. We look forward to continuing our participation in this twice a year event. The next Senior Expo will be held the 1st week of November. Manetta volunteered to be the liaison with Carla and the Committee is asking members for suggestions on ideas and possible vendors. While at the recent Expo, Buchanan was approached by the Mature Advisor, a news publication, which invited us to put in an article or advertisement of the Committee at no cost.

Buchanan suggested inviting Tonya Perry and Donald Mouch from the Fire Dept. to our next meeting to discuss any revisions in the emergency preparedness plan for people with disabilities

**ITEM E – REGULAR BUSINESS**
Buchanan will attend the City Council meeting on 5/9/05 and Werpetinski on 5/16/05.

**ITEM F – OLD BUSINESS**
We have decided not to continue the Ability Expo event held annually at the Troy Daze Festival. We do want to maintain involvement with Troy Daze planning in their accessibility discussions. On 5/24/05 Burt and Bertin will attend the Troy Daze meeting.

No meetings on playground accessibility will be scheduled until next year when the funding is received.

**ITEM G - INFORMATIONAL ITEMS**
City of Troy Golf Courses offer a discount to golfers with disabilities. A handicap accessible cart is also available.

There is a website available for golfers with disabilities - www.resourcecenter.usga.org.

Burt will contact the Chronic Illness Coalition for the status on their programs.

Bertin has sold his home in Troy but will be available as Chairman of the Committee for another month. It will be necessary to choose a new Chairperson for the Committee.

Werpetinski suggested a meeting with City Clerk to educate precinct workers on ways to accommodate people with disabilities.

**ITEM H – ADJOURN**
Pietron made a motion to adjourn at 8:10 which was seconded by Burt.

_____
Leonard Bertin, Chairperson

_____
Kathy Jearls, Recording Secretary

The Chairman, Ted Dziurman, called the meeting of the Building Code Board of Appeals, to order at 8:30 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

**TROY HISTORIC STUDY COMMITTEE – FINAL** **MAY 5, 2005**

This Meeting of the Troy Historic Study Committee was held Thursday, May 5, 2005 at the Troy Museum & Historic Village. The meeting was called to order at 7:59 P.M.

**ROLL CALL**

PRESENT: Bob Miller
Kinda Hupman
Charlene Harris
Paul Lin

ABSENT: Marjorie Biglin
Kevin Lindsey
Linda Rivetto

STAFF: Loraine Campbell

**Resolution #HDC-2005-05-001**
**Moved by Lin**
**Seconded by Harris**

**RESOLVED, That the absences of Biglin, Lindsey and Rivetto be excused**
Yes: 4— Miller, Hupman, Harris, and Lin
No: 0

**MOTION CARRIED**

**Resolution #HDC-2005-05-002**
**Moved by Lin**
**Seconded by Harris**

**RESOLVED, That the minutes of April 5, 2005 be approved**
Yes: 4— Miller, Hupman, Harris, and Lin
No: 0

**MOTION CARRIED**

**OLD BUSINESS**

**Status on 2356 E. Long Lake Road de-listing:**

The final report was received without comment by the State Historic Preservation Office, and was thereby approved and accepted. Mr. Miller agreed that the committee would include his delisting with other amendments to the ordinance, probably in the fall.

**46 East Square Lake and 5875 Livernois**
There has been no response to the letter mailed to 5875 Livernois. The committee is working on the report for 46 East Square Lake Road.

**3864 Livernois (Wattles House)**
The committee reviewed the survey completed by Kevin Lindsey and Paul Lin and discussed Brian Wattles request to redefine the boundaries, thus reducing the size of the Historic District to approximately 1.5 acres where the historic home stands.

**Resolution #HDC-2005-05-003**
**Moved by Miller**
**Seconded by Hupman**

**RESOLVED, That Parcel B of the Wattles Property plus access to Livernois on the south end of Parcel A be de-listed from the Historic District as all historic value is contained in Parcel A. The appropriate property should be re-surveyed by a licensed Michigan Surveyor and the boundaries are provided to the Historic District Study Committee to be included in their preliminary report for approval following the procedures outlined in Chapter 13.**

Yes: 4— Miller, Hupman, Harris, and Lin
No: 0

**MOTION CARRIED**

The Troy Historic Study Committee Meeting was adjourned at 8:45 p.m. The next meeting will be held Tuesday, June 7, 2005 at 7:30 p.m. at the Troy Museum & Historic Village. Loraine Campbell will post the Change of Meeting Notice in the City Clerk's office.

Robert Miller
Co-Chairman

Loraine Campbell
Recording Secretary

The Regular Meeting of the Troy City Planning Commission was called to order by Chair Strat at 7:32 p.m. on May 10, 2005, in the Council Chambers of the Troy City Hall.

1. ROLL CALL

Present:
Lynn Drake-Batts
Fazal Khan
Lawrence Littman
Robert Schultz
Thomas Strat
Wayne Wright

Absent:
Gary Chamberlain
Mark J. Vleck
David T. Waller

Also Present:
Mark F. Miller, Planning Director
Brent Savidant, Principal Planner
Allan Motzny, Assistant City Attorney
Kathy Czarnecki, Recording Secretary

***Resolution # PC-2005-05-065***
Moved by: Schultz
Seconded by: Wright

***RESOLVED***, That Members Chamberlain, Vleck and Waller are excused from attendance at this meeting for personal reasons.

Yes: Khan, Littman, Schultz, Strat, Wright
No: None
Abstain: Drake-Batts
Absent: Chamberlain, Vleck, Waller

**MOTION CARRIED**

Chair Strat announced that five (5) affirmative votes are required for approval of agenda items, and the petitioner has the option to postpone his/her agenda item prior to the Planning Commission's proceedings on that particular item.

2. MINUTES

***Resolution # PC-2005-05-066***
Moved by: Schultz
Seconded by: Khan

***RESOLVED***, To approve the April 26, 2005 Special/Study Meeting minutes as published.

Yes: Drake-Batts, Khan, Littman, Schultz, Strat
No: None
Abstain: Wright
Absent: Chamberlain, Vleck, Waller

**MOTION CARRIED**

3. PUBLIC COMMENT

There was no one present who wished to speak.

## TABLED AND POSTPONED ITEMS

4. PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT (ZOTA 201) – Article 28.20.13 or 28.30.00 Arts and Dance Schools in Light Industrial Zoning Districts

Mr. Miller reported that the Planning Commission has not recommended that the draft ZOTA as written be considered at a Public Hearing. It is the recommendation of the Planning Department to postpone the item to a future meeting.

***Resolution # PC-2005-05-067***
Moved by: Khan
Seconded by: Wright

***RESOLVED***, That the Zoning Ordinance Text Amendment ZOTA-201 requested by The Link School for the Arts is hereby postponed to a future meeting to allow sufficient time to develop appropriate Zoning Ordinance Text Amendment provisions.

Yes: All present (6)
No: None
Absent: Chamberlain, Vleck, Waller

**MOTION CARRIED**

5. PUBLIC HEARING – PLANNED UNIT DEVELOPMENT (PUD 1) – Proposed Amendment to Woodside Bible Church/Northwyck Condominium P.U.D., East side of Rochester and South of South Blvd., Section 2 – PUD 1

Mr. Miller reviewed the request and Resolution passed at the March 8, 2005 Regular Meeting. The petitioner indicated to the Planning Department that they are prepared to do the necessary improvements to screen the rooftop utility equipment and would

like to continue working on improvements to the sign. Mr. Miller reported that the petitioner requested to table the matter to a future meeting.

PUBLIC HEARING OPENED

No one was present to speak.

***Resolution # PC-2005-05-068***
Moved by: Wright
Seconded by: Schultz

***RESOLVED***, That the Proposed Amendment to Woodside Bible Church/Northwyck Condominium P.U.D., East side of Rochester and South of South Blvd., Section 2 – PUD 1, is hereby tabled to the June 14, 2005 Planning Commission Regular Meeting.

Yes: All present (6)
No: None
Absent: Chamberlain, Vleck, Waller

**MOTION CARRIED**

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

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

PUBLIC HEARING OPENED

No one was present to speak.

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

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

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

**MOTION CARRIED**

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

7. PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT (ZOTA 215-C) – Article 43.00.00, Article 40.65,00, Article 40.66.00 and Article 44.00.00, pertaining to Commercial Vehicle Parking Appeals

Mr. Miller reviewed the proposed Zoning Ordinance Text Amendment relating to commercial vehicle parking appeals.

PUBLIC HEARING OPENED

No one was present to speak.

***Resolution # PC-2005-05-070***
Moved by: Schultz
Seconded by: Khan

***RESOLVED***, That Article 43.00.00, Article 40.65.00, Article 40.66.00 and Article 44.00.00, pertaining to Commercial Vehicle Parking Appeals, be postponed to a future meeting.

Yes: All present (6)
No: None
Absent: Chamberlain, Vleck, Waller

**MOTION CARRIED**

8. SITE PLAN REVIEW – Proposed Walnut Forest Site Condominium, 16 units/lots proposed, East of I-75, between Paragon and Hedgewood, Section 16, Zoned CR-1 (One Family Residential Cluster) District

Mr. Miller addressed the five reasons for which the Planning Commission tabled the Walnut Forest Site Condominium project at their April 12, 2005 Regular Meeting. The petitioner has satisfied the concerns with respect to the location of the public utility easement and provided drawings relating to the setback. Mr. Miller reported that the Director of Public Works sees no potential problem with snow removal on the public/private street. Further, the City Engineer recommends that Paragon be used as the construction entrance because the road is a straight shot into the subdivision and the condition and age of the road would require replacement in the near future.

Mr. Miller reported that it is the recommendation of the Planning Department to approve Walnut Forest Site Condominium subject to the conditions that a general common area is reserved for use by residents and the petitioner obtains a letter of no jurisdiction from the MDEQ prior to final site condominium approval.

The petitioner, Vincent DiLorenzo of D & T Construction Company, 46719 Hayes Road, Shelby Township, was present. Mr. DiLorenzo displayed and briefly reviewed two site plan layouts; public road layout and private road layout. Mr. DiLorenzo said the private road layout would save additional trees and in his opinion is a better layout. He referenced the concrete turnarounds that were added on the private road layout that would provide turnaround access for trucks.

Mr. Schultz questioned the placement of trees in relation to the utility easement.

Mr. DiLorenzo replied that utilities could be placed in the right-of-way should the plan go with the public road. If the plan goes with the private road, the utilities would have to be placed on the edge of the road.

Mr. Schultz commented on units 3, 4, 5 and 6 that were moved further west on the site plan. Mr. Schultz said the rear setback requirements were met and there was no reason to move the units further away.

Mr. DiLorenzo said the units were moved to keep continuity with the setback. He indicated the units could be moved back to their original locations, should that be the desire of the members.

A brief discussion followed with respect to the 40-foot turning radius for the trucks.

Chair Strat opened the floor for public comment.

There was no one present who wished to speak.

The floor was closed.

Mr. Wright expressed concern with the use of Paragon as a construction entrance. He said taxpayers' dollars would be used to rebuild a road that a developer destroyed during construction. Mr. Wright asked if the City could hold the developer responsible to pay for the rebuild of Paragon.

Chair Strat expressed similar concerns.

Mr. Miller said authority of regulating construction access falls within the purview of the City Engineer. The City Engineer indicated he would require construction access on Paragon, and gave no indication that the petitioner would have to repair road.

***Resolution # PC-2005-05-***
Moved by: Littman
Seconded by:

***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 Walnut Forest Site Condominium, including 16 units,

located east of I-75, between Paragon and Hedgewood, Section 16, within the CR-1 zoning district be granted, subject to the following conditions:

1. The area delineated on the site plan as “berm easement”, “park” and “preserved woodland” shall be general common area reserved for use by residents of the site condominium association. This area shall be described as such in the master deed and shown on the site plan.
2. The applicant shall get a letter of no jurisdiction from the MDEQ prior to Final Site Condominium approval.
3. That the street indicated as Hedgewood Drive be a private drive.

**MOTION FAILED** due to a lack of a second.

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

***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 Walnut Forest Site Condominium, including 16 units, located east of I-75, between Paragon and Hedgewood, Section 16, within the CR-1 zoning district be granted, subject to the following conditions:

1. The area delineated on the site plan as “berm easement”, “park” and “preserved woodland” shall be general common area reserved for use by residents of the site condominium association. This area shall be described as such in the master deed and shown on the site plan.
2. The applicant shall get a letter of no jurisdiction from the MDEQ prior to Final Site Condominium approval.
3. That Hedgewood Drive within the development shall be a public street.

Discussion on the motion on the floor.

Mr. Littman said his preference to make Hedgewood Drive a private drive is twofold: (1) the private road layout would provide more green space; and (2) concern for emergency vehicle access. Mr. Littman said he sees no benefit for Hedgewood to be a public street, but there are a number of advantages to it being private.

Mr. Schultz said there would be a potential for confusion for visitors and City departments should a public street connect with a private street with the same name.

Mr. Miller announced that the Planning Department has erred with respect to the proposed Resolution. The Planning Commission has approval authority over CR-1 developments, not recommending authority; therefore, the Resolution should recommend approval of the site plan.

***Resolution # PC-2005-05-071***
Moved by: Schultz
Seconded by: Khan

***RESOLVED***, That the Planning Commission recommends that the Preliminary Site Plan (Section 34.30.00 Unplatted One-Family Residential Development), as requested for Walnut Forest Site Condominium, including 16 units, located east of I-75, between Paragon and Hedgewood, Section 16, within the CR-1 zoning district be granted, subject to the following conditions:

1. The area delineated on the site plan as “berm easement”, “park” and “preserved woodland” shall be general common area reserved for use by residents of the site condominium association. This area shall be described as such in the master deed and shown on the site plan.
2. The applicant shall get a letter of no jurisdiction from the MDEQ prior to Final Site Condominium approval.
3. That Hedgewood Drive within the development shall be a public street.

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

**MOTION DENIED**

***Resolution # PC-2005-05-072***
Moved by: Littman
Seconded by: Khan

***RESOLVED***, That Resolution # PC-2005-05-071 be reconsidered.

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

**MOTION CARRIED**

***Resolution # PC-2005-05-073***
Moved by: Schultz
Seconded by: Khan

***RESOLVED***, That the Planning Commission recommends that the Preliminary Site Plan (Section 34.30.00 Unplatted One-Family Residential Development), as requested for Walnut Forest Site Condominium, including 16 units, located east of I-75, between Paragon and Hedgewood, Section 16, within the CR-1 zoning district be granted, subject to the following conditions:

1. The area delineated on the site plan as “berm easement”, “park” and “preserved woodland” shall be general common area reserved for use by residents of the site condominium association. This area shall be described as such in the master deed and shown on the site plan.
2. The applicant shall get a letter of no jurisdiction from the MDEQ prior to Final Site Condominium approval.
3. That Hedgewood Drive within the development shall be a public street.

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

**MOTION CARRIED**

Mr. Wright said it is incumbent upon the Planning Commission and City Council to not saddle the citizens of Troy with helping developers develop an area, and he thinks that is what is going to happen to Paragon.

A brief discussion followed with respect to the construction access, engineering design recommendations in the approval process, and area of responsibility for repair of a damaged road due to construction equipment and use.

Mr. Miller said he would investigate the matter and report back to the members at a future study session.

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**

## SITE CONDOMINIUM SITE PLANS

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 include 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**

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Chair Strat requested a recess at 8:50 p.m.

The meeting reconvened at 9:00 p.m.

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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 be comprised 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.

12. SITE PLAN REVIEW – Hidden Parc Site Condominium, 35 units/lots proposed, North of Welling, West of John R, Section 14, Zoned R-1C (One Family Residential) District

Mr. Savidant presented a summary of the Planning Department report for the proposed Hidden Parc Site Condominium. Mr. Savidant reviewed the site plan as submitted and two alternate site plans that were provided by the petitioner. Mr. Savidant addressed the outlot that would be used as part of the development proposal with respect to the Open Space Agreement that was reviewed by the City Attorney's office. Mr. Savidant reported that City Management prefers the site plan layout with a connection on John R to the east, Welling to the south and a stub road to the north. It is the recommendation of the Planning Department to approve the site plan as submitted.

Mr. Motzny said he reviewed the Open Space Agreement and the plat at the request of the Planning Department. He said the plat that was recorded and

approved designates the outlot for future development. There is no indication on the recorded plat that it is part of the open space that is covered by the restrictions mentioned in the Open Space Agreement. Mr. Motzny said based on that review, it appears that the outlot could be used as part of the site condominium development.

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. Mr. Mancini clarified the driveway access for the existing house.

Chair Strat opened the floor for public comment.

Barbara Upmeyer of 1928 Welling, Troy, was present. Ms. Upmeyer said the proposed development would eliminate the 13.3 acres of woods directly across the street from her house. Ms. Upmeyer is concerned about the increase in traffic and the cut-through traffic to John R. She said she would favor the plan that provides for a cul-de-sac and would eliminate the potential cut-through traffic to John R.

Bill Konitsney of 4773 Whitesell, Troy, was present. Mr. Konitsney said he bought his home because of the beautiful view out of his front window. Mr. Konitsney said the proposed development would kill trees and destroy the homes of wildlife. He said the loss of trees would devalue the neighboring residents. He addressed the construction noise and questioned the need for additional condominiums in the City when newly constructed condominiums remain on the market.

Nancy Lakin of 4610 Luisa, Troy, was present. Ms. Lakin lives in the Hidden Oaks subdivision that is south of the proposed development. Ms. Lakin is not opposed to the proposed development. She is opposed to the plan that would provide for access to John R. Ms. Lakin expressed concerns with respect to the increase in traffic and its impact on the residents' quality of life. She said the subdivision residents support the alternate plan that provides for no connection to John R. Ms. Lakin cited several subdivisions where access to major roadways were eliminated; i.e., Woodside Manor, Rhode Island Estates, Cedar Crest (long extended cul-de-sac), and Oak Forest South (blocked access to adjacent subdivision).

Neal Harris of 4762 Whitesell, Troy, was present. Mr. Harris addressed the wetlands. His daughter who has a master degree in engineering says the area is definitely wetlands. Mr. Harris questioned what would happen to the fragile plants in the area. He said the loss of the woods would be equivalent to environmental rape. Mr. Harris said the area is boggy, muddy, low, and wet all the time. Solicited feedback from homeowners Mr. Harris contacted is that no one wants the proposed development to go in.

Dave Lakin of 4610 Luisa, Troy, was present. Mr. Lakin lives two houses away from the proposed project. Mr. Lakin is a civil engineer with an approximate 30 years of experience in the representation of municipalities in many areas of southeastern Michigan. He expressed appreciation for the work done by City staff and Planning Commission members. Mr. Lakin shared copies of a schematic plan that shows future

development to the north of Hidden Oaks subdivision with no connection to John R. Mr. Lakin said he met with City staff and the petitioner with respect to an alternative plan that would maintain the overall scope of the project and eliminate the John R access. The result was the alternative site plan provided by the petitioner. Mr. Lakin cited advantages to the alternative site plan: (1) eliminates John R access; (2) results in no loss of number of lots; (3) creates premium lots on cul-de-sac; (4) provides access to Luisa that adds to continuity of residential area; (5) provides high profile access entrance to John R for marketing purposes; and (6) provides emergency vehicle access to Luisa from John R. Mr. Lakin complimented the petitioner's skills as a builder. On behalf of the residents of Hidden Oaks subdivision, Mr. Lakin expressed support for the alternative site plan with no connection to John R and urged members to approve the alternative plan.

Paul Fitzgerald of 4698 Whitesell, Troy, was present. Mr. Fitzgerald expressed concern with the increase in traffic and cut-through traffic. He said he has not seen a plan that would allow access only from John R. Mr. Fitzgerald questioned if his two lots would be landlocked should the development be approved.

Chair Strat said the Planning Department would be able to answer that question.

Curtis Eves of 4736 Whitesell, Troy, was present. Mr. Eves spoke with reference to the density of the project, the lack of continuity in the neighborhood and the trees that would be eliminated from the wooded area.

Shirley Harris of 4762 Whitesell, Troy, was present. Ms. Harris said putting 35 large homes on small lots is not what one would call controlled growth. She asked if the developer would agree to have the plantings rescued by Cranbrook or a greenhouse owner. Ms. Harris also questioned the location of the open space.

Chair Strat encouraged Ms. Harris to contact the Planning Department during regular business hours for information relating to her questions.

Rachel Leo of 1611 Welling, Troy, was present. Ms. Leo asked the members to give consideration to not providing access to John R for the safety of the residents. She asked why the City would let a developer trump the desires, feelings and lifestyles of the residents.

Donna Brokenshire of 1596 Welling, Troy, was present. Ms. Brokenshire addressed concerns relating to density, traffic, congestion and safety for the square mile area in which the three proposed developments are under consideration.

Doug Palmer of 1896 Welling, Troy, was present. Mr. Palmer addressed concerns relating to traffic and safety of pedestrians. He would support having no access to John R.

The floor was closed.

***Resolution # PC-2005-05-079***
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 Hidden Parc Site Condominium, including 35 units, located north of Welling on the west side of John R, Section 14, within the R-1C zoning district be granted, as recommended by the Planning Department.

Discussion on the motion on the floor.

Chair Strat asked for clarification on the Planning Department's recommendation.

Mr. Savidant said the Planning Department encourages interconnectivity. He indicated it was the recommended layout of the Engineering and Traffic Engineering Departments after their review. The plan provides better interconnectivity than the plan that utilizes the cul-de-sac.

Ms. Drake-Batts said she would not support the plan for interconnectivity. She said the members should listen to the residents.

Mr. Khan said there should be more than one exit from the subdivision to avoid potential problems with emergency vehicle access.

Mr. Littman said the City's Environmental Specialist, whose comments are incorporated in the Planning Department's report, reviews wetlands. Mr. Littman said Planning Commission members share the residents' concern about wetlands.

Mr. Schultz said he has a concern with the length of the cul-de-sac and agrees it could cause problems for emergency vehicle access. Mr. Schultz said he empathizes with the residents on the loss of trees, but the only way to keep the trees is to own them.

Vote on the motion on the floor.

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

**MOTION DENIED**

***Resolution # PC-2005-05-080***
Moved by: Drake-Batts
Seconded by: Wright

***RESOLVED***, That Resolution # PC-2005-05-079 be reconsidered.

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

**MOTION CARRIED**

***Resolution # PC-2005-05-081***
Moved by: Drake-Batts
Seconded by: Littman

***RESOLVED***, That the Planning Commission recommends to City Council, that the Preliminary Site Plan (Section 34.30.00 Unplatted One-Family Residential Development), as requested for Hidden Parc Site Condominium, including 35 units, located north of Welling on the west side of John R, Section 14, within the R-1C zoning district be granted, for the alternate plan which shows the cul-de-sac at Rosewood Court and a cul-de-sac at Honey Locust Drive.

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

**MOTION CARRIED**

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Chair Strat requested a recess at 11:00 p.m.

The meeting reconvened at 11:08 p.m.

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## REZONING REQUESTS

13. PUBLIC HEARING – PROPOSED REZONING (Z 702) – Proposed Briggs Park Condominium, North of Lamb, East of Rochester, Section 14 – From R-1C to R-1T

Mr. Savidant presented a summary of the Planning Department report for the proposed rezoning request. Mr. Savidant reported that it is the recommendation of the Planning Department to approve the rezoning request as submitted. He noted

that consideration of rezoning the E-P zoned portion should occur at some time in the future.

Mr. Miller provided a history of a previous rezoning request in relation to the E-P zoned portion of the rezoning request located to the north of the subject property.

Mr. Miller further explained that because of neighborhood concerns, the previous petitioner revised the rezoning request to not rezone the whole property to R-1T but to leave a portion of the property as R-1C. It was the intent of the petitioner at that time to build single family homes next to the existing neighborhood. Mr. Miller said the deal fell through. Mr. Miller reported that the current petitioner controls only a portion of the overall property that was previously proposed for single family homes, and it is the petitioner's intent to rezone the buffer zone that is currently zoned R-1C.

Mr. Savidant provided clarification of the related parcels that have frontage on Rochester Road.

Mr. Miller confirmed that the Planning Department received a site plan relating to the rezoning request. The proposed site plan and aerial photography were projected on the overhead screen. Mr. Miller confirmed the locations of the E-P, R-1C and R-1T zoned properties.

Mr. Savidant explained that the zoning on the property was done according to the particular design of the previous petitioner and resulted in unique property outlines.

The petitioner, Gary Abithiera of 178 Larchwood, Troy, was present.

Mr. Schultz asked what the depth of the property would be at its deepest point east from Rochester Road.

Mr. Abithiera replied approximately 660 to 675 feet. Mr. Abithiera reviewed the areas of property ownership and the zoning of the various portions of the property.

Mr. Miller reviewed the minimum setback requirements for the related zoning districts.

PUBLIC HEARING OPENED

Jim McCawley of 4435 Harold, Troy, was present. Mr. McCawley is the president of the Shallowbrook Homeowners Association. He reviewed the history of the previous rezoning request and the direction of the City Council to provide a buffer zone for the R-1C zoning. Mr. McCawley addressed the transition between Shallowbrook subdivision and the proposed development. He asked that the members give consideration to rezoning the whole parcel back to R-1C because the parcel is large enough to develop as single family homes.

Chair Strat stated that the proposed site plan should not be considered at the time of the rezoning request.

John Moran of 1110 Robertson, Troy, was present. Mr. Moran cited several new condominium complexes on Rochester Road that continue to have condominium units for sale. He said the petitioner would be better off if he constructed single family homes on the property. Mr. Moran addressed concerns related to traffic congestion and transition buffer.

James King of 1071 Shallowdale, Troy, was present. Mr. King said he investigated the zoning of nearby properties to insure the City's Zoning Ordinance would protect his home investment. Mr. King said the proposed rezoning would negatively impact enjoyment of his property and the property value. He said it is his understanding that the purpose of zoning regulations is to prevent the unanticipated use of land in the manner that would diminish the value of nearby properties or decrease the owners' enjoyment of that property. Mr. King said it is incumbent upon the members to reject the proposed rezoning because it appears that the owners of nearby properties object to the proposal. He said the proposal would increase residential density, add additional automobiles to an already congested traffic situation, inconvenience existing residents, hinder emergency responses and increase air pollution in the City.

Gerald Longe of 1161 Lamb Road, Troy, was present. Mr. Longe distributed site plans of the previous rezoning to the members. Mr. Longe said his property is directly east of proposed condominium project. He is against the project as proposed. He said it is not fair for the residential landowners of Shallowdale subdivision or Lamb Drive to abut directly to multi-family condominiums. Mr. Longe said a buffer zone to the residential homes would be needed because the new condominiums would be just 50 feet from the existing residential neighbors. Mr. Longe said he would prefer the property to remain R-1C zoning for single family homes.

PUBLIC HEARING CLOSED

Mr. Schultz asked the Assistant City Attorney if the Planning Commission could initiate rezoning requests. Mr. Schultz said he believes the rationale for an R-1C buffer is still valid, and he would not support the rezoning request.

Mr. Motzny replied that typically a Planning Commission does not initiate rezoning requests.

Ms. Drake-Batts said she would not support the rezoning request.

Mr. Littman said the City initiated some rezoning requests as a result of a previous study done relating to commercial property within the City. Mr. Littman said he would not support the proposed rezoning request. He thinks the City is getting too many condominiums and he is in support of a buffer for the residential.

Mr. Abithiera requested consideration to postpone the item until there is a full body present.

Chair Strat said the request to postpone could only be considered prior to the petitioner's presentation.

Mr. Miller confirmed that should the rezoning request be denied, the petitioner could submit another rezoning request.

***Resolution # PC-2005-05-082***
Moved by: Wright
Seconded by: Littman

***RESOLVED,*** That the Planning Commission hereby recommends to the City Council that the R-1C to R-1T rezoning request, located on the north side of Lamb Road, east of Rochester, within Section 14, being approximately 1.7 acres in size, be denied, for the following reasons:

1. The current zoning of R-1C is consistent with future land use plan
2. Rezoning of this portion is not necessary to allow development of the property.

Discussion on the motion on the floor.

Mr. Schultz said a previous R-1T rezoning request was denied by the City Council for the reason that the zoning penetrated too deep into the neighborhood. Mr. Schultz said that the subject property is equally as deep or deeper than that the previous rezoning request.

Vote on the motion on the floor.

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

**MOTION CARRIED**

Mr. Khan said he would prefer that the whole parcel be zoned either R-1C or R-1T.

14. PUBLIC HEARING – PROPOSED REZONING (Z 701) – Proposed Buscemi Party Shoppe, North of Hartland, 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.

15. PUBLIC HEARING – PROPOSED REZONING (Z 180-B) – Proposed Binson's Home Health Care, Northwest corner of Rochester and Marengo, Section 3 – From R-1B to B-1

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

A brief discussion followed with respect to the spot zoning of the property located south of the subject rezoning. It was understood that it was a commercial site that was approved for rezoning by City Council approximately 25 years ago.

Chair Strat asked what would be the highest and best use of the property.

Mr. Miller said an appraiser or assessor might appropriately determine the highest and best use of the property. Planners provide information with respect to what is consistent or conforming with the Future Land Use Plan and compatible land uses.

John Gaber of 380 N. Old Woodward, Birmingham, attorney, was present to represent the applicant and owner. Mr. Gaber provided a brief review of the proposed use and site dimensions. He said Binson's has been in Troy since 1992 and would like to stay in Troy. Mr. Gaber clarified that the use immediately to the north is a residence that is currently being used as a law office. He said the property on the corner immediately to the north of the residence/law office is currently being used as a rental house. Mr. Gaber said the owner made several unsuccessful attempts to rezone the property to commercial. He noted the owner receives interest calls on the property only for commercial and office uses, not residential. Mr. Gaber cited reasons that merit the proposed rezoning to commercial: (1) The heavy traffic volume on Rochester Road is not conducive to residential; (2) The shallow lot does not allow much for buffering; (3) It appears residential is not feasible given the history of the site and the owner's experience in marketing the site. Mr. Gaber noted that the Rochester Road corridor has experienced many zoning and land use changes. He referenced and read the Judge's opinion given on a court action for the rezoning of property on Rochester Road, north of DeEtta, from residential to medical/office use. Mr. Gaber indicated that it has been some time since the City revisited its Master Land Use Plan. Mr. Gaber asked the members for their support of the rezoning request and a recommendation of approval to the City Council.

Amy Neary of McKenna Associates, Inc., Land Use Consultant for the project, was present and distributed material related to the presentation. Ms. Neary pointed out the existing land use in the area, indicated that the subject location is not desirable for residential use, and noted that the B-1 zoning is a reasonable use for the area.

Mr. Schultz said it is interesting that two condominium projects (Sandalwood and Northwyck) located within the subject area were not included in the report of McKenna Associates. He said it appears that both condominium projects have been successful.

PUBLIC HEARING OPENED

Eileen Carty of 990 DeEtta, Troy, was present. Ms. Carty said she would welcome condominiums, site or otherwise, near her home; she would welcome anything but business. Ms. Carty said there are residential homes all around her and never thought commercial would come to the area. She referenced the site directly north of her home that was rezoned commercial as a result of a consent judgment. Ms. Carty understood that the use was to be medical/office, and questioned the existing use of the building. Ms. Carty addressed her concern that should the subject property be rezoned to commercial, there would be no guarantee in the future as to what might go in. Ms. Carty said her front picture window view is of a waste receptacle. She said that should the proposed rezoning be approved, she would have a view of another waste receptacle. Ms. Carty said it would be economically disastrous for her should any commercial go in that location.

PUBLIC HEARING CLOSED

A brief discussion followed with respect to potential residential development on the site.

***Resolution # PC-2005-05-084***
Moved by: Khan
Seconded by: Schultz

***RESOLVED,*** That the Planning Commission hereby recommends to the City Council that the R-1B to B-1 rezoning request, located on the northwest corner of Rochester and Marengo, within Section 3, being approximately 39,000 square feet in size, be tabled to a future study session meeting.

Yes: All present (6)
No: None
Absent: Chamberlain, Vleck, Waller

**MOTION CARRIED**

## SPECIAL USE REQUEST

16. PUBLIC HEARING – PROPOSED SPECIAL USE REQUEST (SU 327) – Existing North Hills Christian Reformed Church and proposed Daycare, East side of Adams, North of Big Beaver, Section 19, Zoned R-1B (One Famiily Residential)

Mr. Miller presented a summary of the Planning Department report for the proposed special use request. Mr. Miller reported that it is the recommendation of the Planning Department to approve the special use request and site plan as submitted.

Ms. Drake-Batts asked if there is an existing fenced outdoor play area.

Mr. Savidant answered in the affirmative and noted the proposed addition to the church would affect the location of the existing play area.

Joseph Valeri of Sauriol Bohde Wagner Architects, 46869 Garfield, Macomb, was present.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Mr. Schultz said a list of all churches that operate childcare facilities should be compiled and assessed for appropriate special use approvals.

***Resolution # PC-2005-05-085***
Moved by: Schultz
Seconded by: Wright

***RESOLVED,*** That the Special Use Approval and Site Plan Approval, pursuant to Section 10.30.03 and 10.30.04 of the Zoning Ordinance, as requested for the proposed North Hills Christian Reformed Church and Daycare, located on the east side of Adams Road, north of Big Beaver Road, Section 19, within the R-1B Zoning District, be granted.

Yes: All present (6)
No: None
Absent: Chamberlain, Vleck, Waller

**MOTION CARRIED**

## ZONING ORDINANCE TEXT AMENDMENT

17. PUBLIC HEARING – 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 and reported it is the recommendation of the Planning Department to postpone the item to a future meeting to provide more time to work on the proposed amendment. He indicated that he has no input on the opinion of City Management with respect to expanding the retail use to interior roads.

PUBLIC HEARING OPENED

No one was present to speak.

Chair Strat announced the Public Hearing would remain open.

***Resolution # PC-2005-05-086***
Moved by: Schultz
Seconded by: Wright

***RESOLVED,*** That Article 28.30.09, pertaining to additional retail along major thoroughfares, be postponed to a future meeting.

Yes: All present (6)
No: None
Absent: Chamberlain, Vleck, Waller

**MOTION CARRIED**

18. PUBLIC COMMENT

There was no one present who wished to speak.

## GOOD OF THE ORDER

Mr. Littman suggested a study on whether M-1 zoning is needed within the City.

Mr. Miller said that Doug Smith, Real Estate and Development Director, could best address that matter. Mr. Miller said he would schedule Mr. Smith to attend a future study meeting.

Mr. Miller referenced a Chamber of Commerce communication in which the Chairman of the Economic Development Committee stated the necessity for the City to start the Big Beaver Corridor Study, to review the Maple Road and Stephenson Highway corridors, and to complete an overall Master Plan.

The Regular Meeting of the Planning Commission was adjourned at 12:45 p.m.

Respectfully submitted,

_____
Thomas Strat, Chair

_____
Kathy L. Czarnecki, Recording Secretary

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The Regular Meeting of the Troy City Planning Commission was called to order by Chair Strat at 7:32 p.m. on May 10, 2005, in the Council Chambers of the Troy City Hall.

1. ROLL CALL

Present:
Lynn Drake-Batts
Fazal Khan
Lawrence Littman
Robert Schultz
Thomas Strat
Wayne Wright

Absent:
Gary Chamberlain
Mark J. Vleck
David T. Waller

Also Present:
Mark F. Miller, Planning Director
Brent Savidant, Principal Planner
Allan Motzny, Assistant City Attorney
Kathy Czarnecki, Recording Secretary

***Resolution # PC-2005-05-065***
Moved by: Schultz
Seconded by: Wright

***RESOLVED***, That Members Chamberlain, Vleck and Waller are excused from attendance at this meeting for personal reasons.

Yes: Khan, Littman, Schultz, Strat, Wright
No: None
Abstain: Drake-Batts
Absent: Chamberlain, Vleck, Waller

**MOTION CARRIED**

Chair Strat announced that five (5) affirmative votes are required for approval of agenda items, and the petitioner has the option to postpone his/her agenda item prior to the Planning Commission's proceedings on that particular item.

2. MINUTES

***Resolution # PC-2005-05-066***
Moved by: Schultz
Seconded by: Khan

***RESOLVED***, To approve the April 26, 2005 Special/Study Meeting minutes as published.

Yes: Drake-Batts, Khan, Littman, Schultz, Strat
No: None
Abstain: Wright
Absent: Chamberlain, Vleck, Waller

**MOTION CARRIED**

3. PUBLIC COMMENT

There was no one present who wished to speak.

## TABLED AND POSTPONED ITEMS

4. PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT (ZOTA 201) – Article 28.20.13 or 28.30.00 Arts and Dance Schools in Light Industrial Zoning Districts

Mr. Miller reported that the Planning Commission has not recommended that the draft ZOTA as written be considered at a Public Hearing. It is the recommendation of the Planning Department to postpone the item to a future meeting.

***Resolution # PC-2005-05-067***
Moved by: Khan
Seconded by: Wright

***RESOLVED***, That the Zoning Ordinance Text Amendment ZOTA-201 requested by The Link School for the Arts is hereby postponed to a future meeting to allow sufficient time to develop appropriate Zoning Ordinance Text Amendment provisions.

Yes: All present (6)
No: None
Absent: Chamberlain, Vleck, Waller

**MOTION CARRIED**

5. PUBLIC HEARING – PLANNED UNIT DEVELOPMENT (PUD 1) – Proposed Amendment to Woodside Bible Church/Northwyck Condominium P.U.D., East side of Rochester and South of South Blvd., Section 2 – PUD 1

Mr. Miller reviewed the request and Resolution passed at the March 8, 2005 Regular Meeting. The petitioner indicated to the Planning Department that they are prepared to do the necessary improvements to screen the rooftop utility equipment and would

like to continue working on improvements to the sign. Mr. Miller reported that the petitioner requested to table the matter to a future meeting.

PUBLIC HEARING OPENED

No one was present to speak.

***Resolution # PC-2005-05-068***
Moved by: Wright
Seconded by: Schultz

***RESOLVED***, That the Proposed Amendment to Woodside Bible Church/Northwyck Condominium P.U.D., East side of Rochester and South of South Blvd., Section 2 – PUD 1, is hereby tabled to the June 14, 2005 Planning Commission Regular Meeting.

Yes: All present (6)
No: None
Absent: Chamberlain, Vleck, Waller

**MOTION CARRIED**

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

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

PUBLIC HEARING OPENED

No one was present to speak.

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

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

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

**MOTION CARRIED**

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

7. PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT (ZOTA 215-C) – Article 43.00.00, Article 40.65,00, Article 40.66.00 and Article 44.00.00, pertaining to Commercial Vehicle Parking Appeals

Mr. Miller reviewed the proposed Zoning Ordinance Text Amendment relating to commercial vehicle parking appeals.

PUBLIC HEARING OPENED

No one was present to speak.

***Resolution # PC-2005-05-070***
Moved by: Schultz
Seconded by: Khan

***RESOLVED***, That Article 43.00.00, Article 40.65.00, Article 40.66.00 and Article 44.00.00, pertaining to Commercial Vehicle Parking Appeals, be postponed to a future meeting.

Yes: All present (6)
No: None
Absent: Chamberlain, Vleck, Waller

**MOTION CARRIED**

8. SITE PLAN REVIEW – Proposed Walnut Forest Site Condominium, 16 units/lots proposed, East of I-75, between Paragon and Hedgewood, Section 16, Zoned CR-1 (One Family Residential Cluster) District

Mr. Miller addressed the five reasons for which the Planning Commission tabled the Walnut Forest Site Condominium project at their April 12, 2005 Regular Meeting. The petitioner has satisfied the concerns with respect to the location of the public utility easement and provided drawings relating to the setback. Mr. Miller reported that the Director of Public Works sees no potential problem with snow removal on the public/private street. Further, the City Engineer recommends that Paragon be used as the construction entrance because the road is a straight shot into the subdivision and the condition and age of the road would require replacement in the near future.

Mr. Miller reported that it is the recommendation of the Planning Department to approve Walnut Forest Site Condominium subject to the conditions that a general common area is reserved for use by residents and the petitioner obtains a letter of no jurisdiction from the MDEQ prior to final site condominium approval.

The petitioner, Vincent DiLorenzo of D & T Construction Company, 46719 Hayes Road, Shelby Township, was present. Mr. DiLorenzo displayed and briefly reviewed two site plan layouts; public road layout and private road layout. Mr. DiLorenzo said the private road layout would save additional trees and in his opinion is a better layout. He referenced the concrete turnarounds that were added on the private road layout that would provide turnaround access for trucks.

Mr. Schultz questioned the placement of trees in relation to the utility easement.

Mr. DiLorenzo replied that utilities could be placed in the right-of-way should the plan go with the public road. If the plan goes with the private road, the utilities would have to be placed on the edge of the road.

Mr. Schultz commented on units 3, 4, 5 and 6 that were moved further west on the site plan. Mr. Schultz said the rear setback requirements were met and there was no reason to move the units further away.

Mr. DiLorenzo said the units were moved to keep continuity with the setback. He indicated the units could be moved back to their original locations, should that be the desire of the members.

A brief discussion followed with respect to the 40-foot turning radius for the trucks.

Chair Strat opened the floor for public comment.

There was no one present who wished to speak.

The floor was closed.

Mr. Wright expressed concern with the use of Paragon as a construction entrance. He said taxpayers' dollars would be used to rebuild a road that a developer destroyed during construction. Mr. Wright asked if the City could hold the developer responsible to pay for the rebuild of Paragon.

Chair Strat expressed similar concerns.

Mr. Miller said authority of regulating construction access falls within the purview of the City Engineer. The City Engineer indicated he would require construction access on Paragon, and gave no indication that the petitioner would have to repair road.

***Resolution # PC-2005-05-***
Moved by: Littman
Seconded by:

***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 Walnut Forest Site Condominium, including 16 units,

located east of I-75, between Paragon and Hedgewood, Section 16, within the CR-1 zoning district be granted, subject to the following conditions:

1. The area delineated on the site plan as “berm easement”, “park” and “preserved woodland” shall be general common area reserved for use by residents of the site condominium association. This area shall be described as such in the master deed and shown on the site plan.
2. The applicant shall get a letter of no jurisdiction from the MDEQ prior to Final Site Condominium approval.
3. That the street indicated as Hedgewood Drive be a private drive.

**MOTION FAILED** due to a lack of a second.

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

***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 Walnut Forest Site Condominium, including 16 units, located east of I-75, between Paragon and Hedgewood, Section 16, within the CR-1 zoning district be granted, subject to the following conditions:

1. The area delineated on the site plan as “berm easement”, “park” and “preserved woodland” shall be general common area reserved for use by residents of the site condominium association. This area shall be described as such in the master deed and shown on the site plan.
2. The applicant shall get a letter of no jurisdiction from the MDEQ prior to Final Site Condominium approval.
3. That Hedgewood Drive within the development shall be a public street.

Discussion on the motion on the floor.

Mr. Littman said his preference to make Hedgewood Drive a private drive is twofold: (1) the private road layout would provide more green space; and (2) concern for emergency vehicle access. Mr. Littman said he sees no benefit for Hedgewood to be a public street, but there are a number of advantages to it being private.

Mr. Schultz said there would be a potential for confusion for visitors and City departments should a public street connect with a private street with the same name.

Mr. Miller announced that the Planning Department has erred with respect to the proposed Resolution. The Planning Commission has approval authority over CR-1 developments, not recommending authority; therefore, the Resolution should recommend approval of the site plan.

***Resolution # PC-2005-05-071***
Moved by: Schultz
Seconded by: Khan

***RESOLVED***, That the Planning Commission recommends that the Preliminary Site Plan (Section 34.30.00 Unplatted One-Family Residential Development), as requested for Walnut Forest Site Condominium, including 16 units, located east of I-75, between Paragon and Hedgewood, Section 16, within the CR-1 zoning district be granted, subject to the following conditions:

1. The area delineated on the site plan as “berm easement”, “park” and “preserved woodland” shall be general common area reserved for use by residents of the site condominium association. This area shall be described as such in the master deed and shown on the site plan.
2. The applicant shall get a letter of no jurisdiction from the MDEQ prior to Final Site Condominium approval.
3. That Hedgewood Drive within the development shall be a public street.

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

**MOTION DENIED**

***Resolution # PC-2005-05-072***
Moved by: Littman
Seconded by: Khan

***RESOLVED***, That Resolution # PC-2005-05-071 be reconsidered.

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

**MOTION CARRIED**

***Resolution # PC-2005-05-073***
Moved by: Schultz
Seconded by: Khan

***RESOLVED***, That the Planning Commission recommends that the Preliminary Site Plan (Section 34.30.00 Unplatted One-Family Residential Development), as requested for Walnut Forest Site Condominium, including 16 units, located east of I-75, between Paragon and Hedgewood, Section 16, within the CR-1 zoning district be granted, subject to the following conditions:

1. The area delineated on the site plan as “berm easement”, “park” and “preserved woodland” shall be general common area reserved for use by residents of the site condominium association. This area shall be described as such in the master deed and shown on the site plan.
2. The applicant shall get a letter of no jurisdiction from the MDEQ prior to Final Site Condominium approval.
3. That Hedgewood Drive within the development shall be a public street.

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

**MOTION CARRIED**

Mr. Wright said it is incumbent upon the Planning Commission and City Council to not saddle the citizens of Troy with helping developers develop an area, and he thinks that is what is going to happen to Paragon.

A brief discussion followed with respect to the construction access, engineering design recommendations in the approval process, and area of responsibility for repair of a damaged road due to construction equipment and use.

Mr. Miller said he would investigate the matter and report back to the members at a future study session.

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**

## SITE CONDOMINIUM SITE PLANS

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 include 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**

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Chair Strat requested a recess at 8:50 p.m.

The meeting reconvened at 9:00 p.m.

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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 be comprised 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.

12. SITE PLAN REVIEW – Hidden Parc Site Condominium, 35 units/lots proposed, North of Welling, West of John R, Section 14, Zoned R-1C (One Family Residential) District

Mr. Savidant presented a summary of the Planning Department report for the proposed Hidden Parc Site Condominium. Mr. Savidant reviewed the site plan as submitted and two alternate site plans that were provided by the petitioner. Mr. Savidant addressed the outlot that would be used as part of the development proposal with respect to the Open Space Agreement that was reviewed by the City Attorney's office. Mr. Savidant reported that City Management prefers the site plan layout with a connection on John R to the east, Welling to the south and a stub road to the north. It is the recommendation of the Planning Department to approve the site plan as submitted.

Mr. Motzny said he reviewed the Open Space Agreement and the plat at the request of the Planning Department. He said the plat that was recorded and

approved designates the outlot for future development. There is no indication on the recorded plat that it is part of the open space that is covered by the restrictions mentioned in the Open Space Agreement. Mr. Motzny said based on that review, it appears that the outlot could be used as part of the site condominium development.

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. Mr. Mancini clarified the driveway access for the existing house.

Chair Strat opened the floor for public comment.

Barbara Upmeyer of 1928 Welling, Troy, was present. Ms. Upmeyer said the proposed development would eliminate the 13.3 acres of woods directly across the street from her house. Ms. Upmeyer is concerned about the increase in traffic and the cut-through traffic to John R. She said she would favor the plan that provides for a cul-de-sac and would eliminate the potential cut-through traffic to John R.

Bill Konitsney of 4773 Whitesell, Troy, was present. Mr. Konitsney said he bought his home because of the beautiful view out of his front window. Mr. Konitsney said the proposed development would kill trees and destroy the homes of wildlife. He said the loss of trees would devalue the neighboring residents. He addressed the construction noise and questioned the need for additional condominiums in the City when newly constructed condominiums remain on the market.

Nancy Lakin of 4610 Luisa, Troy, was present. Ms. Lakin lives in the Hidden Oaks subdivision that is south of the proposed development. Ms. Lakin is not opposed to the proposed development. She is opposed to the plan that would provide for access to John R. Ms. Lakin expressed concerns with respect to the increase in traffic and its impact on the residents' quality of life. She said the subdivision residents support the alternate plan that provides for no connection to John R. Ms. Lakin cited several subdivisions where access to major roadways were eliminated; i.e., Woodside Manor, Rhode Island Estates, Cedar Crest (long extended cul-de-sac), and Oak Forest South (blocked access to adjacent subdivision).

Neal Harris of 4762 Whitesell, Troy, was present. Mr. Harris addressed the wetlands. His daughter who has a master degree in engineering says the area is definitely wetlands. Mr. Harris questioned what would happen to the fragile plants in the area. He said the loss of the woods would be equivalent to environmental rape. Mr. Harris said the area is boggy, muddy, low, and wet all the time. Solicited feedback from homeowners Mr. Harris contacted is that no one wants the proposed development to go in.

Dave Lakin of 4610 Luisa, Troy, was present. Mr. Lakin lives two houses away from the proposed project. Mr. Lakin is a civil engineer with an approximate 30 years of experience in the representation of municipalities in many areas of southeastern Michigan. He expressed appreciation for the work done by City staff and Planning Commission members. Mr. Lakin shared copies of a schematic plan that shows future

development to the north of Hidden Oaks subdivision with no connection to John R. Mr. Lakin said he met with City staff and the petitioner with respect to an alternative plan that would maintain the overall scope of the project and eliminate the John R access. The result was the alternative site plan provided by the petitioner. Mr. Lakin cited advantages to the alternative site plan: (1) eliminates John R access; (2) results in no loss of number of lots; (3) creates premium lots on cul-de-sac; (4) provides access to Luisa that adds to continuity of residential area; (5) provides high profile access entrance to John R for marketing purposes; and (6) provides emergency vehicle access to Luisa from John R. Mr. Lakin complimented the petitioner's skills as a builder. On behalf of the residents of Hidden Oaks subdivision, Mr. Lakin expressed support for the alternative site plan with no connection to John R and urged members to approve the alternative plan.

Paul Fitzgerald of 4698 Whitesell, Troy, was present. Mr. Fitzgerald expressed concern with the increase in traffic and cut-through traffic. He said he has not seen a plan that would allow access only from John R. Mr. Fitzgerald questioned if his two lots would be landlocked should the development be approved.

Chair Strat said the Planning Department would be able to answer that question.

Curtis Eves of 4736 Whitesell, Troy, was present. Mr. Eves spoke with reference to the density of the project, the lack of continuity in the neighborhood and the trees that would be eliminated from the wooded area.

Shirley Harris of 4762 Whitesell, Troy, was present. Ms. Harris said putting 35 large homes on small lots is not what one would call controlled growth. She asked if the developer would agree to have the plantings rescued by Cranbrook or a greenhouse owner. Ms. Harris also questioned the location of the open space.

Chair Strat encouraged Ms. Harris to contact the Planning Department during regular business hours for information relating to her questions.

Rachel Leo of 1611 Welling, Troy, was present. Ms. Leo asked the members to give consideration to not providing access to John R for the safety of the residents. She asked why the City would let a developer trump the desires, feelings and lifestyles of the residents.

Donna Brokenshire of 1596 Welling, Troy, was present. Ms. Brokenshire addressed concerns relating to density, traffic, congestion and safety for the square mile area in which the three proposed developments are under consideration.

Doug Palmer of 1896 Welling, Troy, was present. Mr. Palmer addressed concerns relating to traffic and safety of pedestrians. He would support having no access to John R.

The floor was closed.

***Resolution # PC-2005-05-079***
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 Hidden Parc Site Condominium, including 35 units, located north of Welling on the west side of John R, Section 14, within the R-1C zoning district be granted, as recommended by the Planning Department.

Discussion on the motion on the floor.

Chair Strat asked for clarification on the Planning Department's recommendation.

Mr. Savidant said the Planning Department encourages interconnectivity. He indicated it was the recommended layout of the Engineering and Traffic Engineering Departments after their review. The plan provides better interconnectivity than the plan that utilizes the cul-de-sac.

Ms. Drake-Batts said she would not support the plan for interconnectivity. She said the members should listen to the residents.

Mr. Khan said there should be more than one exit from the subdivision to avoid potential problems with emergency vehicle access.

Mr. Littman said the City's Environmental Specialist, whose comments are incorporated in the Planning Department's report, reviews wetlands. Mr. Littman said Planning Commission members share the residents' concern about wetlands.

Mr. Schultz said he has a concern with the length of the cul-de-sac and agrees it could cause problems for emergency vehicle access. Mr. Schultz said he empathizes with the residents on the loss of trees, but the only way to keep the trees is to own them.

Vote on the motion on the floor.

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

**MOTION DENIED**

***Resolution # PC-2005-05-080***
Moved by: Drake-Batts
Seconded by: Wright

***RESOLVED***, That Resolution # PC-2005-05-079 be reconsidered.

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

**MOTION CARRIED**

***Resolution # PC-2005-05-081***
Moved by: Drake-Batts
Seconded by: Littman

***RESOLVED***, That the Planning Commission recommends to City Council, that the Preliminary Site Plan (Section 34.30.00 Unplatted One-Family Residential Development), as requested for Hidden Parc Site Condominium, including 35 units, located north of Welling on the west side of John R, Section 14, within the R-1C zoning district be granted, for the alternate plan which shows the cul-de-sac at Rosewood Court and a cul-de-sac at Honey Locust Drive.

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

**MOTION CARRIED**

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Chair Strat requested a recess at 11:00 p.m.

The meeting reconvened at 11:08 p.m.

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## REZONING REQUESTS

13. PUBLIC HEARING – PROPOSED REZONING (Z 702) – Proposed Briggs Park Condominium, North of Lamb, East of Rochester, Section 14 – From R-1C to R-1T

Mr. Savidant presented a summary of the Planning Department report for the proposed rezoning request. Mr. Savidant reported that it is the recommendation of the Planning Department to approve the rezoning request as submitted. He noted

that consideration of rezoning the E-P zoned portion should occur at some time in the future.

Mr. Miller provided a history of a previous rezoning request in relation to the E-P zoned portion of the rezoning request located to the north of the subject property.

Mr. Miller further explained that because of neighborhood concerns, the previous petitioner revised the rezoning request to not rezone the whole property to R-1T but to leave a portion of the property as R-1C. It was the intent of the petitioner at that time to build single family homes next to the existing neighborhood. Mr. Miller said the deal fell through. Mr. Miller reported that the current petitioner controls only a portion of the overall property that was previously proposed for single family homes, and it is the petitioner's intent to rezone the buffer zone that is currently zoned R-1C.

Mr. Savidant provided clarification of the related parcels that have frontage on Rochester Road.

Mr. Miller confirmed that the Planning Department received a site plan relating to the rezoning request. The proposed site plan and aerial photography were projected on the overhead screen. Mr. Miller confirmed the locations of the E-P, R-1C and R-1T zoned properties.

Mr. Savidant explained that the zoning on the property was done according to the particular design of the previous petitioner and resulted in unique property outlines.

The petitioner, Gary Abithiera of 178 Larchwood, Troy, was present.

Mr. Schultz asked what the depth of the property would be at its deepest point east from Rochester Road.

Mr. Abithiera replied approximately 660 to 675 feet. Mr. Abithiera reviewed the areas of property ownership and the zoning of the various portions of the property.

Mr. Miller reviewed the minimum setback requirements for the related zoning districts.

PUBLIC HEARING OPENED

Jim McCawley of 4435 Harold, Troy, was present. Mr. McCawley is the president of the Shallowbrook Homeowners Association. He reviewed the history of the previous rezoning request and the direction of the City Council to provide a buffer zone for the R-1C zoning. Mr. McCawley addressed the transition between Shallowbrook subdivision and the proposed development. He asked that the members give consideration to rezoning the whole parcel back to R-1C because the parcel is large enough to develop as single family homes.

Chair Strat stated that the proposed site plan should not be considered at the time of the rezoning request.

John Moran of 1110 Robertson, Troy, was present. Mr. Moran cited several new condominium complexes on Rochester Road that continue to have condominium units for sale. He said the petitioner would be better off if he constructed single family homes on the property. Mr. Moran addressed concerns related to traffic congestion and transition buffer.

James King of 1071 Shallowdale, Troy, was present. Mr. King said he investigated the zoning of nearby properties to insure the City's Zoning Ordinance would protect his home investment. Mr. King said the proposed rezoning would negatively impact enjoyment of his property and the property value. He said it is his understanding that the purpose of zoning regulations is to prevent the unanticipated use of land in the manner that would diminish the value of nearby properties or decrease the owners' enjoyment of that property. Mr. King said it is incumbent upon the members to reject the proposed rezoning because it appears that the owners of nearby properties object to the proposal. He said the proposal would increase residential density, add additional automobiles to an already congested traffic situation, inconvenience existing residents, hinder emergency responses and increase air pollution in the City.

Gerald Longe of 1161 Lamb Road, Troy, was present. Mr. Longe distributed site plans of the previous rezoning to the members. Mr. Longe said his property is directly east of proposed condominium project. He is against the project as proposed. He said it is not fair for the residential landowners of Shallowdale subdivision or Lamb Drive to abut directly to multi-family condominiums. Mr. Longe said a buffer zone to the residential homes would be needed because the new condominiums would be just 50 feet from the existing residential neighbors. Mr. Longe said he would prefer the property to remain R-1C zoning for single family homes.

PUBLIC HEARING CLOSED

Mr. Schultz asked the Assistant City Attorney if the Planning Commission could initiate rezoning requests. Mr. Schultz said he believes the rationale for an R-1C buffer is still valid, and he would not support the rezoning request.

Mr. Motzny replied that typically a Planning Commission does not initiate rezoning requests.

Ms. Drake-Batts said she would not support the rezoning request.

Mr. Littman said the City initiated some rezoning requests as a result of a previous study done relating to commercial property within the City. Mr. Littman said he would not support the proposed rezoning request. He thinks the City is getting too many condominiums and he is in support of a buffer for the residential.

Mr. Abithiera requested consideration to postpone the item until there is a full body present.

Chair Strat said the request to postpone could only be considered prior to the petitioner's presentation.

Mr. Miller confirmed that should the rezoning request be denied, the petitioner could submit another rezoning request.

***Resolution # PC-2005-05-082***
Moved by: Wright
Seconded by: Littman

***RESOLVED,*** That the Planning Commission hereby recommends to the City Council that the R-1C to R-1T rezoning request, located on the north side of Lamb Road, east of Rochester, within Section 14, being approximately 1.7 acres in size, be denied, for the following reasons:

1. The current zoning of R-1C is consistent with future land use plan
2. Rezoning of this portion is not necessary to allow development of the property.

Discussion on the motion on the floor.

Mr. Schultz said a previous R-1T rezoning request was denied by the City Council for the reason that the zoning penetrated too deep into the neighborhood. Mr. Schultz said that the subject property is equally as deep or deeper than that the previous rezoning request.

Vote on the motion on the floor.

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

**MOTION CARRIED**

Mr. Khan said he would prefer that the whole parcel be zoned either R-1C or R-1T.

14. PUBLIC HEARING – PROPOSED REZONING (Z 701) – Proposed Buscemi Party Shoppe, North of Hartland, 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.

15. PUBLIC HEARING – PROPOSED REZONING (Z 180-B) – Proposed Binson's Home Health Care, Northwest corner of Rochester and Marengo, Section 3 – From R-1B to B-1

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

A brief discussion followed with respect to the spot zoning of the property located south of the subject rezoning. It was understood that it was a commercial site that was approved for rezoning by City Council approximately 25 years ago.

Chair Strat asked what would be the highest and best use of the property.

Mr. Miller said an appraiser or assessor might appropriately determine the highest and best use of the property. Planners provide information with respect to what is consistent or conforming with the Future Land Use Plan and compatible land uses.

John Gaber of 380 N. Old Woodward, Birmingham, attorney, was present to represent the applicant and owner. Mr. Gaber provided a brief review of the proposed use and site dimensions. He said Binson's has been in Troy since 1992 and would like to stay in Troy. Mr. Gaber clarified that the use immediately to the north is a residence that is currently being used as a law office. He said the property on the corner immediately to the north of the residence/law office is currently being used as a rental house. Mr. Gaber said the owner made several unsuccessful attempts to rezone the property to commercial. He noted the owner receives interest calls on the property only for commercial and office uses, not residential. Mr. Gaber cited reasons that merit the proposed rezoning to commercial: (1) The heavy traffic volume on Rochester Road is not conducive to residential; (2) The shallow lot does not allow much for buffering; (3) It appears residential is not feasible given the history of the site and the owner's experience in marketing the site. Mr. Gaber noted that the Rochester Road corridor has experienced many zoning and land use changes. He referenced and read the Judge's opinion given on a court action for the rezoning of property on Rochester Road, north of DeEtta, from residential to medical/office use. Mr. Gaber indicated that it has been some time since the City revisited its Master Land Use Plan. Mr. Gaber asked the members for their support of the rezoning request and a recommendation of approval to the City Council.

Amy Neary of McKenna Associates, Inc., Land Use Consultant for the project, was present and distributed material related to the presentation. Ms. Neary pointed out the existing land use in the area, indicated that the subject location is not desirable for residential use, and noted that the B-1 zoning is a reasonable use for the area.

Mr. Schultz said it is interesting that two condominium projects (Sandalwood and Northwyck) located within the subject area were not included in the report of McKenna Associates. He said it appears that both condominium projects have been successful.

PUBLIC HEARING OPENED

Eileen Carty of 990 DeEtta, Troy, was present. Ms. Carty said she would welcome condominiums, site or otherwise, near her home; she would welcome anything but business. Ms. Carty said there are residential homes all around her and never thought commercial would come to the area. She referenced the site directly north of her home that was rezoned commercial as a result of a consent judgment. Ms. Carty understood that the use was to be medical/office, and questioned the existing use of the building. Ms. Carty addressed her concern that should the subject property be rezoned to commercial, there would be no guarantee in the future as to what might go in. Ms. Carty said her front picture window view is of a waste receptacle. She said that should the proposed rezoning be approved, she would have a view of another waste receptacle. Ms. Carty said it would be economically disastrous for her should any commercial go in that location.

PUBLIC HEARING CLOSED

A brief discussion followed with respect to potential residential development on the site.

***Resolution # PC-2005-05-084***
Moved by: Khan
Seconded by: Schultz

***RESOLVED,*** That the Planning Commission hereby recommends to the City Council that the R-1B to B-1 rezoning request, located on the northwest corner of Rochester and Marengo, within Section 3, being approximately 39,000 square feet in size, be tabled to a future study session meeting.

Yes: All present (6)
No: None
Absent: Chamberlain, Vleck, Waller

**MOTION CARRIED**

## SPECIAL USE REQUEST

16. PUBLIC HEARING – PROPOSED SPECIAL USE REQUEST (SU 327) – Existing North Hills Christian Reformed Church and proposed Daycare, East side of Adams, North of Big Beaver, Section 19, Zoned R-1B (One Famiily Residential)

Mr. Miller presented a summary of the Planning Department report for the proposed special use request. Mr. Miller reported that it is the recommendation of the Planning Department to approve the special use request and site plan as submitted.

Ms. Drake-Batts asked if there is an existing fenced outdoor play area.

Mr. Savidant answered in the affirmative and noted the proposed addition to the church would affect the location of the existing play area.

Joseph Valeri of Sauriol Bohde Wagner Architects, 46869 Garfield, Macomb, was present.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Mr. Schultz said a list of all churches that operate childcare facilities should be compiled and assessed for appropriate special use approvals.

***Resolution # PC-2005-05-085***
Moved by: Schultz
Seconded by: Wright

***RESOLVED,*** That the Special Use Approval and Site Plan Approval, pursuant to Section 10.30.03 and 10.30.04 of the Zoning Ordinance, as requested for the proposed North Hills Christian Reformed Church and Daycare, located on the east side of Adams Road, north of Big Beaver Road, Section 19, within the R-1B Zoning District, be granted.

Yes: All present (6)
No: None
Absent: Chamberlain, Vleck, Waller

**MOTION CARRIED**

## ZONING ORDINANCE TEXT AMENDMENT

17. PUBLIC HEARING – 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 and reported it is the recommendation of the Planning Department to postpone the item to a future meeting to provide more time to work on the proposed amendment. He indicated that he has no input on the opinion of City Management with respect to expanding the retail use to interior roads.

PUBLIC HEARING OPENED

No one was present to speak.

Chair Strat announced the Public Hearing would remain open.

***Resolution # PC-2005-05-086***
Moved by: Schultz
Seconded by: Wright

***RESOLVED,*** That Article 28.30.09, pertaining to additional retail along major thoroughfares, be postponed to a future meeting.

Yes: All present (6)
No: None
Absent: Chamberlain, Vleck, Waller

**MOTION CARRIED**

18. PUBLIC COMMENT

There was no one present who wished to speak.

## GOOD OF THE ORDER

Mr. Littman suggested a study on whether M-1 zoning is needed within the City.

Mr. Miller said that Doug Smith, Real Estate and Development Director, could best address that matter. Mr. Miller said he would schedule Mr. Smith to attend a future study meeting.

Mr. Miller referenced a Chamber of Commerce communication in which the Chairman of the Economic Development Committee stated the necessity for the City to start the Big Beaver Corridor Study, to review the Maple Road and Stephenson Highway corridors, and to complete an overall Master Plan.

The Regular Meeting of the Planning Commission was adjourned at 12:45 p.m.

Respectfully submitted,

_____
Thomas Strat, Chair

_____
Kathy L. Czarnecki, Recording Secretary

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A meeting of the Employees' Retirement System Board of Trustees was held on Wednesday, May 11, 2005, at Troy City Hall, 500 W. Big Beaver Rd., Troy, MI. The meeting was called to order at 12:10 p.m.

| | |
|---|---|
| TRUSTEES PRESENT: | Thomas Houghton, Chair<br>John M. Lamerato<br>William R. Need<br>Steven A. Pallotta<br>Louise E. Schilling<br>John Szerlag |
| ABSENT: | Mark Calice<br>Michael Geise |
| ALSO PRESENT: | Laura Fitzpatrick |

## MINUTES

***Resolution # ER – 2005 – 05 - 16***
Moved by Pallotta
Seconded by Lamerato

*RESOLVED*, That the minutes of the April 13, 2005 meeting be approved.

Yeas: All 5
Absent: Calice, Geise

## EXCUSE ABSENT MEMBERS

***Resolution # ER – 2005 – 05 - 017***
Moved by Lamerato
Seconded by Pallotta

*RESOLVED*, That Mark Calice and Michael Geise be excused.

Yeas: All 5
Absent: Calice, Geise

## OTHER BUSINESS – PRIOR GOVERNMENTAL SERVICE

The Board Received and filed the requests of Jeffrey Denny.

## INVESTMENTS

***Resolution # ER – 2005 – 05 - 018***
Moved by Houghton
Seconded by Szerlag

*RESOLVED,* That the following investments be purchased and sold:

***Purchase:*** $5000,000 Citigroup, 3.75% due 5/15/07; $500,000 HSBC Fin Internotes, 3.90% due 5/15/07; $500,000 John Hancock, 3.80% due 5/15/08; $500,000 Prudential Financial, 4.00% due 5/15/08.

***Sell:*** JC Penney Bond Due 12/15/07; DPL and Donaldson.

Yeas: All 5
Absent: Calice, Geise

The next meeting is June 8, 2005 at 12:00 p.m. at City Hall, Conference Room C, 500 W Big Beaver, Troy, MI.

The meeting adjourned at 1:04 p.m.

Thomas Houghton

Thomas Houghton, Chairman

John M. Lamerato, Secretary

JML/bt\Retirement Board\2005\5-11-05 Minutes_Final.doc

**06.10.05**
**Off Week**
**FYI Packet**

FYI

June 02, 2005

TO: Brian Murphy, Assistant City Manager / Services

FROM: John Abraham, Deputy City Engineer/Traffic Engineer

C: Steven J. Vandette, City Engineer

SUBJECT: Letter From David Ashland Regarding the Proposed I-75 Crooks Interchange Improvement Project

Attached, please find a letter from David Ashland with concerns about the proposed interchange improvement project. I met with Mr. Ashland on June 01, 2005 and discussed in detail many of his concerns. We will include this letter with the Environmental Assessment documents so that his concerns are noted and considered in the EA process.

5378 Hertford Dr.
Troy, Mi. 48085-3274

June 1, 2005

John K. Abraham, PhD, P.E.
Deputy City Engineer
Traffic Engineer
City of Troy

Subject: Proposed I-75 Long Lake Interchange Project

Dear Dr. Abraham:

Presently, traffic on the I-75 expressway in the area of Long Lake produces excessive noise east of the expressway. When the wind is from the Southwest or the West, this noise is exacerbated. I live near Long Lake and Livernois, and traffic noise from the expressway is frequently at unpleasant levels. What is the EPA and/or MDOT defined level of acceptable traffic noise from highways?

As the environmental assessment is prepared on the interchange project the following issues should be addressed:

1. What are present measured noise levels east of I-75 at various distances and at various times of day? I suggest measuring these levels east of I-75 at a variety of points as far east as Rochester Road. Measurements should also be taken under a variety of wind conditions. When there is a SW or W wind, the noise level from the expressway is quite high. Please provide a comparative analysis of present noise levels with acceptable levels.

2. Using traffic model projections, what would the new noise levels be after completion of the interchange? These new projections should include the variables in noise levels caused by both positive and negative acceleration of vehicles on the entrance and exit ramps. Also, the impact of wind carrying the noise should be considered. The same times of day as in 1. Should be used. Please provide a comparative analysis of projected noise levels with acceptable levels.

3. What contaminants are in the soil that will be further exposed as the interchange is constructed?

4. What is the environmental impact of reducing green space as a result of this project?

Please let me know how these issues will be addressed. Thank you for all of your efforts.

Thank you,

David Ashland

David Ashland, P.E.

The Chairman, Matthew Kovacs, called the meeting of the Board of Zoning Appeals to order at 7:30 P.M. on Tuesday, May 17, 2005 in Council Chambers of the Troy City Hall.

PRESENT: Kenneth Courtney
Christopher Fejes
Michael Hutson
Matthew Kovacs
Mark Maxwell
Wayne Wright

ALSO PRESENT: Mark Stimac, Director of Building & Zoning
Susan Lancaster, Assistant City Attorney
Pamela Pasternak, Recording Secretary

**ITEM #1 – APPROVAL OF MINUTES – MEETING OF APRIL 19, 2005**

Motion by Gies
Supported by Courtney

MOVED, to approve the minutes of April 19, 2005 as written.

Yeas: All – 7

MOTION TO APPROVE MINUTES CARRIED

**ITEM #2 – VARIANCE REQUESTED. SPECIAL TREE REHABILITATION, INC., 1640 AXTELL,** for renewal of relief of the 6' high masonry screening wall required along the north property line.

Mr. Stimac explained that after some research it has been discovered that this property has been sold to the property owner next door. The renewal on that property is due to come to the Board in December and therefore this request will be addressed at that time. No further action is required on this item at this time.

**ITEM #3 – VARIANCE REQUESTED. MR. & MRS. MICHAEL LARCH, 91 BILTMORE,** for relief of the Ordinance to construct a second floor addition and covered front porch that will result in a 20.3' front yard setback. Section 30.10.06 requires a minimum 25' front yard setback in R-2 Zoning Districts.

Mr. Stimac explained that the petitioners are requesting relief of the Ordinance to construct a second floor addition and covered front porch to their home. The site plans submitted indicated a 20.3' front yard setback to the proposed covered front porch. Section 30.10.06 requires a 25' minimum front yard setback for single-family homes built in the R-2 Zoning District.

**ITEM #3 – con't.**

Ken Navaroli, of Quality Fast Construction was present representing Mr. & Mrs. Larch. Mr. Navaroli said that this a growing family of four, including one child that has special educations needs and they need a larger home. Mr. Navaroli brought in pictures taken from this home showing the relation of this home to other homes on the street. This property appears to be setback further and the covered front porch would make the home more aesthetically pleasing. This variance will aid in making this home more in line with the newer homes on the street and also increase the value of the home.

Mr. Kovacs asked if this home met the setback requirements if it was not adding a covered front porch. Mr. Stimac said that this house was in compliance with the 25' setback requirement. Mr. Kovacs then asked if this Board could place a stipulation on this variance that if granted, it would have to remain a covered front porch. Mr. Stimac said that if this Board were to allow a covered front porch with a 20.3' front yard setback, where 25' is required, that would be the stipulation of the motion.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

Mr. Stimac did point out that the difference in the line of the homes was because this was actually two (2) different subdivisions, one that includes the eastern block and one that was originally platted that makes up the western block. This portion of Biltmore was platted with a 70' width, which is larger than the normal interior right of way. The properties in the second block utilized the 60' right of way dimension, which makes the road narrower.

Motion by Maxwell
Supported by Gies

MOVED, to grant Mr. & Mrs. Larch, 91 Biltmore, relief of the Ordinance to construct a second floor addition and covered front porch that will result in a 20.3' front yard setback where a minimum 25' front yard setback is required by Section 30.10.06.

- Variance is not contrary to public interest.
- Variance will not have an adverse effect to surrounding property.
- Variance applies only to this property.

Yeas: All – 7

MOTION TO GRANT VARIANCE CARRIED

Mr. Hutson stated that the petitioner indicated that without this variance the home would not be aesthetically pleasing and although this would not justify as a hardship, he does feel that this request is appropriate.

**ITEM #4 – VARIANCE REQUESTED. MR. & MRS. RICHARD SHORT, 502 RANDALL,** for relief of the Ordinance to construct a family room addition that will result in a 36' rear yard setback where Section3 0.10.04 requires a 40' minimum rear yard setback in R-1C zoned districts. The proposed addition will also result in the existing pool being located in a side yard. Section 40.57.03 prohibits the placement of a swimming pool in any yard but a rear yard.

Mr. Stimac explained that the petitioners are requesting relief of the Ordinance to construct a family room addition to their home. The site plan submitted indicates a family room addition on the rear of the home with a proposed 36' rear yard setback. Section 30.10.04 requires a 40' minimum rear setback in R-1C Zoning Districts. The plans also show an existing swimming pool that is currently located in the rear yard. Since the proposed addition extends into the rear yard farther than the pool, the pool would then be located, at least in part, in a side yard. Section 40.57.03 prohibits the placement of a swimming pool in any yard but a rear yard.

Mr. Short was present and stated that when the Public Hearing notices were sent out there was some confusion regarding the location of the pool, and Mr. Short went through the neighborhood and had a petition signed indicating approval of this plan. They would like to put on this addition because the fireplace is in the middle of the room, and basically they cannot put furniture in this area. They also entertain a lot and do not have a formal dining room. This addition would increase their living space and allow for the dining room. Mr. Short said this plan is the most cost effective and would fit in with the other homes in the neighborhood.

Mr. Kovacs said that when he had driven through this area, he saw that this house is a two-story home that backs up to the house behind them. Mr. Kovacs asked if this was the garage and Mr. Short said that it was. Mr. Kovacs then asked if this addition would be one or two stories and Mr. Short said it was going to only be one story. Mr. Kovacs also asked if they had planned to move the fireplace and Mr. Short said that they plan to move the fireplace into the corner of the room to make the space more usable.

Mr. Hutson asked Mr. Short if he had a choice, which variance would he rather have – the setback variance or the placement of the pool in the side yard. Mr. Short said if he had a choice he would like both variances, but if he had to choose only one it would be the setback variance. Mr. Short indicated that this was an aboveground pool and eventually would probably be taken down.

Mr. Kovacs asked how large the pool was and Mr. Short was it was 12' x 22' and he could move it back, but it would be rather expensive.

Mr. Courtney asked for clarification on these variance requests and Mr. Stimac explained that if the family room complied with the 40' rear yard setback, there would no overlap in the existing location of the pool.

**ITEM #4 – con't.**

Mr. Kovacs asked how much room is available for Mr. Short to build on the east side of his property. Mr. Stimac explained that this is a double front corner lot so it has front yard setbacks along both Randall and Tallman and in R-1C Zoning Districts the minimum is 30', which would indicate that there is no room of the east side of the property. The west side of the property appears, based on the dimensions provided, to be about 24' and the side yard requirement for an interior lot is 10'. Mr. Kovacs said that he was trying to determine if there was any other location on the property for this shed.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There is one (1) written approval on file. There are no written objections on file.

Mr. Kovacs said that he believes a double front corner lot creates a hardship for the property owner.

Mr. Wright stated that the only reason the pool would require a variance is because of the addition and in his opinion; he would not have a problem with either variance request.

Motion by Wright
Supported by Fejes

MOVED, to grant Mr. & Mrs. Richard Short, 502 Randall, relief of the Ordinance to construct a family room addition that will result in a 36' rear yard setback where Section 30.10.04 requires a 40' minimum rear yard setback in R-1C Zoned Districts; and relief of Section 40.57.03, which prohibits the placement of a swimming pool in any yard but a rear yard.

- Double front corner lot creates a hardship.
- Variances would not be contrary to public interest.
- Variances would not have an adverse effect to surrounding property.

Yeas: All – 7

MOTION TO GRANT VARIANCE CARRIED

**ITEM #5 – VARIANCE REQUESTED. MR. NELSON K. WESENBERG OF BARRETT PAVING MATERIALS, 2040 BARRETT,** for relief of the Ordinance to install new dust collection equipment. The current use of the property is for an asphalt batch plant, which is not permitted as a principal use by Section 28.20.00 of the Troy Zoning Ordinance. The use is therefore classified as a legal non-conforming use. Section 40.50.05 of the Troy Ordinance prohibits expansion of a legal non-conforming use.

**ITEM #5 – con't.**

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to install new dust collection equipment. The current use of the property is for an asphalt batch plant. Such use, although it has been in existence for many years, is not permitted as a principal use by Section 28.20.00 of the Troy Zoning Ordinance. The use is therefore classified as a legal non-conforming use. Section 40.50.05 of the Troy Zoning Ordinance prohibits the enlargement, extension, construction, reconstruction, movement, or structural alteration of a legal non-conforming use.

Mr. Hutson explained that Mr. Sawyer who is a partner in his Law Firm represents Barrett Paving Materials. Because of this, Mr. Hutson stated that he should be excused from hearing this request.

Motion by Maxwell
Supported by Gies

MOVED, to excuse Mr. Hutson from hearing this matter due to the appearance of a conflict of interest..

Yeas: 6 – Maxwell, Wright, Courtney, Fejes, Gies, Kovacs

MOTION TO EXCUSE MR. HUTSON CARRIED

Mr. Huston stepped down from the board and left the Council Chambers.

Mr. Courtney asked what would happen if this Board did not grant this variance. Mr. Stimac stated that perhaps the petitioner would be able to provide more information on this facility; however, Mr. Stimac said that he did not have any information that the EPA or State was mandating that this equipment be installed.

Mr. Sawyer, Nelson Wesenberg, Plant/Sales Manager, Robert Downie, General Superintendent of Plants and Mike Davis Asphalt Plants Manager were present. Mr. Sawyer explained that this plant has been in operation since 1946 and the present equipment is outdated and not functioning efficiently or properly. In 1974 permission was granted and this dust collection equipment has lasted thirty-one (31) years. This new equipment is state of the art and would not have an adverse effect to surrounding property.

Mr. Wesenberg stated that the EPA is in favor of improving the equipment and this would be very beneficial to improving the operation of this business.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There is one (1) written approval on file. There are no written objections on file.

**ITEM #5 – con't.**

Mr. Fejes asked if there had been any complaints on file regarding this Company. Mr. Stimac stated that complaints had been received many years back. In 2002 the petitioners appeared before this Board for a variance to put in a new line and since that has occurred there have not been any complaints regarding the operation of this plant.

Mr. Kovacs asked if this business was allowed anywhere in the City of Troy. Mr. Stimac explained that currently under the provisions of the Zoning Ordinance, there is no location in the City that is zoned Heavy Industrial. The difference in the Troy Ordinance between Heavy Industrial and Light Industrial is whether you are using raw materials to produce a product, or if you are using that product and changing it in some manner to make it into a second product. This type of facility under the Troy Ordinance is classified as Heavy Industrial.

Mr. Maxwell asked if the petitioners were guaranteeing this equipment to be quieter, have less dust and have less emissions. Mr. Wesenberg stated that this equipment is more modern and designed to operate at similar velocity as to what the air is already moving.

Motion by Courtney
Supported by Gies

MOVED, to approve the request of Nelson K. Wesenberg of Barrett Paving Materials, 2040 Barrett, for relief of the Ordinance to install new dust collection equipment, which will result in the alteration of a legal non-conforming use as classified in Section 40.50.05 of the Troy Zoning Ordinance.

- New equipment will be cleaner, quieter and more efficient.
- Variance is not contrary to public interest.
- Variance will have an improved effect to property in the surrounding area.

Yeas: 6 – Wright, Courtney, Fejes, Gies, Kovacs, Maxwell
Excused: 1 – Hutson

MOTION TO GRANT VARIANCE CARRIED

**ITEM #6 – VARIANCE REQUESTED. MR. & MRS. JAMES HARTMAN, 1307 W. SOUTH BOULEVARD,** for relief of the Ordinance regarding the size of the attached garage under construction. This attached garage is 2,370 square feet while the first floor living space on the home is only 1,300 square feet. The Board of Zoning Appeals has determined that Chapter 39, Section 04.20.01 of the Troy Zoning Ordinance requires that all accessory buildings (including attached garages) must be smaller than the footprint of the living space on the main floor of the house.

**ITEM #6 – con't.**

Mr. Stimac explained that the petitioners are requesting relief of the Ordinance regarding the size of an attached garage under construction. Building Permit #PB2004-1147 was issued on October 6, 2004 for the construction of this 2,370 square foot attached garage. The first floor living space of the home is only 1,300 square feet. The Board of Zoning Appeals has recently determined that Chapter 39, Section 04.20.01 of the Troy Zoning Ordinance requires that all accessory buildings (including attached garages) must be smaller than the footprint of the living space on the main floor of the house.

Mr. James Hartman was present and stated that they have three (3) children, ages 12, 10 and 8 and they like the area they are living in. Originally there was a small-detached garage that no longer met their needs, and they looked into moving but because they love the Troy area, they made a decision to put up this garage and stay in their present location. They had submitted their plans to the City, received approval and had started construction in good faith. Mr. Hartman stated that this is his dream garage and believes that it fits in with the character of the neighborhood and would not have an adverse effect to the surrounding property. Mr. Hartman also indicated that this garage is between 75% and 80% complete. All of their construction has been approved and they are about two weeks away from a rough building inspection. Mr. Hartman said that he does not understand how you can retroactively go back to something that was approved when a new decision is made. Mr. Hartman has spoken to his neighbors, a large number of them have indicated approval of this construction, and he would like this variance granted so he could complete this project.

Mr. Hutson asked Mr. Hartman several questions regarding this construction, regarding an architect, builder, etc. Mr. Hartman said that he had designed the plans but had employed a builder. Mr. Hutson then asked if the foundation, floor, shingles had been put on. Mr. Hartman said that all of that work was done and had been approved by the City. Mr. Hutson then asked approximately how much money Mr. Hartman had spent on this project. Mr. Hartman said that right now it's about $45,000.00 out of pocket expense. Mr. Hutson clarified that this permit was issued seven (7) months ago and stated that the Building Permit states that this is a 2370 square foot garage and that it must meet all codes and inspections. Mr. Hartman said that this garage is about 75% complete and he has to add wiring, a firewall, and some window and door trim still. Mr. Hutson said that Mr. Hartman has made substantial progress on this garage and Mr. Hartman agreed.

Mr. Wright asked how high the garage door is and Mr. Hartman said that the garage door is 18' wide and 9' high and is a custom door. Mr. Wright said that he thought the garage door was only 8' high. Mr. Hartman said that a standard door would have saved him a lot of money, but he was trying to make it match his home to add value to the home.

**ITEM #6 – con't.**

Mr. Maxwell asked what the height of the house and garage were. Mr. Hartman said that the house was built in 1937 and he thought the height is 25' and the roof of the garage is about 23'.

Mr. Kovacs asked what type of siding Mr. Hartman proposes to put on the garage. Mr. Hartman said that they are planning to put on vinyl siding, which will match the back of the house. Mr. Hartman plans to tie it in so that it is the same material. Mr. Kovacs then asked how many windows Mr. Hartman plans to put in. Mr. Hartman said that there are three on the east side, one on the west end and two or three at the back. Mr. Hartman plans to use Anderson windows so that they will match the windows in the house. Mr. Kovacs then asked how Mr. Hartman came up with 2300 square feet. Mr. Hartman said that has eight (8) cars, two of which were willed to him. He plans to store cars in the garage as well as lawn equipment, bikes and four wheelers. He designed it as an eight (8)-car garage and his passion is to tinker with cars. There are two drivers in the home.

The Chairman opened the Public Hearing.

Mr. Lee Hansen, 1331 W. South Boulevard was present and stated that he is in full support of this request and that this whole issue baffles him because someone has put a lot of time and effort into this project and now has to come before this Board for a variance. Mr. Kovacs asked how large his garage was and Mr. Hansen said that his is 24' x 28' and wished he could put in a larger garage. Mr. Hansen also said that he does not consider this an accessory structure because it is attached to the house, and there are several detached garages in the neighborhood. Mr. Kovacs said that if this Board grants a variance not only could he have a 2300 square foot attached structure, but also an additional detached structure. Mr. Kovacs then asked Mr. Stimac how large a detached structure could be. Mr. Stimac said that based on the size of the home, he could put up an additional 2000 square foot detached structure. Lot coverage and other calculation would have to be verified, but Mr. Stimac believes the maximum would be 2000 square feet. Mr. Stimac also suggested that this Board could limit the amount of accessory structures by placing a condition on the approval of a variance.

Mr. Kovacs said that the reason he brought it up was so that Mr. Hansen would be aware that he could add an additional 2000 square foot building. Mr. Hansen said that as long as it complied with the conditions of the Ordinance it would not bother him at all.

Mr. Fejes asked if someone else bought this house down the road, would it be possible for them to convert this garage into living space. Mr. Stimac said that it could. Mr. Fejes then asked if they could place a stipulation on this request that this garage could only be used as a garage. Mr. Stimac said that it would depend on how the variance was worded.

**ITEM #6 – con't.**

Mr. Fejes then asked the petitioner if he was just storing vehicles or if he planned to work on these vehicles. Mr. Hartman explained that he is in engineer and not a mechanic and tinkering with these cars is his hobby and passion.

No one else wished to be heard and the Public Hearing was closed.

Mr. Kovacs asked the petitioner if he would be opposed to the Board granting this variance with a stipulation that this would be the only accessory structure allowed on this property. Mr. Hartman said this is his dream garage and he would not have a problem with this stipulation. Mr. Kovacs then asked if had any commercial vehicles and Mr. Hartman stated he did not.

Mr. Courtney said that with the change in the way they are now looking at things there are a lot of people out there that have non-conforming garages, and asked if this garage would be considered non-conforming also. Mr. Stimac explained that if the Board grants this variance, this structure would be considered conforming.

Mr. Kovacs explained that at last month's meeting the neighbors of 3129 Alpine filed a request for an interpretation request of the Zoning Ordinance regarding the "monster garage". The Board interpreted the Zoning Ordinance differently than Mr. Stimac did. Mr. Kovacs then asked Mr. Stimac to explain this action further.

Mr. Stimac said that there are basically three stages to a construction project: the first stage would be the submission of an application and plans, which the Building Department reviews for the compliance of the Zoning Ordinance. In October 2004 it was determined that this application was in compliance with the Zoning Ordinance. The second stage is the construction phase. At that time the Building Permit is picked up, construction begins and inspections are made at numerous times to verify that the construction taking place in the field is in compliance with the approved plans and to adjust for and account for any field conditions that would warrant the department's consideration. This process has been going on since October 2004. The third phase is the completion of the project and approval of all construction at which time a final Certificate of Occupancy is issued. In this case, the petitioner was in the middle of stage two and before stage three the Board of Zoning Appeals rendered an interpretation that said that stage one and two were wrong. Based on this decision, the Building Department is precluded from completing stage three and a Certificate of Occupancy cannot be issued. Mr. Stimac also explained that this structure does not gain the status of a legal non-conforming structure. The Board of Zoning Appeals did not change the Ordinance at the meeting of April 19, 2005 and does not have the authority to change the Ordinance. The Board of Zoning Appeals interpreted the existing language of the Ordinance and basically rendered a decision that said that the existing text of the Ordinance does not allow a garage of this size.

**ITEM #6 – con't.**

Mr. Hartman asked for clarification regarding the use of this structure. Mr. Stimac explained that there are three different types of non-conformity: 1 – non-conforming use, which means that the use would not be permitted in the Zoning District in which it is located; 2 – non-conforming lot, which means that the lot does not meet the minimum area or width requirements of the Ordinance, and 3 – non-conforming structure, which means that the structure does not meet some technical term of the Ordinance. This building does not receive the status of a legal non-conforming structure, but would be considered a non-conforming structure; however, if the variance is granted it will then become a conforming structure.

No one else wished to be heard and the Public Hearing was closed.

There is one (1) written approval on file. There are no written objections on file.

Mr. Hutson stated that he disagreed with Mr. Stimac and believes this is a legal non-conforming use. The Board's action last month declared everyone who is the process of building these garages, created non-conforming use. Mr. Hutson stated that a 1993 Michigan Supreme Court Case talked about what is needed to have a vested right in a structure when there is a Zoning change. In part "……..to establish a prior non-conforming use, the property owner must engage in work of a substantial character, done in preparation for actual use of the premises. The actual use that is non-conforming must be apparent and manifested by a tangible change in the land and preliminary operations are insufficient. Work of a substantial nature beyond the mere preparations must materially and objectively change the land itself." By Mr. Hartman's own testimony this project is 75% completed and this work was started with the blessing of the City of Troy, which said that it conforms to all requirements. Mr. Hutson does not believe a variance is required in this case and does not believe that the City has any power to condemn this structure. Mr. Hutson said that if he is correct, the action of the Board has made the "monster garage" a legal non-conforming structure. Mr. Hutson also said that if the City goes forward and orders the demolition of any of these structures, there would be immediate lawsuits and the City's budget would take a tremendous blow. Mr. Hutson further stated that he did not believe a variance was necessary.

Mr. Kovacs asked for interpretation from the City Attorney. Mr. Courtney said he did not believe the fact that this structure was conforming or non-conforming was relevant. Mr. Courtney said that he believes that now there are a lot of garages in the City that are non-conforming and should probably be torn down.

Ms. Lancaster said that she agrees with Mr. Courtney and a lot of this is semantics. The Board changed the interpretation of the existing language of the Ordinance, they did not change the Ordinance. There is not a lot of case law regarding interpretation; however, if the Board wishes Ms. Lancaster would be more than happy to do research on this topic.

**ITEM #6 – con't.**

Mr. Hutson said that he wished to express his opinion and while the Board was trying to get rid of the "monster garage", he believes the action of this Board in April created a "whole bunch of mini monsters". Mr. Hutson further stated that he watched City Council wrestle with trying to make an amendment to the Ordinance and believes this is a nightmare. Mr. Hutson further stated that the petitioner has been caught in the middle of all of this and he is very sympathetic to the petitioner.

Mr. Hartman said all he would like to do would be able to finish what he started. Mr. Hartman also asked if he would have to come back to this Board if in fact there was a change in the Ordinance. Mr. Stimac stated that the Ordinance is very specific regarding structures under construction when changes in the Ordinance language take place. The structures become legal non-conforming structures and the main hazard with this classification is if the structure is destroyed more than 60%, the property owner would require a variance to rebuild it, or would have to rebuild it in compliance with the Ordinance.

Ms. Gies asked how many garages under construction were affected by this interpretation. Mr. Stimac said that after research it has been determined that presently the Board's interpretation would affect four (4) garages. Ms. Gies then asked if the Board of Zoning Appeals fee is being waived for these four (4) people and Mr. Stimac stated that it was not.

Mr. Kovacs said that in this case he believes this structure definitely looks like a garage and matches the home. Mr. Kovacs went on to say that this space could be converted to living space and the property owner could then put up an accessory structure that would be 2000 square feet. Mr. Kovacs also said that if a variance was passed, he would vote no to granting a variance unless a stipulation was made that no other accessory structures could be put on this site. Mr. Kovacs said that this garage fits in with the character of the home and his vote would be contingent on not having any other accessory structures on the property.

Mr. Maxwell said that this is a very busy road and this particular structure would not have any impact on surrounding property. Basically this is not a residential area per-se. Mr. Maxwell said that he would be in favor of this variance, but would limit the size of accessory structures on this property to 2370 square feet.

Motion by Maxwell
Supported by Wright

**ITEM #6 – con't.**

MOVED, to grant Mr. & Mrs. James Hartman, 1307 W. South Boulevard, relief of the Ordinance regarding the size of the attached garage under construction.

- Variance would not have an adverse effect to surrounding property.
- Variance is not contrary to public interest.
- This site is limited to 2370 square feet of accessory structures.

Yeas: 6 – Courtney, Fejes, Gies, Kovacs, Maxwell, Wright
Nays: 1 – Hutson

MOTION TO GRANT VARIANCE CARRIED

Mr. Hutson stated that he objects to the amendment on this motion and does not believe the Board should limit the size of accessory structures. Mr. Hutson also said that this Board made the interpretation and that causes problems.

**ITEM #7 – VARIANCE REQUESTED. CHUCK FAULKNER, 4011 BUTTERNUT HILL,** for relief of the Ordinance to maintain a shed constructed without first obtaining a Building Permit in the front yard of his property. This lot is a double front corner lot. The shed is located 6' from the south property line along West Wattles. Section 30.10.01 requires a 40' minimum front setback in R-1A Zoning.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to maintain a shed constructed without first obtaining a Building Permit in a front yard of his property. This lot is a double front corner lot. As such, it has front yard requirements along both Butternut Hill and West Wattles. The site plan submitted indicates the shed is located 6' from the south property line along West Wattles. Section 30.10.01 requires a 40' minimum front setback in R-1A Zoning.

Mr. Kovacs asked what the limitations of sheds were. Mr. Stimac said that according to the Ordinance detached accessory buildings cannot occupy more than 25% of the required rear yard, they cannot exceed 40% of the non-required rear yard and cannot exceed ½ the ground floor area of the main house or 600 square feet whichever is greater. Currently there is no limit on the number of detached accessory buildings that can make up the square footage.

Mr. Faulkner was present and stated that they had just recently moved into this area and brought the shed from their other house. Mr. Faulkner said that he did not realize he needed a Building Permit and when he found out one was required, he brought his plans in to the Building Department and this is when he found out it was in the wrong area. He stores stuff in the shed that he uses for work and he put it close to the driveway so that it was easy to load and unload from his vehicle. Mr. Faulkner has added shrubbery around it and does plan to add more shrubbery. If he has to move the shed, he would have to remove some of the existing landscaping and mature trees.

**ITEM #7 – con't.**

Mr. Kovacs asked if the shed could be placed anywhere else on the property and Mr. Stimac created a picture indicating where it could be put. Mr. Stimac also stated that it has to be in the rear yard and has to be 10' away from the main structure. Mr. Kovacs said that it could be located behind his house as long as it was 10' away.

Mr. Kovacs asked what type of foundation the shed was on. Mr. Faulkner stated that it is on 6" beams and in that regard the shed was in compliance with the City of Troy's requirements. Mr. Kovacs asked if a cement foundation was required and Mr. Stimac explained that either a cement foundation with a rat wall or an elevated floor is acceptable. Mr. Kovacs asked how Mr. Faulkner knew of these requirements, but was unaware that a Building Permit was required. Mr. Faulkner said that the requirements were printed on the leaflet for the shed. Mr. Faulkner said that if they put it anywhere else, it would be visible to the neighbor behind him.

Mr. Hutson asked what the side yard setback would be along Wattles if this was not a double front corner lot. Mr. Stimac said that in the R-1A Zoning District, a 15' side yard setback is required on a non-double front corner lot. Mr. Hutson said that he thinks this is the perfect location for this shed because of the landscaping, not only around the shed but also the entire yard.

Mr. Kovacs said that if there was not a house on Wattles would it still be a double front corner lot. In the R-1A Zoning classification the side yard setback is 15'; if this were an interior lot the side yard setback is 6' for a detached accessory building.

Mr. Courtney asked for clarification regarding a double front corner lot. Mr. Stimac explained that if no one fronted on either side of Wattles Road in the block, it would not be counted as a double front corner lot.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are two (2) written approvals on file. There are two (2) written objections on file.

Mr. Kovacs said that he thinks this is the perfect location for the shed also. His shed is at the back of his property and is not very convenient. Mr. Kovacs also asked if the Board could grant this variance with the stipulation that shrubbery remains to screen this shed. Ms. Lancaster stated that as long as it is stipulated to the variance, it could be stated as part of the motion. Mr. Faulkner said that he planned on adding more shrubs.

Motion by Hutson
Supported by Courtney

**ITEM #7 – con't.**

MOVED, to grant Chuck Faulkner, 4011 Butternut Hill, relief of the ordinance to maintain a shed located 6' from the south property line along West Wattles where Section 30.10.01 requires a 40' minimum front setback in R-1A Zoning.

- Sufficient shrubbery will be provided to screen this shed.
- Variance is not contrary to public interest.
- Variance will not have an adverse effect to surrounding property.
- Literal enforcement of the Ordinance would be unnecessarily burdensome.
- Only one detached accessory building would be allowed.

Yeas: All – 7

MOTION TO GRANT VARIANCE CARRIED

**ITEM #8 – VARIANCE REQUESTED. MRS. ELISABETH GOLUS, 816 HARRIS,** for relief of the Ordinance regarding the size of the attached garage under construction. The attached garage is 1076 square feet while the first floor living space of the home is only 755 square feet. The Board of Zoning Appeals has determined that Chapter 39, Section 04.20.01 of the Troy Zoning Ordinance requires that all accessory buildings (including attached garages) must be smaller than the footprint of the living space on the main floor of the house.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance regarding the size of an attached garage under construction. Building Permit #PB2004-0399 was issued on May 6, 2004 for an addition resulting in a 1,076 square foot attached garage. The first floor living space of the home is only 755 square feet. The Board of Zoning Appeals has recently determined that Chapter 39, Section 04.20.01 of the Troy Zoning Ordinance requires that all accessory buildings (including attached garages) must be smaller than the footprint of the living space on the main floor of the house.

Ms. Golus was present and stated that they had obtained a Building Permit on May 6, 2004 for the construction of this garage. They have passed all inspections and the structure is more than 50% complete and would like to be able to finish this construction. They also built on top of the house and added a full master suite. Mr. Kovacs asked how large the master suite was and Ms. Golus said that it was approximately 17' x 22'. Mr. Kovacs then asked what the square footage of the home was and Ms. Golus stated that it was 2,000 square feet.

The Chairman opened the Public Hearing.

James Savage, 800 Harris was present and stated that he lives on the west side of the petitioners and supports this petition. Some of the neighbors have indicated support of this project also. Whenever there has been an issue on the street, they have usually had 100% support. The neighbors look out for one another. Mr. Savage went on to say

**ITEM #8 – con't.**

that he is a little confused, because he was sure that they would have obtained the proper permits, and if they have done everything they should he doesn't know how he can change the outcome. Mr. Savage also asked what would happen to this family if this request was denied.

Mr. Kovacs said that one of the key factors this Board has to find is that the variance would not be contrary to public interest and the Board takes all approvals and objections into consideration. Mr. Kovacs also said that this input was very important to the Board.

Chris Komasara, 5287 Windmill was present and said that according to what has been stated there is approximately 500 square feet of living space above the garage. If this structure is considered to be a legal non-conforming structure, and something happened to the structure, could the petitioner re-build. Mr. Stimac said that if this structure was considered to be a legal non-conforming structure and there was a residence above that structure, and if that structure was destroyed to an extent more than 60% of its replacement value, it could only be rebuilt in compliance with the Ordinance. Mr. Kovacs then asked if they could seek a variance and Mr. Stimac said that this was correct and they could seek a variance. Mr. Komasara also said that he was in support of this request.

No one else wished to be heard and the Public Hearing was closed.

Mr. Kovacs asked what size detached structure would be allowed on this site. Mr. Stimac said that he understands the ground floor area of the house is 1,825 square feet, and the way the Ordinance is written, approximately 862 square feet of detached structure would be allowed. Mr. Kovacs asked if they had any future plans for a detached structure. Ms. Golus stated that they did not.

There are five (5) written approvals on file. There are no written objections on file.

Mr. Courtney asked if there was a shed in the yard and Ms. Golus said there was not.

Mr. Fejes asked if the other Board members felt that they should add the condition to the variance request that no other accessory structures would be allowed on the property. Mr. Kovacs said it is up to his discretion although in this case he was not as concerned because the lot was smaller. Mr. Fejes asked if this should be an automatic condition until the Planning Commission determines what the right language is going to be. Mr. Courtney stated that he did not believe that condition was necessary to this request.

Mr. Maxwell said that he believes each case should be judged on its own merits and does not believe this condition would be required on this variance and would not be in favor of adding any conditions.

**ITEM #8 – con't.**

Motion by Fejes
Supported by Courtney

MOVED, to grant Mrs. Elisabeth Golus, 816 Harris, relief of the Ordinance regarding the size of the attached garage under construction, which is 1076 square feet.

- Variance is not contrary to public interest.
- This garage matches the outside of the house and is aesthetically pleasing.
- Variance would not have an adverse effect to surrounding property.

Yeas: 6 – Fejes, Gies, Hutson, Maxwell, Wright, Courtney
Nays: 1 – Kovacs

MOTION TO GRANT VARIANCE CARRIED

Mr. Kovacs said that he is comfortable with this structure but is concerned that in the future another detached building may be added.

**ITEM #9 – VARIANCE REQUESTED. FRANCO MANCINI, 6399 NORTON (EXISTING ADDRESS), 650 QUILL CREEK (PROPOSED ADDRESS),** for relief of the Ordinance to develop the property located on the south side of Quill Creek Drive (originally platted as Booth) west of Norton. The existing home will remain and has a 39.22' front yard setback. Section 30.01.02 of the Troy Zoning Ordinance requires a 40' minimum front yard setback in the R-1B Zoning Classification.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to develop the property located on the south side of Quill Creek Drive (originally platted as Booth) west of Norton. The dedication of additional right of way to allow for the development of the public street for Quill Creek Drive as part of this project results in a 39.22' front yard setback to the existing home at 6399 Norton. This existing home is proposed to remain and will become 650 Quill Creek Drive when the project is completed. Section 30.10.02 of the Troy Zoning Ordinance requires a 40' minimum front yard setback in the R-1B Zoning Classification.

Mr. Stimac further explained that at the time this subdivision was platted it was done with a ½ street along the western property line, a ½ street along the southern property line, and a ½ street along the eastern property line. The property to the south is an acreage parcel and is not part of any subdivision. The existing house on parcel 1, addressed on Norton was constructed quite some time ago. As part of this development the petitioner is dedicating additional right of way ends up resulting in a 39.22' setback to the existing home at 6399 Norton. Petitioners are asking for approval for a 9 ½" variance.

**ITEM #9 – con't.**

Franco Mancini was present and stated that to the east of what was originally called Booth is now being changed to Quill Creek and T's into what is called Norton. After engineering plans were prepared it was discovered that the west end of this home has a front setback of 40.42' and 39.22' at the east end of the home. The Building Department indicated that this created a setback issue.

Mr. Kovacs asked if Mr. Mancini was the current homeowner and Mr. Mancini said that he was not, but the current homeowner planned to stay in this home.

Mr. Courtney asked what would happen if the variance was not granted and why an approval was required to dedicate the Road. Mr. Stimac said that there were a couple of options, one of which was that he could not dedicate the road and would have to abandon the project or seek additional right of way to the north; the other option would be to remove a portion of the house so that he would comply. Mr. Courtney said that he did not understand why this street would be stopped. Mr. Stimac explained that this was a separate piece of property and not part of this subdivision.

Mr. Kovacs asked what happens when the City is in this position. Mr. Stimac said it goes back to a master thoroughfare that goes back to 1972 and the City does pay compensation when a property becomes non-conforming because of the acquisition of additional property. Mr. Stimac also said that the City does not acquire land for perpendicular streets, and interior streets are left up to the developers to complete. Booth was not part of the master thoroughfare plan in 1972. Mr. Kovacs said that there are homes that remain that do not meet the setback. The City cannot do this without the Board of Zoning Appeals approval. Structures on major thoroughfares became non-conforming in 1972 with a change in the Ordinance. This is not being done by a change in the Ordinance, but is being done by a developer.

The Chairman opened the Public Hearing.

Mr. Rick Hurst, 665 Ottawa drive was present representing his parents who live on Ottawa. Mr. Hurst stated that this developer should have known there was going to be a problem at the time he purchased this property. The construction on these lots is creating a problem to his parents' property because of debris. Furthermore, in April they were pumping out several thousand gallons of water and flooded the back of his parents' property. Mr. Hurst had Jennifer Lawson from the Engineering Department come out to inspect this site and she did inform Mr. Mancini that he could not pump water out onto other property. Mr. Hurst indicated that his parents oppose this variance request.

Mr. Kovacs asked how his objection related to the property. Mr. Kovacs said that he feels that these objections are related more to the way the builder is developing this property rather than the size of the parcel. Mr. Hurst said that he is disrespecting his parents and wants to know what else he is going to do to damage the property at 665

**ITEM #9 – con't.**

Ottawa. Ms. Lawson was supposed to come out and do an inspection, but Mr. Hurst stated that he did not think she did. Mr. Hurst also said that he would be sending letters to the City indicating his disapproval.

Benjamin Blaszak, 761 Ottawa was present and said that there have been problems with this builder from the beginning. He had put in a farmer's fence post, and one of the bulldozers working in the area knocked this post down and now Mr. Blaszak will require another survey. Mr. Blaszak also said that a creeks runs through the back of this property, and he believes that additional construction will increase flooding in this area. The pumping of the water from the first basement not only flooded the Hurst property but also flooded his property. Mr. Blaszak also said that if he was the one developing this property he would have made sure that he had enough property to begin with, and you should know what you are doing. Mr. Blaszak said that this area has a large flooding problem and believes another street will increase the flooding problem by changing the flow of water.

Mr. Kovacs asked where Mr. Blaszak's property was in relation to this property. Mr. Blaszak said that his property is to the south and east of this development. Mr. Blaszak said that if the street is moved back a little farther, would be right on the edge of the creek and does believe it will create a larger flooding problem. Mr. Kovacs said that if Mr. Mancini did acquire additional property from the property owner to the north, the street would still go in. Mr. Kovacs asked if the petitioner could go 9 ½" closer, and Mr. Stimac said that he thought he could because he is proposing a 50' right of way. The road is proposed to be off center. Mr. Kovacs said that this variance is 9 ½" and the objections presented so far, are because of flooding issues and the fact that they do not like the way the builder is building the house. These objections do not apply to the variance, but to the builder. Mr. Blaszak said that he did not have an objection to the builder, but he does object to a 9 ½" variance.

Mr. Courtney asked how granting a variance for 9 ½" would create a problem. Mr. Blaszak said that he understands where Mr. Courtney is coming from, but this is not a small request, this is poor engineering. Mr. Blaszak also said why grant a variance, when the bottom line is that the developer made a mistake.

Mr. Hurst came back to the podium and said that once this road goes in, this will become a through road and noise and traffic is going to increase. This area will become the main shortcut.

Mr. Stimac explained that Norton was not developed but there was a ½ street platted with Booth, another ½ street was platted as Overland, another ½ street was platted as Montclair and when the subdivision was done on the other side was platted for traffic. The land being developed by Mr. Mancini will now be platted, developed and opened for traffic. Mr. Stimac went on to say that there were always ½ streets platted, they were just not developed.

**ITEM #9 – con't.**

Mr. Hurst said that if this street goes in, the whole street will be completed. Mr. Kovacs asked how it would affect his parents and Mr. Hurst said that they will be able to hear the extra traffic and will create a problem. Mr. Hurst said that he feels that Mr. Mancini should have known this was a problem before this project was started. Mr. Courtney said that he did not think this would create a large traffic problem. Mr. Kovacs said that he thought the houses were setback quite far from the street and did not think the noise would be that bad. Mr. Hurst said that his parents had received the notice of a Public Hearing and he was here to represent them and indicate their disapproval. Mr. Kovacs said that these homes will add value to his parents home. Mr. Hurst said he understood that but this objection is presented at his father's request.

Mr. Mancini said that when they improved Booth to Quill Creek the drainage was improved in this area and they plan to improve the drainage in this area as well. They have developed the roads and it is now a much higher standard of road. Mr. Mancini said that they are adding rear yard drains, and it is possible that the excess dirt did divert the water. Mr. Mancini also said that Jennifer Lawson called them and told them there was a problem with the water and they went to the site to look at the problem. The quality of the work that they do is of the highest standard and they do not downgrade the property but upgrade the property they work on. Engineering did survey this property and did admit that an error was made. The surveys were re-comped and the variations were achieved. If the property to the north had been for sale, they would have purchased the property and a variance would not be required.

No one else wished to be heard and the Public Hearing was closed.

There is one written objection on file. There are no written approvals on file.

Motion by Maxwell
Supported by Wright

MOVED, to grant Franco Mancini, 6399 Norton (existing address), 650 Quill Creek (proposed address), relief of the Ordinance to develop the property located on the South side of Quill Creek Drive (originally platted as Booth) west of Norton, which will result in a front yard setback of 39.22' where Section 30.01.02 of the Zoning Ordinance requires a 40' minimum front yard setback.

- Variance request is minimal.
- Variance would not have an adverse effect to surrounding property.
- Literal enforcement of the Ordinance would be unnecessarily burdensome.

Yeas: All – 7

MOTION TO GRANT VARIANCE CARRIED

**ITEM #10 – ELECTION OF CHAIRMAN & VICE CHAIRMAN – BOARD OF ZONING APPEALS, 2005-2006**

Motion by Courtney
Supported by Gies

MOVED, to elect Christopher Fejes to Chairman, and Matthew Kovacs to Vice-Chairman.

Yeas: 6 – Hutson, Maxwell, Wright, Courtney, Fejes, Gies
Nays: 1 – Kovacs

MOTION TO ELECT OFFICERS AS STATED CARRIED

The Board of Zoning Appeals meeting adjourned at 10:15 P.M.

_____
Matthew Kovacs, Chairman

_____
Pamela Pasternak, Recording Secretary

The Special/Study Meeting of the Troy City Planning Commission was called to order by Chair Strat at 7:34 p.m. on May 24, 2005 in the Council Board Room of the Troy City Hall.

1. ROLL CALL

Present:
Gary Chamberlain
Lynn Drake-Batts
Fazal Khan
Robert Schultz
Thomas Strat
Mark J. Vleck
David T. Waller
Wayne Wright

Absent:
Lawrence Littman

Also Present:
Mark F. Miller, Planning Director
Brent Savidant, Principal Planner
Allan Motzny, Assistant City Attorney
Douglas J. Smith, Real Estate and Development Director
Kathy L. Czarnecki, Recording Secretary

***Resolution # PC-2005-05-087***
Moved by: Schultz
Seconded by: Wright

***RESOLVED***, That Member Littman is excused from attendance at this meeting for personal reasons.

Yes: All present (8)
No: None
Absent: Littman

**MOTION CARRIED**

Chair Strat asked for consideration in the modification of the agenda to allow discussion on the length of Planning Commission meetings.

***Resolution # PC-2005-05-088***
Moved by: Waller
Seconded by: Wright

***RESOLVED***, That the agenda be modified.

Yes: All present (8)
No: None
Absent: Littman

**MOTION CARRIED**

2. LENGTH OF PLANNING COMMISSION MEETINGS

Mr. Schultz addressed concern with Planning Commission meetings running late into the evening or early in the morning. The matter could be addressed by changing the Bylaws to stipulate a time limit on meetings. Mr. Schultz presented the following Resolution to specifically address tonight's meeting.

***Resolution # PC-2005-05-089***
Moved by: Schultz
Seconded by: Chamberlain

***RESOLVED***, That the May 24, 2005 Special/Study Session of the Troy Planning Commission shall end at 11:00 p.m. or as soon thereafter as the agenda item being discussed at that hour is completed. No discussion of any new agenda item shall commence after that time. Any and all items from tonight's agenda that are not discussed due to the ending of this meeting at 11:00 p.m. shall be postponed to our Special Study Session on June 7, 2005.

Discussion on the motion on the floor.

Comments related to the following:
- Limit agenda items.
- Consider personal schedules, hourly fees, etc. of petitioners and related representatives (i.e., attorneys, architects, engineers).
- Limit discussion of Planning Commission members.
- Limit presentation of staff reports.
- Prioritize agenda items.
- End micromanaging; allow Planning Department to do detail work.

Mr. Schultz called the question.

Vote on the motion on the floor.

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

**MOTION DENIED**

3. MINUTES – May 3, 2005 Special/Study Meeting

Mr. Chamberlain asked that the minutes reflect a change on Page 2, Resolution # PC-2005-05-061, the word "Abstain" should read "Absent".

Mr. Wright asked that Page 5, Item 7, incorporate the comments of Mr. Motzny with respect to use variances being permitted by law only if the land cannot be used in the manner in which it is zoned.

***Resolution # PC-2005-05-090***
Moved by: Wright
Seconded by: Schultz

***RESOLVED***, To approve the May 3, 2005 Special/Study Meeting minutes as amended.

Yes: Drake-Batts, Khan, Schultz, Strat, Waller, Wright
No: None
Abstain: Chamberlain, Vleck
Absent: Littman

**MOTION CARRIED**

4. PUBLIC COMMENTS

There was no one present who wished to speak.

5. PLANNING AND ZONING REPORT

Mr. Miller reported on the following items.

- Big Beaver Corridor Study – A steering group will be created. The contract is to go before DDA for approval.
- Hidden Forest Site Condominium, South side of Wattles, East of Livernois, Section 22 – Preliminary Approval by City Council at its May 16, 2005 meeting.
- Rezoning Request Z 695, South side of Henrietta Avenue, South of Big Beaver and East of Rochester Road, From R-1E to P-1 – Postponed by City Council at its May 16, 2005 meeting to June 6, 2005. City Council requested that the abutting neighbor be contacted to receive comments on the proposed rezoning.
- Budget – Approved by City Council at its May 16, 2005 meeting.
- Maplewood Site Condominium, South side of South Boulevard, West of Rochester Road, Section 3 – Final Site Plan Approval by City Council at its May 9, 2005 meeting.
- Michigan Association of Planning Conference in September – Will move forward for approval of conference. Advise Planning Department of attendance.
- Michigan Economic Growth Alliance (MEGA) expenditure match for Compact Power, Inc. – Approved by City Council at its May 16, 2005 meeting.
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- Resolution passed in support of PUD 4, The Monarch.

7. BOARD OF ZONING APPEALS REPORT

Mr. Wright reported on the May 17, 2005 Board of Zoning Appeals (BZA) meeting.

Two Variance Requests – Attached Garages under Construction

The BZA granted both variances.

Variance Request – 6399 Norton [650 Quill Creek]

The BZA granted the variance. The variance was minimal (9") and public comment was unrelated to the request; i.e., potential flooding, noise, etc.

8. PUBLIC HEARING – PROPOSED REZONING (Z 180-B) – Proposed Binson's Home Health Care, Northwest corner of Rochester and Marengo, Section 3 – From R-1B to B-1

Mr. Miller presented a summary of the Planning Department report for the proposed rezoning that was tabled at the May 10, 2005 Regular Meeting for further study. Mr. Miller said the property is designated on the Future Land Use Plan as Medium Density Residential (corresponds with the R-1T, R-M and R-2 zoning districts). He briefly reviewed aerials and photographs of the subject location, the site plan

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PUBLIC HEARING OPENED

John Gabor of 380 N. Old Woodward, Birmingham, attorney, was present to represent the petitioner. Mr. Gabor identified key issues for consideration of the proposed rezoning: (1) Proposed use is consistent with the character of the neighborhood; (2) Whether or not the current zoning of single family is appropriate or inappropriate due to the Rochester Road corridor, the depth of the property and the site characteristics; (3) The Consent Judgment on the Rabanni property located one block north wherein the judgment of the Court was that O-1 zoning is consistent with the commercial character of the area and single family residential zoning is inappropriate due to the traffic and proximity to Rochester Road.

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PUBLIC HEARING CLOSED

There was discussion on the following:

- Vacation of the alley.
- Allowable uses in the B-1 zoning district.
- Desired and appropriate uses for the subject location.
- Conditional approval based upon specific use and design conditions, as provided by State law.

The item is scheduled for a Public Hearing at the Regular Meeting of June 14, 2005.

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

Mr. Miller reviewed the proposed zoning ordinance text amendment pertaining to Accessory Buildings Definitions and Provisions, the convergence of opinion achieved at the March 28, 2005 Special/Joint Meeting, and the recommendation of City Management.

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Chair Strat requested a recess at 8:55 p.m.

The meeting reconvened at 9:05 p.m.

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10. MASTER PLAN / FUTURE LAND USE PLAN – Compliance with Municipal Planning Act

Mr. Miller reviewed the requirements of the Municipal Planning Act with respect to the adoption and updating of the City of Troy's Future Land Use Plan. The Planning Director and Principal Planner reviewed the Future Land Use Plan and determined that the document is insufficient. The justifications for the determination were reviewed.

***Resolution # PC-2005-05-091***
Moved by: Chamberlain
Seconded by: Schultz

***RESOLVED***, The responsibility of cities and villages to adopt and update a master plan is outlined in the Municipal Planning Act, PA 285 of 1931, as amended.

***WHEREAS***, The Municipal Planning Act requires that at least 5 years after the adoption of a plan, a municipality shall review the plan and determine whether to commence the procedure or adopt a new plan.

***WHEREAS***, The Future Land Use Plan was last amended on January 8, 2002. The determination of whether to update the plan or adopt a new plan must be made prior to January 8, 2007.

***WHEREAS***, The Planning Department prepared a memo dated May 17, 2005, that outlines the deficiencies of the current Future Land Use Plan.

***WHEREAS***, The Planning Department recommends that the Future Land Use Plan be updated to address these deficiencies.

***RESOLVED***, the City of Troy Planning Commission hereby finds that the Future Land Use Plan is deficient and in need of a comprehensive update.

***FURTHER RESOLVED***, The Planning Commission recommends that the City begin the process of preparing the City of Troy Master Plan, including sub area plans for Big Beaver Road, Maple Road, Stephenson Highway and Rochester Road, and that the Big Beaver Road Corridor Study be incorporated as a part of this process.

Yes: All present (8)
No: None
Absent: Littman

**MOTION CARRIED**

11. 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

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- Set a Public Hearing at the June 14, 2005 Regular Meeting.
- Include stand-alone restaurants, banks, bank branches and financial institutions and nursery schools, day nurseries and child care centers as special uses.
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- Limit retail use to a maximum of 25%.
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- Provide a definition of showroom vs. retail.
- Set a Public Hearing for the July 12, 2005 Regular Meeting.

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It was agreed to go forward with the proposed ZOTA and to set a Public Hearing for the July 12, 2005 Regular Meeting.

14. PUBLIC COMMENTS

Chris Komasara of 5287 Windmill, Troy, was present. Mr. Komasara addressed ZOTA 215-A pertaining to Accessory Buildings Definitions and Provisions. His recommendation to the City as a resident is to use the total square footage of a house, allow a 9-foot garage door for a street-facing garage and a 12-foot garage door for a side garage.

## GOOD OF THE ORDER

Mr. Schultz said his idea and motion didn't fly but it obviously expedited tonight's meeting and opened up some eyes.

Mr. Waller referenced an article in the April issue of the *Planning and Zoning News* [page 3] with respect to a municipality's Board of Appeals overturning a decision made by the Planning Commission. He asked if Troy's BZA has that power.

Mr. Miller said the State law authorizes a municipality to give authority within the Zoning Ordinance to appeal all administrative decisions.

Mr. Motzny said he would review the City of Troy's Zoning Ordinance language relating to the BZA's authority to review decisions of the Planning Commission and report back to the members.

Mr. Waller provided an update on Beaver Tales.

Mr. Vleck questioned the outcome of property owners who change a site's landscaping that no longer meets the requirements of the approved site plan.

Mr. Miller said if an owner makes changes such as landscaping after all approvals have been met, it might take some time before the City becomes aware of the situation. He said technically the owner would be in violation of site plan compliance.

Mr. Motzny said upon the issuance of two violation notices, the owner could be charged with a minor misdemeanor and fined. He noted it is proposed to revise the charge to a municipal civil infraction.

Mr. Khan addressed the matter of interconnectivity with respect to emergency vehicle access and diffusion of concentrated traffic. He said there are good reasons behind the City's recommendation to provide subdivision interconnectivity. Further, Mr. Khan suggested that agendas be limited to no more than 3 public hearings and 3 site plans.

Mr. Miller said he would provide copies to the members of a recent *Planning Advisory Service* report with respect to interconnectivity.

Mr. Savidant said members would see some significant changes to the PUD 4 when they review the newly distributed book. He also said the Planning Department would meet with the Chair to determine the amount of appropriate information that should be presented for reports at meetings.

Chair Strat commented on the following:

- Upcoming presentation by Paul Goldsmith on LEED certification, as well as participation by City representatives on related subjects.
- Key presentations on site plan approval and water management at the National AIA Conference.
- Library of CD's from the American Planning Association National Conference in San Francisco.
- Creation of Sub-Committees (1) PUD [comprised of Strat, Vleck, Schultz] (2) Bylaws [Waller, tbd] (3) Greenbelts [tbd].
- Future Land Use Plan.
- New Zoning Ordinance.
- Utilization of Lawrence Tech University's Masters Degree program in relation to the Maple Road Corridor Study.

ADJOURN

The Special/Study Meeting of the Planning Commission adjourned at 10:05 p.m.

Respectfully submitted,

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Thomas Strat, Chair

_____

Kathy L. Czarnecki, Recording Secretary

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The Special/Study Meeting of the Troy City Planning Commission was called to order by Chair Strat at 7:34 p.m. on May 24, 2005 in the Council Board Room of the Troy City Hall.

1. ROLL CALL

Present:
Gary Chamberlain
Lynn Drake-Batts
Fazal Khan
Robert Schultz
Thomas Strat
Mark J. Vleck
David T. Waller
Wayne Wright

Absent:
Lawrence Littman

Also Present:
Mark F. Miller, Planning Director
Brent Savidant, Principal Planner
Allan Motzny, Assistant City Attorney
Douglas J. Smith, Real Estate and Development Director
Kathy L. Czarnecki, Recording Secretary

***Resolution # PC-2005-05-087***
Moved by: Schultz
Seconded by: Wright

***RESOLVED***, That Member Littman is excused from attendance at this meeting for personal reasons.

Yes: All present (8)
No: None
Absent: Littman

**MOTION CARRIED**

Chair Strat asked for consideration in the modification of the agenda to allow discussion on the length of Planning Commission meetings.

***Resolution # PC-2005-05-088***
Moved by: Waller
Seconded by: Wright

***RESOLVED***, That the agenda be modified.

Yes: All present (8)
No: None
Absent: Littman

**MOTION CARRIED**

2. LENGTH OF PLANNING COMMISSION MEETINGS

Mr. Schultz addressed concern with Planning Commission meetings running late into the evening or early in the morning. The matter could be addressed by changing the Bylaws to stipulate a time limit on meetings. Mr. Schultz presented the following Resolution to specifically address tonight's meeting.

***Resolution # PC-2005-05-089***
Moved by: Schultz
Seconded by: Chamberlain

***RESOLVED***, That the May 24, 2005 Special/Study Session of the Troy Planning Commission shall end at 11:00 p.m. or as soon thereafter as the agenda item being discussed at that hour is completed. No discussion of any new agenda item shall commence after that time. Any and all items from tonight's agenda that are not discussed due to the ending of this meeting at 11:00 p.m. shall be postponed to our Special Study Session on June 7, 2005.

Discussion on the motion on the floor.

Comments related to the following:
- Limit agenda items.
- Consider personal schedules, hourly fees, etc. of petitioners and related representatives (i.e., attorneys, architects, engineers).
- Limit discussion of Planning Commission members.
- Limit presentation of staff reports.
- Prioritize agenda items.
- End micromanaging; allow Planning Department to do detail work.

Mr. Schultz called the question.

Vote on the motion on the floor.

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

**MOTION DENIED**

3. MINUTES – May 3, 2005 Special/Study Meeting

Mr. Chamberlain asked that the minutes reflect a change on Page 2, Resolution # PC-2005-05-061, the word "Abstain" should read "Absent".

Mr. Wright asked that Page 5, Item 7, incorporate the comments of Mr. Motzny with respect to use variances being permitted by law only if the land cannot be used in the manner in which it is zoned.

***Resolution # PC-2005-05-090***
Moved by: Wright
Seconded by: Schultz

***RESOLVED***, To approve the May 3, 2005 Special/Study Meeting minutes as amended.

Yes: Drake-Batts, Khan, Schultz, Strat, Waller, Wright
No: None
Abstain: Chamberlain, Vleck
Absent: Littman

**MOTION CARRIED**

4. PUBLIC COMMENTS

There was no one present who wished to speak.

5. PLANNING AND ZONING REPORT

Mr. Miller reported on the following items.

- Big Beaver Corridor Study – A steering group will be created. The contract is to go before DDA for approval.
- Hidden Forest Site Condominium, South side of Wattles, East of Livernois, Section 22 – Preliminary Approval by City Council at its May 16, 2005 meeting.
- Rezoning Request Z 695, South side of Henrietta Avenue, South of Big Beaver and East of Rochester Road, From R-1E to P-1 – Postponed by City Council at its May 16, 2005 meeting to June 6, 2005. City Council requested that the abutting neighbor be contacted to receive comments on the proposed rezoning.
- Budget – Approved by City Council at its May 16, 2005 meeting.
- Maplewood Site Condominium, South side of South Boulevard, West of Rochester Road, Section 3 – Final Site Plan Approval by City Council at its May 9, 2005 meeting.
- Michigan Association of Planning Conference in September – Will move forward for approval of conference. Advise Planning Department of attendance.
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Mr. Waller referenced an article in the April issue of the *Planning and Zoning News* [page 3] with respect to a municipality's Board of Appeals overturning a decision made by the Planning Commission. He asked if Troy's BZA has that power.

Mr. Miller said the State law authorizes a municipality to give authority within the Zoning Ordinance to appeal all administrative decisions.

Mr. Motzny said he would review the City of Troy's Zoning Ordinance language relating to the BZA's authority to review decisions of the Planning Commission and report back to the members.

Mr. Waller provided an update on Beaver Tales.

Mr. Vleck questioned the outcome of property owners who change a site's landscaping that no longer meets the requirements of the approved site plan.

Mr. Miller said if an owner makes changes such as landscaping after all approvals have been met, it might take some time before the City becomes aware of the situation. He said technically the owner would be in violation of site plan compliance.

Mr. Motzny said upon the issuance of two violation notices, the owner could be charged with a minor misdemeanor and fined. He noted it is proposed to revise the charge to a municipal civil infraction.

Mr. Khan addressed the matter of interconnectivity with respect to emergency vehicle access and diffusion of concentrated traffic. He said there are good reasons behind the City's recommendation to provide subdivision interconnectivity. Further, Mr. Khan suggested that agendas be limited to no more than 3 public hearings and 3 site plans.

Mr. Miller said he would provide copies to the members of a recent *Planning Advisory Service* report with respect to interconnectivity.

Mr. Savidant said members would see some significant changes to the PUD 4 when they review the newly distributed book. He also said the Planning Department would meet with the Chair to determine the amount of appropriate information that should be presented for reports at meetings.

Chair Strat commented on the following:

- Upcoming presentation by Paul Goldsmith on LEED certification, as well as participation by City representatives on related subjects.
- Key presentations on site plan approval and water management at the National AIA Conference.
- Library of CD's from the American Planning Association National Conference in San Francisco.
- Creation of Sub-Committees (1) PUD [comprised of Strat, Vleck, Schultz] (2) Bylaws [Waller, tbd] (3) Greenbelts [tbd].
- Future Land Use Plan.
- New Zoning Ordinance.
- Utilization of Lawrence Tech University's Masters Degree program in relation to the Maple Road Corridor Study.

ADJOURN

The Special/Study Meeting of the Planning Commission adjourned at 10:05 p.m.

Respectfully submitted,

_____
Thomas Strat, Chair

_____
Kathy L. Czarnecki, Recording Secretary

G:\Planning Commission Minutes\2005 PC Minutes\Final\05-24-05 Special Study Meeting_Final.doc

Advisory Committee for Senior Citizens

A regular meeting of the Advisory Committee for Senior Citizens was held on Thursday, June 2 2005 at the Troy Community Center. Chair JoAnn Thompson called the meeting to order at 10:02 AM.

**Present:** JoAnn Thompson, Chair; Pauline Noce, Member; Merrill Dixon, Member; Carla Vaughan, Staff; Jo Rhoads, Member; James Berar, Member; David Ogg, Member

**Absent:** Marie Hoag, Member; Bud Black, Member

**Visitors:** Mary Beth Halushka, David Keats

**Approval of Minutes**

Resolution # SC-2005-06-001
Moved by Jo Rhoads
Seconded by Pauline Noce

RESOLVED, That the Minutes of April 7, 2005 be approved as submitted.

Yes: 6
No: 0

MOTION CARRIED

**Visitor Comments**

Mary Beth Halushka thanked the committee for supporting the millage

**Old Business**

**Senior Centers in Neighboring Cities:** There were no new visits to report this month.

**Shuffleboard and Bocce Ball:** The Park Board discussed this issue at their April meeting and JoAnn Thompson and Jo Rhoads attended this meeting. The Park Board is receptive and Carol will investigate further.

**Catering Service at the Community Center:** Kim Haveraneck, President of Emerald Food Service is not able to attend the June meeting but said she would attend in September.

**New Business**

**Election of Officers**

Resolution #SC-2005-6-002
Moved by JoAnn Thompson

Seconded by James Berar

RESOLVED That JoAnn Thompson was re-elected as Chair, Jo Rhoads was elected as Vice Chair, Jo Rhoads was reappointed as OLHSA representative, and Merrill Dixon was recommended for reappointment to the Park Board.

Yes: 6
No: 0

MOTION CARRIED

**Adopt-Our-Senior-Center:** Carla handed out a spreadsheet that detailed the donations received to date.

**Cancellation of July and August Meetings**

Resolution # SC-2005-6-003
Moved by Jo Rhoads
Seconded by Pauline Noce

RESOLVED, That the July and August meetings be cancelled.

Yes: 6
No: 0

MOTION CARRIED

**Michigan Senior Olympics:** James Berar suggested that we try to offer some of the Senior Olympics sports as part of our program. Carla will look at the list of sports and see what we are already offering and what we could offer.

**Reports**

**Park Board:** Merrill Dixon reported that K Mart donated $20,000 for the skateboard park and the Park Board will not meet in June, July and August.

**Medi-Go:** Jo Rhoads reported that they are doing well. There is a possibility that all services in the metropolitan area may be able to go under one insurance policy.

**Senior Program:** The spring expo went well with an estimated 350 in attendance and 68 vendors. We had a full house with 70 vendors for the Craft and Clutter Flea Market. Women's senior softball is up and running with six teams in the countywide league. One hundred and sixty seven seniors attended the MoneySmart program.

**OLHSA:** Jo Rhoads reported that she did not attend the last meeting. Pauline Noce will be the alternate to attend these meetings.

**Suggestion Box:** There was a request for a Mah Jongg class. Carla will advertise for an instructor. There was a suggestion to allow for sale ads in the newsletter. Carla reported that there is a bulletin board for this at the Community Center. The committee felt that putting for sale ads in the newsletter could get out of hand.

**Comments**

JoAnn extended sympathy to the school district for the loss of Superintendent Janet Jopke.

Merrill commented that there will be some type of senior event for Troy Daze but no lunch. Committee members would be willing to serve coffee. Carla will extend this offer to the Troy Daze committee.

The meeting was adjourned at 11:10 a.m.

Respectfully submitted,

JoAnn Thompson, Chair

Carla Vaughan, Secretary

**LIBRARY BOARD MINUTES - DRAFT** **JUNE 2, 2005**

A Regular Meeting of the Troy Library Board was held on Thursday April 14, 2005 at the Office of the Library Director. Brian Griffen, Chairman, called the meeting to order at 7:30 P.M.

**ROLL CALL** PRESENT: Joanne Allen
Lynne Gregory
Brian Griffen
Nancy Wheeler
Audre Zembrzuski

Lauren Andreoff, Student Representative

Brian Stoutenburg, Library Director

Resolution #LB-2005-06-01
Moved by Allen
Seconded by Gregory

**RESOLVED, That Cheng Chen be excused.**

**Yes: 5—Allen, Gregory, Griffen, Wheeler, Zembrzuski**
**No: 0**

The Pledge of Allegiance to the Flag was given.

**Resolution #LB-2005-06-002**
Moved by Zembrzuski
Seconded by Allen

**RESOLVED, That the Minutes of April 14, 2005 be approved with a correction. Under Board Member Comments, the fourth paragraph should read: Griffen asked that the LCD projector be housed at the Library and that the Museum request it as needed.**

**Yes: 5—Allen, Gregory,Griffen, Wheeler, Zembrzuski**
**No: 0**

Reviewed Agenda entries.

**Resolution #LB-2005-06-003**
Moved by Zembrzuski
Seconded by Allen

**RESOLVED, That the Agenda be approved.**

**Yes: 5—Allen, Gregory, Griffen, Wheeler, Zembrzuski**
**No: 0**

**MOTION CARRIED**

**POSTPONED ITEMS**
There were no postponed items.

**REGULAR BUSINESS**
**Election of Officers.**
**Resolution #LB-2005-06-04**
Moved by Gregory
Seconded by Allen

**RESOLVED, That Griffen be elected Chairperson, Zembrzuski be elected Vice-Chairperson, and that Wheeler be elected Secretary.**

**Yes: 5—Allen, Gregory, Griffen, Wheeler, Zembrzuski**
**No: 0**

**Review of Exhibitor Procedure.**
The Board discussed possible options to consider dealing with the issue of pricing and sales information of art exhibits. Three options were identified: 1) Artists could reserve gallery or display case space but would be limited to posting only their name and biographical information – no pricing or contact information, 2) Artists could rent the gallery or display case space for a fee and post pricing and contact information, 3) Challenge the Law Department's opinion for the purpose of allowing artists to exhibit without cost and be able to post prices and contact information.

**Resolution #LB-2005-06-005**
Moved by Wheeler
Seconded by Zembrzuski

**RESOLVED, That a fee be charged to artists wanting to post pricing and contact information for rental of gallery and display case space.**

**Yes: 3—Allen, Gregory, Wheeler**
**No: 2—Griffen, Zembrzuski**

**MOTION CARRIED**

Zembrzuski stated the need to include a proposed fee structure. Fees of $75.00 for the gallery leading from the lobby to Youth Services, and fees of $50.00 for the other galleries were discussed. Griffen asked that a poll be taken of what other libraries art

exhibit practices and policies are. The Board agreed to review a draft policy at their next meeting.

**Challenge to "Political Timber" by Chris Lynch.**
The Board was informed about a patron challenge to this book. A committee of professional librarians was appointed to provide the Director with a recommendation. The Committee recommended that the book be moved from the Youth Services department to the Teen Resource Center. Other titles by Lynch owned by the library were individually reviewed by the committee and they recommended that those that were more appropriate to older teenagers also be moved to the Teen Resource Center. Andreoff, based on her knowledge and experience with Teen fiction supported this action. The patron will be notified as to the decision.

**Summer Meeting Schedule.**
**Resolution #LB-2005-06-06**
Moved by Gregory
Seconded by Zembrzuski

**RESOLVED, That there would be no Board meetings during the months of July and August, 2005 unless there was a need to call one. The next meeting would be September 8, 2005.**

**Yes: 5—Allen, Gregory, Griffen, Wheeler, Zembrzuski**
**No: 0**

**MOTION CARRIED**

**REPORTS & COMMUNICATIONS**
**Director's Report**.
The HVAC project is progressing more slowly than expected. It appears that they are a month behind schedule.

**Board Member comments.**
Zembrzuski asked if the recent lawsuit against the Bloomfield Township Library concerning their not issuing non-resident library cards would affect our library. No, we will continue to offer them for $200.

Griffen asked if signage promoting the summer reading club activities in Youth Services, Adult Services and the Teen Resource Center could be placed in the lobby area and that a bookmark be prepared for Circulation staff to put into books being checked out. Yes, this will be done.

Griffen stated that a potential volunteer came in to the library in the evening and when he asked about volunteer opportunities he was told that he would have to come back during the day. The Library will have volunteer applications available at the Circulation desk.

**Student Representative's Comments.**
No comments.

**SLC Report.**
Gregory reported that the SLC Annual Plan had been modified so that $95,000 could be distributed to member libraries to purchase AV materials with the provision that those new collections would be available for Interloan. The SLC Board approved to keep the shared automation cost per user at the same rate as the previous year.

**Friends of the Library.**
The Friend's held their Annual Meeting and had a "visioning workshop" to begin discussing future expansion of the Library, funding ideas and what their role could be.

**Gifts.**
Six gifts totaling $1,116.95 were received.

**Informational Items.**
June TPL Calendar

**Contacts and Correspondence**.
14 written comments from the public were reviewed.

**Public Participation.**
There was no public participation.

The Library Board meeting adjourned at 9:00 P.M.

Brian Griffen
Chair

Brian Stoutenburg
Recording Secretary

A meeting of the Employees' Retirement System Board of Trustees was held on Wednesday, May 11, 2005, at Troy City Hall, 500 W. Big Beaver Rd., Troy, MI. The meeting was called to order at 12:00 p.m.

TRUSTEES PRESENT: Mark Calice
Michael Geise
Thomas Houghton, Chair
John M. Lamerato
William R. Need
Steven A. Pallotta
John Szerlag

ABSENT: Louise E. Schilling

ALSO PRESENT: Lori Grigg Bluhm
Laura Fitzpatrick
John Grant, UBS
Michael VanOverbeke, VanOverbeke, Michaud & Timmony
Kari Tauriainen, VanOverbeke, Michaud & Timmony

## EXCUSE ABSENT MEMBERS

***Resolution # ER – 2005 – 06 - 019***
Moved by Houghton
Seconded by Lamerato

*RESOLVED*, That Louise E. Schilling be excused.

Yeas: All 6
Absent: Schilling

## MINUTES

***Resolution # ER – 2005 – 06 - 020***
Moved by Szerlag
Seconded by Pallotta

*RESOLVED*, That the minutes of the May 11, 2005 meeting be approved.

Yeas: All 6
Absent: Schilling

## OTHER BUSINESS –FORD & EARL PROPERTY UPDATE

The Board has requested that Doug Smith select a professional to meet with the Board at our July meeting to discuss various options for the property.

## OTHER BUSINESS – RETIREE HEALTH CARE TRUST

***Resolution # ER – 2005 – 06 - 021***
Moved by Lamerato
Seconded by Geise

*RESOLVED,* That the Board recommend City Council approval of the establishment of a Retiree Healthcare Benefit Plan and Trust.

Yeas: All 6
Absent: Schilling

## OTHER BUSINESS – RETIREMENT REQUEST

***Resolution # ER – 2005 – 06 - 022***
Moved by Lamerato
Seconded by Houghton

*RESOLVED,* That the EDRO retirement request of Lamona R. Sallee, 4/01/05 be approved.

Yeas: All 6
Absent: Schilling

## OTHER BUSINESS – MARCH 31, 2005 INVESTMENT PERFORMANCE

John Grant of UBS Financial Services Reviewed the March 31, 2005 Investment performance.

**INVESTMENTS**

***Resolution # ER – 2005 – 06 - 023***
Moved by Pallotta
Seconded by Geise

*RESOLVED,* That the following investments be purchased and sold:

***Purchase:*** $1,500,000 Six Month US Tbill

***Sell:*** Harley Davidson; Imperial Chemical; 3,100 General Motors Common and Delta Airlines Bonds, due 5/15/16.

Yeas: All 6
Absent: Schilling

The next meeting is July 13, 2005 at 12:00 p.m. at City Hall, Conference Room C, 500 W Big Beaver, Troy, MI.

The meeting adjourned at 2:30 p.m.

JML/bt\Retirement Board\2005\6-08-05 Minutes_Draft.doc

A meeting of the **Personnel Board** was held on June 9, 2005 at 11:30 AM at City Hall in the Lower Level Conference Room, 500 West Big Beaver Road. Member Vanderbrink called the meeting to order at 11:34 a.m.

MEMBERS PRESENT: Member Baughman
Member Tschirhart
Member Vanderbrink

MEMBERS ABSENT: Chairman Patrick
Member Nelson

ALSO PRESENT: John Szerlag, City Manager
John Lamerato, Assistant City Manager/Finance & Administration
Brian Murphy, Assistant City Manager/Services
Peggy Clifton, Human Resources Director
Jeanette Menig, Human Resources Specialist
Laura Fitzpatrick, Assistant to the City Manager

**1. Roll Call**

**2. Approval of Minutes**

*Resolution # PB-2005-06-001*
Moved by Tschirhart
Seconded by Baughman

RESOLVED, That the minutes of June 8, 2004 be approved.

Yes: All - 3
No: None
Absent: 2 – Patrick, Nelson

3. **Old Business:** None

**4. New Business:**

*Vote on Recommendations for Classification Plan and Pay Plan*

*Resolution # PB-2005-06-002*
Moved by Vanderbrink
Seconded by Baughman

RESOLVED, That the Classification Plan and Pay Plan Recommendations are approved as presented, a copy of which shall be attached to the original copy of these minutes.

Yes: All - 3
No: None
Absent: 2 – Patrick, Nelson

*Vote on Recommendations for Benefit Package and Personnel Rules*

*Resolution # PB-2005-06-003*
Moved by Vanderbrink
Seconded by Baughman

RESOLVED, That the Benefit Package Recommendations (Health Insurance, Tuition Reimbursement, and Defined Contribution Pension) are approved as presented, a copy of which shall be attached to the original copy of these minutes; and

RESOLVED, That revisions to Personnel Rules to reflect appropriate changes in the benefit package are approved as amended, a copy of which shall be attached to the original copy of these minutes; and

BE IT FINALLY RESOLVED, That the Personnel Board supports City Management's efforts to effectively manage health care costs.

Yes: All - 3
No: None
Absent: 2 – Patrick, Nelson

**6. Motion to Excuse Absent Members**

*Resolution # PB-2005-06-004*
Moved by Vanderbrink
Seconded by Tschirhart

RESOLVED that Chairman Patrick and Member Nelson are excused.

Yes: All - 3
No: None
Absent: 2 – Patrick, Nelson

**7. PUBLIC COMMENT:** None

The meeting adjourned at 12:16 P.M.

_____
James Vanderbrink, Member

_____
John M. Lamerato, Assistant City Manager/Finance & Administration

# PAY PLAN

## CLASSIFIED AND EXEMPT EMPLOYEES

## JULY 2, 2005 *

| Grade | Minimum | Mid-Point | Maximum |
|---|---|---|---|
| 1 | $23,590 | $29,488 | $35,385 |
| 2 | $27,631 | $34,540 | $41,448 |
| 3 | $32,285 | $40,357 | $48,429 |
| 4 | $37,920 | $47,399 | $56,878 |
| 5 | $44,532 | $55,666 | $66,799 |
| 6 | $52,984 | $66,230 | $79,475 |
| 7 | $62,781 | $78,477 | $94,173 |
| 8 | $77,621 | $97,027 | $116,433 |
| 9 | $79,698 | $99,623 | $119,547 |
| 10 | $82,148 | $102,685 | $123,221 |
| 11 | $85,074 | $106,344 | $127,613 |
| 12 | $88,536 | $110,670 | $132,804 |
| | | | |
| 15 | $103,514 | $129,393 | $155,272 |

**Pay Plan represents a 2% increase over 2004 Pay Plan*

Personnel Board Approved: 6/09/05
City Council Approved:

G:C&E/C & E PAY PLAN 2005

# CLASSIFICATION PLAN
# CLASSIFIED EMPLOYEES
## ~~July 1, 2004~~ July 1, 2005

### Pay Grade 1

### Pay Grade 2

Inventory Control Assistant
Museum Archivist

### Pay Grade 3

Administrative Aide
Assistant Naturalist
Education Coordinator
Engineering Technician
**Legal Secretary**
Library Aide
Manager's Office Secretary
Secretary II

### Pay Grade 4

Building Maintenance Specialist
Engineering Assistant
GIS Data Analyst
Inspector
Insurance & Safety Coordinator
Landscape Analyst
Legal Assistant
Librarian I
Office Coordinator
**PC Specialist/Help Desk Technician**
Planning Technician
Survey Supervisor

### Pay Grade 5

Accountant
Administrative Assistant to the City Manager
Appraiser
Building Inspector
Civilian Communications Supervisor
Community Affairs Officer
Cross Connection Inspector
Environmental Specialist
Field Supervisor
Project Manager (Engrg.)
Right-of-Way Representative

### Pay Grade 6

Inspector Supervisor

### Pay Grade 7

Plan Analyst

Personnel Board Approved: 6/09/05
Council Approved:

**N = ~~33~~ 35**

**G: C&E/ClassifiedClassPlan~~2004~~ 2005**

## XXVI. HOSPITALIZATION AND MEDICAL INSURANCE

The City shall provide hospitalization and medical insurance for the employee and dependents equal to the following:

1) Blue Cross/Blue Shield, MVF I, Master Medical Option III, with the following riders: $5.00 deductible prescription (PD-CR) (for employees hired on or after 1/01/04, $5/$10 prescription drug rider for generic/brand name drugs**; $10/$20 for employees hired on or after 7/1/05)**), D45NM, FC, SD, G65, Optical, ML, FAE-RC, V-ST, Reciprocity, PCES-1, PCES-2, SAT-2, COB, GLE, RM. Employees hired on or after 1/01/04 will receive the Blue Cross Blue Shield PPO insurance under Group Suffix 65337-001 with Master Medical Option 1. (~~12/03~~**7/05**)

2) Dental Insurance, including Class I and Class II benefits, with a 10% employee co-payment of claims and a maximum benefit of $1,000 per person per year (benefit year depends on date of hire) and Orthodontic coverage, with 50% employee co-payment up to a maximum of $2,000 lifetime benefit (for dependents 19 years and under). (8/02)

3) Effective July 1, 2001, the City's unilateral responsibility of paying premiums for medical insurance shall be frozen at $700.00 per month. Any increase in the cost of medical insurance in excess of $700.00 per month will be paid by deducting 50% of the premium increase from the employee's paycheck, but not more than $85 per month. Should an employee choose to elect like coverage (i.e. family coverage to family coverage) through a less expensive carrier, the City will pay to the employee 50% of the money saved by such conversion. Should an employee elect not to be provided with medical insurance through the City of Troy, the City will pay to the employee $250 per month. (12/03)

The City pays 50% of the cost of family continuation coverage for eligible children between the ages of 19 and 25 years. The remaining cost is deducted from the employee's paycheck on a monthly basis.

## XXVIII. TUITION REIMBURSEMENT

The City will reimburse an employee for up to 100% of the cost of tuition for work-related college courses or degrees subject to the following conditions:

1) Tuition will be reimbursed, not including books, supplies, or other fees or expenses, and cannot duplicate any other financial aid such as scholarships, grants, GI Bill, etc., to which the employee may be entitled or apply for.

2) Courses ~~must be either related to the employee's present position or be a required course in a degree program which is related to the employee's present position.~~ **included in this program must be required for an Associates degree, Bachelors degree, or a certificate program that is organizationally related. (7/05)**

3) Payment must be approved by the Department Director and the Human Resources Director before enrolling in the class.

4) The course must be taken at an accredited school or university, but need not be a credit course.

5) The employee must submit verification of having paid for the course and passed the course with a grade of "C" (2.0) or better.

**6) No employee shall receive more than $4000 under this program in any fiscal year. Employees hired on or after 7/1/05 shall not receive more than $2000 in any fiscal year. (7/05)**

~~6)~~**7)** Prior to receiving payment, the employee must sign an agreement to reimburse the City of the employee terminates his employment or is terminated by the City within one (1) year of the completion of the course.

## XXX. RETIREMENT

Employees hired before 1/1/98 who chose to remain in the Defined Benefit plan continue to participate in the Defined Benefit (DB) Pension Program, as explained in Chapter 10 of the Troy City Code.

City of Troy employees hired on or after 1/1/98 participate in the Defined Contribution (DC) pension program which is administered by the ICMA Retirement Corporation.

1. Contributions: The contribution rates for this plan are (as a % of earnings):

   Employer: 12% (for employees hired before 1/1/04)

   11% (for employees hired on or after 1/1/04) (1/04)

   **10% (for employees hired on or after 7/1/05) (7/05)**

   Employees: 4%

2. Vesting: Employees are 50% vested at three years, 75% vested at four years and 100% vested at five years.



Upon normal retirement, early retirement, or disability retirement, employees may be eligible for medical and hospitalization insurance. For employees retiring after January 1, 2000, the City will pay for medical and hospitalization coverage at the rate of 4% per complete year of service, or the first $400.00 per month of the cost of coverage for retirees, whichever is greater. Employees who participate in the Defined Contribution Pension Plan must meet the age and service requirement specified in the retir

# City of Troy

Construction Activity

For the Month of MAY 2005

| Permit | Applicant | Location | Work Description |
|---|---|---|---|
| PB2004-1059<br>Date Issued: 05/25/05<br>Fees: $120.00 | KEARNS BROTHERS INC<br>MICHAEL F KEARNS<br>2000 N TELEGRAPH<br>DEARBORN MI 48128 | 1170 SHALLOWDALE<br>Sidwell: 88-20-14-153-007<br>Lot: 173<br>Subdivision: SHALLOWBROOK SU | R - ATTACHED. REBUILT TOP OF MASONRY CHIMNEY<br>Value: 3,665.00<br>Res., Add/Alter |
| PB2005-0058<br>Date Issued: 05/05/05<br>Fees: $2,199.75 | EDISON BUILDING COMPANY<br>EDISON BUILDING COMPANY<br>18530 MACK AVENUE<br>GROSSE POINTE MI 48236 | 5766 COLLEEN<br>Sidwell: 88-20-12-228-011<br>Lot: 11<br>Subdivision: COLLEEN MEADOWS | R - FOLDED. TWO STORY WITH BSMT EGRESS WINDOW. MEET ALL CODES & INSPECTIONS.<br>Value: 226,796.00<br>Res., New Construction |
| PB2005-0333<br>Date Issued: 05/05/05<br>Fees: $40.00 | OWNER OF PROPERTY<br>HARDEN, RUSSEL M<br>865 VANDERPOOL<br>TROY MI 48083 | 865 VANDERPOOL<br>Sidwell: 88-20-22-401-088<br>Lot: 9B<br>Subdivision: SUPERVISORS PLAT | RESIDENTIAL - ATTACHED - ATTACHED STORAGE ROOM ON SIDE OF HOUSE<br>Value: 1,600.00<br>Res., Add/Alter |
| PB2005-0365<br>Date Issued: 05/20/05<br>Fees: $105.00 | OWNER OF PROPERTY<br>FLUEGGE, SCOTT & BRIDGETTE<br>3034 DALEY<br>TROY MI 48084 | 3034 DALEY<br>Sidwell: 88-20-23-355-003<br>Lot: 23 &<br>Subdivision: SCHROEDER'S SUB | RESIDENTIAL - FOLDED - FRONT AND SIDE PORCH/DECK. WORK STARTED WITHOUT PERMIT. SITE INSPECTION REQUIRED PRIOR TO COMMENCING WORK.<br>Value: 3,000.00<br>Res., Add/Alter |
| PB2005-0366<br>Date Issued: 05/06/05<br>Fees: $180.00 | HESSEN BUILDERS<br>KEVIN HESSEN<br>16031 DUNBLAINE<br>BEVERLY HILLS MI 48025 | 3164 WEATHERVANE<br>Sidwell: 88-20-19-353-012<br>Lot: 24<br>Subdivision: THORNWOOD SUB | RESIDENTIAL - ATTACHED - ONE CAR DETACHED GARAGE - REPLACES CANCELLED PB2004-1255.<br>Value: 8,000.00<br>Res., Garage/Acc. Structure |

# City of Troy

Construction Activity

For the Month of MAY 2005

| Permit | Applicant | Location | Work Description |
|---|---|---|---|
| PB2005-0384<br>Date Issued: 05/02/05<br>Fees: $270.00 | RUDDY, JAMIE CHRISTEN<br>RUDDY, JAMIE CHRISTEN<br>5615 BENTWOOD<br>COMMERCE MI 48382 | 2544 HOMEWOOD<br>Sidwell: 88-20-07-327-025<br>Lot: 111<br>Subdivision: WINDRIDGE SUB NO 2 | RESIDENTIAL - ATTACHED - REAR DECK STARTED WITHOUT A PERMIT<br>Value: 16,000.00<br>Res., Add/Alter |
| PB2005-0386<br>Date Issued: 05/23/05<br>Fees: $310.00 | JAMAICAN POOL, SPA, & SERVICE<br>RICHARD T. BUTTERY<br>37525 ANN ARBOR RD.<br>LIVONIA MI 48150 | 1712 PINOAK<br>Sidwell: 88-20-05-151-005<br>Lot: 109<br>Subdivision: FOREST CREEK SUB | RESIDENTIAL - FOLDED - IN-GROUND VINYL LINED POOL AND POOL FENCE.<br>Value: 30,000.00<br>Res., Pool/Spa/Hot Tub |
| PB2005-0389<br>Date Issued: 05/05/05<br>Fees: $360.00 | OWNER OF PROPERTY<br>GREEN, GARY W & ANN K<br>3633 ESTATES<br>TROY MI 48084-1122 | 3633 ESTATES<br>Sidwell: 88-20-19-277-012<br>Lot: 127<br>Subdivision: TROY ESTATES SUB. | RESIDENTIAL - FOLDED - KITCHEN ALTERATIONS.<br>Value: 40,000.00<br>Res., Add/Alter |
| PB2005-0392<br>Date Issued: 05/31/05<br>Fees: $135.00 | HAINES CARPENTRY<br>ROBERT ARTHUR HAINES<br>21662 REDMOND<br>EASTPOINTE MI 48021 | 882 ECKFORD<br>Sidwell: 88-20-15-252-019<br>Lot: 25<br>Subdivision: STEPHENSON LAND | R - ATTACHED. ALTER EXTERIOR DOOR OPENING TO 12' WIDE<br>Value: 4,775.00<br>Res., Add/Alter |
| PB2005-0393<br>Date Issued: 05/09/05<br>Fees: $135.00 | YEOKUM, BRADLELY G<br>BRADLEY G YEOKUM<br>3400 MILDRED<br>ROCHESTER HILLS MI 48309 | 455 VANDERPOOL<br>Sidwell: 88-20-22-328-037<br>Lot: PARCEL C<br>Subdivision: OUTLOT A BIG BEAVE | R - ATTACHED. REAR DECK PER DEQ LETTER 1/7/92<br>Value: 5,000.00<br>Res., Add/Alter |

# City of Troy

Construction Activity

For the Month of MAY 2005

| Permit | Applicant | Location | Work Description |
|---|---|---|---|
| PB2005-0394<br>Date Issued: 05/17/05<br>Fees: $120.00 | EGRESS SOLUTIONS, INC.<br>MARK ANDREW SHAFER<br>5320 HAVEN<br>LEONARD MI 48367 | 1836 HOPEDALE<br>Sidwell: 88-20-11-427-007<br>Lot: 162<br>Subdivision: LAURELWOOD SUB | R - ATTACHED. INSTALL BASEMENT EGRESS WINDOW.<br>Value: 3,600.00<br>Res., Add/Alter |
| PB2005-0397<br>Date Issued: 05/04/05<br>Fees: $1,513.50 | ROBERTSON NORTHWYCK LLC<br>ROBERTSON NORTHWYCK LLC<br>6905 TELEGRAPH SUITE 200<br>BLOOMFIELD HILLS MI 48301 | 1337 HOLLINS HALL LN<br>Sidwell: 88-20-02-153-042<br>Lot: BLDG L - #42<br>Subdivision: NORTHWYCK VILLAS | R - MUIRFIELD TYPE CONDO UNIT PER PUD AGREEMENT & 2000 MICHIGAN RESIDENTIAL CODE. BSMT APPROVED FOR NON-HABITABLE USE ONLY. IT CANNOT BE FINISHED W/O AN EGRESS WINDOW. WATER METER IN 1341<br>Value: 143,100.00<br>Twn House, New Construction |
| PB2005-0398<br>Date Issued: 05/04/05<br>Fees: $978.00 | ROBERTSON NORTHWYCK LLC<br>ROBERTSON NORTHWYCK LLC<br>6905 TELEGRAPH SUITE 200<br>BLOOMFIELD HILLS MI 48301 | 1341 HOLLINS HALL LN<br>Sidwell: 88-20-02-153-043<br>Lot: BLDG L #43<br>Subdivision: NORTHWYCK VILLAS | R - BRANDON TYPE CONDO UNIT PER PUD AGREEMENT & 2000 MI RES CODE. BSMT APPROVED FOR NON-HABITABLE USE ONLY - IT CANNOT BE FINISHED W/O AN EGRESS WINDOW. WATER METER IN THIS UNIT<br>Value: 149,200.00<br>Twn House, New Construction |
| PB2005-0399<br>Date Issued: 05/04/05<br>Fees: $978.00 | ROBERTSON NORTHWYCK LLC<br>ROBERTSON NORTHWYCK LLC<br>6905 TELEGRAPH SUITE 200<br>BLOOMFIELD HILLS MI 48301 | 1345 HOLLINS HALL LN<br>Sidwell: 88-20-02-153-044<br>Lot: BLDG W #44<br>Subdivision: NORTHWYCK VILLAS | R - BRANDON TYPE CONDO UNIT PER PUD AGREEMENT & 2000 MI RES CODE. BSMT APPROVED FOR NON-HABITABLE USE ONLY - IT CANNOT BE FINISHED W/O AN EGRESS WINDOW. WATER METER IN 1341<br>Value: 149,200.00<br>Twn House, New Construction |

# City of Troy

Construction Activity

For the Month of MAY 2005

| Permit | Applicant | Location | Work Description |
|---|---|---|---|
| PB2005-0400<br>Date Issued: 05/04/05<br>Fees: $943.50 | ROBERTSON NORTHWYCK LLC<br>ROBERTSON NORTHWYCK LLC<br>6905 TELEGRAPH SUITE 200<br>BLOOMFIELD HILLS MI 48301 | 1349 HOLLINS HALL LN<br>Sidwell: 88-20-02-153-045<br>Lot: BLD L #45<br>Subdivision: NORTHWYCK VILLAS | R - MUIRFIELD TYPE CONDO UNIT PER PUD AGREEMENT & 2000 MI RES CODE. BSMT APPROVED FOR NON HABITABLE USE ONLY - IT CANNOT BE FINISHED W/O AN EGRESS WINDOW. WATER METER IS IN 1341<br>Value: 143,100.00<br>Twn House, New Construction |
| PB2005-0401<br>Date Issued: 05/03/05<br>Fees: $2,099.75 | PULTE HOMES OF MI LLC<br>JAMES J. BAGLEY, JR<br>26622 WOODWARD SUITE 110<br>ROYAL OAK MI 48067 | 1857 WYNGATE DR<br>Sidwell: 88-20-05-301-055<br>Lot: 55<br>Subdivision: WYNGATE OF TROY | RESIDENTIAL - TWO STORY PER MPT05-702, ELEVATION 3 WITH BASEMENT EGRESS WINDOW. MEET ALL CODES AND INSPECTIONS. REPLACES CANCELLED PB2005-0160.<br>Value: 216,385.00<br>Res., New Construction |
| PB2005-0405<br>Date Issued: 05/04/05<br>Fees: $40.00 | OWNER OF PROPERTY<br>BARAIAC, DANIEL & LILIANA<br>902 TRINWAY<br>TROY MI 48085 | 902 TRINWAY<br>Sidwell: 88-20-10-476-060<br>Lot: 7<br>Subdivision: CRYSTAL SPRINGS #1 | R - ATTACHED. REAR DECK.<br>Value: 1,700.00<br>Res., Add/Alter |
| PB2005-0406<br>Date Issued: 05/02/05<br>Fees: $305.00 | WATERFORD POOL & SPA<br>GARY L. MIZE<br>1630 AIRPORT RD<br>WATERFORD MI 48329 | 3470 ALPINE<br>Sidwell: 88-20-20-426-041<br>Lot: 20<br>Subdivision: MUER'S GARDEN FAR | R - ATTACHED. INGROUND FIBERGLASS POOL & FENCE<br>Value: 29,000.00<br>Res., Pool/Spa/Hot Tub |

# City of Troy

Construction Activity

For the Month of MAY 2005

| Permit | Applicant | Location | Work Description |
|---|---|---|---|
| PB2005-0407<br>Date Issued: 05/04/05<br>Fees: $1,513.50 | ROBERTSON NORTHWYCK LLC<br>ROBERTSON NORTHWYCK LLC<br>6905 TELEGRAPH SUITE 200<br>BLOOMFIELD HILLS MI 48301 | 1362 ALAMEDA<br>Sidwell: 88-20-02-153-062<br>Lot: BLD Q #62<br>Subdivision: NORTHWYCK VILLAS | R - MUIRFIELD TYPE CONDO UNIT PER PUD AGREEMENT & 2000 MI RES CODE. BSMT APPROVED FOR NON-HABITABLE USE ONLY - IT CANNOT BE FINISHED W/O AN EGRESS WINDOW. WATER METER IN 1370.<br>Value: 143,100.00<br>Twn House, New Construction |
| PB2005-0409<br>Date Issued: 05/04/05<br>Fees: $978.00 | ROBERTSON NORTHWYCK LLC<br>ROBERTSON NORTHWYCK LLC<br>6905 TELEGRAPH SUITE 200<br>BLOOMFIELD HILLS MI 48301 | 1366 ALAMEDA<br>Sidwell: 88-20-02-153-063<br>Lot: BLDG Q - #63<br>Subdivision: NORTHWYCK VILLAS | R - BRANDTON TYPE CONDO UNIT PER PUD AGREEMENT & 2000 MI RES CODE. BSMT APPROVED FOR NON-HABITABLE USE ONLY - IT CANNOT BE FINISHED W/O AN EGRESS WINDOW. WATER METER LOCATED IN 1370.<br>Value: 149,200.00<br>Twn House, New Construction |
| PB2005-0410<br>Date Issued: 05/04/05<br>Fees: $978.00 | ROBERTSON NORTHWYCK LLC<br>ROBERTSON NORTHWYCK LLC<br>6905 TELEGRAPH SUITE 200<br>BLOOMFIELD HILLS MI 48301 | 1370 ALAMEDA<br>Sidwell: 88-20-02-153-064<br>Lot: BLD Q - #64<br>Subdivision: NORTHWYCK VILLAS | R - BRANDON TYPE CONDO UNIT PER PUD AGREEMENT & 2000 MI RES CODE. BSMT APPROVED FOR NON-HABITABLE USE ONLY - IT CANNOT BE FINISHED W/O AN EGRESS WINDOW. WATER METER IN THIS UNIT.<br>Value: 149,200.00<br>Twn House, New Construction |

# City of Troy

Construction Activity

For the Month of MAY 2005

| Permit | Applicant | Location | Work Description |
|---|---|---|---|
| PB2005-0411<br>Date Issued: 05/04/05<br>Fees: $943.50 | ROBERTSON NORTHWYCK LLC<br>ROBERTSON NORTHWYCK LLC<br>6905 TELEGRAPH SUITE 200<br>BLOOMFIELD HILLS MI 48301 | 1374 ALAMEDA<br>Sidwell: 88-20-02-153-065<br>Lot: BLD Q #65<br>Subdivision: NORTHWYCK VILLAS | R - MUIRFIELD TYPE CONDO UNIT PER PUD AGREEMENT & 2000 MI RES CODE. BSMT APPROVED FOR NON-HABITABLE USE ONLY - IT CANNOT BE FINISHED W/O AN EGRESS WINDOW. WATER METER IN UNIT 1370<br>Value: 143,100.00<br>Twn House, New Construction |
| PB2005-0412<br>Date Issued: 05/04/05<br>Fees: $1,513.50 | ROBERTSON NORTHWYCK LLC<br>ROBERTSON NORTHWYCK LLC<br>6905 TELEGRAPH SUITE 200<br>BLOOMFIELD HILLS MI 48301 | 1340 HOLLINS HALL LN<br>Sidwell: 88-20-02-153-083<br>Lot: BLD W #83<br>Subdivision: NORTHWYCK VILLAS | R - MUIRFIELD TYPE CONDO UNIT PER PUD AGREEMENT & 2000 MI RES CODE. BSMT APPROVED FOR NON-HABITABLE USE ONLY - IT CANNOT BE FINISHED WITHOUT AN EGRESS WINDOW. WATER METER IN 1348<br>Value: 143,100.00<br>Twn House, New Construction |
| PB2005-0413<br>Date Issued: 05/04/05<br>Fees: $978.00 | ROBERTSON NORTHWYCK LLC<br>ROBERTSON NORTHWYCK LLC<br>6905 TELEGRAPH SUITE 200<br>BLOOMFIELD HILLS MI 48301 | 1344 HOLLINS HALL LN<br>Sidwell: 88-20-02-153-084<br>Lot: BLD W #84<br>Subdivision: NORTHWYCK VILLAS | R - BRANDON TYPE CONDO UNIT PER PUD AGREEMENT & 2000 MI RES CODE. BSMT APPROVED FOR NON-HABITABLE USE ONLY. IT CANNOT BE FINISHED W/O AN EGRESS WINDOW. WATER METER LOCATED IN 1348<br>Value: 149,200.00<br>Twn House, New Construction |

# City of Troy

Construction Activity

For the Month of MAY 2005

| Permit | Applicant | Location | Work Description |
|---|---|---|---|
| PB2005-0414<br>Date Issued: 05/04/05<br>Fees: $978.00 | ROBERTSON NORTHWYCK LLC<br>ROBERTSON NORTHWYCK LLC<br>6905 TELEGRAPH SUITE 200<br>BLOOMFIELD HILLS MI 48301 | 1348 HOLLINS HALL LN<br>Sidwell: 88-20-02-153-085<br>Lot: BLD W - #85<br>Subdivision: NORTHWYCK VILLAS | R - BRANDON TYPE CONDO UNIT PER PUD AGREEMENT & 2000 MICHIGAN RES CODE. BSMT APPROVED FOR NON-HABITABLE USE ONLY - IT CANNOT BE FINISHED W/O AN EGRESS WINDOW. WATER METER IN THIS UNIT<br>Value: 149,200.00<br>Twn House, New Construction |
| PB2005-0415<br>Date Issued: 05/04/05<br>Fees: $943.50 | ROBERTSON NORTHWYCK LLC<br>ROBERTSON NORTHWYCK LLC<br>6905 TELEGRAPH SUITE 200<br>BLOOMFIELD HILLS MI 48301 | 1352 HOLLINS HALL LN<br>Sidwell: 88-20-02-153-086<br>Lot: BLD W #86<br>Subdivision: NORTHWYCK VILLAS | R - MUIRFIELD TYPE CONDO UNIT PER PUD AGREEMENT & 2000 MI RES CODE. BSMT APPROVED FOR NON-HABITABLE USE ONLY - IT CANNOT BE FINISHED W/O AN EGRESS WINDOW. WATER METER IN UNIT 1348.<br>Value: 143,100.00<br>Twn House, New Construction |
| PB2005-0416<br>Date Issued: 05/03/05<br>Fees: $1,965.50 | MILANO BUILDING COMPANY<br>UGO LUIGI MANCINI<br>47858 VAN DYKE #410<br>SHELBY TWP MI 48317 | 738 QUILL CREEK DR<br>Sidwell: 88-20-03-401-058<br>Lot: 4<br>Subdivision: NORTON PARC | R - TWO STORY . BSMT APPROVED FOR NON-HABITABLE USE ONLY (STORAGE) - IT CANNOT BE FINISHED W/O AN EGRESS WINDOW. MEET ALL CODES & INSPECTIONS.<br>Value: 180,000.00<br>Res., New Construction |

# City of Troy

Construction Activity

For the Month of MAY 2005

| Permit | Applicant | Location | Work Description |
|---|---|---|---|
| PB2005-0417<br>Date Issued: 05/03/05<br>Fees: $1,183.00 | W 3 CONSTRUCTION<br>MIKE HAYDUK<br>3031 W GRAND RIVER<br>DETROIT MI 48202 | 2600 W BIG BEAVER TRANSF<br>Sidwell: 88-20-20-376-001<br>Lot:<br>Subdivision: | COMMERCIAL - ROLLED - ALTER - AUTOMATIC TRANSFER SYSTEM<br>Value: 178,000.00<br>Commercial, Add/Alter |
| PB2005-0418<br>Date Issued: 05/03/05<br>Fees: $150.00 | ALVARADO HOMES LLC<br>ROBERT LAWRENCE LESLIE<br>350 NAWAKWA<br>ROCHESTER HILLS MI 48306 | 5880 HILMORE<br>Sidwell: 88-20-11-127-017<br>Lot:<br>Subdivision: | RESIDENTIAL - ATTACHED - DEMOLISH HOUSE AND IN GROUND POOL<br>Value: 0.00<br>Res., Wreck |
| PB2005-0419<br>Date Issued: 05/04/05<br>Fees: $962.25 | FERLITO CONSTRUCTION INC<br>FERLITO CONSTRUCTION INC<br>27087 GRATIOT AVENUE<br>ROSEVILLE MI 48066 | 2891 E MAPLE 104<br>Sidwell: 88-20-25-479-050<br>Lot:<br>Subdivision: | COMMERCIAL - FOLDED - ALTER/TENANT COMPLETION FOR DR KLIMECKI<br>Value: 65,000.00<br>Commercial, Add/Alter |
| PB2005-0420<br>Date Issued: 05/03/05<br>Fees: $150.00 | DE BUCK CONSTRUCTION<br>RAYMOUND J DEBUCK, JR<br>4735 22 MILE ROAD<br>SHELBY TWP MI 48307 | 1650 KIRKTON<br>Sidwell: 88-20-27-378-008<br>Lot: 4-5<br>Subdivision: COUNCIL HEIGHTS | R - ATTACHED. DEMOLISH HOUSE & ANY ON SITE ACCESSORY STRUCTURES.<br>Value: 0.00<br>Res., Wreck |
| PB2005-0421<br>Date Issued: 05/03/05<br>Fees: $160.00 | DE BUCK CONSTRUCTION<br>RAYMOUND J DEBUCK, JR<br>4735 22 MILE ROAD<br>SHELBY TWP MI 48307 | 1637 EASTPORT<br>Sidwell: 88-20-27-378-017<br>Lot: 132<br>Subdivision: COUNCIL HEIGHTS | R - ATTACHED. DEMOLISH HOUSE & ACCESSORY BUILDING<br>Value: 0.00<br>Res., Wreck |

# City of Troy

Construction Activity

For the Month of MAY 2005

| Permit | Applicant | Location | Work Description |
|---|---|---|---|
| PB2005-0422<br>Date Issued: 05/05/05<br>Fees: $285.00 | ROCKENSUESS, ROY RICHARD<br>ROCKENSUESS, ROY RICHARD<br>1830 LYSTER LANE<br>TROY MI 48098 | 760 W SQUARE LAKE<br>Sidwell: 88-20-04-354-012<br>Lot:<br>Subdivision: | RESIDENTIAL - FOLDED - REAR UNHEATED SUNROOM.<br>Value: 25,000.00<br>Res., Add/Alter |
| PB2005-0423<br>Date Issued: 05/13/05<br>Fees: $25.00 | OWNER OF PROPERTY<br>WEIPERT, MARTIN & SHEREE<br>715 BARCLAY<br>TROY MI 48085-4803 | 715 BARCLAY<br>Sidwell: 88-20-15-427-008<br>Lot: 140<br>Subdivision: CYPRESS GARDENS | RESIDENTIAL - ATTACHED - REAR YARD ELEVATED SHED<br>Value: 800.00<br>Res., Garage/Acc. Structure |
| PB2005-0424<br>Date Issued: 05/11/05<br>Fees: $6,110.50 | BABI CONSTRUCTION INC<br>RIAD HANNA BABI<br>1643 HAMLET<br>TROY MI 48084 | 2968 ASHBURY<br>Sidwell: 88-20-24-226-083<br>Lot: PARCEL B<br>Subdivision: EYSTERS DEQUINDR | R - FOLDED. TWO STORY WITH BSMT EGRESS WINDOW. MEET ALL CODES & INSPECTIONS.<br>Value: 167,820.00<br>Res., New Construction |
| PB2005-0426<br>Date Issued: 05/06/05<br>Fees: $220.00 | OWNER OF PROPERTY<br>FERRETT, JAMES A<br>1897 STONEY COVE<br>TROY MI 48085-3451 | 1897 STONEY COVE<br>Sidwell: 88-20-11-426-011<br>Lot: 140<br>Subdivision: LAURELWOOD SUB | RESIDENTIAL - FOLDED - REAR SUNROOM ADDIDTION. MEET ALL CODES AND INSPECTIONS.<br>Value: 12,000.00<br>Res., Add/Alter |
| PB2005-0427<br>Date Issued: 05/05/05<br>Fees: $305.00 | FATHER & SON CONSTRUCTION<br>VIVONA, MATHEW<br>5032 ROCHESTER, STE 100<br>TROY MI 48085 | 3912 ANVIL<br>Sidwell: 88-20-24-127-028<br>Lot: 195<br>Subdivision: OLDE FORGE SUB NO | R - FOLDED. BEDROOM DORMER OVER GARAGE - ROUGH ONLY - SEPARATE PERMIT ISSUED FOR FINISH WORK. MEET ALL CODES & INSPECTIONS.<br>Value: 28,200.00<br>Res., Add/Alter |

# City of Troy

Construction Activity

For the Month of MAY 2005

| Permit | Applicant | Location | Work Description |
|---|---|---|---|
| PB2005-0428<br>Date Issued: 05/04/05<br>Fees: $625.00 | MONTGOMERY & SONS INC<br>THOMAS J. MONTGOMERY<br>235 BROWN ROAD<br>ORION MI 48359 | 6455 CANMOOR<br>Sidwell: 88-20-04-326-002<br>Lot: 60<br>Subdivision: GLEN-MOOR ESTATE | RESIDENTIAL - ATTACHED - FIRE REPAIRS<br>Value: 89,500.00<br>Res., Fire Repair |
| PB2005-0429<br>Date Issued: 05/04/05<br>Fees: $40.00 | OWNER OF PROPERTY<br>ZBANEK, JASON W & KATHRYN A<br>2854 STONEYRIDGE<br>TROY MI 48084-1278 | 2854 STONEYRIDGE<br>Sidwell: 88-20-19-352-011<br>Lot: 54<br>Subdivision: THORNWOOD SUB | R - ATTACHED - REAR YARD ELEVATED SHED.<br>Value: 1,800.00<br>Res., Garage/Acc. Structure |
| PB2005-0430<br>Date Issued: 05/05/05<br>Fees: $120.00 | BRANHAM, ANTHONY<br>ANTHONY BRANHAM<br>6610 MONTCLAIR<br>TROY MI 48098 | 3237 RHODE ISLAND<br>Sidwell: 88-20-24-351-023<br>Lot: A<br>Subdivision: BIG BEAVER POULTR | R - ATTACHED. INSTALL BSMT EGRESS WINDOW. SEPARATE PERMIT REQ'D TO FINISH BASEMENT<br>Value: 3,700.00<br>Res., Add/Alter |
| PB2005-0431<br>Date Issued: 05/09/05<br>Fees: $105.00 | OWNER OF PROPERTY<br>MARKOFF, CHRISTOPHER P & MAR<br>5960 HILMORE<br>TROY MI 48085-3331 | 5960 HILMORE<br>Sidwell: 88-20-11-126-004<br>Lot: 4<br>Subdivision: HILL'S ACRES | RESIDENTIAL - ATTACHED - DETACHED POOL DECK<br>Value: 2,500.00<br>Res., Add/Alter |
| PB2005-0432<br>Date Issued: 05/05/05<br>Fees: $40.00 | OWNER OF PROPERTY<br>GRONSTAD, GEIR & LORI<br>1782 BOULAN<br>TROY MI 48084-1538 | 1782 BOULAN<br>Sidwell: 88-20-20-227-022<br>Lot: 26<br>Subdivision: TROY HIGHLANDS | R - ATTACHED. REAR YARD SHED WITH RATWALL<br>Value: 1,200.00<br>Res., Garage/Acc. Structure |

# City of Troy

Construction Activity

For the Month of MAY 2005

| Permit | Applicant | Location | Work Description |
|---|---|---|---|
| PB2005-0433<br>Date Issued: 05/10/05<br>Fees: $25.00 | OWNER OF PROPERTY<br>MORRIS, PAUL & LORI<br>2350 CAMILLA<br>TROY MI 48083 | 2350 CAMILLA<br>Sidwell: 88-20-25-180-009<br>Lot: 389<br>Subdivision: EVA HAUS SUB. NO. | R - ATTACHED. REAR YARD ELEVATED SHED.<br>Value: 441.00<br>Res., Garage/Acc. Structure |
| PB2005-0434<br>Date Issued: 05/04/05<br>Fees: $40.00 | OWNER OF PROPERTY<br>WERKER TRUST, THERESA<br>6386 HERBMOOR<br>TROY MI 48098 | 686 TROYWOOD<br>Sidwell: 88-20-22-251-010<br>Lot: 13<br>Subdivision: NORTHGATE SUB. | R - ATTACHED. REAR ELEVATED SHED.<br>Value: 1,491.00<br>Res., Garage/Acc. Structure |
| PB2005-0435<br>Date Issued: 05/10/05<br>Fees: $245.00 | BEAUTIFUL HOMES CONSTRUCTIO<br>DARIN LEE KRIEBEL<br>220 ENGELWOOD SUITE F<br>ORION MI 48360 | 5210 VINEYARDS<br>Sidwell: 88-20-07-351-060<br>Lot: 2 EXC<br>Subdivision: VINEYARDS SOUTH | RESIDENTIAL - ATTACHED - EXPAND REAR YARD DECK - MUST COMPLY WITH POOL ENCLOSURE REQUIREMENTS<br>Value: 17,000.00<br>Res., Add/Alter |
| PB2005-0436<br>Date Issued: 05/04/05<br>Fees: $210.00 | OWNER OF PROPERTY<br>HAMDEN, JEFFREY & SHARON<br>6587 TAMARACK<br>TROY MI 48098 | 6587 TAMARACK<br>Sidwell: 88-20-05-176-007<br>Lot: 205<br>Subdivision: FOREST CREEK SUB | R - ATTACHED. REAR SCREEN PORCH ENCLOSURE<br>Value: 10,000.00<br>Res., Add/Alter |
| PB2005-0437<br>Date Issued: 05/10/05<br>Fees: $105.00 | OWNER OF PROPERTY<br>FERRILLA TRUST, ANNE<br>2877 DINA<br>TROY MI 48085 | 2877 DINA<br>Sidwell: 88-20-01-430-022<br>Lot: 3<br>Subdivision: ROYAL WOODS SUB | R - ATTACHED. REAR CONCRETE PATIO - PARTIAL SECTION WITH 12" X 42" FOOTING<br>Value: 3,000.00<br>Res., Fnd./Slab/Footing |

# City of Troy

Construction Activity

For the Month of MAY 2005

| Permit | Applicant | Location | Work Description |
|---|---|---|---|
| PB2005-0438<br>Date Issued: 05/04/05<br>Fees: $680.00 | OWNER OF PROPERTY<br>DUSA, CAMELIA<br>843 DEETTA<br>TROY MI 48085-1637 | 843 DEETTA<br>Sidwell: 88-20-03-277-013<br>Lot: 42<br>Subdivision: CLARK ESTATES | R - FOLDED. DEMOLISH DETACHED GARAGE & CONSTRUCT NEW ATTACHED GARAGE & REAR ADDITION. MEET ALL CODES & INSPECTIONS. 1,377 SQ. FT ADDITION; 514 SQ. FT. ATTACHED GARAGE<br>Value: 100,000.00<br>Res., Add/Alter |
| PB2005-0439<br>Date Issued: 05/06/05<br>Fees: $1,965.50 | MILANO BUILDING COMPANY<br>UGO LUIGI MANCINI<br>47858 VAN DYKE #410<br>SHELBY TWP MI 48317 | 694 QUILL CREEK DR<br>Sidwell: 88-20-03-401-056<br>Lot: 2<br>Subdivision: NORTON PARC | R - FOLDED. TWO STORY WITH BSMT EGRESS WINDOW. MEET ALL CODES & INSPECTIONS.<br>Value: 180,000.00<br>Res., New Construction |
| PB2005-0440<br>Date Issued: 05/06/05<br>Fees: $1,965.50 | MILANO BUILDING COMPANY<br>UGO LUIGI MANCINI<br>47858 VAN DYKE #410<br>SHELBY TWP MI 48317 | 716 QUILL CREEK DR<br>Sidwell: 88-20-03-401-057<br>Lot: 3<br>Subdivision: NORTON PARC | R - FOLDED. TWO STORY WITH BSMT EGRESS WINDOW. MEET ALL CODES & INSPECTIONS.<br>Value: 180,000.00<br>Res., New Construction |
| PB2005-0441<br>Date Issued: 05/25/05<br>Fees: $250.00 | STEIN'S HOME IMPROVEMENT INC<br>STEIN, DAVID A.<br>917 KNOB CREEK DRIVE<br>ROCHESTER MI 48306 | 2870 AMBERLY<br>Sidwell: 88-20-30-101-054<br>Lot: 32<br>Subdivision: NORTHPOINTE VILLA | RESIDENTIAL - ATTACHED - BASEMENT FINISH AND EGRESS WINDOW.<br>Value: 18,000.00<br>Res., Add/Alter |

# City of Troy

Construction Activity

For the Month of MAY 2005

| Permit | Applicant | Location | Work Description |
|---|---|---|---|
| PB2005-0443<br>Date Issued: 05/24/05<br>Fees: $346.00 | DAIMLER CHRYSLER CORP<br>DAIMLER CHRYSLER<br>800 CHRYSLER DRIVE, W33002<br>AUBURN HILLS MI 48326 | 1960 TECHNOLOGY 130<br>Sidwell: 88-20-35-276-007<br>Lot:<br>Subdivision: | COMMERCIAL - ATTACHED - ALTER TENANT SPACE FOR DAIMLER CHRYSLER (MINOR ALTERATION)<br>Value: 33,165.00<br>Commercial, Add/Alter |
| PB2005-0444<br>Date Issued: 05/05/05<br>Fees: $6,410.00 | SAN MARINO CLUB<br>SAN MARINO CLUB<br>1685 E BIG BEAVER<br>TROY MI 48083 | 1695 E BIG BEAVER<br>Sidwell: 88-20-23-401-033<br>Lot:<br>Subdivision: | COMMERCIAL - ROLLED - CONSTRUCT 2-STORY ADDITION TO THE CASA SAN MARINO FACILITY (APPROVED LESS HVAC)<br>Value: 850,000.00<br>Commercial, New Building |
| PB2005-0445<br>Date Issued: 05/05/05<br>Fees: $105.00 | OWNER OF PROPERTY<br>LARSON, KEITH & PATRICIA<br>447 LANGE<br>TROY MI 48098 | 447 LANGE<br>Sidwell: 88-20-16-452-024<br>Lot: 110 &<br>Subdivision: LAKEWOOD SUB | RESIDENTIAL - ATTACHED - ABOVE GROUND POOL 15X26X52 FLAT BOTTOM<br>Value: 2,400.00<br>Res., Pool/Spa/Hot Tub |
| PB2005-0446<br>Date Issued: 05/06/05<br>Fees: $315.00 | COLEMAN RONALD BLDG CO<br>RONALD COLEMAN<br>8286 EDWARD<br>CENTER LINE MI 48015 | 2453 ORPINGTON<br>Sidwell: 88-20-24-376-012<br>Lot: 54<br>Subdivision: BIG BEAVER POULTR | RESIDENTIAL - FOLDED - 1100 S.F. DETACHED GARAGE<br>Value: 25,000.00<br>Res., Garage/Acc. Structure |
| PB2005-0447<br>Date Issued: 05/10/05<br>Fees: $195.00 | FATHER & SON CONSTRUCTION<br>VIVONA, MATHEW<br>5032 ROCHESTER, STE 100<br>TROY MI 48085 | 6745 EMERALD LAKE<br>Sidwell: 88-20-02-203-017<br>Lot: 134<br>Subdivision: SANDSHORES LAKE | R - ATTACHED. UNDERPIN FOUNDATION, ENGINEERED SOIL REPORT REQUIRED AT TIME OF EXCAVATION<br>Value: 8,200.00<br>Res., Add/Alter |

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For the Month of MAY 2005

| Permit | Applicant | Location | Work Description |
|---|---|---|---|
| PB2005-0448<br>Date Issued: 05/09/05<br>Fees: $235.00 | OWNER OF PROPERTY<br>SAMER M. YOUSSEF<br>972 ECKFORD<br>TROY MI 48085 | 972 ECKFORD<br>Sidwell: 88-20-15-252-043<br>Lot: A<br>Subdivision: STEPHENSON LAND | R - ATTACHED. BASEMENT FINISH.<br>Value: 6,300.00<br>Res., Add/Alter |
| PB2005-0451<br>Date Issued: 05/16/05<br>Fees: $2,256.85 | DEFLORIO, VICTOR D<br>DEFLORIO, VICTOR D<br>3609 CEDAR BROOK<br>ROCHESTER HILLS MI 48309 | 2233 WYANDOTTE DR<br>Sidwell: 88-20-24-352-064<br>Lot: 8<br>Subdivision: RHODE ISLAND ESTA | RESIDENTIAL - FOLDED - TWO STORY WITH BASEMENT EGRESS WINDOW. MEET ALL CODES AND INSPECTIONS.<br>Value: 175,700.00<br>Res., New Construction |
| PB2005-0453<br>Date Issued: 05/09/05<br>Fees: $125.00 | OWNER OF PROPERTY<br>THOMAS, NOBLE<br>1422 HARTLAND<br>TROY MI 48083 | 1422 HARTLAND<br>Sidwell: 88-20-23-378-038<br>Lot: 67<br>Subdivision: WEST OAK | R - REAR DECK<br>Value: 3,000.00<br>Res., Add/Alter |
| PB2005-0454<br>Date Issued: 05/09/05<br>Fees: $303.75 | NEMER PROPERTY GROUP<br>NEMER PROPERTY GROUP<br>26877 NORTHWESTERN HWY STE 1<br>SOUTHFIELD MI 48034 | 3221 W BIG BEAVER 116<br>Sidwell: 88-20-30-202-005<br>Lot:<br>Subdivision: | COMMERCIAL - FOLDED - ALTER TENANT SPACE FOR NICHOLAS PLASTICS<br>Value: 24,500.00<br>Commercial, Add/Alter |
| PB2005-0455<br>Date Issued: 05/09/05<br>Fees: $150.00 | CAPITAL WRECKING CO., INC.<br>DAVID B. ROSENTHAL<br>28475 TAVISTOCK TR.<br>SOUTHFIELD MI 48037 | 470 RANDALL<br>Sidwell: 88-20-15-328-013<br>Lot: 251, ALSO<br>Subdivision: CYPRESS GARDENS | R - ATTACHED. DEMOLISH HOUSE.<br>Value: 0.00<br>Res., Wreck |

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| Permit | Applicant | Location | Work Description |
|---|---|---|---|
| PB2005-0457<br>Date Issued: 05/10/05<br>Fees: $130.00 | BISMACK, PATRICK JAMES<br>PATRICK JAMES BISMACK<br>2742 POWDERHORN<br>ROCHESTER HILLS MI 48309 | 1526 MCMANUS<br>Sidwell: 88-20-20-226-034<br>Lot: 66<br>Subdivision: TROY HIGHLANDS NO | R - DEMO IN GROUND POOL.<br>Value: 0.00<br>Res., Add/Alter |
| PB2005-0458<br>Date Issued: 05/11/05<br>Fees: $150.00 | ABITHEIRA, GARY<br>ABITHEIRA, GARY<br>3120 KILMER<br>TROY MI 48083-5023 | 3120 KILMER<br>Sidwell: 88-20-22-381-002<br>Lot:<br>Subdivision: | RESIDENTIAL - ATTACHED - DEMOLISH HOUSE<br>Value: 0.00<br>Res., Wreck |
| PB2005-0459<br>Date Issued: 05/11/05<br>Fees: $160.00 | ABITHEIRA, GARY<br>ABITHEIRA, GARY F<br>178 LARCHWOOD<br>TROY MI 48083 | 3106 KILMER<br>Sidwell: 88-20-22-382-013<br>Lot: 12-16<br>Subdivision: BURGESS BUNGALO | RESIDENTIAL - ATTACHED - DEMOLISH HOUSE AND DETACHED STRUCTURE<br>Value: 0.00<br>Res., Wreck |
| PB2005-0460<br>Date Issued: 05/11/05<br>Fees: $648.50 | AARON CONTRACTING<br>AARON CONTRACTING, INC.<br>3315 ROCK VALLEY<br>METAMORA MI 48455 | 5440 CORPORATE 400<br>Sidwell: 88-20-08-476-018<br>Lot:<br>Subdivision: | C - ROLLED. ALTER TENANT SPACE FOR "RWD TECHNOLOGIES"<br>Value: 88,000.00<br>Commercial, Add/Alter |
| PB2005-0461<br>Date Issued: 05/11/05<br>Fees: $313.50 | GOLDEN CHICKEN LLC<br>GOLDEN CHICKEN LLC<br>498 W FOURTEEN MILE SUITE C<br>TROY MI 48083 | 498 W FOURTEEN MILE C<br>Sidwell: 88-20-35-400-020<br>Lot:<br>Subdivision: | C - FOLDED. ALTER TENANT SPACE FOR GOLDEN CHICKEN<br>Value: 28,000.00<br>Commercial, Add/Alter |

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| Permit | Applicant | Location | Work Description |
|---|---|---|---|
| PB2005-0462<br>Date Issued: 05/11/05<br>Fees: $318.75 | J K CONSTRUCTION<br>MIKE KOLLEN<br>7001 ORCHARD LAKE RD SUITE 324<br>W BLOOMFIELD MI 48322 | 2125 BUTTERFIELD 103 N<br>Sidwell: 88-20-29-227-026<br>Lot:<br>Subdivision: | C - FOLDED. ALTER TENANT SPACE FOR "CITISTAFF"<br>Value: 29,000.00<br>Commercial, Add/Alter |
| PB2005-0463<br>Date Issued: 05/31/05<br>Fees: $317.00 | OWNER OF PROPERTY<br>NEXTEL WEST CORP<br>27755 STANSBURY BLVD<br>FARMINGTON HILLS MI 48334 | 850 TOWER<br>Sidwell: 88-20-09-603-003<br>Lot:<br>Subdivision: | C - FOLDED. ALTER/INSTALL ANTENNAS & ROOF TOP EQUIPMENT FOR NEXTEL COMMUNICATIONS<br>Value: 30,000.00<br>Satellite/Antennas |
| PB2005-0464<br>Date Issued: 05/11/05<br>Fees: $125.00 | OWNER OF PROPERTY<br>MALCHO, CHARLES M<br>2130 DALESFORD<br>TROY MI 48098-5205 | 2130 DALESFORD<br>Sidwell: 88-20-06-427-009<br>Lot: 161<br>Subdivision: CHARNWOOD HILLS N | RESIDENTIAL - ATTACHED - REAR YARD ELEVATED SHED<br>Value: 3,000.00<br>Res., Garage/Acc. Structure |
| PB2005-0465<br>Date Issued: 05/11/05<br>Fees: $210.00 | OWNER OF PROPERTY<br>VETTRAINO, GIOVANNI & CATHY A<br>457 W SOUTH BLVD<br>TROY MI 48085-1627 | 457 W SOUTH BOULEVARD<br>Sidwell: 88-20-03-201-050<br>Lot: PART 33 & 34<br>Subdivision: BASSETT & SMITH FL | RESIDENTIAL - FOLDED - 704 SQUARE FEET DETACHED GARAGE. FINAL GRADE ONLY APPROVED BY ENGINEERING DEPARTMENT.<br>Value: 10,000.00<br>Res., Garage/Acc. Structure |
| PB2005-0466<br>Date Issued: 05/12/05<br>Fees: $35.00 | OWNER OF PROPERTY<br>WEBSTER, MICHAEL & PATRICIA<br>4307 GREENSBORO<br>TROY MI 48085-3677 | 4307 GREENSBORO<br>Sidwell: 88-20-13-332-012<br>Lot: 138<br>Subdivision: MT. VERNON ESTATE | RESIDENTIAL - ATTACHED - ABOVE GROUND SWIMMING POOL. MEET ALL CODES AND INSPECTIONS.<br>Value: 1,000.00<br>Res., Pool/Spa/Hot Tub |

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| Permit | Applicant | Location | Work Description |
|---|---|---|---|
| PB2005-0467<br>Date Issued: 05/12/05<br>Fees: $165.00 | OWNER OF PROPERTY<br>MARKS, JOHN & SHIRLEY<br>2665 E MAPLE<br>TROY MI 48083-4487 | 2665 E MAPLE<br>Sidwell: 88-20-25-451-005<br>Lot:<br>Subdivision: ACREAGE | RESIDENTIAL - ATTACHED - REPAIR/ALTER 2 BATHROOMS. MEET ALL CODES AND INSPSECTIONS. SUBJECT TO FIELD INSPECTIONS. WORK STARTED WITHOUT PERMIT.<br>Value: 4,800.00<br>Res., Add/Alter |
| PB2005-0468<br>Date Issued: 05/16/05<br>Fees: $1,245.00 | MAC CONSTRUCTION INC<br>MCCLURE, SHANE L.<br>700 SARGENTS CREEK<br>ROCHESTER HILLS MI 48309 | 6788 HOUGHTEN<br>Sidwell: 88-20-04-203-020<br>Lot: 31<br>Subdivision: HIGH OAKS SUB | RESIDENTIAL - FOLDED - REAR TWO STORY ADDITION. MEET ALL CODES AND INSPECTIONS.<br>Value: 144,000.00<br>Res., Add/Alter |
| PB2005-0469<br>Date Issued: 05/17/05<br>Fees: $335.00 | BASEMENT EXPERTS OF AMERICA<br>THE BASEMENT EXPERTS<br>111 124TH AVE<br>SHELBYVILLE MI 49344 | 57 CRESTFIELD<br>Sidwell: 88-20-15-353-039<br>Lot: 10-11<br>Subdivision: CRESTFIELD | RESIDENTIAL - ATTACHED - PARTIAL BASEMENT FINISH<br>Value: 19,968.00<br>Res., Add/Alter |
| PB2005-0470<br>Date Issued: 05/12/05<br>Fees: $915.00 | BUILDING UNLIMITED INC<br>DOUGLAS SOTHERN<br>1128 SEVILLE<br>ROCHESTER HILLS MI 48309 | 2587 HAVERFORD<br>Sidwell: 88-20-07-129-009<br>Lot: 80<br>Subdivision: HICKORY HEIGHTS N | RESIDENTIAL - FOLDED - REAR ADDIDTIONS TO LIVING ROOM AND KITCHEN. MEET ALL CODES AND INSPECTIONS.<br>Value: 100,000.00<br>Res., Add/Alter |
| PB2005-0471<br>Date Issued: 05/16/05<br>Fees: $2,772.75 | WAKE-PRATT CONST CO<br>DONALD L PRATT<br>1080 N. OPDYKE STE 200<br>AUBURN HILLS MI 48326 | 847 BENJAMIN<br>Sidwell: 88-20-04-100-076<br>Lot: 15<br>Subdivision: CEDAR PINES OF TR | R - TWO STORY PER MPT05-708 WITH BSMT EGRESS WINDOW. MEET ALL CODES & INSPECTIONS.<br>Value: 230,000.00<br>Res., New Construction |

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| Permit | Applicant | Location | Work Description |
|---|---|---|---|
| PB2005-0472<br>Date Issued: 05/12/05<br>Fees: $55.00 | OWNER OF PROPERTY<br>DALBEC, JASON<br>546 TROMBLEY<br>TROY MI 48083-5133 | 546 TROMBLEY<br>Sidwell: 88-20-22-401-049<br>Lot: 46<br>Subdivision: SUPERVISOR PLAT#6 | R - ATTACHED. REAR DECK<br>Value: 1,700.00<br>Res., Add/Alter |
| PB2005-0474<br>Date Issued: 05/12/05<br>Fees: $93.00 | BOGART-N-DIESON<br>DAVE DIESON<br>9708 WALL-GENE<br>SOUTH LYON MI 48178 | 1073 E LONG LAKE<br>Sidwell: 88-20-11-351-011<br>Lot:<br>Subdivision: | COMMERCIAL - FOLDED - ALTER TENANT SPACE FOR CANTEBURY GLASS<br>Value: 1,600.00<br>Commercial, Add/Alter |
| PB2005-0475<br>Date Issued: 05/12/05<br>Fees: $351.25 | OWNER OF PROPERTY<br>JOHN TRAN<br>454 W 14 MILE ROAD<br>TROY MI 48083 | 1708 LIVERNOIS<br>Sidwell: 88-20-27-357-001<br>Lot:<br>Subdivision: | C - FOLDED. ALTER TENANT SPACE FOR "CHINA GOURMET OF TROY" - (CARRY OUT)<br>Value: 35,000.00<br>Commercial, Add/Alter |
| PB2005-0476<br>Date Issued: 05/16/05<br>Fees: $272.50 | TROY BUILDERS INC<br>DE PAUW, JAMES C<br>65080 HAVEN RIDGE<br>LENOX MI 48050 | 1000 W MAPLE 101<br>Sidwell: 88-20-28-303-033<br>Lot:<br>Subdivision: | COMMERCIAL - FOLDED - ALTER TENANT SPACE FOR SAVE-ON-EVERYTHING<br>Value: 20,000.00<br>Industrial, Add/Alter |
| PB2005-0477<br>Date Issued: 05/31/05<br>Fees: $1,119.00 | D L MORSE & ASSOCIATES, INC.<br>D L MORSE & ASSOCIATES, INC.<br>1745 HOLTON RD., SUITE B<br>MUSKEGON MI 49445 | 622 W FOURTEEN MILE<br>Sidwell: 88-20-35-400-020<br>Lot:<br>Subdivision: | C - ROLLED. ALTER TENANT SPACE FOR DEB<br>Value: 170,000.00<br>Commercial, Add/Alter |

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| Permit | Applicant | Location | Work Description |
|---|---|---|---|
| PB2005-0478<br>Date Issued: 05/16/05<br>Fees: $2,126.50 | DRAKE DEVELOPMENT<br>ED EISENBERG<br>32344 OLD FRANKLIN<br>FARMINGTON HILLS MI 48334 | 2710 BELLINGHAM 100<br>Sidwell: 88-20-26-200-077<br>Lot:<br>Subdivision: | C - ROLLED. ALTER TENANT SPACE FOR EFTEC<br>Value: 343,700.00<br>Industrial, Add/Alter |
| PB2005-0479<br>Date Issued: 05/17/05<br>Fees: $1,179.75 | SKANSKA USA DESIGN BUILD INC<br>SKANSKA USA DESIGN BUILD INC<br>26100 AMERICAN DRIVE, SUITE 200<br>SOUTHFIELD MI 48034 | 44201 DEQUINDRE RADIOL<br>Sidwell: 88-20-01-200-014<br>Lot:<br>Subdivision: | C - ROLLED. ALTER - RADIATION/ONCOLOGY - REMODEL & EXPANSION- GROUND FLOOR (BSC PROJ. #25816)<br>Value: 175,000.00<br>Inst./Hosp., Add/Alter |
| PB2005-0480<br>Date Issued: 05/16/05<br>Fees: $55.00 | OWNER OF PROPERTY<br>JUDSON, TENNILLE M<br>P O BOX 821<br>TROY MI 48099-0821 | 2041 KIRKTON<br>Sidwell: 88-20-27-327-015<br>Lot: 89<br>Subdivision: COUNCIL HEIGHTS | R - ATTACHED. REAR DECK<br>Value: 2,000.00<br>Res., Add/Alter |
| PB2005-0481<br>Date Issued: 05/19/05<br>Fees: $370.00 | HEARTLAND GROUP INC<br>HEARTLAND GROUP INC<br>22517 TELEGRAPH<br>SOUTHFIELD MI 48034 | 2303 OAK RIVER<br>Sidwell: 88-20-18-201-028<br>Lot: 38<br>Subdivision: OAK RIVER SUB NO 1 | R - ATTACHED. REMOVE & REPLACE SUNROOM ON EXISTING FOOTING -BP60215<br>Value: 25,000.00<br>Res., Add/Alter |
| PB2005-0482<br>Date Issued: 05/23/05<br>Fees: $524.00 | RONCIN BUILDING COMPANY<br>RONALD J CINADER<br>6316 ELMOOR<br>TROY MI 48098 | 4609 COLLING<br>Sidwell: 88-20-15-177-001<br>Lot: 85<br>Subdivision: STREAMVIEW SUB | R - FOLDED. REAR FAMILY ROOM ADDITION. MEET ALL CODES & INSPECTIONS.<br>Value: 47,000.00<br>Res., Add/Alter |

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| Permit | Applicant | Location | Work Description |
|---|---|---|---|
| PB2005-0487<br>Date Issued: 05/16/05<br>Fees: $40.00 | OWNER OF PROPERTY<br>POTRZUSKI, DONALD<br>802 HANNAH<br>TROY MI 48085-1639 | 802 HANNAH<br>Sidwell: 88-20-03-277-001<br>Lot: 64<br>Subdivision: CLARK ESTATES | R - ATTACHED - REAR ELEVATED SHED - 40' MINIMUM SETBACK FROM WEST PROPERTY LINE<br>Value: 1,200.00<br>Res., Garage/Acc. Structure |
| PB2005-0488<br>Date Issued: 05/17/05<br>Fees: $1,190.00 | KYBR CORP<br>KYBR CORP<br>8804 GREENWOOD<br>MUNSTER IL 46321 | 888 W BIG BEAVER 1290<br>Sidwell: 88-20-21-351-013<br>Lot:<br>Subdivision: | C - ROLLED. ALTER TENANT SPACE FOR "NOVA STAR"<br>Value: 182,000.00<br>Commercial, Add/Alter |
| PB2005-0489<br>Date Issued: 05/17/05<br>Fees: $160.00 | OWNER OF PROPERTY<br>CODREAN, IOAN & FLORCA<br>15104 PROSPECT<br>DEARBORN MI 48126-2922 | 1350 LARAYNE<br>Sidwell: 88-20-11-176-004<br>Lot: 20<br>Subdivision: HILL'S ACRES | R - DEMOLISH HOUSE & GARAGE.<br>Value: 0.00<br>Res., Wreck |
| PB2005-0490<br>Date Issued: 05/19/05<br>Fees: $309.75 | MAITLAND, CRAIG<br>CRAIG MAITLAND<br>1050 WILSHIRE DR - SUITE 260<br>TROY MI 48390 | 1050 WILSHIRE 260<br>Sidwell: 80-20-20-476-039<br>Lot:<br>Subdivision: | COMMERCIAL - ROLLED - ALTER - SSOE OFFICE RENOVATIONS<br>Value: 10,000.00<br>Commercial, Add/Alter |
| PB2005-0491<br>Date Issued: 05/20/05<br>Fees: $1,807.50 | THE ARGOS GROUP<br>THE ARGOS GROUP<br>26500 AMERICAN DRIVE, STE 450<br>SOUTHFIELD MI 48034 | 5725 DELPHI<br>Sidwell: 88-20-09-128-007<br>Lot:<br>Subdivision: | C - ROLLED. ALTER HIGH BAY AREA (NORTHEAST CORNER)<br>Value: 288,000.00<br>Commercial, Add/Alter |

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| Permit | Applicant | Location | Work Description |
|---|---|---|---|
| PB2005-0495<br>Date Issued: 05/18/05<br>Fees: $43.00 | GENUINE MORTGAGE GROUP, INC.<br>STEVE SHAMAMI<br>4084 JOHN R<br>TROY MI 48085 | 4084 JOHN R<br>Sidwell: 88-20-13-351-026<br>Lot:<br>Subdivision: ENCLAVE OF TROY | C - ATTACHED. ALTER TENANT SPACE FOR GENUINE MORTGAGE GROUP. WORK STARTED WITHOUT PERMIT<br>Value: 1,850.00<br>Commercial, Add/Alter |
| PB2005-0496<br>Date Issued: 05/18/05<br>Fees: $245.00 | COY CONSTRUCTION<br>MC COY, MICHAEL L<br>4214 MARTIN ROAD<br>WALLED LAKE MI 48390 | 6605 EMERALD LAKE<br>Sidwell: 88-20-02-251-011<br>Lot: 255<br>Subdivision: EMERALD LAKES VIL | R - ATTACHED. REAR DECK - NO FILL PERMITTED IN FLOODPLAIN<br>Value: 8,975.00<br>Res., Add/Alter |
| PB2005-0497<br>Date Issued: 05/20/05<br>Fees: $125.00 | OWNER OF PROPERTY<br>GRECH TRUST, JOHN & LAURIE<br>2753 WINDSOR<br>TROY MI 48085-3743 | 2753 WINDSOR<br>Sidwell: 88-20-13-208-016<br>Lot: 248<br>Subdivision: WINDMILL POINTE SU | R - ATTACHED. REAR YARD ELEVATED SHED<br>Value: 3,000.00<br>Res., Garage/Acc. Structure |
| PB2005-0498<br>Date Issued: 05/18/05<br>Fees: $125.00 | OWNER OF PROPERTY<br>NAMINENI, RAJASEKHARA<br>3500 CROOKS<br>TROY MI 48084 | 3500 CROOKS<br>Sidwell: 88-20-21-153-031<br>Lot:<br>Subdivision: | R - ATTACHED. REAR DECK.<br>Value: 2,500.00<br>Res., Add/Alter |
| PB2005-0499<br>Date Issued: 05/20/05<br>Fees: $685.00 | WOODLYNNE CONST CO INC<br>DANIEL SCOTT WATSON<br>4929 ALTON DR.<br>TROY MI 48085 | 4399 REILLY<br>Sidwell: 88-20-14-329-006<br>Lot: 102<br>Subdivision: SHALLOWBROOK SU | R - FOLDED. REAR FAMILY ROOM & NOOK ADDITION. MEET ALL CODES & INSPECTIONS.<br>Value: 70,000.00<br>Res., Add/Alter |

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| Permit | Applicant | Location | Work Description |
|---|---|---|---|
| PB2005-0501<br>Date Issued: 05/19/05<br>Fees: $125.00 | OWNER OF PROPERTY<br>GARLING, JONATHAN & NANCY<br>4826 HUBBARD<br>TROY MI 48085-5015 | 4826 HUBBARD<br>Sidwell: 88-20-14-202-007<br>Lot: 190<br>Subdivision: LONG LAKE VILLAGE | R - ATTACHED. ABOVE GROUND POOL<br>Value: 3,000.00<br>Res., Add/Alter |
| PB2005-0504<br>Date Issued: 05/18/05<br>Fees: $531.00 | DUNBAR CONSTRUCTION INC<br>SCOTT ANDREW DUNBAR<br>1350 E. HORSESHOE BEND<br>ROCHESTER HILLS MI 48306 | 6173 EMERALD LAKE<br>Sidwell: 88-20-02-378-053<br>Lot: 71<br>Subdivision: EMERALD LAKES VIL | R - FOLDED. COVED FRONT PORCH & REAR NOOK ADDITION<br>Value: 48,000.00<br>Res., Add/Alter |
| PB2005-0505<br>Date Issued: 05/19/05<br>Fees: $321.00 | CHEEK,FLOYD<br>FLOYD CHEEK<br>1647 ROBELL DR.<br>COMMERCE MI 48390 | 810 QUILL CREEK DR<br>Sidwell: 88-20-03-401-045<br>Lot: 17<br>Subdivision: PEACOCK FARMS | LARGE REAR DECK<br>Value: 17,500.00<br>Res., Add/Alter |
| PB2005-0508<br>Date Issued: 05/23/05<br>Fees: $1,050.00 | NORTH AMERICAN DISMANTLING<br>RICK MARCICKI<br>380 LAKE NEPESSING RD<br>LAPEER MI 48446 | 2955 SPARTA<br>Sidwell: 88-20-25-202-001<br>Lot: 1<br>Subdivision: MT. OLYMPIA ESTATE | RESIDENTIAL - ATTACHED - DEMOLISH HOUSE<br>Value: 0.00<br>Res., Wreck |
| PB2005-0509<br>Date Issued: 05/23/05<br>Fees: $50.00 | NORTH AMERICAN DISMANTLING<br>RICK MARCICKI<br>380 LAKE NEPESSING RD<br>LAPEER MI 48446 | 2956 SPARTA<br>Sidwell: 88-20-25-203-001<br>Lot: 38<br>Subdivision: MT. OLYMPIA ESTATE | RESIDENTIAL - ATTACHED - DEMOLISH HOUSE<br>Value: 0.00<br>Res., Wreck |

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| Permit | Applicant | Location | Work Description |
|---|---|---|---|
| PB2005-0510<br>Date Issued: 05/23/05<br>Fees: $50.00 | NORTH AMERICAN DISMANTLING<br>RICK MARCICKI<br>380 LAKE NEPESSING RD<br>LAPEER MI 48446 | 2803 THAMES<br>Sidwell: 88-20-25-226-002<br>Lot: 39<br>Subdivision: YORKSHIRE SUB | RESIDENTIAL - ATTACHED - DEMOLISH HOUSE<br>Value: 0.00<br>Res., Wreck |
| PB2005-0511<br>Date Issued: 05/23/05<br>Fees: $50.00 | NORTH AMERICAN DISMANTLING<br>RICK MARCICKI<br>380 LAKE NEPESSING RD<br>LAPEER MI 48446 | 2815 THAMES<br>Sidwell: 88-20-25-226-003<br>Lot: 40<br>Subdivision: YORKSHIRE SUB | RESIDENTIAL - ATTACHED - DEMOLISH HOUSE<br>Value: 0.00<br>Res., Wreck |
| PB2005-0512<br>Date Issued: 05/23/05<br>Fees: $50.00 | NORTH AMERICAN DISMANTLING<br>RICK MARCICKI<br>380 LAKE NEPESSING RD<br>LAPEER MI 48446 | 2827 THAMES<br>Sidwell: 88-20-25-226-004<br>Lot: 41<br>Subdivision: YORKSHIRE SUB | RESIDENTIAL - ATTACHED - DEMOLISH HOUSE<br>Value: 0.00<br>Res., Wreck |
| PB2005-0513<br>Date Issued: 05/23/05<br>Fees: $50.00 | NORTH AMERICAN DISMANTLING<br>RICK MARCICKI<br>380 LAKE NEPESSING RD<br>LAPEER MI 48446 | 2839 THAMES<br>Sidwell: 88-20-25-226-005<br>Lot: 42<br>Subdivision: YORKSHIRE SUB | RESIDENTIAL - ATTACHED - DEMOLISH HOUSE<br>Value: 0.00<br>Res., Wreck |
| PB2005-0514<br>Date Issued: 05/23/05<br>Fees: $50.00 | NORTH AMERICAN DISMANTLING<br>RICK MARCICKI<br>380 LAKE NEPESSING RD<br>LAPEER MI 48446 | 2851 THAMES<br>Sidwell: 88-20-25-226-006<br>Lot: 43<br>Subdivision: YORKSHIRE SUB | RESIDENTIAL - ATTACHED - DEMOLISH HOUSE<br>Value: 0.00<br>Res., Wreck |

# City of Troy

Construction Activity

For the Month of MAY 2005

| Permit | Applicant | Location | Work Description |
|---|---|---|---|
| PB2005-0515<br>Date Issued: 05/23/05<br>Fees: $50.00 | NORTH AMERICAN DISMANTLING<br>RICK MARCICKI<br>380 LAKE NEPESSING RD<br>LAPEER MI 48446 | 2863 THAMES<br>Sidwell: 88-20-25-226-007<br>Lot: 44<br>Subdivision: YORKSHIRE SUB | RESIDENTIAL - ATTACHED - DEMOLISH HOUSE<br>Value: 0.00<br>Res., Wreck |
| PB2005-0516<br>Date Issued: 05/23/05<br>Fees: $50.00 | NORTH AMERICAN DISMANTLING<br>RICK MARCICKI<br>380 LAKE NEPESSING RD<br>LAPEER MI 48446 | 2907 THAMES<br>Sidwell: 88-20-25-229-001<br>Lot: 104<br>Subdivision: YORKSHIRE SUB | RESIDENTIAL - ATTACHED - DEMOLISH HOUSE<br>Value: 0.00<br>Res., Wreck |
| PB2005-0517<br>Date Issued: 05/23/05<br>Fees: $50.00 | NORTH AMERICAN DISMANTLING<br>RICK MARCICKI<br>380 LAKE NEPESSING RD<br>LAPEER MI 48446 | 2919 THAMES<br>Sidwell: 88-20-25-229-002<br>Lot: 105<br>Subdivision: YORKSHIRE SUB | RESIDENTIAL - ATTACHED - DEMOLISH HOUSE<br>Value: 0.00<br>Res., Wreck |
| PB2005-0518<br>Date Issued: 05/23/05<br>Fees: $50.00 | NORTH AMERICAN DISMANTLING<br>RICK MARCICKI<br>380 LAKE NEPESSING RD<br>LAPEER MI 48446 | 2931 THAMES<br>Sidwell: 88-20-25-229-003<br>Lot: 106<br>Subdivision: YORKSHIRE SUB | RESIDENTIAL - ATTACHED - DEMOLISH HOUSE<br>Value: 0.00<br>Res., Wreck |
| PB2005-0519<br>Date Issued: 05/23/05<br>Fees: $50.00 | NORTH AMERICAN DISMANTLING<br>RICK MARCICKI<br>380 LAKE NEPESSING RD<br>LAPEER MI 48446 | 2943 THAMES<br>Sidwell: 88-20-25-229-004<br>Lot: 107<br>Subdivision: YORKSHIRE SUB | RESIDENTIAL - ATTACHED - DEMOLISH HOUSE<br>Value: 0.00<br>Res., Wreck |

# City of Troy

Construction Activity

For the Month of MAY 2005

| Permit | Applicant | Location | Work Description |
|---|---|---|---|
| PB2005-0520<br>Date Issued: 05/23/05<br>Fees: $50.00 | NORTH AMERICAN DISMANTLING<br>RICK MARCICKI<br>380 LAKE NEPESSING RD<br>LAPEER MI 48446 | 2955 THAMES<br>Sidwell: 88-20-25-229-005<br>Lot: 108<br>Subdivision: YORKSHIRE SUB | RESIDENTIAL - ATTACHED - DEMOLISH HOUSE<br>Value: 0.00<br>Res., Wreck |
| PB2005-0521<br>Date Issued: 05/20/05<br>Fees: $227.25 | INTERIOR SPACE MGMT. OF MICH<br>GLENN JOSEPH<br>2081 HEIDE<br>TROY MI 48084 | 2401 W BIG BEAVER 200<br>Sidwell: 88-20-29-127-025<br>Lot:<br>Subdivision: | COMMERCIAL - ROLLED - ALTER TENANT SPASCE FOR CONFERENCE AND TRAINING CENTER. (NOTE: APPROVED LESS HVAC)<br>Value: 10,294.00<br>Commercial, Add/Alter |
| PB2005-0522<br>Date Issued: 05/20/05<br>Fees: $257.25 | INTERIOR SPACE MGMT. OF MICH<br>GLENN JOSEPH<br>2081 HEIDE<br>TROY MI 48084 | 2401 W BIG BEAVER 201<br>Sidwell: 88-20-29-127-025<br>Lot:<br>Subdivision: | COMMERCIAL - ROLLED - ALTER TENANT SPACE FOR CONFERENCE AND TRAINING CENTER (NOTE: APPROVED LESS HVAC).<br>Value: 10,294.00<br>Commercial, Add/Alter |
| PB2005-0523<br>Date Issued: 05/23/05<br>Fees: $602.75 | SKANSKA USA DESIGN BUILD INC<br>SKANSKA USA DESIGN BUILD INC<br>26100 AMERICAN DRIVE, SUITE 200<br>SOUTHFIELD MI 48034 | 44201 DEQUINDRE<br>Sidwell: 88-20-01-200-014<br>Lot:<br>Subdivision: | C - ROLLED. ALTER SPACE FOR O.R. CONTROL DESK (BSC PROJECT #25573)<br>Value: 75,000.00<br>Inst./Hosp., Add/Alter |
| PB2005-0524<br>Date Issued: 05/23/05<br>Fees: $333.75 | SKANSKA USA DESIGN BUILD INC<br>SKANSKA USA DESIGN BUILD INC<br>26100 AMERICAN DRIVE, SUITE 200<br>SOUTHFIELD MI 48034 | 44199 DEQUINDRE 106<br>Sidwell: 88-20-01-200-014<br>Lot:<br>Subdivision: | C - ROLLED. ALTER SPACE FOR SHARED WORK/BREAK ROOM (BSC PROJECT #25573)<br>Value: 25,000.00<br>Inst./Hosp., Add/Alter |

# City of Troy

Construction Activity

For the Month of MAY 2005

| Permit | Applicant | Location | Work Description |
|---|---|---|---|
| PB2005-0525<br>Date Issued: 05/23/05<br>Fees: $464.00 | SKANSKA USA DESIGN BUILD INC<br>SKANSKA USA DESIGN BUILD INC<br>26100 AMERICAN DRIVE, SUITE 200<br>SOUTHFIELD MI 48034 | 44199 DEQUINDRE 108<br>Sidwell: 88-20-01-200-014<br>Lot:<br>Subdivision: | C - ROLLED. ALTER SPACE FOR SHORT TERM OFFICES (BSC PROJECT #25573)<br>Value: 50,000.00<br>Inst./Hosp., Add/Alter |
| PB2005-0526<br>Date Issued: 05/23/05<br>Fees: $3,334.00 | SKANSKA USA DESIGN BUILD INC<br>SKANSKA USA DESIGN BUILD INC<br>26100 AMERICAN DRIVE, SUITE 200<br>SOUTHFIELD MI 48034 | 44199 DEQUINDRE 115<br>Sidwell: 88-20-01-200-014<br>Lot:<br>Subdivision: | C - ROLLED. ALTER TENANT SPACE FOR SURGICAL ADMINISTRATION (BSC PROJECT #25573)<br>Value: 550,000.00<br>Inst./Hosp., Add/Alter |
| PB2005-0527<br>Date Issued: 05/23/05<br>Fees: $1,896.50 | SKANSKA USA DESIGN BUILD INC<br>SKANSKA USA DESIGN BUILD INC<br>26100 AMERICAN DRIVE, SUITE 200<br>SOUTHFIELD MI 48034 | 44199 DEQUINDRE 117<br>Sidwell: 88-20-01-200-014<br>Lot:<br>Subdivision: | C - ROLLED. ALTER SPACE FOR ADVANCED TESTING (BSC PROJECT #25573)<br>Value: 300,000.00<br>Inst./Hosp., Add/Alter |
| PB2005-0529<br>Date Issued: 05/23/05<br>Fees: $391.00 | ROBERTSON NORTHWYCK LLC<br>ROBERTSON NORTHWYCK LLC<br>6905 TELEGRAPH SUITE 200<br>BLOOMFIELD HILLS MI 48301 | 1342 ALAMEDA<br>Sidwell: 88-20-02-153-066<br>Lot: BLDG R<br>Subdivision: NORTHWYCK VILLAS | RESIDENTIAL - FINISH BASEMENT AND EGRESS WINDOW PER MPT04-687.<br>Value: 28,000.00<br>Twn House, Add/Alter |
| PB2005-0530<br>Date Issued: 05/23/05<br>Fees: $391.00 | ROBERTSON NORTHWYCK LLC<br>ROBERTSON NORTHWYCK LLC<br>6905 TELEGRAPH SUITE 200<br>BLOOMFIELD HILLS MI 48301 | 1354 ALAMEDA<br>Sidwell: 88-20-02-153-069<br>Lot: BLDG R<br>Subdivision: NORTHWYCK VILLAS | RESIDENTIAL - MPT-04-687 - FINISH BASEMENT AND EGRESS WINDOW<br>Value: 28,000.00<br>Twn House, Add/Alter |

# City of Troy

Construction Activity

For the Month of MAY 2005

| Permit | Applicant | Location | Work Description |
|---|---|---|---|
| PB2005-0531<br>Date Issued: 05/25/05<br>Fees: $145.00 | KEARNS BROTHERS INC<br>MICHAEL F KEARNS<br>2000 N TELEGRAPH<br>DEARBORN MI 48128 | 3072 WENDOVER<br>Sidwell: 88-20-19-377-023<br>Lot: 26<br>Subdivision: WENDOVER WOODS | RESIDENTIAL - ATTACHED - REPAIR CHIMNEY DOWN TO ROOFLINE.<br>Value: 3,210.00<br>Res., Repair |
| PB2005-0534<br>Date Issued: 05/25/05<br>Fees: $165.00 | OWNER OF PROPERTY<br>MATLICK, ROBERT<br>4145 ALLEGHENY<br>TROY MI 48085-3641 | 4145 ALLEGHENY<br>Sidwell: 88-20-13-304-033<br>Lot: 389<br>Subdivision: MT. VERNON ESTATE | RESIDENTIAL - ATTACHED - INSTALL BATHROOM IN BASEMENT-REMAINDER OF BASEMENT CANNOT BE USED AS HABITABLE AREA WITHOUT AN EGRESS WINDOW.<br>Value: 5,000.00<br>Res., Add/Alter |
| PB2005-0535<br>Date Issued: 05/25/05<br>Fees: $1,746.25 | CASTLE BUILDING & REMODELING<br>ROBERT NIEDZWIECKI<br>144 LEETONIA<br>TROY MI 48098 | 472 RANDALL<br>Sidwell: 88-20-15-328-013<br>Lot: 251, ALSO<br>Subdivision: CYPRESS GARDENS | RESIDENTIAL - FOLDED -TWO STORY WITH BASEMENT EGRESS WINDOW. MEET ALL CODES AND INSPECTIONS. REPLACES HOUSE DEMOLISHED AT 470.<br>Value: 100,000.00<br>Res., New Construction |
| PB2005-0536<br>Date Issued: 05/24/05<br>Fees: $1,730.75 | CITY RENOVATION AND TRIM<br>CITY RENOVATION AND TRIM<br>2685 PALDAN DRIVE<br>AUBURN HILLS MI 48326 | 2801 W BIG BEAVER E-132<br>Sidwell: 88-20-29-101-010<br>Lot:<br>Subdivision: SOMERSET SOUTH | COMMERCIAL - ROLLED - ALTER TENANT SPACE FOR AU COURANT<br>Value: 275,000.00<br>Commercial, Add/Alter |

# City of Troy

Construction Activity

For the Month of MAY 2005

| Permit | Applicant | Location | Work Description |
|---|---|---|---|
| PB2005-0537<br>Date Issued: 05/23/05<br>Fees: $604.25 | LATTER, DANNA LLC<br>DANNA LATTER LLC<br>42500 HOYES STE 100<br>CLINTON TWP MI 48038 | 400 E BIG BEAVER 300<br>Sidwell: 88-20-27-101-016<br>Lot:<br>Subdivision: | COMMERCIAL - FOLDED - TENANT COMPLETION FOR MB TECH<br>Value: 81,000.00<br>Commercial, Add/Alter |
| PB2005-0538<br>Date Issued: 05/24/05<br>Fees: $205.00 | OWNER OF PROPERTY<br>DAVIS, MARK & LISA<br>6528 TAMARACK<br>TROY MI 48098 | 6528 TAMARACK<br>Sidwell: 88-20-05-178-006<br>Lot: 233<br>Subdivision: FOREST CREEK SUB | RESIDENTIAL - ATTACHED - FOUNDATION FOR PATIO ENCLOSURE - SEPARATE PERMIT ISSUED FOR ENCLOSURE.<br>Value: 8,000.00<br>Res., Fnd./Slab/Footing |
| PB2005-0539<br>Date Issued: 05/24/05<br>Fees: $447.00 | TONY V'S SUNROOM & SPAS<br>VITALE, GIOVANNI<br>20330 HALL ROAD<br>CLINTON TWP MI 48038 | 6528 TAMARACK<br>Sidwell: 88-20-05-178-006<br>Lot: 233<br>Subdivision: FOREST CREEK SUB | RESIDENTIAL - FOLDED - REAR PATIO ENCLOSURE - SEPARATE PERMIT ISSUED FOR FOUNDATION.<br>Value: 36,000.00<br>Res., Add/Alter |
| PB2005-0540<br>Date Issued: 05/24/05<br>Fees: $40.00 | OWNER OF PROPERTY<br>FAULKNER, CHARLES & ESTHER<br>4011 BUTTERNUT HILL<br>TROY MI 48098-4202 | 4011 BUTTERNUT HILL<br>Sidwell: 88-20-18-352-024<br>Lot: 28<br>Subdivision: PINE HILL | RESIDENTIAL - ATTACHED - SHED INSTALLED WITHOUT A PERMIT - ZBA APPROVED LOCATION.<br>Value: 1,500.00<br>Res., Garage/Acc. Structure |
| PB2005-0542<br>Date Issued: 05/24/05<br>Fees: $55.00 | OWNER OF PROPERTY<br>MANCINI, PATRIZIA<br>2153 E LONG LAKE<br>TROY MI 48085 | 2153 E LONG LAKE<br>Sidwell: 88-20-12-376-046<br>Lot: 7<br>Subdivision: EYSTERS JOHN R | RESIDENTIAL - ATTACHED - UNCOVERED FRONT PORCH<br>Value: 2,000.00<br>Res., Add/Alter |

# City of Troy

Construction Activity

For the Month of MAY 2005

| Permit | Applicant | Location | Work Description |
|---|---|---|---|
| PB2005-0544<br>Date Issued: 05/27/05<br>Fees: $130.00 | OWNER OF PROPERTY<br>BIBLEKAJ, VALENTINA<br>2163 VIRGINIA<br>TROY MI 48083-2544 | 2163 VIRGINIA<br>Sidwell: 88-20-25-351-029<br>Lot: 58<br>Subdivision: SP MAPLE ACRES | RESIDENTIAL - ATTACHED - DEMOLISH DETACHED GARAGE<br>Value: 0.00<br>Res., Add/Alter |
| PB2005-0546<br>Date Issued: 05/31/05<br>Fees: $542.50 | NAVAROLI'S QUALITY FAST CONST<br>NAVAROLI'S QUALITY FAST CONST<br>1940 ORTONVILLE RD<br>ORTONVILLE MI 48462 | 91 BILTMORE<br>Sidwell: 88-20-28-476-015<br>Lot: 31, ALSO<br>Subdivision: SUMMIT PARK SUB | RESIDENTIAL - FOLDED - DORMER ADDITION AND COVERED FRONT PORCH PER ZBA APPROVAL 5-17-05. MEET ALL CODES AND INSPECTIONS.<br>Value: 75,000.00<br>Res., Add/Alter |
| PB2005-0547<br>Date Issued: 05/24/05<br>Fees: $1,290.00 | JUSTICE HOMES<br>FRANK JUSTICE<br>CLARKSTON MI 48348 | 6186 ELMOOR<br>Sidwell: 88-20-04-380-001<br>Lot: 4<br>Subdivision: GLEN-MOOR ESTATE | RESIDENTIAL - FOLDED - ATTACHED GARAGE AND MASTER SUITE ADDITION AND MAIN FLOOR ALTERATIONS. MEET ALL CODES AND INSPECTIONS.<br>Value: 150,000.00<br>Res., Add/Alter |
| PB2005-0548<br>Date Issued: 05/25/05<br>Fees: $165.00 | OWNER OF PROPERTY<br>PIERCE, CAROL & FRANK<br>5622 CASPER<br>TROY MI 48085-3364 | 5622 CASPER<br>Sidwell: 88-20-11-176-024<br>Lot: 48<br>Subdivision: GOLF TRAIL SUB | RESIDENTIAL - FOLDED - ALTER SECOND FLOOR BEDROOM TO MASTER BATHROOM.<br>Value: 4,800.00<br>Res., Add/Alter |

# City of Troy

Construction Activity

For the Month of MAY 2005

| Permit | Applicant | Location | Work Description |
|---|---|---|---|
| PB2005-0549<br>Date Issued: 05/24/05<br>Fees: $125.00 | OWNER OF PROPERTY<br>GHILEZAN, MIHAI I<br>187 OLYMPIA<br>TROY MI 48084 | 187 OLYMPIA<br>Sidwell: 88-20-28-427-027<br>Lot: 167<br>Subdivision: SUMMIT PARK SUB | RESIDENTIAL - ATTACHED - REAR DECK EXPANSION.<br>Value: 2,200.00<br>Res., Add/Alter |
| PB2005-0550<br>Date Issued: 05/25/05<br>Fees: $440.00 | OWNER OF PROPERTY<br>BAJRAKTARI, DEFRIM<br>1748 VAN COURTLAND<br>TROY MI 48083-1878 | 1748 VAN COURTLAND<br>Sidwell: 88-20-27-451-039<br>Lot: 38<br>Subdivision: SP BEECH GROVE | RESIDENTIAL - FOLDED - ATTACHED GARAGE AND 620 SQUARE FOOT 2ND FLOOR ADDITION. MEET ALL CODES AND INSPECTIONS.<br>Value: 34,480.00<br>Res., Add/Alter |
| PB2005-0551<br>Date Issued: 05/27/05<br>Fees: $412.00 | OWNER OF PROPERTY<br>PATRIOC, ALEXANDRU & MARIA<br>1811 EASTPORT<br>TROY MI 48083-1720 | 1811 EASTPORT<br>Sidwell: 88-20-27-332-020<br>Lot: 141, ALSO<br>Subdivision: COUNCIL HEIGHTS | RESIDENTIAL - FOLDED - MASTER SUITE AND LIVING ROOM ADDITION. MEET ALL CODES AND INSPECTIONS<br>Value: 30,268.00<br>Res., Add/Alter |
| PB2005-0552<br>Date Issued: 05/25/05<br>Fees: $773.00 | THREE SIXTY DESIGN CONSTRUCTI<br>JIM WINDEL<br>P O BOX 523<br>LAKELAND MI 48143 | 2601 W BIG BEAVER<br>Sidwell: 88-20-29-127-023<br>Lot: 5,<br>Subdivision: SUPERVISOR'S PLAT | COMMERCIAL - ROLLED - ALTER - ALTER 2 SIDE BY SIDE TOWNHOUSE SUITES INTO 2 SAME FLOOR SUITES<br>Value: 110,000.00<br>Commercial, Add/Alter |
| PB2005-0554<br>Date Issued: 05/27/05<br>Fees: $305.00 | J & E HOME IMPROVEMENTS LTD<br>JAMES ROBERT QUIGLEY III<br>111 124TH AVENUE<br>SHELBYVILLE MI 49344 | 1246 PROVINCIAL<br>Sidwell: 88-20-20-226-079<br>Lot: 21<br>Subdivision: STONE HAVEN WOOD | RESIDENTIAL - ATTACHED - BASEMENT FINISH PER BBA APPROVAL 5/4/05<br>Value: 29,000.00<br>Res., Add/Alter |

# City of Troy

Construction Activity

For the Month of MAY 2005

| Permit | Applicant | Location | Work Description |
|---|---|---|---|
| PB2005-0555<br>Date Issued: 05/26/05<br>Fees: $255.75 | BRADBURY DEVELOPMENT<br>MIKE WATCKE<br>1705 EAST NINE MILE<br>FERNDALE MI 48220 | 1095 NAUGHTON<br>Sidwell: 88-20-26-152-012<br>Lot:<br>Subdivision: | COMMERCIAL - FOLDED - ALTER OFFICE AREA FOR GARDNER SIGNS<br>Value: 16,500.00<br>Industrial, Add/Alter |
| PB2005-0565<br>Date Issued: 05/31/05<br>Fees: $393.25 | JFK INVESTMENT COMPANY<br>JFK INVESTMENT<br>43252 WOODWARD<br>BLOOMFIELD MI 48302 | 1397 PIEDMONT 600<br>Sidwell: 88-20-26-176-013<br>Lot:<br>Subdivision: | C - FOLDED. ALTER TENANT SPACE FOR "ESCORT MEMORY SERVICES"<br>Value: 43,000.00<br>Industrial, Add/Alter |
| PB2005-0569<br>Date Issued: 05/31/05<br>Fees: $215.00 | OWNER OF PROPERTY<br>YOON, YONG J<br>523 TRILLIUM<br>TROY MI 48085 | 523 TRILLIUM<br>Sidwell: 88-20-10-453-010<br>Lot: 10<br>Subdivision: SHADY CREEK | R - ATTACHED. REAR DECK.<br>Value: 6,000.00<br>Res., Add/Alter |
| PB2005-0570<br>Date Issued: 05/31/05<br>Fees: $125.00 | OWNER OF PROPERTY<br>RENSHAW, GREGG & JENNIFER<br>2144 NEWBURGH<br>TROY MI 48083-2526 | 2144 NEWBURGH<br>Sidwell: 88-20-25-308-001<br>Lot: 144/145<br>Subdivision: SUSSEX PARK | RESIDENTIAL - ATTACHED - REAR DECK AND RAMP<br>Value: 3,000.00<br>Res., Add/Alter |

***Permit Total: 143*** ***Fee Total: $87,583.35***

June 8, 2005

TO: John Szerlag, City Manager

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

SUBJECT: **Agenda Item** – General Engineering Services Agreement
HRC & SDA Services Performed in Past Three Years

At the City Council meeting of June 6, 2005, city staff was requested to prepare a report on services provided by our consultants under the General Engineering Services Agreement (GESA). Along with this request, management asked that a comparison of in-house services provided by the Engineering Department be included to provide a comparison of the workload between City staff and our consultants, Hubbell, Roth & Clark, Inc. (HRC) and Spalding DeDecker Associates (SDA) during the period of July 1, 2002 through June 30, 2005.

The Engineering Department currently has a budgeted staff of 29 employees (23 full time and 6 part time). For comparison, this report concentrates on the services provided by the Engineers, Inspectors and Survey staff within the Department. It does not include GIS, traffic engineering and environmental services.

During the time frame of the GESA, the Engineering Department has completed (with consultant design or construction administration tasks as noted below by "a" or "b" respectively) survey work, construction plans and specifications, legal documents as required for right-of-way acquisition and construction administration for projects with bid awards totaling $26,147,812, as detailed below:

| PROJECT | Bid Award Amount | Bid Award Memo |
|---|---|---|
| * Maple, Eton to Coolidge Reconstruction [a] | $ 2,018,350 | 07/15/02 |
| * Section 22 SW Quarter Bituminous Overlay | $ 169,665 | 08/06/02 |
| * Long Lake, Carnaby to Dequindre Reconstruction [a,b] | $ 8,562,497 | 09/26/02 |
| * Wattles & Dequindre Sanitary Sewer | $ 169,090 | 02/24/03 |
| * Creston Road SAD Paving | $ 363,448 | 04/29/03 |
| * Section 7 Concrete Pavement Replacement | $ 233,203 | 07/10/03 |
| * Larayne, Hilmore & Philatha SAD Paving | $ 325,052 | 08/29/03 |
| * Heide, Lowery & Crooks Water Main | $ 265,010 | 11/20/03 |
| * Maplelawn, Crooks to Maple Reconstruction [a] | $ 2,960,593 | 11/21/03 |
| * Section 10 Water Main [a] | $ 935,916 | 12/08/03 |
| * Dashwood Storm Sewer [a] | $ 613,449 | 12/08/03 |
| * Walnut Hill & Chestnut Hill SAD Paving | $ 451,607 | 05/03/04 |
| * Maple, Coolidge to Crooks Water Main | $ 887,741 | 06/01/04 |
| * Section 30 Water Main [a] | $ 1,207,355 | 08/17/04 |
| * CMAQ Projects | $ 443,700 | 01/29/05 |

| PROJECT | Bid Award Amount | Bid Award Memo |
|---|---|---|
| * Section 18, Big Oak Trail & Somerton SAD Paving | $ 289,956 | 03/30/05 |
| * Coolidge – Wattles Intersection Realignment [a] | $ 1,242,223 | 05/02/05 |
| * Big Beaver, Rochester to Dequindre Widening | $ 4,169,400 | 06/20/05 |

[a] – Consultant Design
[b] – Consultant Construction Administration

In addition to the projects detailed above, in-house Engineering Services have also accounted for:

- Review and Approval of 58 site plans
- Review and Approval of 23 residential developments
- Review and Issuance of 166 right-of-way permits
- Review and Issuance of 159 utility permits
- Inspection of public improvements, related to above permits and developments

This review, approval and inspection has yielded the construction of the following public utilities by private developers:

- 20,837 linear feet of sanitary sewer
- 35,216 linear feet of water main
- 71,466 linear feet of storm sewer
- 62,166 square yards of pavement
- 225,821 square feet of sidewalk

Substantial amounts of in-house staff time has also been dedicated to various other activities over the referenced time period, including but not limited to:

- I75 /Crooks/ Long Lake Interchange Improvements
- Charnwood Hills Sanitary Sewer and Paving Projects
- Section 23 Pavement Replacement Project
- Evergreen/Farmington Administrative Consent Order
- Water Feasibility Study
- Premium Construction Lawsuit
- Sanctuary Lake Golf Course
- Voluntary Storm Water Permit
- Sturgis Drain LOMR
- Administration of Consultant Design Work on Future Federal Aide Road Projects - $32 Million total cost of projects
- Oakland County Federal Aid Task Force – Road Projects
- Pavement Management System
- Minor League Ballpark
- Fetterly Drain
- Five-Year Capital Improvement Program

- Preparation of SAD Project Information for Various Requested Locations
- Coordination and oversight of consultant design services for current Major Road projects
- Coordination and liaison work with Road Commission for Oakland County's road projects

The Engineering Department has had a very active period the past three (3) years and expects this trend to continue well into the future. The ability to use our selected consultants, HRC and SDA, when needed to augment our in-house staff has allowed the Engineering Department to provide a high output of projects and high quality public improvements for the residents and businesses of Troy. Projects and/or activities that our consultants have been involved with under the GESA from July 1, 2002 to the present are listed in the attachments.

Total Billings from HRC for Permit/Public Improvements Inspections, Design Work and Review Assignments: $908,000 (rounded to nearest 1000)

Total Billings from SDA for Permit/Public Improvements Inspections, Design Work and Review Assignments: $535,000 (rounded to nearest 1000)

Prepared by: William J. Huotari, Deputy City Engineer
G:\Council Reports and Communications\Consulting Services_Summary of Services_2002 to 2005R1.doc

# MEMORANDUM

- Surveying
- Land Development
- Urban Infrastructure
- Municipal Engineering
- Construction Engineering
- Operations & Maintenance
- Transportation Engineering
- GPS Rental & Training

ISO 9001 CERTIFIED

SPALDING DeDECKER ASSOCIATES, INC.

Engineering & Surveying Excellence
Since 1954

**DATE:** June 13, 2005

**TO:** Steven Vandette, City Engineer

**FIRM NAME:** City of Troy

**FROM:** David W. Bluhm, PE

**RE:** Spalding DeDecker Associates - 3 Year Work Summary

**JOB NO.:** TR05-000

---

Pursuant to your request we respectfully submit the following summary of Spalding DeDecker Associates, Inc. (SDA) consultant work activities over the last three (3) years.

2003

Soil Erosion Sedimentation Control Program - $62,000.00
Section 10 Water Main Replacement / Drainage Improvements - $75,000.00
General Inspection Projects (Private Development) - $57,000.00

2004
Soil Erosion Sedimentation Control Program - $49,000.00
General Inspection Projects (Private Development) - $33,000.00
City Contract #04-2 Inspection - $64,000.00
Section 30 Water Main Replacement – $65,000.00
Cedar Pines Estates - $13,000.00

2005 (YTD)

Soil Erosion Sedimentation Control Program - $13,000.00
Various Water Main Replacement Projects - $104,000.00

**SPALDING DEDECKER ASSOCIATES, INC.**
**905 SOUTH BOULEVARD EAST, ROCHESTER HILLS, MI 48307**
**PHONE (248) 844-5400 FAX (248) 844-5404**
**www.spaldingdedecker.com**

*OFFICES:*
DETROIT
ROCHESTER HILLS
TRENTON

# HUBBELL, ROTH AND CLARK - THREE YEAR STATUS REPORT
# CITY OF TROY

| Project | City Project No. | HRC Job No. | Project Status | Billing Status | Construction Status |
|---|---|---|---|---|---|
| Construction Observation for Stephenson Highway Concrete Patching | | 20050304 | City Design Project | Billed to Date - $958 | Underway |
| Construction Observation for Troy Commons Water Main Connections | | 20050290 | Private Development Project | Billed to Date - $644 | Underway |
| Construction Observation for Wattles Northfield Split | | 20050288 | Private Development Project | Billed to Date - $5,034 | Underway |
| Construction Observation for 2597 E. Big Beaver Sanitary Sewer | | 20050242 | Private Development Project | Billed to Date - $881 | Underway |
| Big Beaver Rd from Rochester to Dequindre, Maintaining Traffic Plans | | 20050116 | Design completed. | Billed to Date - $15,203 | Construction underway. |
| Construction Observation for Old Boys/Girls Club Office Building | | 20050104 | Private Development Project | Billed to Date - $1,550 | Underway |
| Big Beaver Rd Signal Modifications at Rochester Rd, Fire Station and Dequindre Rd | | 20040926 | Design complete. | Billed to Date - $20,184 | Construction underway. |
| Short Term Corrective Action Plan | | 20040905 | Preparation of plan is complete and has been submitted to MDEQ. | Billed to Date - $4,456 | N/A |
| Sylvan Glen Golf Course | | 20040903 | Preparation of plans is underway. Comments from Parks & Rec/Bills-Childs received and are being incorporated into design. | Billed to Date - $14,167 | To be constructed following 2005 golf season. |
| Construction Observation for Wattles Ridge Subdivision | | 20040877 | Private Development Project | Billed to Date - $1,153 | Completed |
| Construction Observation for Dequindre Medical Center | | 20040876 | Private Development Project | Billed to Date - $786 | Completed |

# HUBBELL, ROTH AND CLARK - THREE YEAR STATUS REPORT
## CITY OF TROY

| Project | City Project No. | HRC Job No. | Project Status | Billing Status | Construction Status |
|---|---|---|---|---|---|
| Construction Observation for Cedar Pines Estates | | 20040863 | Private Development Project | Billed to Date - $5,908 | Completed |
| Livernois Rd Water Main - Long Lake to Square Lake | | 20040847 | Design underway, approx 75% complete. Plans and easement descriptions to be submitted to City shortly. | Billed to Date - $6,888 | Estimated Cost of $450,000. 2 month construction period. |
| Rochester Road Water Main - Barclay to Trinway | | 20040846 | Design underway, approx 75% complete. Plans and easement descriptions to be submitted to City shortly. East side may require more easements than originally planned. | Billed to Date - $9,009 | Estimated Cost of $225,000. 2 month construction period. |
| Construction Observation for Westin Downs | | 20040836 | Private Development Project | Billed to Date - $16,355 | Completed |
| Coolide Road Paving - North of Wattles | | 20040801 | Design completed. | Billed to Date - $57,659 | Construction to begin shortly. 4 month construction period. |
| Construction Observation for Wyngate Subdivision | | 20040777 | Private Development Project | Billed to Date - $24,018 | Completed |
| Construction Observation for Chestnut Hill & Walnut Hill Paving | | 20040774 | City Design Project | Billed to Date - $1,111 | Completed |
| Construction Observation for Section 19 Drainage Improvements | | 20040715 | City Design Project | Billed to Date - $14,792 | Completed |
| Construction Observation for Crestwood Condominiums | | 20040668 | Private Development Project | Billed to Date - $14,134 | Completed |
| Construction Observation for Maple Road Water Main | | 20040667 | City Design Project | Billed to Date - $355 | Completed |
| Construction Observation for Pennington Estates | | 20040661 | Private Development Project | Billed to Date - $1,395 | Completed |

# HUBBELL, ROTH AND CLARK - THREE YEAR STATUS REPORT
## CITY OF TROY

| Project | City Project No. | HRC Job No. | Project Status | Billing Status | Construction Status |
|---|---|---|---|---|---|
| Construction Observation for Miscellaneous ROW Permits | | 20040653 | Private Development Project | Billed to Date - $2,712 | Completed |
| Construction Observation for Ecaford Avenue Sanitary Sewer Tap | | 20040648 | Private Development Project | Billed to Date - $577 | Completed |
| Construction Observation for First United Methodist Church | | 20040611 | Private Development Project | Billed to Date - $385 | Completed |
| Ferry Drain Improvements | | 20040607 | Design underway, approx. 90% complete. | Billed to Date - $10,730 | |
| Construction Observation for Rochester Commons | | 20040595 | Private Development Project | Billed to Date - $1,051 | Completed |
| Construction Observation for Atlantis Car Wash | | 20040594 | Private Development Project | Billed to Date - $402 | Completed |
| Construction Observation for Ashbury Drive, Parcel C | | 20040589 | Private Development Project | Billed to Date - $3,806 | Completed |
| Construction Observation for Woodbridge Industrial Park | | 20040580 | Private Development Project | Billed to Date - $1,631 | Completed |
| Shanahan Drain LOMR Review | | 20040563 | Review of LOMR Application complete. | Billed to Date - $9,277 | Completed |
| Construction Observation for Automation Alley | | 20040535 | Private Development Project | Billed to Date - $5,065 | Completed |
| Construction Observation for ROW Permit No. 2892 | | 20040531 | Private Development Project | Billed to Date - $490 | Completed |
| Construction Observation for Crooks Road Water Main Abandonment | | 20040506 | City Design Project | Billed to Date - $4,439 | Completed |
| Construction Observation for Section 19 Sod Replacement | | 20040497 | City Design Project | Billed to Date - $6,158 | Completed |

# HUBBELL, ROTH AND CLARK - THREE YEAR STATUS REPORT
## CITY OF TROY

| Project | City Project No. | HRC Job No. | Project Status | Billing Status | Construction Status |
|---|---|---|---|---|---|
| Construction Observation for Sussex Place | | 20040489 | Private Development Project | Billed to Date - $9,921 | Completed |
| Construction Observation for Booth Road Parcel Split | | 20040473 | Private Development Project | Billed to Date - $4,606 | Completed |
| Construction Observation for 2301 Kirkton ROW Permit | | 20040447 | Private Development Project | Billed to Date - $879 | Completed |
| Construction Observation for Miscellaneous Private Utilities | | 20040445 | Private Development Project | Billed to Date - $473 | Completed |
| Construction Observation for Rochester Office Park | | 20040422 | Private Development Project | Billed to Date - $4,148 | Completed |
| Traffic Signal Modifications at Rochester Road and South Boulevard | | 20040410 | Design complete. | Billed to Date - $6,840.00 | To be incorporated with Rochester Road Intersection Project. Est Cost of $20,000. |
| Construction Observation for Consumers Energy Restoration | | 20040393 | Private Development Project | Billed to Date - $7,038 | Completed |
| Construction Observation for John R Road Water Main Crossings | | 20040377 | City Design Project | Billed to Date - $8,285 | Completed |
| Construction Observation for Woodland Elementary School | | 20040368 | Private Development Project | Billed to Date - $2,192 | Completed |
| Construction Observation for Larayne Hillmore SAD | | 20040367 | City Design Project | Billed to Date - $8,204 | Completed |
| Construction Observation for TCF Bank | | 20040358 | Private Development Project | Billed to Date - $505 | Completed |
| Section 23 Concrete Repair Program | | 20040344 | Design completed. | Billed to Date - $49,113 | Construction Underway. 4 month construction period. |

# HUBBELL, ROTH AND CLARK - THREE YEAR STATUS REPORT
## CITY OF TROY

| Project | City Project No. | HRC Job No. | Project Status | Billing Status | Construction Status |
|---|---|---|---|---|---|
| Construction Observation for Water Main Replacement at Hyde & Lowry | | 20040332 | City Design Project | Billed to Date - $562 | Completed |
| I-75/Long Lake Traffic Model | | 20040293 | Trips within Traffic Model have been updated to reflect current geometry and are waiting for MDOT approval. | Billed to Date - $54,947 | |
| Construction Observation for Plumbing Training Center | | 20040276 | Private Development Project | Billed to Date - $623 | Completed |
| Construction Observation for NBS Headquarters | | 20040260 | Private Development Project | Billed to Date - $3,160 | Completed |
| Construction Observation for Rhode Island Estates | | 20040256 | Private Development Project | Billed to Date - $7,703 | Completed |
| Crooks Road Lighting - Square Lake to South Blvd | | 20040064 | Plans submitted to City and RCOC, approx. 95% complete. | Billed to Date - $15,212 | To be incorporated with RCOC Crooks Rd Paving Project. Est Cost of $210,000. |
| Crooks Road Water Main - Square Lake to South Blvd | | 20040061 | Design complete. Submitted for permits. | Billed to Date - $19,500 | To be incorporated with RCOC Crooks Rd Paving Project. Est Cost of $425,000. |
| Crooks Road PRV Modifications | | 20040046 | Design complete. Submitted for permits. | Billed to Date - $20,014 | To be incorporated with RCOC Crooks Rd Paving Project. Est Cost of $300,000. |
| DWSD Water Rate Review | | 20030745 | Review Completed | Billed to Date - $4,422 | Completed |
| Construction Observation for Sanctuary Lake Golf Course | | 20030728 | City Design Project | Billed to Date - $366 | Completed |
| Construction Observation for Peacock Farms | | 20030680 | Private Development Project | Billed to Date - $17,203 | Completed |
| Construction Observation for Big Beaver-Rochester Road Improvements | | 20030537 | City Design Project | Billed to Date - $550 | Completed |

# HUBBELL, ROTH AND CLARK - THREE YEAR STATUS REPORT
## CITY OF TROY

| Project | City Project No. | HRC Job No. | Project Status | Billing Status | Construction Status |
|---|---|---|---|---|---|
| Construction Observation for Estates at Cambridge | | 20030527 | Private Development Project | Billed to Date - $4,752 | Completed |
| Construction Observation for Evanswood Park | | 20030515 | City Design Project | Billed to Date - $1,684 | Completed |
| Construction Observation for Shady Creek South | | 20030501 | Private Development Project | Billed to Date - $1,586 | Completed |
| CN Railroad Crossing Study | | 20030492 | | Billed to Date - $6,972 | Completed |
| Construction Observation for Sandalwood North Condominiums | | 20030478 | Private Development Project | Billed to Date - $15,607 | Completed |
| Construction Observation for Colleen Meadows | | 20030469 | Private Development Project | Billed to Date - $11,013 | Completed |
| Construction Observation for Metroline Building | | 20030419 | Private Development Project | Billed to Date - $1,056 | Completed |
| Forest Creek Subdivision No.7 Wetland Mitigation Assessment | | 20030381 | Private Development Project | Billed to Date - $2,404 | Completed |
| Hidden Creek Site Condo Wetland Review | | 20030239 | Private Development Project | Billed to Date - $1,625 | Completed |
| Gibson Drain Intercounty Drain Agreement | | 20030144 | Descriptions and Exhibits submitted to OCDC & MCPWC for use in preparing Agreement. | Billed to Date - $2,505 | Completed |
| Construction Observation for Fountain Park | | 20020839 | Private Development Project | Billed to Date - $5,844 | Completed |
| Construction Observation for Hanover Street Sanitary Sewer | | 20020826 | City Design Project | Billed to Date - $1,148 | Completed |

# HUBBELL, ROTH AND CLARK - THREE YEAR STATUS REPORT
## CITY OF TROY

| Project | City Project No. | HRC Job No. | Project Status | Billing Status | Construction Status |
|---|---|---|---|---|---|
| Maplelawn Reconstruction | | 20020810 | Design Completed. | Billed to Date - $177,928 | Construction completed. |
| Construction Observation for Unasource | | 20020809 | Private Development Project | Billed to Date - $3,356 | Completed |
| Lovington Street Storm Drain | 00.306.5 | 20020805 | Design underway, approx. 95% complete. Submitted for City review. | Billed to Date - $37,743 | Project to be constructed in the future as funding becomes available. Est cost of $750,000. |
| Dashwood Storm Drain | 00.305.5 | 20020804 | Design Completed. | Billed to Date - $37,291 | Construction completed. |
| Construction Observation for Michael Drive | | 20020787 | Private Development Project | Billed to Date - $3,352 | Completed |
| Construction Observation for Belle Tire | | 20020760 | Private Development Project | Billed to Date - $1,645 | Completed |
| Construction Observation for Holland Hills | | 20020750 | Private Development Project | Billed to Date - $180 | Completed |
| Civic Center Natural Features Report | | 20020749 | City Design Project | Billed to Date - $2,347 | Completed |
| Construction Observation for White Castle | | 20020738 | Private Development Project | Billed to Date - $861 | Completed |
| Construction Observation for Huntington Estates | | 20020718 | Private Development Project | Billed to Date - $1840 | Completed |
| Civic Center Development Traffic Study | | 20020713 | City Design Project | Billed to Date - $27,761 | Completed |
| Section 1 Wetland Restoration/Permit Assistance | | 20020685 | City Design Project | Billed to Date - $5,707 | Completed |
| Construction Observation for Section 22 Bituminous Overlay | | 20020677 | City Design Project | Billed to Date - $14,096 | Completed |

# HUBBELL, ROTH AND CLARK - THREE YEAR STATUS REPORT
## CITY OF TROY

| Project | City Project No. | HRC Job No. | Project Status | Billing Status | Construction Status |
|---|---|---|---|---|---|
| Construction Observation for INA-USA Corporation Water Main | | 20020658 | Private Development Project | Billed to Date - $3,648 | Completed |
| Construction Observation for Drury Inn | | 20020657 | Private Development Project | Billed to Date - $677 | Completed |
| Construction Observation for Hare Express Trucking | | 20020648 | Private Development Project | Billed to Date - $1,173 | Completed |
| Construction Observation for City Hall Addition | | 20020612 | City Design Project | Billed to Date - $5,243 | Completed |
| Construction Observation for Begeny Enterprises Industries | | 20020592 | Private Development Project | Billed to Date - $731 | Completed |
| Construction Observation for Pearl Estates | | 20020529 | Private Development Project | Billed to Date - $4,017 | Completed |
| Construction Observation for 3911 Finch Emergency Sewer Repair | | 20020498 | City Design Project | Billed to Date - $456 | Completed |
| Construction Observation for Section 22&23 Bituminous Overlay | | 20020494 | City Design Project | Billed to Date - $11,644 | Completed |

# CITY OF TROY

## MONTHLY FINANCIAL REPORT

## 31-May-05

For the Period Ending May 31, 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 | 1,257,809 | 33,765,249 | 105.53 |
| BUSINESS LICENSES & PERMITS | 39,557 | 37,000 | 1,715 | 37,762 | 102.06 |
| NON-BUS. LICENSES & PERMITS | 1,610,428 | 1,480,000 | 126,385 | 1,396,375 | 94.35 |
| FEDERAL GRANTS | 100,354 | 22,000 | 100,450 | 126,408 | 574.58 |
| STATE AGENCIES | 7,295,363 | 6,645,000 | 972,417 | 6,035,478 | 90.83 |
| CONTRIBUTIONS-LOCAL | 162,365 | 135,000 | 0 | 53,259 | 39.45 |
| CHARGES FOR SERVICES - FEES | 1,209,542 | 1,156,600 | 103,573 | 864,173 | 74.72 |
| CHARGES FOR SERVICES - REND. | 1,600,633 | 1,677,500 | 16,494 | 915,480 | 54.57 |
| CHARGES FOR SERVICES - SALES | 305,582 | 147,000 | 4,661 | 132,785 | 90.33 |
| CHARGES FOR SERVICES - REC | 2,857,298 | 2,742,500 | 297,837 | 3,108,895 | 113.36 |
| FINES & FORFEITS | 960,250 | 975,000 | 95,227 | 836,025 | 85.75 |
| INTEREST AND RENTS | 865,998 | 954,000 | 110,896 | 1,019,500 | 106.87 |
| OTHER REVENUE | 439,460 | 450,110 | 142,011 | 511,138 | 113.56 |
| OTHER FINANCING SOURCES | 9,434,778 | 10,654,450 | 1,894,505 | 10,647,450 | 99.93 |
| TOTAL GENERAL FUND REVENUE | 57,866,996 | 59,072,850 | 5,123,980 | 59,449,977 | 100.64 |
| EXPENDITURES | | | | | |
| LEGISLATIVE | 1,926,046 | 2,025,620 | 144,166 | 1,756,159 | 86.70 |
| FINANCE | 4,331,477 | 4,840,690 | 315,920 | 3,944,016 | 81.48 |
| OTHER GEN GOVERNMENT | 2,471,227 | 2,619,120 | 173,584 | 2,205,516 | 84.21 |
| POLICE | 20,543,113 | 22,059,220 | 1,547,506 | 18,764,000 | 85.06 |
| FIRE | 3,732,506 | 3,899,000 | 356,523 | 3,713,480 | 95.24 |
| BUILDING INSPECTION | 1,926,514 | 2,075,770 | 144,769 | 1,702,449 | 82.02 |
| STREETS | 4,678,297 | 5,412,320 | 322,217 | 4,481,375 | 82.80 |
| ENGINEERING | 2,766,755 | 3,013,880 | 191,368 | 2,436,334 | 80.84 |
| RECREATION | 7,797,872 | 8,208,820 | 599,335 | 7,082,553 | 86.28 |
| LIBRARY | 4,547,589 | 4,908,410 | 326,306 | 4,017,761 | 81.85 |
| TRANSFERS OUT | 678,000 | 10,000 | 0 | 10,000 | 100.00 |
| TOTAL GEN FUND EXPENDITURES | 55,399,396 | 59,072,850 | 4,121,694 | 50,113,643 | 84.83 |

CITY OF TROY
Monthly Financial Report
Refuse Fund
For the Period Ending May 31, 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 | 101 | 1,280 | 128.00 |
| INTEREST AND RENTS | 38,942 | 40,000 | 4,135 | 64,576 | 161.44 |
| OTHER FINANCING SOURCES | 455,230 | 451,180 | 0 | 451,180 | 100.00 |
| TOTAL REVENUE | 4,534,935 | 4,459,180 | 4,236 | 4,574,693 | 102.59 |
| EXPENDITURES | | | | | |
| CONTRACTORS SERVICE | 4,300,686 | 4,280,000 | 338,518 | 3,533,456 | 82.56 |
| OTHER REFUSE EXPENSE | 34,903 | 51,180 | 8,872 | 35,403 | 69.17 |
| RECYCLING | 96,612 | 128,000 | 17,237 | 117,784 | 92.02 |
| TOTAL EXPENDITURES | 4,432,201 | 4,459,180 | 364,627 | 3,686,643 | 82.68 |

For the Period Ending May 31, 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 | 0 | 3,630 | .00 |
| STATE AGENCIES | 3,016,325 | 4,267,750 | 520,782 | 930,488 | 21.80 |
| CHARGES FOR SERVICES - REND. | 1,611,639 | 140,000 | 8,137 | 135,960 | 97.11 |
| INTEREST AND RENTS | 339,025 | 325,000 | 52,342 | 568,495 | 174.92 |
| OTHER REVENUE | 680,280 | 0 | 76,102 | 88,073 | .00 |
| OTHER FINANCING SOURCES | 14,608,910 | 21,388,850 | 437,500 | 14,338,780 | 67.04 |
| TOTAL REVENUE | 27,844,262 | 35,059,600 | 1,094,863 | 25,207,377 | 71.90 |
| EXPENDITURES | | | | | |
| FINANCE | 9,827 | 145,000 | 0 | 27,287 | 18.82 |
| OTHER GEN GOVERNMENT | 4,830,407 | 3,731,250 | 1,019,374 | 3,524,419 | 94.46 |
| POLICE | 184,126 | 674,720 | 110,011 | 273,026 | 40.47 |
| FIRE | 50,298 | 447,500 | 0 | 48,517 | 10.84 |
| BUILDING INSPECTION | 56,212 | 20,000 | 0 | 1,667 | 8.34 |
| STREETS | 9,396,123 | 21,364,840 | 936,390 | 6,508,704 | 30.46 |
| ENGINEERING | 21,604 | 42,520 | 0 | 8,331 | 19.59 |
| RECREATION | 2,403,981 | 4,698,450 | 394,509 | 2,361,540 | 50.26 |
| LIBRARY | 213,622 | 381,390 | 0 | 24,611 | 6.45 |
| MUSEUM | 1,460,743 | 477,010 | 6,113 | 185,943 | 38.98 |
| STORM DRAINS & RET PONDS | 644,502 | 1,863,650 | 6,648 | 910,725 | 48.87 |
| INFORMATION TECHNOLOGY | 93,214 | 1,213,270 | 275 | 47,343 | 3.90 |
| TOTAL EXPENDITURES | 19,364,659 | 35,059,600 | 2,473,320 | 13,922,113 | 39.71 |

CITY OF TROY
Monthly Financial Report
Sanctuary Lake Golf Course
For the Period Ending May 31, 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 | 3,382 | 26,357 | 52.71 |
| CHARGES FOR SERVICES - REC | 78,976 | 1,675,400 | 124,844 | 737,380 | 44.01 |
| INTEREST AND RENTS | 79 | 61,000 | 0 | 300 | .49 |
| OTHER REVENUE | 51 | 0 | 9- | 0 | .00 |
| OTHER FINANCING SOURCES | 0 | 0 | 0 | 0 | .00 |
| TOTAL REVENUE | 81,270 | 1,786,400 | 128,217 | 764,037 | 42.77 |
| EXPENDITURES | | | | | |
| SANCTUARY LAKE GREENS | 2,501 | 752,160 | 63,395 | 649,320 | 86.33 |
| SANCTUARY LAKE PRO SHOP | 44,575 | 876,260 | 259,616 | 735,149 | 83.90 |
| SANCTUARY LAKE CAPITAL | 0 | 88,500 | 0 | 0 | .00 |
| TOTAL EXPENDITURES | 47,076 | 1,716,920 | 323,011 | 1,384,469 | 80.64 |

CITY OF TROY
Monthly Financial Report
Golf Course
For the Period Ending May 31, 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 | 4,331 | 29,125 | 58.25 |
| CHARGES FOR SERVICES - REC | 1,102,938 | 1,214,410 | 150,897 | 839,056 | 69.09 |
| INTEREST AND RENTS | 117,318 | 85,000 | 16,905 | 134,170 | 157.85 |
| OTHER REVENUE | 292 | 0 | 8- | 395- | .00 |
| OTHER FINANCING SOURCES | 11,530 | 185,520 | 0 | 185,520 | 100.00 |
| TOTAL REVENUE | 1,276,985 | 1,534,930 | 172,125 | 1,187,476 | 77.36 |
| EXPENDITURES | | | | | |
| SYLVAN GLEN GREENS | 822,466 | 899,600 | 59,457 | 617,968 | 68.69 |
| SYLVAN GLEN PRO SHOP | 364,887 | 316,330 | 27,086 | 265,058 | 83.79 |
| SYLVAN GLEN CAPITAL | 146,550 | 319,000 | 9,659 | 67,622 | 21.20 |
| TOTAL EXPENDITURES | 1,333,903 | 1,534,930 | 96,202 | 950,648 | 61.93 |

CITY OF TROY
Monthly Financial Report
Aquatic Center
For the Period Ending May 31, 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 | 64,771 | 221,516 | 52.74 |
| 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 | 64,771 | 241,759 | 53.93 |
| EXPENDITURES | | | | | |
| AQUATIC CENTER | 541,886 | 595,460 | 35,500 | 406,389 | 68.25 |
| CAPITAL | 17,399 | 50,000 | 0 | 13,485 | 26.97 |
| TOTAL EXPENDITURES | 559,285 | 645,460 | 35,500 | 419,874 | 65.05 |

For the Period Ending May 31, 2005

SEWER FUND

| Description | Last Year Actual | 2004-05 Budget | Current Month | Year To Date | % |
|---|---|---|---|---|---|
| REVENUES | | | | | |
| CHARGES FOR SERVICES - FEES | 202,124 | 200,000 | 11,622 | 190,191 | 95.10 |
| CHARGES FOR SERVICES - REND | 9,710,263 | 9,870,000 | 565,191 | 6,404,309 | 64.89 |
| INTEREST AND RENTS | 208,707 | 210,000 | 38,998 | 370,958 | 176.65 |
| OTHER REVENUE | 0 | 0 | 0 | 0 | .00 |
| TOTAL REVENUE | 10,121,094 | 10,280,000 | 615,811 | 6,965,458 | 67.76 |
| EXPENDITURES | | | | | |
| ADMINISTRATION | 8,640,930 | 8,324,640 | 508,977 | 6,799,241 | 81.68 |
| MAINTENANCE | 1,527,109 | 1,484,540 | 245,589 | 1,379,548 | 92.93 |
| CAPITAL | 507,522 | 2,294,600 | 5,376 | 49,922 | 2.18 |
| TOTAL EXPENDITURES | 10,675,561 | 12,103,780 | 759,942 | 8,228,711 | 67.98 |

CITY OF TROY
Monthly Financial Report
Water Fund
For the Period Ending May 31, 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 | 61,791 | 1,013,471 | 119.23 |
| CHARGES FOR SERVICES - SALES | 9,967,814 | 12,301,000 | 697,101 | 8,333,183 | 67.74 |
| INTEREST AND RENTS | 314,382 | 296,000 | 27,388 | 404,480 | 136.65 |
| OTHER REVENUE | 0 | 0 | 0 | 30 | .00 |
| TOTAL REVENUE | 11,350,879 | 13,447,000 | 786,280 | 9,751,164 | 72.52 |
| EXPENDITURES | | | | | |
| ADMINISTRATION | 8,818,627 | 11,083,430 | 186,870 | 8,609,388 | 77.68 |
| TRANS AND DISTRIBUTION | 210,016 | 206,340 | 11,703 | 144,169 | 69.87 |
| CUSTOMER INSTALLATION | 32,750 | 108,570 | 5,755 | 60,718 | 55.93 |
| CONTRACTORS SERVICE | 172,722 | 210,650 | 13,658 | 152,338 | 72.32 |
| MAIN TESTING | 69,635 | 196,130 | 2,602 | 43,229 | 22.04 |
| MAINTENANCE OF MAINS | 298,021 | 354,570 | 15,750 | 282,572 | 79.69 |
| MAINTENANCE OF SERVICES | 203,269 | 201,510 | 22,214 | 165,854 | 82.31 |
| MAINTENANCE OF METERS | 231,710 | 220,410 | 19,706 | 235,342 | 106.77 |
| MAINTENANCE OF HYDRANTS | 250,020 | 339,420 | 19,709 | 214,284 | 63.13 |
| METERS AND TAP-INS | 263,186 | 339,560 | 44,410 | 205,549 | 60.53 |
| WATER METER READING | 79,236 | 86,630 | 14,823 | 93,219 | 107.61 |
| ACCOUNTING AND COLLECTING | 53,133 | 54,030 | 12,732 | 78,341 | 145.00 |
| CAPITAL | 2,042,382 | 5,534,400 | 162,294 | 2,478,324 | 44.78 |
| TOTAL EXPENDITURES | 12,724,707 | 18,935,650 | 532,226 | 12,763,327 | 67.40 |

For the Period Ending May 31, 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 | 297,098 | 3,378,593 | 92.95 |
| OTHER REVENUE | 330,513 | 142,800 | 42,875 | 261,439 | 183.08 |
| OTHER FINANCING SOURCES | 1,422,810 | 2,074,680 | 0 | 0 | .00 |
| TOTAL REVENUE | 5,290,957 | 5,857,480 | 339,973 | 3,640,032 | 62.14 |
| EXPENDITURES | | | | | |
| ADMINISTRATION | 468,897 | 519,080 | 46,270 | 445,057 | 85.74 |
| OPERATION AND MAINTENANCE | 2,874,935 | 3,095,630 | 251,808 | 2,622,505 | 84.72 |
| DPW FACILITY MAINTENANCE | 318,617 | 365,200 | 20,011 | 268,493 | 73.52 |
| CAPITAL | 630,232 | 1,877,570 | 371,604 | 1,001,929 | 53.36 |
| TOTAL EXPENDITURES | 4,292,681 | 5,857,480 | 689,693 | 4,337,984 | 74.06 |

| Fund | Mat Yr. | Mat Mo. | Mat Day | Type | Loc | Pur Yr. | Pur Mo. | Pur Day | Rate | Name | Face | Accrue 6/30 | Book |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 112 | 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 | 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 | 14,408.08 | 2,055,716.69 |
| | 2005 | 7 | 14 | 9 | ML | 2005 | 5 | 3 | 2.810 | TBILL | 2,174,000 | 9,801.32 | 2,161,832.84 |
| | 2005 | 7 | 14 | 9 | ML | 2005 | 5 | 6 | 2.690 | TBILL | 2,218,000 | 8,945.93 | 2,206,776.92 |
| | 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 | 15 | 7 | REPUBLIC | 2005 | 5 | 6 | 3.100 | CD | 2,054,182 | 9,728.40 | 2,054,182.18 |
| | 2005 | 7 | 15 | 7 | FITB | 2005 | 7 | 15 | 3.020 | CD | 4,078,026 | 18,815.50 | 4,078,025.71 |
| | 2005 | 7 | 21 | 9 | ML | 2005 | 5 | 12 | 2.750 | TBILL | 2,566,000 | 9,447.50 | 2,552,503.56 |
| | 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 | 22 | 7 | FLAGSTAR | 2005 | 5 | 20 | 3.440 | CD | 2,062,859 | 8,081.51 | 2,062,859.43 |
| | 2005 | 7 | 29 | 7 | REPUBLIC | 2005 | 4 | 22 | 3.150 | CD | 1,057,573 | 6,384.57 | 1,057,573.33 |
| | 2005 | 7 | 29 | 7 | FLAGSTAR | 2005 | 5 | 20 | 3.440 | CD | 1,023,716 | 4,010.62 | 1,023,715.55 |
| | 2005 | 8 | 1 | 7 | STAND FED | 2005 | 5 | 31 | 3.040 | CD | 4,778,626 | 12,105.60 | 4,778,626.43 |
| | 2005 | 8 | 4 | 9 | ML | 2005 | 5 | 19 | 2.770 | TBILL | 3,759,000 | 11,928.57 | 3,737,130.96 |
| | 2005 | 8 | 5 | 7 | FLAGSTAR | 2005 | 5 | 6 | 3.470 | CD | 2,071,131 | 10,979.65 | 2,071,130.57 |
| | 2005 | 8 | 5 | 7 | TCF | 2005 | 5 | 13 | 3.150 | CD | 1,005,225 | 4,221.60 | 1,005,225.00 |
| | 2005 | 8 | 5 | 7 | FLAGSTAR | 2005 | 5 | 27 | 3.460 | CD | 1,092,556 | 3,570.00 | 1,092,556.33 |
| | 2005 | 8 | 11 | 9 | ML | 2005 | 5 | 26 | 2.400 | TBILL | 2,145,000 | 5,807.89 | 2,132,222.64 |
| | 2005 | 8 | 12 | 7 | FLAGSTAR | 2005 | 5 | 13 | 3.500 | CD | 3,101,629 | 14,473.92 | 3,101,628.85 |
| | 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 | | 675,581.42 |
| | 2005 | 12 | 30 | 8 | FITB | 2003 | 7 | 30 | 3.600 | FHR03 2640 | 900,000 | | 660,191.25 |
| | 2005 | 12 | 30 | 8 | FITB | 2004 | 1 | 30 | 4.250 | FHR 2537LA | 2,000,000 | | 536,619.33 |
| | 2005 | 12 | 30 | 8 | FITB | 2004 | 1 | 30 | 4.000 | FHR 2535LK | 3,500,000 | | 2,992,124.64 |
| | 2005 | 12 | 30 | 8 | FITB | 2004 | 3 | 25 | 4.500 | FHR 2669DT | 700,000 | | 698,000.00 |
| | 2005 | 12 | 30 | 8 | FITB | 2004 | 7 | 26 | 1.200 | FNR03 24GA | 550,000 | | 309,852.67 |
| | 2005 | 12 | 30 | 8 | FITB | 2004 | 9 | 13 | 2.500 | FHR03 2589 | 693,000 | | 690,000.00 |
| | 2005 | 12 | 30 | 8 | FITB | 2004 | 10 | 7 | 2.250 | FHR 2625QX | 800,125 | | 691,014.37 |
| | 2005 | 12 | 30 | 8 | FITB | 2004 | 10 | 8 | 3.000 | FHR 2564CN | 1,841,000 | | 1,530,635.14 |
| | 2005 | 12 | 30 | 8 | FITB | 2004 | 10 | 12 | 4.000 | FHR 2617BG | 1,930,000 | | 1,734,529.22 |
| | 2005 | 12 | 31 | 8 | FITB | 2004 | 11 | 16 | 3.500 | FHLM 2586 | 500,000 | | 499,550.00 |
| | 2005 | 12 | 31 | 8 | FITB | 2004 | 11 | 16 | 3.500 | GNMA 58 | 670,000 | | 650,100.00 |

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 | 2006 | 6 | 30 | 8 | FITB | 2003 | 2 | 27 | 1.500 | MAX SAVER | 6,609,051 | | 6,609,050.66 |
| | 2006 | 6 | 30 | 8 | FITB | 2004 | 1 | 1 | 1.000 | MONEY FUND | 73,763 | | 73,762.79 |
| | 2006 | 6 | 30 | 8 | HUNT BANK | 2004 | 8 | 27 | 2.750 | MM | 526,711 | | 526,710.77 |
| | 2006 | 6 | 30 | 8 | FITB | 2005 | 1 | 11 | 4.000 | FNMA 42 | 1,000,000 | | 995,000.00 |
| | 2006 | 12 | 30 | 8 | FITB | 2005 | 3 | 29 | 3.000 | FNMA 27 | 600,000 | | 542,133.55 |
| | 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 |
| | 2010 | 12 | 15 | 8 | FITB | 2005 | 5 | 25 | 5.000 | FHLM 2808 | 1,197,818 | | 1,197,817.97 |
| | | | | | | | | | | | TOTAL | 219,944.56 | 98,847,349.82 |
| 591 | 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 | 2.535 | GOV'T POOL | 1,867,841 | | 1,867,841.97 |
| | 2005 | 6 | 30 | 8 | FITB | 2004 | 4 | 14 | | FHLB | 1,000,000 | | 993,062.50 |
| | 2005 | 6 | 30 | 7 | REPUBLIC | 2005 | 4 | 1 | 3.000 | CD | 140,277 | | 140,277.41 |
| | 2005 | 8 | 1 | 7 | STAND FED | 2005 | 5 | 31 | 3.040 | CD | 2,734,024 | | 2,734,023.74 |
| | 2006 | 6 | 30 | 8 | FITB | 2004 | 2 | 2 | 3.750 | FNR03 24MN | 1,015,000 | | 1,010,000.00 |
| | 2006 | 6 | 30 | 8 | FITB | 2004 | 3 | 25 | 1.000 | MM | 67,854 | | 67,853.92 |
| | | | | | | | | | | | TOTAL | | 8,455,204.91 |
| 688 | 2005 | 6 | 30 | 7 | BANK ONE | 1997 | 7 | 1 | 2.650 | GOV'T POOL | 1,321,311 | | 1,321,311.90 |
| | | | | | | | | | | | TOTAL | | 1,321,311.90 |
| | | | | | | | | | | | TOTAL | 219,944.56 | 108,623,866.63 |

* * * E N D O F R E P O R T * * *

7 = CD 8 = Paper 9 = T-Bills

J-03a

June 5, 2005

Dear Chief Craft:

This past week we lost a true treasure – a beloved educator and superb Superintendent of the Troy School District, a true community leader, a charming and lovely lady, and a friend. The glowing tribute from the Troy Police Department was truly written with brilliance, eloquence and unrivalled compassion. It means a lot and goes a long way to healing and understanding God's Will. Your tribute brings extra special pride in my unique position, as a retiree of the greatest police department in the world, and as an elected Trustee for the premier school district in the U.S.

Sincerely

Gary Hauff

RECEIVED
Chief of Police
6/10/05 CC

CC: City Mgr
Asst. Mayor
G. Schalmeck
RR

Off. Joseph Maiorano



J-03b

**Charles T Craft**

**From:** Cathy A Brandimore
**Sent:** Thursday, June 09, 2005 2:20 PM
**To:** Charles T Craft
**Subject:** FW: Attention: Chief Charles T. Craft (Re: Officer Joe Maiorano & Troy Police Dept) - Many Thanks

-----Original Message-----
**From:** C HERNANDEZ
**Sent:** Wednesday, June 08, 2005 9:02 PM
**To:** Cathy A Brandimore
**Subject:** Attention: Chief Charles T. Craft (Re: Officer Joe Maiorano & Troy Police Dept) - Many Thanks

Chief Craft,

I want to express my deepest and heart-felt gratitude to your department and the men & women who serve under you. I pray for each and everyone of you daily for your protection and wisdom to execute your job effectively. Certainly my prayers are answered.

I am proud to be a citizen of Troy, and I am grateful to be under the watch of the Troy Police. Your motto of "Service though Partnership" was clearly defined years ago when I fell victim to auto theft. Interestingly, througout the years, I can see the same expression of service through partnership everyday when I am on the road, or shopping at the mall or grocery store, or just walking down the street and watching your officers connect with the community, of which I personally experienced today.

Officer Joe Maiorano answered my emergeny call when my car stalled on the South Bound I-75, West Big Beaver exit. His demeanor and act of service was outstanding. The choice of admitting him and others like him to your department is a good investment for the community and for future officers who can learn from following their lead. Please accept my appreciation and best wishes to you, Officer Maiorano and the rest of the Troy Police. I wanted to give Officer Maiorano a monetary gift, but I knew it was not appropriate to offer money to officers on duty. If there is way I can offer my appreciation, please advise. If you wish to contact me for this or any other reason, my number is (248) or you may reach me at (248)

Tank you for taking the time to read this message, and may life's richest and best be yours.

Sincerely,

Mrs. Cordelia W. Hernandez

CC: City Mgr.
Capt. Murphy
Off. Maiorano
Dept/HR Files
BB

6/9/2005

J-03c

AMERICAN PUBLIC WORKS ASSOCIATION

The Michigan Chapter

*of the*

American Public Works Association

# 2005

# Professional Manager of the Year
# Fleet Management

*With Affection and Esteem*

*Honors*

## *Samuel P. Lamerato*

*Superintendent City of Troy Motor Pool*

*for*

*Outstanding career service achievements of public sector fleet management, operation, and maintenance; and, for exceptional performance in fleet maintenance education*

Working in the Public Interest

Michigan Chapter

APWA

Gerald Snyder

Gerald Snyder, P. E.
Michigan Chapter President

*Focused on Our Community*

J-04a

VILLAGE OF ORTONVILLE
RESOLUTION 05-10

**ADOPTION OF Resolution 05-10 to the state of Michigan in support of Local Control of Liquor License.**

**Whereas,** Michigan liquor law allocates quota liquor licenses t 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 a 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 Village of Ortonville is a small 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

**Whereas,** the Village of Ortonville is aware of several local governmental units that have lost local control of several quota liquor licenses no longer in use in the original municipality through placement into escrow or transfer to another municipality.

**Now, There, Be It Resolved,** that the Village of Ortonville Council supports the principle of local control by local municipalities of quota liquor licenses; and

**Be It Further Resolved,** that the Village of Ortonville Council 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 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 DeRoche, the Speaker of the House; Ken Sikkema, Majority Leader of the State Senate; Senator Michael Bishop, Senator; State Representative James Marleau; Governor Jennifer Granholm, and to each of the municipalities in Oakland County.

I, Mary E. Clark, Village Clerk, certify that this is a true copy of Resolution 05-10, passed at a Regular Ortonville Village council meeting held on May 23, 2005 by the following vote:

Moved by Flath seconded by Hanes.

| | |
|---|---|
| Ayes: | 7 |
| Nayes: | 0 |
| Absent: | 0 |

Mary E. Clark

Mary E. Clark, Clerk
Village of Ortonville

May 23, 2005
Date

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 | | |
|---|---|---|---|---|---|---|
| | | | | | 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<br>8:30am BUILDING CODE BOARD OF APPEALS (Conference Room LL)<br>7:00pm ADVISORY COMMITTEE FOR PERSONS WITH | 2<br>10:00am Senior Advisory Board meeting (Comm Ctr conf rm) | 3 | 4<br>5 |
| 6<br>7:30pm City Council-Regular (Council Chambers) | 7<br>7:30pm Updated: Planning Commission-Study (Council Boardroom) | 8 | 9<br>7:30pm Park Board meeting (Comm Ctr conf rm) | 10 | 11<br>12 |
| 13 | 14<br>7:30pm Planning Commission-Regular (Council Chambers) | 15<br>7:30am Updated: DDA Meeting (Conference Room Lower Level) | 16 | 17 | 18<br>19<br>1:00pm Troy's 50th B'day Party (Boulan Park) |
| 20<br>7:30pm City Council-Regular (Council Chambers) | 21<br>7:30pm BZA (Chambers)<br>7:30pm Historic District Commission (Conference Room C) | 22 | 23 | 24 | 25<br>26 |
| 27 | 28<br>7:30pm Planning Commission-Study (Council Boardroom) | 29 | 30 | | |



07.11.05-Request for Outdoor Seating-Min Jin Lau
07.18.05 CDBG Tacoma/Olympia Streets

# 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<br>3 |
| 4 | 5 | 6<br>8:30am BUILDING CODE BOARD OF APPEALS (Conference Room LL)<br>7:00pm ADVISORY COMMITTEE FOR PERSONS WITH | 7 | 8 | 9<br>10 |
| 11<br>7:30pm City Council-Regular (Council Chambers) | 12<br>7:30pm Planning Commission-Regular (Council Chambers) | 13 | 14 | 15 | 16<br>17 |
| 18<br>7:30pm City Council-Regular (Council Chambers) | 19<br>12:00pm Updated: Assessing Board of Review (Conference Room D)<br>7:30pm BZA (Chambers)<br>7:30pm Historic District Commission (Conference Room C) | 20<br>7:30am DDA Meeting (Conference Room Lower Level) | 21 | 22 | 23<br>24 |
| 25 | 26<br>7:30pm Planning Commission-Study (Council Boardroom) | 27 | 28 | 29 | 30<br>31 |



07.11.05-Request for Outdoor Seating-Min Jin Lau
07.18.05 CDBG Tacoma/Olympia Streets

# 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<br>7:30pm City Council-Regular (Council Chambers) | 2 | 3<br>8:30am BUILDING CODE BOARD OF APPEALS (Conference Room LL)<br>7:00pm ADVISORY COMMITTEE FOR PERSONS WITH | 4 | 5 | 6<br>7 |
| 8 | 9<br>7:30pm Planning Commission-Regular (Council Chambers) | 10 | 11 | 12 | 13<br>14 |
| 15<br>7:30pm City Council-Regular (Council Chambers) | 16<br>7:30pm BZA (Chambers)<br>7:30pm Historic District Commission (Conference Room C) | 17<br>7:30am DDA Meeting (Conference Room Lower Level) | 18 | 19 | 20<br>21 |
| 22 | 23<br>7:30pm Planning Commission-Study (Council Boardroom) | 24 | 25 | 26 | 27<br>28 |
| 29 | 30 | 31 | | | |

June 9, 2005

TO: John Szerlag, City Manager

FROM: Charles T. Craft, Chief of Police

SUBJECT: Agenda Item – Update Regarding Contracted Police Services

Pursuant to City Council's direction, discussions and planning related to the contracting of Dispatch, Jail, and Animal Control, police services to the City of Clawson have been ongoing. Although we have not finalized a contract proposal, the project is moving forward and it is anticipated a draft contract will soon be completed.

The Troy City Attorney's Office is drafting specific contract language, which will be provided to the City of Clawson and their attorney for review and input. Supervisory personnel from each police department are finalizing mutually agreed upon operational rules and procedures.

Our discussions have established that the cost of the services provided should not exceed the original per year estimates; $89,800 for Dispatch and $86,800 for Jail services. Additionally, discussions regarding Animal Control services, based upon the levels of and demand for animal control service in the City of Clawson, indicate the cost should not exceed $16,000.

To date, our efforts have not uncovered or raised any issues of concern. As we work through the contract and operational details, all indications are that the contracting of the cited police services will yield both financial and service level benefits.

I am available to provide additional information if needed.

June 13, 2005

TO: John Szerlag, City Manager

FROM: Brian P. Murphy, Assistant City Manager/Services
Carol K. Anderson, Parks and Recreation Director
Jeffrey J. Biegler, Superintendent of Parks

SUBJECT: Weed Control on John R. Road

During the June 6, 2005 Council meeting, concerns were expressed regarding weeds in the mulched beds on the medians of John R. Road north of 14 Mile Road. Staff has addressed these concerns and offers the following assessment of the situation.

**The Problem**

The weed that is present in the John R beds is known as *Equisetum arvense,* commonly called Horsetail. It is an extremely tenacious weed dating back to prehistoric times. It reproduces in two ways; by spores and by rhizomes (horizontal underground stems), and is very difficult to control once established. Simple weed control methods such as hand pulling and/or spaying with a common non-selective product such as Roundup are largely ineffective with this weed.

**The Solution**

We have located a selective herbicide called Corsair, that is purported to control Horsetail and have begun to conduct trials in six of the most heavily infested beds (approximately one quarter of the total beds on John R.) using three different methods to determine the most effective control.

The weeds of the first two beds were sprayed with Corsair and are already exhibiting noticeable die back of the Horsetail. The existing mulch in these first beds was left in place. In two other beds, all of the mulch was removed, black plastic was laid down on the bare ground and new mulch brought in to cover the plastic. There was no chemical treatment of the weeds in these beds. In the final two beds all of the mulch was removed, Corsair was sprayed on the bare ground, and new mulch was brought in to cover the beds. No black plastic sheeting was used on these beds.

We will closely monitor the area through the season and then treat the remainder of the beds using the control method found to be the most effective against the weed.

June 13, 2005

TO: John Szerlag, City Manager

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

SUBJECT: **Agenda Item – Water System Feasibility Study**

Late last year, Phase 1 Findings from the Water System Feasibility Study were released to the public and in early January 2005 the Detroit Free Press reported on the three options (article attached) that were identified in the study for providing water from new facilities separate from the Detroit Water System.

The findings indicated that while it would cost more in the near term to construct a new water system than to purchase water from DWSD, the estimated water rate might come close but never be less than the Detroit rate. Only using the most pessimistic of Detroit rate increase projections (10% per year) would the rates be equal in about 2017. A more conservative and more realistic rate projection based on recent history and Detroit projections yields a Detroit rate that is approximately 33% lower than the new system rate in 2020 but the new system rate might never be as low as the Detroit rate. Based on these findings the Water Feasibility Study Committee decided in February to go in a different direction which was designated Phase 2A.

Phase 2A of the Study, Expanded Regional Approach/Lake Huron, was to look at the feasibility of purchasing water system assets from Detroit rather than duplicating them within the member communities and taking a larger regional approach that would include participation with Genesee County and the City of Flint. This larger regional system would use nearly all the water produced by DWSD's Port Huron plant and use existing DWSD water system facilities north of 8 Mile Road. The economics of this approach were similar to the Phase 1 results and it has been the recommendation of the Steering Committee (see attached letter) with concurrence from the participating communities that the study be concluded at this point.

Please advise should you need any additional information.

G:\DWSD Rates\Water Feasibility Study\ProgressRptCouncil.doc

**ANDERSON, ECKSTEIN AND WESTRICK, INC.**
51301 Schoenherr Road, Shelby Township, Michigan 48315
Civil Engineers • Surveyors • Architects 586-726-1234

May 27, 2005

Member Community for
Water System Feasibility Study

Reference: Phase 2A

At our last meeting on February 2, 2005, it was decided to proceed with Phase 2A. Since that February 2nd meeting, the Steering Committee, and O'Brien and Gere, have met with the Genesee County Drain Commissioners Office, the City of Flint, and SEMCOG. Also O'Brien and Gere has researched the Detroit Water and Sewer Department (DWSD) Water Master Plan and found information on the value of various assets.

The meeting with the Genesee County Drain Commissioners' Office basically reconfirmed the information we gathered at our meeting last fall; that they are still looking at building a new pipe line to provide either raw water or fresh water from Lake Huron, and either a new water treatment plant near the Lake or in Genesee County. It appears that the cost to produce fresh water will exceed the projected DWSD rates.

The meeting with the City of Flint was our first meeting with this community. Flint is in the process of upgrading their water treatment plant which has not operated for many years. This upgrade is required by MDEQ to provide a second source of supply to backup the DWSD supply. Flint is looking at a possible option of operating the plant on a full time basis, and having the DWSD supply as the backup. The Flint water treatment plant appears to have enough capacity to service Flint and possible Genesee County communities but does not have adequate supply capacity to service Oakland or Macomb County communities.

The meeting at SEMCOG was a presentation of an overview of Phase 1 to Water Quality Consortium – Regional Infrastructure Coordination Team.

The results of O'Brien and Gere research of the DWSD Master Plan, on a preliminary basis, indicates that a regional approach cost for treated water, as proposed for Phase 2A, would be similar to the Phase 1 results.

Therefore, it is the recommendation of the Steering Committee to conclude this study at this point. An accounting of monies received and spent will be provided to you along with a refund of left over funds once all business is concluded. Several other studies are ongoing that some communities may want to watch:

Oakland County Water and Sewer Master Plan Study
Genesee County Study
Grosse Pointe Farms Water Plant Expansion Study
Water Quality Consortium – Regional Infrastructure Coordination Team

If any community needs additional information, or would like to meet with subcommittee members to discuss this further, please contact Roy Rose with Anderson, Eckstein and Westrick, Inc. at (586) 726-1234. It is our intention to terminate the contract with O'Brien and Gere by June 17, 2005. Please respond with any questions by June 9, 2005. Thank you.

Sincerely,

Water System Feasibility Study
Steering Committee

John Schandevel, PE
Authority Engineer Southeastern Oakland County
Water & Resources Recovery Authorities

Tod Schaeding, PE
Acting City Engineer, City of Warren

Timothy P. Haney
Director of Finance, City of St. Clair Shores

Douglas A. Buchholz, PE
De[puty and Manager Operations & maintenance
Oakland County Drain Commissioner

Roy C. Rose, PE
Consulting Engineer, Anderson Eckstein and Westrick, Inc

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Metro news

E-MAIL THIS STORY | PRINTER-FRIENDLY FORMAT

# Suburbs' tab to go it alone: $1.42 billion

## Wayne, Oakland, Macomb explore water plant options

*January 5, 2005*

**BY MARY OWEN**
FREE PRESS STAFF WRITER

The price tag for breaking loose from the Detroit water monopoly? $1.42 billion.

That's the bill for a new water treatment plant to serve nearly 800,000 customers in Wayne, Oakland and Macomb counties and free them from Detroit water fees, according to a report suburban officials are to receive this week.

The study follows years of litigation and trash-talking between Detroit and some of its 125 suburban customers over double-digit increases. Twenty-three communities in the three counties paid $200,000 to see whether providing their own water is even possible.

The options? There are three, but each would take 3-4 years to complete and none would result in savings until 2-3 years afterward:

Option 1: Build a new water treatment plant costing $1.42 billion. The study calculated usage for the almost 800,000 residents in the 23 communities that participated in the study. The study did not identify a possible location.

Option 2: Build a water treatment plant for only communities in Macomb and Wayne counties that took part in the study. This plan would cost $363 million and treat one-fourth of the water treated in the larger plant in Option 1.

Option 3: Use the excess capacity at existing water treatment plants in Mt. Clemens, Highland Park and Grosse Pointe Farms, which could treat an additional 20 million gallons per day. It would cost $310 million for construction and re-tooling the existing plants.

**POSSIBILITIES**

**Option 1:** A whole new water treatment plant for all residents in 23 communities that participated in the study -- nearly 800,000 people. Cost: $1.42 billion.

**Option 2:** A new water treatment plant for only the Macomb and Wayne county communities that participated in the study. Cost: $363 million.

**Option 3:** Use the excess capacity and expand existing water treatment plants in Mt. Clemens, Highland Park and Grosse Pointe Farms. Cost: $310 million.

***Source:*** *Staff reports*

The next move is uncertain.

All the communities will review the results and then determine what's next, said Roy Rose, a consulting engineer with Anderson, Eckstein and Westrick, based in Shelby Township. A five-person steering committee will make recommendations to help the communities decide. "Nobody has done this in the past," said Rose, who is acting as a consultant for communities. "Whether

it makes sense remains to be seen. If it doesn't make sense to do it today, that's fine. We can put it on the shelf, but we can always dust it off if Detroit raises rates like they've done in the last four or five years."

If the communities pick an option, they will authorize a final phase of the study, which is to cost an additional $160,000. The final phase will examine specifics for the plan, review legal requirements and other considerations. It is unclear when a decision will be made.

St. Clair Shores held a hearing Monday, but most communities have yet to see the study. Detroit Water and Sewerage Department spokesman George Ellenwood said he suspects that cash-strapped communities would see it's more appealing to stick with Detroit.

Customer relations have improved significantly, he said, especially since proposed suburban water rates are slated to increase by an average of only 4 percent in 2005-06, contrasting with double-digit rate upticks in past years.

"Ideally, economic factors would influence this," Ellenwood said. "Practically, there might be political reasons behind a decision."

The dispute has strained relations between Detroit and the suburbs at least since the 1980s. Last year, rates increased 8.1 percent and 12 percent the year before that for the Southeastern Oakland County Water Authority, which represents 11 communities.

But for the 2005-06 year, John Schandevel, an engineer for the Southeastern Oakland County Water Authority, said Detroit proposed to increase that authority's rates by only 0.3 percent, the lowest in years. He said staying with Detroit would be wise if increases remained low, but it's impossible to know.

"I guess that remains to be seen," Schandevel said. "I think this is going to be an ongoing problem." The study does not have all the answers, but it will be used as a tool, he said.

Suburbs said in June that it was their obligation to explore ways to reduce costs to citizens. Those communities, which opted to take part in the study, were Bloomfield Hills, Bloomfield Township, Center Line, Eastpointe, Fraser, Grosse Pointe Shores, Madison Heights, Oak Park, Pontiac, Troy, St. Clair Shores, Warren and 11 cities that make up the Southeastern Oakland County Water Authority. The 11 communities are: Berkley, Beverly Hills, Bingham Farms, Birmingham, Clawson, Huntington Woods, Lathrup Village, Pleasant Ridge, Royal Oak, Southfield and Southfield Township.

There are slightly less than 800,000 people in all the participating communities. If they choose to move forward with one of the study's three options, the communities would divide the costs and pay for it through bonds. Whether or not voters would vote on the bonds first is unknown. The communities also need to think about how the decision should affect the region, said Chuck Hersey, manager of environmental programs for the Southeast Michigan Council of Governments. He said he expects that other communities' costs will be affected if more than 20 customers stop buying water from Detroit.

The study was done by New York-based O'Brien & Gere Engineers, which recently completed a similar feasibility study in central Kentucky for communities looking for alternative water sources.

*Contact **MARY OWEN** at 586-469-1827 or owen@freepress.com.*

June 13, 2005

TO: John Szerlag, City Manager

FROM: John M. Lamerato, Assistant City Manager/ Finance and Administration
Jeanette Bennett, Purchasing Director

SUBJECT: **Agenda Item** – Final Reporting - BidNet On-Line Auction – 5 Computers, 2 Typewriters, & 7 Vehicles

**SUMMARY:**

In compliance with Resolution #2004-02-075, final reporting is being presented for 5 Computers, 2 Typewriters and 7 Vehicles, which were auctioned on-line through BidNet. The on-line auction for 5 Computers and 2 Typewriters was placed on the BidNet site on May 6, 2005 and closed on May 15, 2005. The 7 Vehicles were placed on the BidNet site on May 10, 2005 and closed on May 17, 2005, but only 6 vehicles were sold.

Final sale amounts and fees are listed below:

| DESCRIPTION | PROCEEDS & FEES | SUB-TOTAL | NET INCOME |
|---|---|---|---|
| 5 Computer Sets | $195.00 | | |
| 2 Typewriters (IBM) | $ 28.50 | | |
| 6 Vehicles (4 GMC Trucks & 2 Ford Cars) | $17,351.50 | | |
| **SUB-TOTAL:** | | **$17,575.00** | |
| **FEES:** | | | |
| Feature Items (7 Vehicles @ $5.00 ea) | (-35.00) | | |
| 5% on Vehicles | (-867.58) | | |
| 5% (Computers & Typewriters) | (-11.18) | | |
| **SUB-TOTAL:** | | **($913.75)** | |
| Sales Tax - +6% (Computers & Typewriters): | $ 13.41 | | |
| Sales Tax (None on Vehicles): | $ 0.00 | | |
| **SUB-TOTAL:** | | **$13.41** | |
| | | | **$16,674.65** |

**BACKGROUND**

Resolution #2004-02-075 established the auction fee of 5% and provided approval to use Bidcorp, a partner of BidNet, with the provision that other on-line auction service options would be considered. BidNet moved forward and implemented the on-line surplus auction service for MITN (Michigan Inter-governmental Trade Network), which can be accessed through the City of Troy home web page. MITN is Purchasing's official e-procurement website used for posting bids, tabulations, quotations, and award information. It was a Purchasing goal that one e-procurement site would be operational for all functions.

BIDNET Connecting Buyers and Vendors

Main Reports Member Admin Category Admin Settings Traffic Password

**Revenue Report**

**Agency: City Of Troy, MI**

**Reported On 5/31/2005** **From: 5/1/2005 To: 5/31/2005**

| Item ID | Date | Sale Amount | Charge | Type of Fee | Auction Description | Seller | Group | Agency |
|---|---|---|---|---|---|---|---|---|
| 434 | 5/18/2005 | 1,550.00 | 77.50 | Sale | Vehicle - 1988 GMC 4 - Door Crew Cab | Lamerato | 1077 | City of Troy, MI |
| 432 | 5/18/2005 | 4,700.00 | 235.00 | Sale | Ford - 2000 - Crown Victoria | Lamerato | 1077 | City of Troy, MI |
| 431 | 5/17/2005 | 4,700.00 | 235.00 | Sale | Ford - 2000 - Crown Victoria | Lamerato | 1077 | City of Troy, MI |
| 427 | 5/17/2005 | 2,125.00 | 106.25 | Sale | Vehicles- 1994 GMC Pick-up | Lamerato | 1077 | City of Troy, MI |
| 430 | 5/17/2005 | 2,026.50 | 101.33 | Sale | Vehicles - 1994 GMC Pick-up | Lamerato | 1077 | City of Troy, MI |
| 429 | 5/17/2005 | 2,250.00 | 112.50 | Sale | Vehicles - 1994 GMC Pick-up | Lamerato | 1077 | City of Troy, MI |
| 0 | 5/17/2005 | 0 | 50.20 | Payment | | Bockstanz | 1077 | City of Troy, MI |
| 420 | 5/16/2005 | 25.00 | 1.25 | Sale | Lot B048 - Computer Unit | Bockstanz | 1077 | City of Troy, MI |
| 419 | 5/16/2005 | 25.00 | 1.25 | Sale | Lot B047 - Computer Unit | Bockstanz | 1077 | City of Troy, MI |
| 418 | 5/16/2005 | 25.00 | 1.25 | Sale | Lot B046 - Computer Unit | Bockstanz | 1077 | City of Troy, MI |
| 422 | 5/16/2005 | 49.00 | 2.45 | Sale | Lot B050 - Computer Units | Bockstanz | 1077 | City of Troy, MI |
| 421 | 5/16/2005 | 71.00 | 3.55 | Sale | Lot B049 - Computer Units | Bockstanz | 1077 | City of Troy, MI |
| 424 | 5/16/2005 | 5.00 | 0.25 | Sale | IBM Typewriter | Bockstanz | 1077 | City of Troy, MI |
| 423 | 5/16/2005 | 23.50 | 1.18 | Sale | IBM Typewriter | Bockstanz | 1077 | City of Troy, MI |
| 434 | 5/10/2005 | 0 | 5.00 | Featured Item | Vehicle - 1988 GMC 4 - Door Crew Cab | Lamerato | 1077 | City of Troy, MI |
| 433 | 5/10/2005 | 0 | 5.00 | Featured Item | Ford - 1999 - Crown Victoria | Lamerato | 1077 | City of Troy, MI |
| 432 | 5/10/2005 | 0 | 5.00 | Featured Item | Ford - 2000 - Crown Victoria | Lamerato | 1077 | City of Troy, MI |
| 431 | 5/10/2005 | 0 | 5.00 | Featured Item | Ford - 2000 - Crown Victoria | Lamerato | 1077 | City of Troy, MI |
| 430 | 5/10/2005 | 0 | 5.00 | Featured Item | Vehicles - 1994 GMC Pick-up | Lamerato | 1077 | City of Troy, MI |
| 429 | 5/10/2005 | 0 | 5.00 | Featured Item | Vehicles - 1994 GMC Pick-up | Lamerato | 1077 | City of Troy, MI |
| 427 | 5/10/2005 | 0 | 5.00 | Featured Item | Vehicles- 1994 GMC Pick-up | Lamerato | 1077 | City of Troy, MI |

| Totals for the Date Range: 5/1/2005 To: 5/31/2005 | | | |
|---|---|---|---|
| Total Sales Amount | Total Balance Due for the selected date range | Total Payments | Total Balance Due |
| $17,575.00 | $913.75 | $50.20 | $913.75 |

The Total Number of Items Sold at Auction within the selected date range: 13

**BidNet,®** a division of
INTERNATIONAL DATA BASE CORPORATION

**Address:** Post Office Box 5600, Albany, New York 12205
**Phone:** (800) 677-1997 **Fax:** (800) 721-6985
**Website:** www.bidnet.com **E-mail:** danielle@bidnet.com

# INVOICE FOR SURPLUS AUCTIONS

**Date:** 5/31/2005 **Invoice #:** IN0000000027

**To:** City of Troy
General Fund
500 West Big Beaver
Troy, MI 48084

**Remit To:** BidNet
Post Office Box 5600
Albany, NY 12205-0600
Attn: Ms. Janine Rossi

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| | |
|---|---|
| Service fees for auctions completed in May 2005 (see attached) | $ 913.75 |
| **Total Due:** | **$ 913.75** |

City of Troy Contact: Linda Bockstanz
(P) 248-524-3576
(F) 248-619-7608
(E) purchasing@ci.troy.mi.us

BidNet Contact for Questions: Danielle Ansell
(P) 800-677-1997, ext #222
(F) 800-721-6985
(E) danielle@bidnet.com

**PAYABLE UPON RECEIPT**

# *VEHICLE AUCTION REPORT*

| *NUMBER* | *MAKE* | *MODEL* | *YEAR* | *AUCTION FEE* | *AUCTION PRICE* |
|---|---|---|---|---|---|
| 226 | G.M.C. | C-CAB-P/UP | 88 | $82.50 | $1,550.00 |
| 283 | G.M.C. | 1500/PICKUP | 94 | $111.25 | $2,125.00 |
| 285 | G.M.C. | 1500/PICKUP | 94 | $117.50 | $2,250.00 |
| 286 | G.M.C. | 1500/PICKUP | 94 | $106.33 | $2,026.50 |
| 904 | FORD\C-VIC\4DR\ B&W - Feature Item Fee | FORD CROWN VIC | 99 | $5.00 | No Sale |
| 923 | FORD/C-VIC/4DR/ B&W | FORD CROWN VIC | 00 | $240.00 | $4,700.00 |
| 927 | FORD/C-VIC/4DR/ B&W | FORD CROWN VIC | 00 | $240.00 | $4,700.00 |
| | | | **TOTALS** | **$902.58*** | **$17,351.50** |

***A $5.00 Feature Item fee is included in Numbers 226, 283, 285, 286, 923, & 927.**

***Prepared by: Samuel P. Lamerato, Superintendent of Fleet***

June 14, 2005

To: John Szerlag, City Manager

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

Subject: Research Paper on STOP Signs - FYI

Enclosed, please find some informational materials related to STOP signs. The attached paper is a result of searching over 70 technical papers about multi-way stop signs. The study concentrated on their use as traffic calming devices and their relative effectiveness in controlling speeds in residential neighborhoods.

The summary of the paper is that researchers found that multi-way stop signs do not control speed. Following are some excerpts from the paper:

- Stop compliance is poor at unwarranted multi-way stop signs. This is based on the drivers feeling that the signs have no traffic control purpose. There is little reason to yield the right-of-way because there are usually no vehicles on the minor street. Nineteen references found this to be their finding
- Before-After studies show multi-way stop signs do not reduce speeds on residential streets. Nineteen references found this to be their finding
- Unwarranted multi-way stops increased speed some distance from intersections. The studies hypothesizing that motorists are making up the time they lost at the "unnecessary" stop sign. Fifteen references found this to be their finding
- Multi-way stop signs have high operating costs based on vehicle operating costs, vehicular travel times, fuel consumption and increased vehicle emissions. Fifteen references found this to be their finding.
- Safety of pedestrians is decreased at unwarranted multi-way stops, especially small children. It seems that pedestrians expect vehicles to stop at the stop signs but many vehicles have gotten in the habit of running the "unnecessary" stop sign. Thirteen references found this to be their finding
- Citizens feel "safer" in communities "positively controlled" by stop signs. Positively controlled is meant to infer that the streets are controlled by unwarranted stop signs. Homeowners on the residential collector feel safer on a 'calmed' street. Seven references found this to be their finding.
- Unwarranted multi-way stops may present potential liability problems for undocumented exceptions to accepted warrants. Local jurisdictions feel they may be incurring higher liability exposure by 'violating' the MUTCD. Many times the unwarranted stop signs are installed without a warrant study or some documentation. Cited by six references.
- Stop signs increase noise in the vicinity of an intersection. The noise is created by the vehicle braking at the intersection and the cars accelerating up to speed. The noise is created by the engine exhaust, brake, tire and aerodynamic noises. Cited by five references.

# Multi-way Stops - The Research Shows the MUTCD is Correct!

W. Martin Bretherton Jr., P.E.(M)

*Abstract*

*This paper reviewed over 70 technical papers covering all-way stops (or multi-way stops) and their success and failure as traffic control devices in residential areas. This study is the most comprehensive found on multi-way stop signs*

*The study looked at how multi-way stop signs have been used as traffic calming measures to control speed. There have been 23 hypotheses studied using multi-way stop as speed control. The research found an additional 9 hypotheses studied showing the effect multi way stops have on other traffic engineering problems.*

*The research found that, overwhelmingly, multi-way stop signs do NOT control speed except under very limited conditions. The research shows that the concerns about unwarranted stop signs are well founded.*

## Introduction

Many elected officials, citizens and some traffic engineering professionals feel that multi-way stop signs should be used as traffic calming devices. Many times unwarranted stop signs are installed to control traffic. The Manual on Uniform Traffic Control Devices (MUTCD)(16) describes warrants for installing multi-way stop signs. However, it does not describe many of the problems caused by the installation of unwarranted stop signs. These problems include concerns like liability issues, traffic noise, automobile pollution, traffic enforcement and driver behavior.

This paper is a result of searching over 70 technical papers about multi-way stop signs. The study concentrated on their use as traffic calming devices and their relative effectiveness in controlling speeds in residential neighborhoods. The references found 23 hypotheses on their relative effectiveness as traffic calming devices. One study analyzed the economic cost of installing a multi-way stop at an intersection. The reference search also found 9 hypotheses about traffic operations on residential streets.

The literature search found 85 papers on the subject of multi-way stops. There are probably many more references available on this very popular subject. The seventy-one references are

shown in Appendix A. There was a problem finding the 14 papers found in literature searches. The 14 papers are listed in Appendix B for information only. Most of the papers were from old sources and are probably out of print.

## Multi-Way Stop Signs as Speed Control Devices

A summary of the articles found the following information about the effectiveness of multi-way stop signs and other solutions to controlling speeds in residential neighborhoods.

1. Multi-way stops do not control speeds. Twenty-two papers were cited for these findings. ( Reference 1, 2, 7, 8, 10, 12, 13, 14, 15, 16, 17, 19, 20, 39, 45, 46, 51, 55, 62, 63, 64, 66 and 70).

2. Stop compliance is poor at unwarranted multi-way stop signs. Unwarranted stop signs means they do not meet the warrants of the MUTCD. This is based on the drivers feeling that the signs have no traffic control purpose. There is little reason to yield the right-of - way because there are usually no vehicles on the minor street. Nineteen references found this to be their finding. ( Reference 7, 8, 10, 12, 13, 14, 15, 17, 19, 20, 39, 45, 46, *51, 55,* 61, 62, 63 and 64 ).

3. Before-After studies show multi-way stop signs do not reduce speeds on residential streets. Nineteen references found this to be their finding. (Reference 19 (1 study), 55 (5 studies), 60 (8 studies) and 64(5 studies)).

4. Unwarranted multi-way stops increased speed some distance from intersections. The studies hypothesizing that motorists are making up the time they lost at the "unnecessary" stop sign. Fifteen references found this to be their finding.( Reference 1, 2, 7, 8, 10, 13, 14, 17, 19, 20,39, 45,46, 51, 55, 70 and 71).

5. Multi-way stop signs have high operating costs based on vehicle operating costs, vehicular travel times, fuel consumption and increased vehicle emissions. Fifteen references found this to be their finding. (Reference 3, 4, 7, 8, 10, 14, 15, 17, 45, 55 ,61, 62, 63, 67 and 68).

6. Safety of pedestrians is decreased at unwarranted multi-way stops, especially small children. It seems that pedestrians expect vehicles to stop at the stop signs but many vehicles have gotten in the habit of running the "unnecessary" stop sign. Thirteen references found this to be their finding. (References 7, 8, 10, 13, 14, 15, 17, 19, 20, 45, 51, 55 and 63).

7. Citizens feel "safer" in communities "positively controlled" by stop signs. Positively controlled is meant to infer that the streets are controlled by unwarranted stop signs. Homeowners on the residential collector feel safer on a 'calmed' street. Seven references found this to be their finding. (Reference 6, 14, 18, 20, 51, 58 and 66).

Hypothesis twelve (below) lists five references that dispute the results of these studies.

8. Speeding problems on residential streets are associated with" through" traffic. Frequently homeowners feel the problem is created by 'outsiders'. Many times the problem is the person complaining or their neighbor. Five references found this to be their finding. (References 2, 15, 45, 51 and 55).

9. Unwarranted multi-way stops may present potential liability problems for undocumented exceptions to accepted warrants. Local jurisdictions feel they may be incurring higher liability exposure by 'violating' the MUTCD. Many times the unwarranted stop signs are installed without a warrant study or some documentation. Cited by six references. (Reference 7, 9, 19, 46, 62 and 65).

10. Stop signs increase noise in the vicinity of an intersection. The noise is created by the vehicle braking noise at the intersection and the cars accelerating up to speed. The noise is created by the engine exhaust, brake, tire and aerodynamic noises. Cited by five references. (Reference 14, 17, 20, 45, 55).

11. Cost of installing multi-way stops are low but enforcement costs are prohibitive. many communities do not have the resources to effectively enforce compliance with the stop signs. Five references found this to be their finding. (Reference 1, 10, 45, 51, 55 ).

12. Stop signs do not significantly change safety of intersection. Stop signs are installed with the hope they will make the intersection and neighborhood safer. Cited by five references. (Reference 55, 60, 61, 62, 63).

Hypothesis seven (above) lists seven references that dispute the results of these studies.

13. Unwarranted multi-way stops have been successfully removed with public support and result in improved compliance at justified stop signs. Cited by three references. (Reference 8, 10, 12).

14. Unwarranted multi-way stops reduce accidents in cities with intersection sight distance problems and at intersections with parked cars that restrict sight distance. The stop signs are unwarranted based on volume and may not quite meet the accident threshold. Cited by three references. (Reference 6, 18, 68).

15. Citizens feel stop signs should be installed at locations based on traffic engineering studies. Some homeowners realize the importance of installing 'needed' stop signs. Cited by two references. (References 56, 57 ).

16. Multi-way stops can reduce cut-through traffic volume if many intersections along the road are controlled by stop signs. If enough stop signs are installed on a residential or

collector street motorists may go another way because of the inconvenience of having to start and stop at so many intersections. This includes the many drivers that will not stop but slowly 'cruise' through the stop signs. This driving behavior has been nicknamed the 'California cruise'. Cited by two references. (Reference 14, 61).

17. Placement of unwarranted stop signs in violation of Georgia State Law 32-6-50 (a) (b) (c). This study was conducted using Georgia law. Georgia law requires local governments to install all traffic controls devices in accordance with the MUTCD. This is probably similar to traffic signing laws in other states. Cited by two references. (Reference 19, 62).

18. Special police enforcement of multi-way stop signs has limited effectiveness. This has been called the 'hallo' effect. Drivers will obey the 'unreasonable' laws as long as a policemen is visible. Cited by two references. (Reference 39, 46).

19. District judge orders removal of stop signs not installed in compliance with city ordinance. Judges have ordered the removal of 'unnecessary' stop signs. The problem begins when the traffic engineer and/or elected officials are asked to consider their intersection a 'special case'. This creates a precedent and results in a proliferation of 'special case' all-way stop signs. Cited by two references. (Reference 59, 62).

20. Some jurisdictions have created warrants for multi-way stops that are easier to meet than MUTCD. The jurisdiction feel that the MUTCD warrants are too difficult to meet in residential areas. The reduced warrants are usually created to please elected officials. Cited by two references. (Reference 61 and 70).

21. Citizens perceive stop signs are effective as speed control devices because traffic "slows" at stop sign. If everybody obeyed the traffic laws, stop signs would reduce speeds on residential streets. Cited by one reference. (Reference 55).

22. Removal of multi-way stop signs does not change speeds but they are slightly lower without the stop signs. This study findings support the drivers behavior referenced in item #4, speed increases when unwarranted stop signs are installed. Speed decreases when the stop signs were removed! Cited by one reference. (Reference 64).

23. Multi-way stops degrade air quality and increase CO, HC, and Nox. All the starting and stopping at the intersection is bad for air quality. Cited by one reference. (Reference 68).

**<u>Speed Control Issues</u>**

24. There area many ways to "calm" traffic. Cited by twenty-two references. (Reference 1, 14, 20, 32, 33, 34, 35, 36, 37, 38, 40,41,42, 44, 45, 46, 47, 48, 50, 51, 53 and 66).

They include:

(a) Traffic Chokers
(b) Traffic Diverters
(c) Speed Humps
(d) Roundabouts
(e) Neighborhood Speed Watch
(f) Sidewalks and Other Pedestrian Solutions
(g) Neighborhood Street Design
(h) On-Street Parking
(i) One Way Streets
(j) Street Narrowing

25. Other possible solutions to residential speed. Most speeding is by residents - Neighborhood Speed Watch Programs may work. This program works by using the principle of 'peer' pressure. Cited by seven references. (Reference 2, 30, 31, 36, 42, 48 and 53).

26. Reduced speed limits are not effective at slowing traffic. Motorists do not drive by the number on the signs, they travel a safe speed based on the geometrics of the roadway. Cited by five references. (Reference 1, 20, 39, 46 and 69).

27. Local streets should be designed to discourage excessive speeds. The most effective way to slow down traffic on residential streets is to design them for slow speeds. Cited by two references. (Reference 43, 52).

28. Speeding on residential streets is a seasonal problem. This is a myth. The problem of speeding is not seasonal, it's just that homeowners only see the problem in 'pleasant' weather. That's the time they spend in there front yard or walking the neighborhood. Cited by one reference. (Reference 2).

29. Speed variance and accident frequency are directly related. The safest speed for a road is the speed that most of the drivers feel safest driving. This speed creates the lowest variance and the safest road. Cited by one reference. (Reference 47).

30. The accident involvement rate is lowest at the 85th percentile speed. The 85th percentile speed is the speed that most drivers feel comfortable driving. The lowest variance is usually from the 85th percentile speed and the 10 mph less. Cited by one reference. (Reference 47).

31. Psycho-perceptive transverse pavement markings are not effective at reducing the 85th percentile speed but do reduce the highest speed percentile by 5 MPH. Cited by one reference. (Reference 47).

32. The safest residential streets would be short (0.20 miles) non-continuous streets that are 26 to 30 feet from curb to curb width. The short streets make it difficult of drivers to get up to speed. Cited by one reference. (Reference 52).

**<u>Economics of Multi-Way Stop Signs</u>**

Studies have found that installing unwarranted stop signs increases operating costs for the traveling public. The operating costs involve vehicle operating costs, costs for increased delay and travel time, cost to enforce signs, and costs for fines and increases in insurance premiums.

The total costs are as follows (Reference 55):

| | |
|---|---|
| Operating Costs (1990) ($.04291/Stop) | $ 111,737/year |
| Delay & Travel Costs (1990) ($.03401/Stop) | $ 88,556 /year |
| Enforcement Costs (1990) | $ 837/year |
| Cost of Fines (19 per year) | $ 1,045/year |
| Cost of 2 stop signs (1990) | $ 280 |
| Costs of increased insurance (1990) | $ 7,606/year |
| **Total (1990)** | **$210,061/year/intersection** |

The cost to install two stops signs is $280. The cost to the traveling public is $210,061 (1990) per year in operating costs. This cost is based on about 8,000 vehicles entering the intersection per day.

Another study (62) found that the average annual road user cost increased by $2,402.92 (1988 cost) per intersection when converting from two to four way stop signs for low volume intersections.

## Summary of Stop Signs as Speed Control Devices

Researchers found that multi-way stop signs do not control speed. In analyzing the 23 hypotheses for multi-way stop signs, five were favorable and 18 were unfavorable toward installing unwarranted all-way stop signs. The Chicago study (6) was the only research paper that showed factual support for "unwarranted" multi-way stop signs. They were found to be effective at reducing accidents at intersections that have sight distance problems and on-street parking.

It is interesting to note that residential speeding problems and multi-way stop sign requests date back to 1930 (63). The profession still has not "solved" this perception problem.

## Summary of Economic Analysis

Benefits to control speeds by installing multi-way stop signs are perceived rather than actual and the costs for the driving public are far greater than any benefits derived from the installation of the multi-way stop signs.

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## Appendix A

### References used in Research of Multi-Way Stop Signs

1. Gerald L. Ullman, "Neighborhood Speed Control - U.S. Practices", ITE Compendium of Technical Papers, 1996, pages 111- 115.

2. Richard F. Beaubein, "Controlling Speeds on Residential Streets", ITE Journal, April 1989, pages 37-39.

3. "4 Way Stop Signs Cut Accident Rate 58% at Rural Intersections", ITE Journal, November 1984, pages 23-24.

4. Michael Kyte & Joseph Marek, "Collecting Traffic Data at All-Way Stop Controlled Intersections", ITE Journal, April 1989, pages 33-36.

5. Chan, Flynn & Stocker, "Volume Delay Relationship at Four Way Stop Controlled Intersections: A Response Surface Model", ITE Journal, March 1989, pages 27-34.

6. La Plante and Kripidlowkdki, "Stop Sign Warrants: Time for Change", ITE Journal, October 1992, pages 25-29.

7. Patricia B. Noyes, "Responding to Citizen Requests for Multi Way Stops", ITE Journal, January 1994, pages 43-48.

8. Chadda and Carter, "Multi-Way Stop Signs - Have We Gone Too Far?", ITE Journal, May 1983, pages 19-21.

9. Gary Moore,"Gwinnett County Legal Opinions on Unwarranted Multi-Way Stops", March 6,1990.

10. Chadda and Carter, " The Changing Role of Multi-Way Stop Control", ITE Compendium of Technical Papers, 1983, pages 4-31 to 4-34.

11. Lovell and Haver, "The Safety Effect of Conversion to All-Way Stop Control", Transportation Research Record 1068, pages 103-107.

12. "Indiana Suggests Ways to Halt Stop Sign Misuse", Transafety Reporter, February 1989, page 7.

13. "Why Don't They Put in More Stop Signs?", Traffic Information Program Series, ITE, 1978.

14. "State of the Art: Residential Traffic Management", US DOT, FHWA/RD-80/092, December 1980, pages 63-65, 22-23.

15. Dick Williams, "A New Direction for Traffic Dispute", Atlanta Journal, January 14, 1988, Section E, page 1.

16. "Warrants for Multi-Way Stop Signs" (2B-6), Manual on Uniform Traffic Control Devices, US DOT , FHWA, pages 2B-3 to 2B-4.

17. "Stop and Yield Sign Control", Traffic Control Devices Handbook, US DOT, FHWA, 1983, pages 2-14 to 2-16.

18. La Pante & Kropidlowdki, "Stop Sign Warrants ", Presented at ITE Conference, San Diego, CA, September 18, 1989.

19. Walt Rekuc, "Traffic Engineering Study of Multi-Way Stop Signs", City of Roswell, February 15, 1988.

20. Homburger, etal, Residential Street Design and Traffic Control, ITE, Washington, DC, 1989.

21. Speed Zone Guidelines, ITE, Washington, DC, 1993.

22. A Policy on Geometric Design of Highways and Streets, AASHTO, Washington, DC, 1994.

23. A.J. Ballard, "Efforts to Control Speeds on Residential Collector Streets", ITE Compendium of Technical Papers, 1990, pages 445-448.

24. C.E. Walter, "Suburban Residential Traffic Calming", ITE Compendium of Technical Papers, 1994, pages 445-448.

25. K.L. Gonzalez, " Neighborhood Traffic Control: Bellevue's Approach", ITE Journal, Vol. 43, No.5, May 1993, pages 43-45.

26. Brian Kanely & B.E. Ferris, "Traffic Diverter's for Residential Traffic Control - The Gainesville Experience", ITE Compendium of Technical Papers, 1985, pages 72-76.

27. Marshall Elizer, "Guidelines for the Design and Application of Speed Humps", ITE Compendium of Technical Papers, 1993, pages 11-15.

28. T. Mazella & D. Godfrey, "Building and Testing a Customer Responsive Neighborhood Traffic Control Program", ITE Compendium of Technical Papers, 1995, pages 75-79.

29. W.M. Bretherton and J.E. Womble, "Neighborhood Traffic Management Program", ITE Compendium of Technical Papers, 1992, pages 398-401.

30. J.E. Womble, "Neighborhood Speed Watch: Another Weapon in the Residential Speed Control Arsenal", ITE Journal, Vol. 60, No. 2, February 1990, pages 1- 17.

31. Michael Wallwork, "Traffic Calming", The Genesis Group, unpublished.

32. Doug Lemov, "Calming Traffic", Governing, August 1996, pages 25-27.

33. Michael Wallwork, "Traffic Calming", The Traffic Safety Toolbox, ITE, Washington, DC, 1993, pages 234-245.

34. Ransford S. McCourt, Neighborhood Traffic Management Survey, ITE District 6, Technical Chair, unpublished, June 3, 1996.

35. Halbert, etal, "Implementation of Residential Traffic Control Program in the City of San Diego", District 6 Meeting, July 1993.

36. Anton Dahlerbrush, "Speed Humps & Implementation and Impact on Residential Traffic Control", City of Beverly Hills, California, District 6 Meeting, July 1993.

37. Firoz Vohra, "Modesto Speed Hump Experience", District 6, ITE Meeting, July 1993.

38. Patricia Noyes, "Evaluation of Traditional Speed Reduction in Residential Area", District 6 ITE Meeting, July 1993.

39. Cynthia L. Hoyle, Traffic Calming, American Planning Association, Report No 456, July 1995.

40. Sam Yager, Use of Roundabouts, ITE Technical Council Committee, 5B- 17, Washington, DC, February 1992.

41. Guidelines for Residential Subdivision Street Design, ITE, Washington, DC, 1993.

42. Residential Streets, 2nd Edition, ASCE, NAHB & ULI, 1990.

43. Traffic Calming, Citizens Advocating Responsible Transportation, Australia, 1989.

44. Traffic Calming in Practice, Department of Transport, etal, London, November 1994.

45. Todd Long, "The Use of Traffic Control Measures in the Prevention of Through Traffic Movement on Residential Streets", unpublished, Masters Thesis, Georgia Tech, September 1990.

46. Patricia Noyes, "Evaluation of Traditional Speed Reduction Efforts in Residential Areas", ITE Compendium of Technical Papers, District 6 Meeting, 1993, pages 61-66.

47. G.E. Frangos, "Howard County's Speed Control in Residential Areas Utilizing Psycho-perceptive Traffic Controls", ITE Compendium of Technical Papers, 1985, pages 87-92.

48. Halbert, etal, "Implementation of Residential Traffic Control Program in the City of San Diego", ITE Compendium of Technical Papers, District 6, 1993, pages 23-60.

49. Radwan & Sinha, "Gap Acceptance and Delay at Stop Controlled Intersections on Multi-Lane Divided Highways", ITE Journal, March 1980, page 38.

50. Borstel, "Traffic Circles : Seattle's Experience", ITE Compendium of Technical Papers, 1985, page 77.

51. D. Meier, "The Policy Adopted in Arlington County, VA, for Solving Real and Perceived Speeding Problems on Residential Streets", ITE Compendium of Technical Papers, 1985, page 97.

52. Jeff Clark, "High Speeds and Volumes on Residential Streets: An Analysis of Physical Characteristics as Causes in Sacramento, California", ITE Compendium of Technical Papers, 1985, page 93.

53. Wiersig & Van Winkle, "Neighborhood Traffic Management in the Dallas/Fort Worth Area", ITE Compendium of Technical Papers, 1985, page 82.

54. Improving Residential Street Environments, FHWA RD-81-031, 1981.

55. Carl R. Dawson, Jr., "Effectiveness of Stop Signs When Installed to Control Speeds Along Residential Streets", Proceedings from Southern District ITE Meeting, Richmond, Virginia, April 17, 1993.

56. Arthur R. Theil, "Let Baton Rouge's Traffic Engineers Decide Whether Signs Are Needed", State Times, LA, August 30, 1983.

57. Gary James, "Merits Being Totally Ignored in This Instance", Morning Advocate, Baton Rouge, LA, July 30,1983.

58. James Thomason, "Traffic Signs Allow Crossing", Morning Advocate, Baton Rouge, LA, July 30, 1983.

59. "City-Parish Must Move Stop Signs", Morning Advocate, Baton Rouge, LA, 1983.

60. Synthesis of Safety Research Related to Traffic Control and Roadway Elements, Vol. 2, FHWA Washington, D. C., 19982.

61. B.H. Cottrell, Jr.,"Using All-Way Stop Control for Residential Traffic Management", Report No. FHWA VTRC 96-R17, Virginia Transportation Research Council, Charlottesville, Virginia, January, 1996.

62. Eck & Diega, "Field Evaluation at Multi-Way Versus Four-Way Stop Sign Control at Low Volume Intersections in Residential Areas", Transportation Research Record 1160, Washington, DC, 1988, pages 7-13.

63. Hanson, "Are There Too Many Four-Way Stops?", Traffic Engineering, November 1957, pages 20-22, 42.

64. Beaubien, "Stop Signs for Speed Control", ITE Journal, November 1976, pages 26-28.

65. Antwerp and Miller, "Control of Traffic in Residential Neighborhoods : Some Considerations for Implementation", Transportation 10, 1981, pages 35-49.

66. Lipinski, "Neighborhood Traffic Controls", Transportation Engineering Journal, May 1979, pages 213-221.

67. Richardson,"A Delay Model for Multi-Way Stop Sign Intersections", Transportation Research Record 1112, Washington, DC, 1987, pages 107-114.

68. Briglin, "An Evaluation of Four-Way Stop Sign Control", ITE Journal, August 1982, pages 16-19.

69. Ullman and Dudek, "Effects of Reduced Speed Limits in Rapidly Developing Urban Fringe Areas", Transportation Research Record 1114, 1989, pages 45-53.

70. Robert Rees, "All-Way STOP Signs Installation Criteria", Westernite, Jan-Feb 1999, Vol 53, No. 1, pg 1-4.

71. Wes Siporski, "Stop Sign Compliance", posting on Traffic Engineering Council List Serve, Jan 15, 1999.

## Appendix B

### Additional References for Multi-Way Stop Signs

Not included in Analysis - Reports not available

1. Improving Traffic Signal Operations, ITE Report IR-081, August 1995.

2. Kunde, " Unwarranted Stop Signs in Cities", ITE Technical Notes, July 1982, page 12.

3. "In search of Effective Speed Control", ITE Technical Notes, December 1980, pages 12-16.

4. "Stop Signs Do Not Control Speed", ITE Technical Notes, July 1978, pages 6-7.

5. "An Evaluation of Unwarranted Stop Signs", ITE San Francisco Bay Area, February 1979.

6. "Cost of Unnecessary Stops", Auto Club of Missouri, Midwest Motorists, 1974.

7. Nitzel, Schatter & Mink, "Residential Traffic Control Policies and Measures", ITE Compendium of Technical Papers, 1988.

8. Weike and Keim, "Residential Traffic Controls", ITE Compendium of Technical Papers, Washington DC, August 1976.

9. Landom and Buller, "The Effects on Road Noise in Residential Areas", Watford, United Kingdom, October 1977.

10. Wells and Joyner, "Neighborhood Automobile Restraints", Transportation Research Record 813, 1981.

11. Byrd and Stafford, "Analysis of Delay and User Costs of Unwarranted Four Way Stop Sign Controlled Intersections", TRR 956, Washington, DC, 1984, pages 30-32.

12. Marconi, "Speed Control Measures in Residential Areas", Traffic Engineering, Vol. 47, No. 3, March 1977, pages 28-30.

13. Mounce, "Driver's Compliance with Stop Sign Control at Low Volume Intersections", TRR 808, TRB, Washington, DC, 1981, pages 30-37.

14. Orlob, "Traffic Diversion for Better Neighborhoods", Traffic Engineering, ITE, Vol. 45, No. 7, July 1975, pages 22-25.

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National SAFE KIDS Campaign®

# STOP SIGN VIOLATIONS PUT CHILD PEDESTRIANS AT RISK

## A National Survey of Motorist Behavior at Stop Signs in School Zones and Residential Areas

October 2003

## INTRODUCTION

Walking is a no-cost transportation option that allows parents and children to spend time together, get exercise and improve air quality by not creating vehicle pollutants. Unfortunately, recent evidence indicates that kids are walking less. In 1969, nearly half of elementary school students walked or biked to school.[1] By 1995, only 10 percent of children traveled by foot to school.[2] This decline can be attributed to many causes, including traffic danger and other hazards that make walking unsafe for children.[3]

Decreased walking has contributed to a significant decline in child pedestrian deaths and injuries. However, pedestrian injury remains a leading cause of unintentional injury-related death among children.[4] In 2000, 706 children ages 14 and under died[5], an estimated 47,300 were treated in hospital emergency rooms for pedestrian-related injuries in 2001.[6] Nearly 76 percent of these deaths and 73 percent of injuries were motor vehicle-related. The total annual cost of traffic-related pedestrian death and injury among children ages 14 and under is more than $7.2 billion.[7]

Speeding and other driver behaviors are a contributing factor to pedestrian-related injuries. In 1999, a National SAFE KIDS Campaign survey found that two-thirds of drivers exceeded the posted speed limit in school zones during the 30-minute periods before and after school.[8]

Each year, stop sign violations are associated with approximately 200 fatal crashes and 17,000 non-fatal injury crashes.[9] Children are at risk of injury when stop sign and pedestrian right-of-way laws are violated, yet studies investigating the rate of compliance with stop signs at intersections where children could be present have been lacking. Now SAFE KIDS and FedEx Express have closely examined driver behaviors at intersections in school zones and residential neighborhoods. This observational study determined the frequency of driver compliance with stop signs at unsignalized, marked and unmarked pedestrian crosswalks near schools and in residential areas.

## METHODOLOGY

Data were collected by 72 SAFE KIDS coalitions, representing 39 states and the District of Columbia. Two hundred eighty-eight intersections were surveyed, using instruments and protocols developed by the National SAFE KIDS Campaign. A total of 25,660 vehicles were observed. All surveyed intersections were marked with stop signs and had no additional traffic control measures, such as crossing guards or flashing lights. All intersections were located in a school zone (52 percent) or a residential neighborhood with child pedestrian traffic (48 percent).

Each intersection was observed for 30 minutes by two observers who collected information about vehicle body type, stopping behavior, presence of pedestrians and whether pedestrians were crossing when the vehicle arrived at the intersection. Stopping behaviors were categorized as follows:

**Stop before crosswalk** – the wheels of the vehicle came to a complete stop before the crosswalk or stop sign (if crosswalk is unmarked)
**Stop in or past crosswalk** – the wheels of the vehicle came to a complete stop in or past the crosswalk (or past the stop sign if crosswalk is unmarked)
**Rolling stop** – the vehicle slowed at the crosswalk (marked or unmarked), but the vehicle wheels never came to a complete stop
**No stop** – the vehicle did not stop or slow significantly at the intersection

All coalitions submitted their surveys to the National SAFE KIDS Campaign for analysis. TELEform 7.0 software was used for data entry. Frequencies were generated using SPSS 8.0.

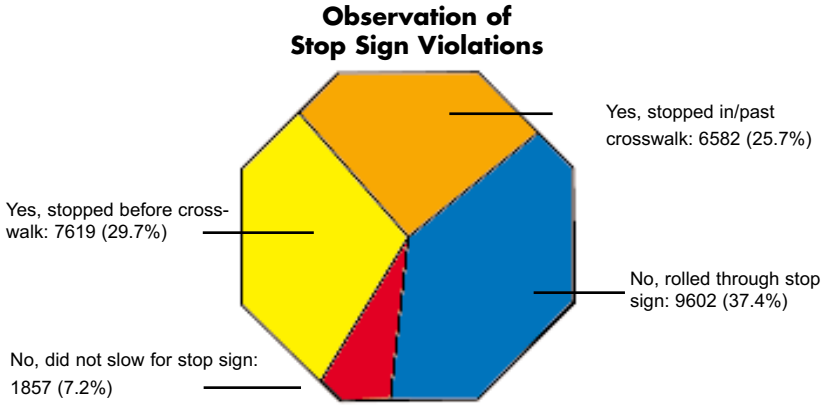
## RESULTS

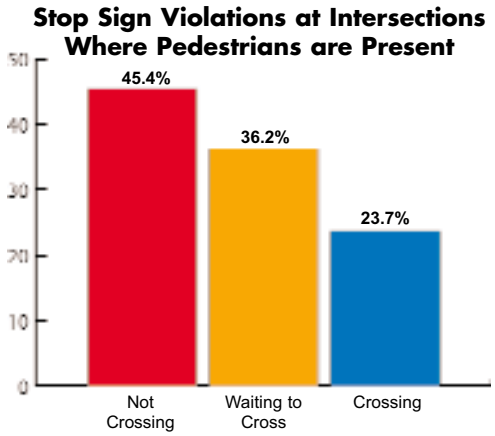
- Motorists did not obey stop signs, putting pedestrians and passengers in other vehicles at risk. Nearly half (45 percent) of vehicles surveyed violated the stop signs by not coming to a complete stop at intersections.
  - More than a third (37 percent) of motorists rolled through the stop signs.
  - Nearly a tenth (7 percent) of motorists did not even slow down for the stop signs.

- When a motorist completed a stop, the vehicle frequently stopped in or past the crosswalk, thus increasing the risk to pedestrians walking across the street. At intersections with marked crosswalks, one quarter (25 percent) of vehicles stopped in or past the crosswalks, impeding the pedestrian pathway.

- Motorists were more likely to stop when pedestrians were present.
  - Nearly a third (32 percent) of motorists violated the stop signs when child pedestrians were present.
  - Nearly half (47 percent) of motorists violated the stop signs when no pedestrians were present.

- Drivers were more likely to stop for pedestrians who were crossing than for those waiting to cross.
  - Nearly a quarter (24 percent) of drivers did not come to a complete stop at intersections where pedestrians were crossing.
  - More than a third (36 percent) of motorists violated the stop signs when pedestrians were waiting to cross.






## DISCUSSION

This observational survey of stop sign compliance in school zones and residential areas indicates that child pedestrians are at risk every day because of motorist behaviors. Child pedestrian safety must be a higher priority for our nation's drivers.

Teaching children pedestrian safety is not enough, especially since we know that children under age 10 are exposed to traffic threats that exceed their cognitive, developmental, behavioral, physical and sensory abilities. This is exacerbated by the fact that parents often overestimate their children's pedestrian skills.[10]

Child pedestrians cannot ensure their own safety, and parents cannot be sure their children are walking in a safe environment unless motorists – many of whom are also parents – respect traffic laws. Drivers need to be educated about the risks of traffic violations that they may consider to be minor, such as rolling through a stop sign. Enhanced awareness and enforcement of the laws being violated can save lives and create environments that are safe for child pedestrians.

## CALL TO ACTION

Since 1999, SAFE KIDS and FedEx Express have teamed up to bring national and local attention to pedestrian safety issues. The two organizations launched the SAFE KIDS Walk This Way program, which has been instrumental in educating local communities about safe pedestrian behaviors and making school zones safer for child pedestrians. Now they are calling upon the 600 SAFE KIDS coalitions and chapters, concerned FedEx Express employees, other safety advocates, and transportation and law enforcement officials to heighten awareness in local communities about stop sign compliance and other safe driving behaviors.

**Education**

- Create and distribute public awareness tools like public service announcements and brochures to raise awareness of stop sign laws and penalties for violations
- Conduct media campaigns to help drivers learn about safe behaviors
- Encourage parents to walk or bike with their children to school, if possible, to decrease traffic congestion and increase safety
- Provide ongoing drivers' education through state motor vehicle departments
- Promote programs that encourage more walking and less driving, such as the Partnership for a Walkable America's International Walk to School Day
- Develop "walking school buses" or other programs that provide adult supervision along routes child pedestrians take to school

**Enforcement and Enactment**

- Conduct targeted stop sign enforcement campaigns regularly
- Establish new pedestrian right-of-way and jaywalking laws, and enforce existing ones
- Advocate for stricter penalties and increased fines for violators of stop sign and other traffic laws
- Support federal funding to support Safe Routes to School through the Pedestrian and Cyclist Equity Act of 2003

**Engineering**

- Dedicate more funds to slowing down cars and increasing the visibility of traffic signs and signals
- Evaluate effectiveness of existing traffic-calming markings, signals and signs
- Assess driving conditions in residential areas and near school zones and determine effective traffic-calming measures


***References***

[1] *Beschen D. Nationwide personal transportation study: Transportation characteristics of school children. Washington (DC): U.S. Department of Transportation, Federal Highway Administration; 1972.*

[2] *Federal Highway Administration, U.S. Department of Transportation. Our nation's travel: 1995 NPTS early result report. Washington (DC): U.S. Government Printing Office; 1997. FHWA-PL-97-028.*

[3] *Centers for Disease Control and Prevention. Barriers to children walking and biking to school - United States, 1999. MMWR 2002;51:701-704.*

[4] *National Center for Injury Prevention and Control, Centers for Disease Control and Prevention. Web-based Injury Statistics Query and Reporting System (WISQARS) Fatal injury reports [online]. 2001 [cited 2002 August 15]. Available from: URL: www.cdc.gov/ncipc/wisqars*

[5] *National Center for Health Statistics, Centers for Disease Control and Prevention. National Vital Statistics System. 2000 Mortality Data. Hyattsville (MD): National Center for Health Statistics; 2002.*

[6] *Center for Injury Prevention and Control, Centers for Disease Control and Prevention. 2002 Dec. Available from: URL: www.cdc.gov/ncipc/wisqars*

[7] *Economics and Insurance Resource Center, Children's Safety Network. December 2002. [Estimates based on 2001 dollars.]*

[8] *Taft CH, Kane BE, Mickalide AD, Paul HA. Child pedestrians at risk in America: a national survey of speeding in school zones. Washington (DC): National SAFE KIDS Campaign; October 2000.*

[9] *National Center for Statistics and Analysis, National Highway Traffic Safety Administration. FARS, NASS GES, 1998-2002. Washington (DC): U.S. Department of Transportation, 2003.*

[10] *Dunne RG, Asher KN, Rivara FP. Behavior and parental expectations of child pedestrians. Pediatrics 1992;89:486-90.*



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**TO:** Mayor and Members of Troy City Council
**FROM:** Lori Grigg Bluhm, City Attorney
**DATE:** May 18, 2005
**SUBJECT:** I-75 Ballot Question

## Assignment

In resolution #2004-07-368, the Troy City Council "DIRECTS the City Attorney to RESEARCH and draft ballot language for the Long Lake/ Crooks Road/ I-75 Interchange Improvement project that will allow voters to provide input on this project for the next scheduled city regular election." The next regular City election is November 2005, which means that the Troy City Council should approve the ballot proposals on or before August 1, 2005. The Charter Revision Committee meeting is on June 20, 2005, and the recommendations of the Charter Revision Committee are expected to be forwarded to the Troy City Council at the July 11, 2005 City Council meeting.

## Placement of Advisory Questions on the Ballot

In a letter dated September 13, 2004, Christopher M. Thomas, the Director of Elections for the State of Michigan, stated "please be advised that absent express legal sanction, a local unit of government in Michigan does not have the authority to call or expend public funds for an election for the purpose of submitting an advisory question to the electors of the jurisdiction." (Attached) Advisory ballot questions are defined in *Southeastern Michigan Fair Budget Coalition v. Killeen, 153* Mich. App. 370 (1986), as questions when the "passage by an affirmative vote of the electorate would not, per se, have the force of law or require action by the city council." (p. 378)

An advisory question cannot be submitted to the electorate without explicit constitutional or statutory or charter authority. (OAG No. 6411 (1986)) In spite of this unequivocal provision, advocates for advisory questions cite language from the *Killeen* case to support their argument. Specifically, they rely on the language where the Michigan Court of Appeals states: "advisory questions are not per se excluded from ballot in elections. " This statement should not be taken out of context, however, especially since the Court continues by recognizing and restating the undisputed legal requirement that there needs to be express authority to allow for advisory questions. In *Killeen*, this express legal authority was lacking, and the court stated that there is no authority for advisory questions under the current state law or under the constitutional provisions. Similarly, there was no express authority for advisory questions in the City of Detroit charter. The *Killeen* court then concluded that absent such express legal authority, advisory questions cannot be submitted to the electorate. Detroit was not permitted to include an advisory question on their ballot.

Just as in *Killeen*, there is no express authority under the constitution, Michigan statutes, or the Troy Charter that expressly allows Troy to submit advisory questions to the voters. Advisory questions cannot be submitted to the Troy voters at this time.

For future elections, Council may wish to submit a question about including this express authority for advisory questions into the Troy Charter. This could be done for the November 2005 ballot, and if passed, it would allow for advisory questions in future election cycles. Until such a charter amendment is adopted, however, there is no authority to submit advisory questions to the voters.

## Initiative and Referendum Are Limited To The Scope of Powers of the City

According to the Home Rule Cities Act, MCL 117.4 (i) (g), municipalities are permitted to incorporate the power of "the initiative and referendum on all matters within the scope of the powers of that city" into their charter. As succinctly stated by Frank Kelley, "the authority of a governmental board to submit questions to its electors is also limited by its general powers. It lacks inherent power to expend funds for the purpose of submitting questions to its electors on matters not within its control or competence." (OAG No. 6143, (1983), quoting a letter opinion to Mr. Ken Dorman, dated October 13, 1975.)

In OAG No. 6411 (1986), Dickinson County unsuccessfully sought to include an advisory question on the ballot that would obtain input on whether a county hospital should be transferred to a private non-profit corporation. The Attorney General first held that there was no express authority for an advisory question. Second, the Attorney General found that the County did not have the authority to transfer a public hospital to a private non-profit corporation, and would have precluded the ballot question on that ground as well.

Similarly, in a letter to the Honorable Michael J. Griffin, dated April 12, 1985, Attorney General Frank Kelley stated "research reveals no authority in either Const. 1963 or in statute for a county board of commissioners to schedule an election on an advisory question dealing with (selling) unclaimed animals in the county animal shelter (to facilities outside of Michigan)." The state statute provided no authority for the county to do what was proposed in the ballot question.

In *Stolorow v. Pontiac*, 339 Mich. 199 (1954), an ordinance that would prohibit the City and officials from using public funds for the acquisition and development of parking facilities was void, since it prohibited both the present and also the future city officials from expending, disbursing, or committing funds for purposes that are expressly authorized by the Charter.

## Ballot Questions Cannot Improperly Shift Administrative Decisions to the Electorate

According to *Scovill v. Ypsilanti*, 207 Mich. 288 (1919), "the city council may not place propositions on the ballot that shift to the electorate the responsibility for making decisions that they themselves are required to make." In *Scovill,* the Ypsilanti City Council wanted voter input before deciding how much money would be paid out of the general fund, and how much money would be levied against affected property owners for a paving project. In rejecting the ballot question, the Michigan Supreme Court stated:

The authority to order and direct paving and other improvements to the city's highways, and the power of taxation to raise fund for that and other municipal purposes rests in the city council. The council cannot by resort to a 'special election' under the statute referred to shirk that duty, delegate its authority and divest itself of or restrict its taxing power conferred by charter in the absence of some express provision to that effect.

This rule was further clarified in *West v. City of Portage*, 392 Mich. 458, 221 NW2d 303 (1974):

Another major limitation on initiative and referendum arises from the distinction drawn by the courts between administrative and legislative action. Only legislative action is subject to initiative and

referendum. This exception applies only to actions of local governments in which the administrative and legislative functions are combined in one body. The courts look to the substance of the matters passed by the governing units and not to the form in which they are passed. An 'ordinance' might be either legislative or administrative. (3 Stan. L. Rev. 497, as quoted in *West,* p. 464)

The rationale for limiting the power of initiative and referendum is found in *McKinley v. Fraser*, 366 Mich. 104 (1962), which was reconsidered by the *West* court:

The understandable objection to an unlimited power of local initiation is that such power can be employed to interfere with the necessary administration of municipal affairs and that it vests with the disgruntled or otherwise misguided minorities the power to impede the efficiency which is necessary to the due execution of local government.

*Elliott v. Clawson*, 21 Mich. App. 363 (1970) also addresses a rationale for limiting the power of initiation and referendum to legislative, as opposed to administrative matters. It states:

Government by representation is still the rule. Direct action by the people is the exception.... The statutory scheme specifically designed for amending city ordinances properly emphasizes the high level of expertise required for the efficient administration of such complex legislation.

According to the Michigan Attorney General:

Statutory powers specifically delegated by the Legislature to a municipal corporation or board of education may not be redelegated by that body to the electors." (OAG No. 4434 (1965-66, p. 258)

In *Rollingwood Homeowners Corp, Inc. v. City of Flint*, 386 Mich. 258, 191 NW2d 325 (1971), the Court found that the City's acquisition of property for a public housing project was advisory, and that there was no right to submit a question concerning the acquisition of property to the voters. According to *Rollingwood*, "There is nothing inherently legislative about a decision to acquire real estate."

Similarly, in *Wayne County Jail Inmates v. Wayne County Sheriff*, 391 Mich. 359; 216 NW2d 910 (1974), the Michigan Supreme Court determined that the decision about whether to provide jail facilities was an executive or administrative function of the County Board of Commissioners.

In *Beach v. Saline*, 412 Mich. 729 (1982), the Court expressly held that the purchase of property is an administrative act which is not subject to the right of referendum.

In *Green Oak Township v. Munzel*, 255 Mich. App. 235 (2003), the Michigan Court of Appeals recently held that there is no authority to challenge a consent judgment through the referendum process. Consent judgments are negotiated and approved by the local legislative body.

In *Citizens Lobby of Port Huron, MI v. Port Huron City Clerk*, 132 Mich. App. 412 (1984), the Court held:

The implementation by a home rule city of a general policy, program or plan by ordinance is an administrative act which is not subject to voter initiative or referendum... To permit the electorate to initiate piecemeal measures affecting land development is as inconceivable to us as allowing the

electorate to initiate ordinances affecting the fiscal affairs of the city without regard to the budget or to the overall fiscal program.

In 1979, Attorney General Frank Kelley concluded that the decision on whether or not to accept funds from the FAA for the purpose of expanding and improving a county airport was an administrative decision. There was no authority to defer that decision to the voters of Menominee County, and therefore "there is no justification for an advisory vote which would be a useless and empty act." (Letter to Donald W. Riegle, Dec. 4, 1979)

In OAG 6143 (1983), Attorney General Frank Kelley opined that a township board had no authority to place an advisory question regarding the levy of summer property taxes on its special election ballot. Kelley stated that the state statute "does not authorize either a school board or a township board to redelegate such determination to its electors."

According to OAG 6383 (1986), the City of Muskegon properly denied an initiative petition to revise the city retirement benefits ordinance, since the City determined that it was an administrative issue, rather than a legislative issue. According to the opinion, "court decisions have limited the application of initiatory procedures to proposed ordinances which are legislative rather than administrative." The opinion also provided some out of state cases as guidance for municipalities that are wrestling with the legislative vs. administrative issue. According to *Shapiro v. Essex County Board of Chose Freeholders*, 177 NJ Super 87 (1980), "In determining whether an act is administrative or legislative... Matters of a permanent or general character are considered legislative, while acts which are temporary or routine are considered to be administrative..." The Attorney General opinion also cites the "practicality test" from *Shriver v. Bench*, 6 Utah 2d 329:

It can readily be seen ... that analyzing the factors which should be taken into consideration in fixing salaries, together with other considerations which must be weighted in individual cases, presents a problem of such complexity that it is not practical for the public to give it sufficient time and attention to make a proper determination of the matter, and further, that the changes which are continually occurring make it highly desirable that there be some expeditious method of re-examining the situation at frequent intervals. This points to the conclusion that it is much simpler, easier, and comports more with reason and the practical exigencies of the operation of city government that the salaries be adjusted by the administrative procedure set up in the charter.

Through comparisons with the existing case law of Michigan and other jurisdictions, Council can determine what ballot questions would be administrative or executive, and would constitute an improper delegation of authority. Administrative or executive decisions should not be placed on the ballot.

## Potential Ramifications of Placing An Improper Question on a Ballot

Some members of the public have erroneously urged City Council that there is no harm in placing an improper question on the ballot. Attorney General Frank Kelley had the opportunity to specifically refute this assertion in his April 12, 1985 letter to Michael J. Griffin, who asked, "What penalties, if any, apply if a county board of commissioners expends funds on an election on such an advisory question?" Kelley responded:

Since an election on such advisory question is not authorized by law, injunctive relief by a taxpayer is appropriate to restrain expenditure of public funds to hold an election on such an advisory question. *Mosier, Johnson v. Gibson,* 240 Mich. 515, 215 NW 333 (1927).

In the event that such a scheduled election were held and public moneys were expended therefore, the action taken to authorize the election and the expenditure of funds would be *ultra vires*. Public moneys paid out therefore may be recovered and mandamus will lie to compel a county board of commissioners to bring such an action. *Johnson, supra,* 240 Mich. at 523.

Based on this strong opinion, if an improper ballot question is placed on a ballot, then this could result in an injunctive lawsuit against the City, or in lawsuits against individual City Council members who acted outside the scope of their responsibilities (ultra vires activities). Our office could not represent any such individual, and the City would similarly not be responsible for any individual judgments if there is ultra vires activity. Placement of an improper question on a ballot may also constitute misconduct in office, which could result in potential criminal prosecution and/or removal from office by the Governor.

## City of Troy Election Provisions

As long as the City doesn't run afoul of the previous provisions, Troy does have the ability to place legislative ballot proposals before the voters, as authorized by Chapter 5 of the Troy Charter (Legislation). As stated in Section 5.10, "An ORDINANCE may be initiated by petition, or a referendum on an enacted ORDINANCE may be had by petition, as hereafter provided." (Emphasis added).

Troy could also submit a proposed Charter amendment to the voters in the November 2005 election. Under state statute (the Home Rule Cities Act), Charter amendments can be submitted through the initiation process. (MCL 117.21) Another avenue for placing a Charter Amendment issue on the ballot is to have a 3/5 majority of the members of the Troy City Council approve placement of the proposed Charter Amendment Proposal for the ballot.

Some opponents of the I-75/ Crooks/ Long Lake interchange project have proposed a Charter Amendment that would elevate the current voting requirement for appropriating the local share of the cost of a road project. However, Section 5.6 (b) of the Troy Charter already sets forth the applicable voting requirements. It states:

The following actions shall require the affirmative vote of a majority of the members elect of the Council for the effectiveness thereof:

(1) Vacating, discontinuing or abolishing any highway, street, lane, alley or other public place or part thereof;
(2) Purchasing, selling or leasing of any real estate or interest therein;
(3) Authorizing the condemning of private property for public use;
(4) Creating or abolishing any office;
(5) Appropriating any money;
(6) Imposing any tax or assessment;
(7) Reconsidering or rescinding any vote of the Council

Under this section, only four votes are required for these actions. Absent a change to the City Charter, City Council cannot by impose a more stringent voting requirement than the City Charter. However, Council could submit a Charter Revision question to the voters in November 2005, which would ask whether the Charter should require five of the members elect to transact business. The potential impact to such a change should be carefully considered, however, since such a change may result in unintended negative consequences. For example, five votes would be required, even if there were a vacancy on City Council. In such a case, an amendment to the Charter could provide veto power to any one individual member of Council. Even without such a vacancy, a minority would wield unlimited authority.

If Council chooses to submit an amendment to the voting requirements of the Charter, this could be done for the November 2005 election, and would be effective immediately if approved by the voters.

It should also be noted that under the election laws, a City cannot use public funds in support of or in opposition to any ballot proposal. Private groups do not have such limitations placed on their advocacy of ballot proposals.

If you have any questions concerning the above, please let me know.

CC: City of Troy Charter Revision Committee

STATE OF MICHIGAN
TERRI LYNN LAND, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

September 13, 2004

Ms. Tonni L. Bartholomew, Clerk
City of Troy
500 West Big Beaver Road
Troy, MI 48084

Dear Ms. Bartholomew:

In response to your recent inquiry, please be advised that absent express legal sanction, a local unit of government in Michigan does not have the authority to call or expend public funds for an election for the purpose of submitting an advisory question to the electors of the jurisdiction. For your reference, I am enclosing several pertinent opinions issued by the Attorney General's office and a copy of an opinion rendered by the Court of Appeals in 1986 in a case related to two advisory questions attempted in Wayne County.

Please be further informed that Michigan election law does not extend an individual or group involved in circulating a petition the opportunity to alter, modify or change anything on the petition after the petition has been submitted to the filing official involved. As a consequence, it would be improper to allow a petition sponsor or any other person to alter, modify or change a petition after it has been filed.

Please do not hesitate to contact this office if we can be of any further assistance.

Sincerely,

Christopher M. Thomas
Director of Elections

BUREAU OF ELECTRONS
TREASURY BUILDING • 1ST FLOOR • 430 W. ALLEGAN • LANSING, MICHIGAN 48918
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STATE OF MICHIGAN

FRANK J. KELLEY, ATTORNEY GENERAL

ELECTIONS: Authority of township board to schedule advisory ballot question

TOWNSHIPS: Authority of board to place advisory ballot question on levy and collection of summer school taxes

A township board has no authority to place on the ballot at a special election an advisory question pertaining to the levy and collection of summer property taxes for school purposes.

Opinion No. 6143 March 24, 1983

Honorable Gary M. Owen
State Representative
The Capitol
Lansing, Michigan

You have requested my opinion regarding the authority of the Ypsilanti Township Board to place an advisory ballot question on the ballot at a special election to be held on April 4, 1983.[1] The advisory question pertains to the levy and collection of summer property taxes for school purposes and is in the following form:

> "Shall all or part of the school taxes in Ypsilanti Township be due earlier in July of each year rather than in December of each year?"

The Board of Education of the Ypsilanti Public Schools, on January 17, 1983, adopted a resolution to impose a summer tax levy, pursuant to the School Code of 1976, 1976 PA 451; MCLA 380.1 et seq; MSA 15.4001 et seq, § 1613, as added by 1982 PA 333. Section 1613, in pertinent part, provides:

---

[1] The township board has also placed on this special election ballot two questions regarding a property tax increase for township library purposes. The authority of the township board to submit these questions to the electors is not at issue.

"(1) By adoption of a resolution of its board before February 1, 1983, or before January 1 in any year thereafter, a school district or intermediate school district may determine to impose a summer property tax levy, which resolution by its terms may be applicable until revoked by the board of the school district or intermediate school district or for levies in any year specified therein. For each year such a resolution applies the school district or intermediate school district that has adopted the resolution shall request, before February 1, 1983 or before January 1 in any year thereafter, each city and township in which it is located to agree to collect the summer levy in that year of either the total or 1/2, as specified in the resolution, of the school property taxes. . . . Upon receipt of the request, the governing body of the city or township shall negotiate the reasonable expenses for collection of the school district's or intermediate school district's summer property tax levy that the city or township may bill under section 1611 or 1612. If a city or township and the school district or intermediate school district reach an agreement within 30 days of receipt of the district's request for the collection of the district's summer property tax levy, including an agreement to the amount of reasonable expenses that the city or township may bill under section 1611 or 1612, section 1611 shall govern the other terms of a city's agreement and section 1612 shall govern the other terms of a township's agreement.

"(2) If a city or township and the school district or intermediate school district fail to reach an agreement pursuant to subsection (1) for the collection of the summer property tax levy of a school district or intermediate school district subject to subsection (3), the school district or intermediate school district then may negotiate, until April 1, a proposed agreement with the county treasurer to collect its summer property tax levy against property located in that city or township. If a proposed agreement with the county treasurer has not been reached by April 1, the school district or intermediate school district may determine to serve as the property tax collecting unit and collect its own summer property tax levy against property in that city or township.

"(3) If, pursuant to subsection (2), the school district or intermediate school district has determined to collect its own summer property tax levy or has reached a proposed agreement with a county treasurer on the collection of its summer property tax levy against property located in a city or township with which an agreement to collect this levy could not be made pursuant to subsection (1), the school district shall notify by April 15 that city or township of the terms of the statement

required by subsection (4)(b) and the city or township shall have 15 days in which to exercise an option to collect the school district's or intermediate school district's summer property tax levy pursuant to the terms of section 1611 or 1612."

Under 1976 PA 451, § 1613, supra, the decision whether to impose such summer tax levy is made by the board of education of the school district. The only decision to be made by the township board is whether to agree to collect the taxes on behalf of the school district. If the township board declines to collect the taxes, the board of education may then make timely alternate arrangements with the county treasurer for collection. The township board has no authority to prevent imposition or collection of the summer tax levy.

In the fact situation posed in your inquiry, the special election will be conducted on April 4, 1983. As of that date, the township board has no role in the decision to impose and collect taxes. Pursuant to 1976 PA 451, supra, § 1613(3), after April 1, 1983, its sole option is to collect the taxes at the cost determined by the school district or agreed to by the county treasurer. If the township board does not agree to do so, the taxes will be collected by the school district or county treasurer. The matter of collection of summer property taxes is, thus, clearly beyond the control of the township board.

Statutory powers specifically delegated by the Legislature to a municipal corporation or board of education may not be redelegated by that body to the electors. OAG, 1965-1966, No 4434, p 258 (May 2, 1966). Here, 1976 PA 451, supra, § 1613 grants specific power to a board of education to determine whether to impose a summer tax levy. 1976 PA 451, supra, does not authorize either a school board or a

township board to redelegate such determination to its electors. Thus, the township board lacks statutory authority to place the advisory question here at issue on the ballot. OAG, 1965-1966, No 4434, supra.

Moreover, the authority of a governmental board to submit questions to its electors is also limited by its general powers. It lacks inherent power to expend funds for the purpose of submitting questions to its electors on matters not within its control or competence. See, letter opinion to Mr. Ken Dorman, dated October 13, 1975.

It is my opinion, therefore, that the Ypsilanti Township Board has no authority to place on the ballot at the special election to be held on April 4, 1983, an advisory question pertaining to the collection of such summer property taxes for school purposes.

FRANK J. KELLEY
Attorney General

STA OF MICHIGAN
DEPARTMENT OF ATTORNEY GENERAL

STANLEY D. STEINBORN
*Chief Assistant Attorney General*

FRANK J. KELLEY
ATTORNEY GENERAL

LANSING
48913

DEC 04 1979

Honorable Donald W. Riegle, Jr.
United States Senator
Washington, D.C. 20510

Dear Senator Riegle:

You have indicated that the citizens of Menominee County are concerned regarding a vote by the county board of commissioners to accept funds from the Federal Aviation Administration for the purpose of expanding and improving the Twin County Airport and you have asked whether it would be permissible to have a referendum or an advisory vote on the matter.

With respect to the powers and duties of county governments, Const 1963, art 7, provides, inter alia:

> "Sec. 1. Each organized county shall be a body corporate with powers and immunities provided by law."*

Chapter VII of the Aeronautics Code, 1945 PA 327; MCLA 259.126 et seq; MSA 10.101 et seq, specifically provides for the acquisition of real and personal property by counties for the operation of airports. Significantly, this statute is silent regarding either approval of such action by the electors or the availability of a referendum.

OAG, 1961-1962, No 4021, p 362 (April 2, 1962), considered whether electors could take action to require the submission at an election of the various actions of a board

* Previously Const 1908, art 8, § 1.

of commissioners to acquire and construct an airport and concluded that the board could acquire property without a vote of the electors.

Instructive also is Rollingwood Homeowners Corp, Inc v City of Flint, 386 Mich 258, 268; 191 NW2d 325 (1971), which involved the acquisition of property for a housing project pursuant to a statute which was silent regarding the method of approval by the city. However, the city charter provided that such matters should be handled by resolution. The Court held:

> "It is clear that the acquisition of property for public use is done by resolution in the City of Flint. The size of the project is of no moment; it can acquire an airport or open an alley by resolution.
>
> "There is nothing inherently legislative about a decision to acquire real estate. The statutory approval having been rendered in the manner contemplated by the City Charter, we conclude that no referendum was available."

The history and application of initiative and referendum in this state was discussed at length in West v City of Portage, 392 Mich 458; 221 NW2d 303 (1974), which held that the right of referendum extended only to legislative acts and not to administrative or executive functions.

The statute provides that a political subdivision is ". . . authorized through its governing body to acquire property . . . ." 1945 PA 327, supra, § 126. The statute does not provide for submitting such action to the voters for approval or for a referendum.

In Wayne County Jail Inmates v Wayne County Sheriff, 391 Mich 359; 216 NW2d 910 (1974), the Supreme Court held that the power to provide jail facilities was an executive or administrative function of the County Board of Commissioners.

It is, therefore, my opinion that no right of referendum exists with respect to the action of the county board of commissioners in accepting funds for the expansion of the airport.

Research has revealed only one provision for an advisory vote in the statutes and decisions of this state.

1909 PA 279, § 18 as amended; MCLA 117.18; MSA 5.2097 provides for an advisory vote as to the desirability of changing the form of government for a city whose electors are contemplating a charter revision. No other authority for an advisory vote has been found. Thus, the issue to be squarely faced is whether the board of commissioners has authority to submit "advisory" issues to the electorate.

In Mosier v Wayne County Board of Auditors, 295 Mich 27, 29, 31; 294 NW 85 (1940), a case which dealt with the appropriation of county funds to conduct a survey throughout the state regarding apportionment and a taxpayer suit to halt the expenditure, the Court held:

> "A county is a municipal corporation and possesses only those powers which have been conferred upon it by the Constitution and the statutes. Attorney General v. Marr, 55 Mich. 445; McCurdy v. County of Shiawassee, 154 Mich. 550; Bloss v. Jackson County Supervisors, 170 Mich. 607 (Ann. Cas. 1914B, 1191); and Bond v. Cowan, 272 Mich. 296.
>
> * * *
>
> ". . . Neither the Constitution nor legislative enactment gives authority to a county to expend public funds for the purpose of procuring reapportionment."

In Wright v Bartz, 339 Mich 55, 59; 62 NW2d 458 (1954), the Court was faced with an action brought to compel the county board of commissioners to hire a private appraiser to evaluate property within the county. In that case, the Court stated:

> "We find nothing in said section which either directly or by necessary implication authorizes a board of supervisors to employ an unofficial agency . . . to do the work of . . . the board of supervisors, . . ."

By analogy it would seem that the board of commissioners is prohibited from delegating certain of their duties as well as their decision-making responsibilities.

The Menominee County Board of Commissioners has acted and exercised its authority in a presumably proper fashion. Thus, there is no justification for an advisory vote which would be a useless and empty act.

Therefore, I am of the opinion that, absent any statutory power, the county board of commissioners is without authority to submit issues to voters for an advisory vote only.

Very truly yours,

FRANK J. KELLEY
Attorney General

STATE OF MICHIGAN
DEPARTMENT OF ATTORNEY GENERAL

STANLEY D. STEINBORN
*Chief Assistant Attorney General*

FRANK J. KELLEY
ATTORNEY GENERAL

LANSING
48913

APR 12 1985

Honorable Michael J. Griffin
State Representative
The Capitol
Lansing, Michigan 48909

Dear Representative Griffin:

You have requested my opinion on several questions relating to the authority of a county board of commissioners to schedule an election on an advisory question dealing with unclaimed animals and to the sale of unclaimed animals to research facilities located outside the state.

Your first question is:

> May a county board of commissioners call an election on an advisory question related to unclaimed animals in the county animal shelter?

Const 1963, art 7, § 1 provides that each organized county shall be a body corporate "with powers and immunities provided by law."

It has been held that a county, as a municipal corporation, possesses delegated powers only which have been conferred upon it by the Constitution and by the statutes. Wright v Bartz, 339 Mich 55; 62 NW2d 458 (1954). In the absence of grant of authority by the Constitution or by statute, a county was barred from expending public money to procure reapportionment of the State Legislature. Mosier v Wayne County Bd of Auditors, 295 Mich 27; 294 NW 85 (1940).

Research reveals no authority in either Const 1963 or in statute for a county board of commissioners to schedule an election on an advisory question dealing with unclaimed animals in the county animal shelter.

In a letter opinion addressed to Mr. Ken Dorman, Staff Assistant to Representative D. J. Jacobetti, dated October 13, 1975, it was concluded that a county board of commissioners was without authority to call an election for the purpose of submitting an advisory question to the county electors and could not expend public funds for a special election therefor.

It is also noted that OAG, 1983-1984, No 6143, p 80 (March 24, 1983), concluded that a township board was without lawful authority to place on the ballot at a special election an advisory question pertaining to the collection of summer taxes for school purposes.

It is my opinion, therefore, that a county board of commissioners may not call an election on an advisory question related to unclaimed animals in the county animal shelter.

Your second question is:

> What penalties, if any, apply if a county board of commissioners expends funds on an election on such an advisory question?

Since an election on such an advisory question is not authorized by law, injunctive relief by a taxpayer is appropriate to restrain expenditure of public funds to hold an election on such an advisory question. Mosier, supra; Johnson v Gibson, 240 Mich 515; 215 NW 333 (1927).

In the event that such a scheduled election were held and public moneys were expended therefor, the action taken to authorize the election and expenditure of funds would be ultra vires. Public moneys paid out therefor may be recovered and mandamus will lie to compel a county board of commissioners to bring such an action. Johnson, supra, 240 Mich at 523.

It is my opinion in answer to your second question that a taxpayer may seek injunctive relief against a county board of commissioners to restrain the expenditure of public funds upon an advisory election. It is my further opinion that if public funds have been expended to hold an election on such an advisory question, mandamus will lie to compel the county board of commissioners to bring an action to recover moneys unlawfully paid to third persons for such purposes.

Your third question is:

> Is a county authorized to sell unclaimed dogs to research facilities located outside of Michigan for purposes of research?

MCL 287.389; MSA 12.580(29), provides:

> "Dogs and cats shall not be offered for sale or sold to a research facility at public auction or by weight; or purchased by a research facility at public auction or by weight. A research facility shall not purchase any dogs or cats except from a licensed dealer, public dog pound, humane society, or from a person who breeds or raises dogs or cats for sale. Any county, city, village or township operating a dog pound or animal shelter may sell for an amount not to exceed $10.00 per animal or otherwise dispose of unclaimed or unwanted dogs and cats to a Michigan research facility."

The term "research facility" has been defined by the Legislature to mean

> "any school, hospital, laboratory, institution, organization or person that uses or intends to use dogs or cats in research, tests or experiments, and that (1) purchases or transports such animals, or (2) receives any funds from the state or local government or any agency or instrumentality thereof to finance its operations by means of grants, loans or otherwise." MCL 287.381; MSA 12.580(21).

The authority of a county to sell unclaimed and unlicensed dogs in a county animal shelter to the University of Michigan was upheld in Youngblood v Jackson County, 28 Mich App 361; 184 NW2d 290 (1970), lv den, 384 Mich 810 (1971).

A plain reading of MCL 287.389; MSA 12.580(29), indicates that a county operating a dog pound or animal shelter is empowered to sell or otherwise dispose of unclaimed or unwanted dogs and cats to Michigan research facilities only. No authority is conferred upon the county to sell or dispose of such animals to research facilities in other states.

It is my opinion in answer to your third question that a county is not authorized to sell unclaimed dogs to research facilities located outside of Michigan.

Very truly yours,

FRANK J. KELLEY

Attorney General

## SOUTHEASTERN MICHIGAN FAIR BUDGET COALITION v KILLEEN

Docket No. 81115. Submitted October 3, 1985, at Detroit. Decided July 21, 1986.

The Detroit City Council adopted a resolution entitled "Advisory Question Re: More Local Jobs Financed by Reductions in Military Spending," drafted by the Southeastern Michigan Fair Budget Coalition, and a resolution entitled "Advisory Question Re: U.S. Foreign Policy Toward Central America," drafted by the Michigan Interchurch Committee on Central American Human Rights (MICAH). Both resolutions were certified by the city clerk and transmitted to James Killeen, Wayne County Clerk, as Secretary of the Wayne County Board of Election Commissioners, for placement on the ballot for the general election of November 6, 1984. The Wayne County Election Commission refused to do so, holding that there was no constitutional or statutory authority for placing the resolutions on the state general election ballot. The Southeastern Michigan Fair Budget Coalition, MICAH, the Detroit City Council, the City of Detroit, and Mary Ann Mahaffey, a member of the Common Council for the City of Detroit, thereafter brought an action in the Wayne Circuit Court against James Killeen and the Wayne County Election Commission challenging the authority of the defendants to refuse to place a certified proposition on the ballot, and seeking appropriate relief to require both resolutions to be placed on the ballot. The circuit court, Thomas Roumell, J., ordered that plaintiffs' complaint for mandamus, injunctive relief and a declaratory judgment be dismissed. Plaintiffs appeal from that order. *Held:*

1. MCL 168.689; MSA 6.1689 is properly construed to require candidates, constitutional amendments, and questions for use at any state, district or county election to be "properly" certi-

REFERENCES

Am Jur 2d, Constitutional Law §§ 747 *et seq.*

Am Jur 2d, Elections §§ 204 *et seq.*, 328 *et seq.*

Am Jur 2d, Municipal Corporations, Counties, and Other Political Subdivisions §§ 126 *et seq.*

See the annotations in the ALR3d/4th Quick Index under Ballots; Elections.



fied before they were entitled to placement on the ballot. The use of the word "properly" evidences an intent of the Legislature that the board of county election commissioners not only determine that a proposed question is certified, but that it is indeed properly certified. Where it is apparent to the board of county election commissioners that the question is not entitled to placement on the ballot, it may refuse to place it thereon and leave the certifying body to its legal recourse. The Court of Appeals interpreted "properly" in this context to mean that the election commissioners are required to determine that, on its face, the question is entitled to placement on the ballot.

2. The Court of Appeals agreed with the circuit court that the questions involved are clearly "advisory" questions in areas with respect to which the city council has no power to act officially.

3. Absent transgressions of the duties set forth in the statutes or city charter, advisory questions are not per se excluded from the ballot.

4. The Legislature has the power, in the absence of a constitutional prohibition excluding such questions, to place advisory questions on the ballot and, therefore, to empower subordinate governmental entities to do so. The Legislature has neither specifically authorized advisory questions to be placed on ballots nor has it specifically authorized advisory questions to be placed on ballots by subordinate governmental units. A grant of such power to the Detroit City Council cannot be inferred from the Michigan Constitution, the provisions of the home rule cities act, or the Detroit City Charter.

5. While advisory questions as such are not necessarily excluded from ballots, in this case neither the Legislature nor the citizens of Detroit have conferred on the Detroit City Council the power to place these advisory questions on the ballot.

Affirmed.

1. ELECTIONS — BALLOTS — PREPARATION OF BALLOTS.

The statute regarding the preparation of election ballots by county election commissioners requires candidates, constitutional amendments, and questions for use at any state, district or county election to be "properly" certified before they are entitled to placement on the ballot; a board of county election commissioners may refuse to place a question on the ballot where it is apparent to the board that the question is not entitled to placement thereon; in this context, "properly" means that the election commissioners are required to deter-

mine that, on its face, the question is entitled to placement on the ballot (MCL 168.689; MSA 6.1689).

2. ELECTIONS — BALLOTS — ADVISORY QUESTIONS.

Advisory questions are not per se excluded from placement on election ballots; however, neither the Legislature nor the citizens of Detroit have conferred on the Detroit City Council the power to place on ballots advisory questions that deal with nothing over which the council has power to act.

3. CONSTITUTIONAL LAW — LEGISLATIVE POWER.

The Legislature can do anything which it is not prohibited from doing by the people through the federal and state constitutions.

4. ELECTIONS — LEGISLATIVE POWER — BALLOTS — ADVISORY QUESTIONS.

The Legislature has the power to place advisory questions on election ballots and to empower subordinate governmental entities to do so; however, the Legislature has not specifically authorized the placement of advisory questions on ballots nor has it specifically authorized subordinate governmental units to do so.

5. ELECTIONS — HOME RULE CITIES ACT — BALLOTS — ADVISORY QUESTIONS.

The home rule cities act does not grant the Detroit City Council the power to place on election ballots advisory questions that deal with nothing over which the council has power to act (MCL 117.3, 117.4i; MSA 5.2073, 5.2082).

*Downs, Zagaroli & Downs, P.C.* (by *Tom Downs*, Special Assistant Corporation Counsel, and *Roger F. Lane*), for plaintiffs.

*John D. O'Hair*, Corporation Counsel, and *W. B. McIntyre, Jr.*, Assistant Corporation Counsel, for defendants.

Before: D. E. HOLBROOK, JR., P.J., and R. B. BURNS and K. B. GLASER,* JJ.

K. B. GLASER, J. Plaintiffs appeal as of right from an order of the Wayne Circuit Court entered

* Circuit judge, sitting on the Court of Appeals by assignment.



October 1, 1984, dismissing their complaint for mandamus, injunctive relief, and declaratory judgment. We affirm.

On July 26, 1984, plaintiff Detroit City Council adopted a resolution entitled "Advisory Question Re: More Local Jobs Financed By Reductions In Military Spending."[1] This resolution was drafted

1

ADVISORY QUESTION RE: MORE LOCAL JOBS FINANCED BY REDUCTIONS IN MILITARY SPENDING

WHEREAS

Detroit is an economically depressed area, suffering from high unemployment, a severe housing shortage, a continuing crime problem and cutbacks in vital city services, and

WHEREAS

These and other problems can be related to a steady increase in military spending of our federal tax dollars, and

WHEREAS

The Reagan Administration has consistently over the last four years steadily increased the military budget and decreased funding for human services, and

WHEREAS

The amount of money which is currently expended for military purposes could be redirected to create more local jobs in the City of Detroit and the nation. NOW, THEREFORE BE IT

RESOLVED

That in order to obtain such an expression from the electors, an advisory question shall be submitted to the qualified electors of the City of Detroit at the General Election to be held in the City of Detroit, as provided by law, on Tuesday, November 6, 1984, the polls to be opened at seven o'clock in the morning and to continue open until eight o'clock in the evening Eastern Standard Time; and BE IT FURTHER

RESOLVED

That said advisory question be submitted to the qualified electors of

by plaintiff Southeastern Michigan Fair Budget Coalition. A second resolution was entitled "Advisory Question Re: U.S. Foreign Policy Toward Central America."[2] The latter resolution was

the City of Detroit and be printed upon the ballot in the following form:

DO YOU FAVOR REQUIRING THE FINANCE DEPARTMENT TO DO AN ANNUAL REPORT SHOWING HOW SIGNIFICANT REDUCTIONS IN MILITARY SPENDING, FINANCED BY OUR DETROIT PORTION OF FEDERAL TAXES, WOULD CREATE LOCAL JOBS AND JOB TRAINING PROGRAMS TO IMPROVE HEALTH, SOCIAL SERVICES, CRIME CONTROL, MENTAL HEALTH, HOUSING AND PUBLIC TRANSPORTATION FOR DETROITERS?

YES ____ NO ____

and BE IT FURTHER

RESOLVED

That before submission of said advisory question to the electors of the City of Detroit, to be voted on by them, the said advisory question shall be published in full together with the official proceedings of this Body at its regular session in at least one issue of the Detroit Legal News, the official newspaper of the City of Detroit, printed, published and circulated in said City; and BE IT FURTHER

RESOLVED

That the above advisory question in full shall be posted in a conspicuous place in each polling place; and BE IT FURTHER

RESOLVED

That the City Clerk is hereby authorized and directed to give such notice as is required by law of such special election and of the registration of electors entitled to participate therein.

2

ADVISORY QUESTION RE: U.S. FOREIGN POLICY TOWARD CENTRAL AMERICA

PEACE WITH JUSTICE IN CENTRAL AMERICA

WHEREAS,

The Michigan Interchurch Committee on Central American Human Rights (MICAH) has proposed an advisory ballot proposal regarding U.S. Foreign Policy toward Central America; and



WHEREAS,

This advisory question is endorsed by a number of prominent Detroit Church leaders from the Baptist, Catholic, Methodist, Episcopal and Lutheran Religious congregations, as well as labor and federal and state government representatives and others; and

WHEREAS,

This body being the Legislative Body of the City of Detroit, desires from the qualified electors of the City of Detroit an expression of whether or not they wish to send a message to the Reagan Administration voicing opposition to the Federal government's policy of military intervention in Central America. NOW THEREFORE BE IT

RESOLVED,

That in order to obtain such an expression from the electors, an advisory question shall be submitted to the qualified electors of the City of Detroit at the election to be held in the City of Detroit at the election to be held on Tuesday, the 6th day of November, 1984; and BE IT FURTHER

RESOLVED,

That said advisory question be submitted to the qualified electors of the City of Detroit and be printed upon the ballot in the following form:

SHALL THE FOLLOWING MESSAGE BE CONVEYED TO THE FEDERAL GOVERNMENT ON BEHALF OF THE CITIZENS OF DETROIT?

PEACE WITH JUSTICE IN CENTRAL AMERICA

WE, THE PEOPLE OF THE CITY OF DETROIT, CALL UPON OUR FEDERAL GOVERNMENT TO CEASE ALL FORMS OF MILITARY ASSISTANCE TO CENTRAL AMERICA AND TO REMOVE ALL OF OUR MILITARY PERSONNEL FROM THE REGION BECAUSE OF MASSIVE HUMAN RIGHTS VIOLATIONS, THE DANGER OF ANOTHER "VIETNAM" WAR, THE DAMAGE SUCH A MISUSE OF OUR TAX DOLLARS DOES TO OUR OWN ECONOMY, AND BECAUSE THE PEOPLE OF THE REGION HAVE A RIGHT TO DETERMINE THEIR OWN FUTURE.

YES( ) NO( )

and BE IT FURTHER

RESOLVED,

That before submission of said advisory question to the electors of the City of Detroit, to be voted on by them, the said advisory question shall be published in full together with the official proceedings of this

drafted by plaintiff Michigan Inter-Church Committee on Central American Human Rights (MICAH). Plaintiff city council adopted that resolution on August 1, 1984.

Both resolutions were certified by the city clerk and transmitted to defendant James Killeen, Wayne County Clerk, as Secretary of the Wayne County Board of Election Commissioners, for placement on the ballot for the general election of November 6, 1984. Pursuant to advice of counsel, defendant Wayne County Election Commission refused to do so, holding that there was no constitutional or statutory authority for placing the resolutions on the state general election ballot. This action was then brought, challenging the authority of defendants to refuse to place a certified proposition on the ballot, and seeking appropriate relief to require both resolutions to be placed on the ballot. The circuit court denied all relief in an opinion filed September 21, 1984.

The first issue is whether the Wayne County Election Commission has the power to refuse to place the resolutions on the ballot for the general election. As noted by the circuit court, plaintiffs contend that the provisions of the state election laws, and specifically MCL 168.646a(2); MSA 6.1646(1)(2), do not to any extent or degree grant

Body at its regular session in at least one issue of the Detroit Legal News, the official newspaper of the City of Detroit, printed, published and circulated in said City; and BE IT FURTHER

RESOLVED,

That the above advisory question in full shall be posted in a conspicuous place in each polling place; and BE IT FURTHER

RESOLVED,

That the City Clerk is hereby authorized and directed to give such notice as is required by law of such election and of the registration of electors entitled to participate therein.



any authority for evaluation by the county clerk as to the purpose, legality or object of any question certified to the clerk for inclusion in the printing of ballots for any general election. We hold that the relevant statute does give some power to the election commission beyond the mere form of the certification.

MCL 168.646a(2); MSA 6.1646(1)(2) is not directed at that issue. It is concerned with the timing of the certifications and the persons to whom the certifications are to be made. The preparation of the ballots is provided for by MCL 168.689; MSA 6.1689:

> The board of election commissioners of each county shall prepare the official ballots for use at any state, district or county election held therein, and shall have printed a sufficient number of ballots containing the names of all candidates *properly* certified to said board of election commissioners, and ballots for all proposed constitutional amendments or other questions to be submitted at such election to supply each election precinct in such county with a sufficient number for such precinct, and not less than 25% more than the total number of votes cast therein at the corresponding election held 4 years previous for the office which received the greatest number of votes. [Emphasis added.]

While the language of the statute is not entirely clear, we see no reason for the Legislature to distinguish between *candidates* who are to be "properly certified" and *constitutional amendments* or *other questions* which have to be so certified. We therefore construe the statute to require *candidates, constitutional amendments,* and *questions* for use at any state, district or county election to be "properly" certified before they are entitled to placement on the ballot. Since

this statute is directed to the board of election commissioners, the use of the word "properly" evidences an intent of the Legislature that the board of county election commissioners not only determine that a proposed question *is* certified, but that it is indeed "properly" certified. Accordingly, where it is apparent to the board of county election commissioners that the question is not entitled to placement on the ballot, it may refuse to place it thereon and leave the certifying body to its legal recourse. We interpret "properly" in this context to mean that the election commissioners are required to determine that, on its face, the question is entitled to placement on the ballot.

The second issue is whether the resolutions to be placed on the ballot would constitute submitting advisory questions to the voters. Plaintiffs contend that they are not advisory questions, and summarize their arguments succinctly in their brief:

> The City Council of Detroit has the right to implement its obligations under the balanced budget provision of the City Charter and the Declaration of Rights provision of the City Charter by having the voters vote directly as a means of supporting the City Council in its findings, which then would give the City Council additional "leverage" in any communications with members of the Legislative and Executive branches of the federal government.

We agree with the circuit court that the questions involved are clearly "advisory" questions, since their passage by an affirmative vote of the electorate would not, per se, have the force of law or require action by the city council.

Possibly more important, however, is that they are advisory questions in the areas of federal military intervention in Central American and



federal military spending, with respect to which the city council has no power to act officially. While the city council may petition the federal government in the matters of federal military spending and federal military intervention in Central America, it has no power to affect decisions in those areas beyond that of any other citizen or group of citizens. The questions are therefore advisory in the commonly accepted definition of that term.

Plaintiffs contend that to refuse to permit these resolutions to be placed on the ballot somehow deprives them of their right of petition. We know of no constitutional provision or case law holding that the right of petition includes the right to place anything *on the ballot* that a citizen or group of citizens might wish to say to their government.

Having determined that these resolutions propound advisory questions and, further, that such advisory questions deal with nothing over which the certifying authority has any power to act effectively, except as any other citizen might act, we turn to the question of how this affects the outcome of the case.

We find nothing in the constitution or statutes of the State of Michigan that specifically prohibits advisory questions. There *is* case precedent holding that the city council may not place propositions on the ballot that shift to the electorate the responsibility for making decisions that they themselves are required to make. See *Scovill v Ypsilanti*, 207 Mich 288; 174 NW 139 (1919). Absent such transgressions of the duties set forth in the statutes or city charter, this Court concludes that advisory questions are not per se excluded from the ballot.

Const 1963, art 4, § 1, vests the legislative power of the state in a senate and house of representa-

tives. The case law makes quite clear the broad nature of Michigan legislative power. The United States Constitution grants limited authority to the federal government to exercise only those powers that have been expressly or impliedly delegated to it. State constitutions, by contrast, serve as limitations on the otherwise plenary power of state governments. *Woodland v Michigan Citizens Lobby*, 423 Mich 188, 210; 378 NW2d 337 (1985). For example, the Legislature has general power to contract unless the constitution contains limitations. *Advisory Opinion on Constitutionality of 1976 PA 240*, 400 Mich 311, 317-318; 254 NW2d 544 (1977). See also *Huron-Clinton Metropolitan Authority v Boards of Supervisors of Five Counties*, 300 Mich 1, 12; 1 NW2d 430 (1942) (legislative power subject only to limitations of federal and state constitutions); *Attorney General v Preston*, 56 Mich 177, 179-181; 22 NW 261 (1885) (possibility of implied prohibitions or limitations on legislative power). The legislative power under the Michigan Constitution is as broad, comprehensive, absolute, and unlimited as that of England's Parliament, subject only to the United States Constitution and the restraints and limitations imposed by the people upon such power by the Michigan Constitution. *Young v Ann Arbor*, 267 Mich 241, 243; 255 NW 579 (1934).

We conclude that the Legislature can do anything which it is not prohibited from doing by the people through the federal and state constitutions. *Attorney General ex rel O'Hara v Montgomery*, 275 Mich 504, 538; 267 NW 550 (1936); *Woodland*, *supra*. We hold therefore that the Legislature has the power, in the absence of a constitutional prohibition excluding such questions, to place advisory questions on the ballot and, therefore, to empower subordinate governmental entities to do so.



The Legislature, however, has neither specifically authorized the placement of advisory questions on ballots nor has it specifically authorized advisory questions to be placed on ballots by subordinate governmental units. Accordingly, we must examine the constitution and statutes to determine whether such a grant of power to the Detroit City Council can be inferred therefrom.

It is apparent from Const 1963, art 7, § 22 that the constitution favors delegation of power to cities and villages. Consistent with that philosophy, Const 1963, art 7, § 34 provides the rule of construction with respect to grants of such power:

> The provisions of this constitution and law concerning counties, townships, cities and villages shall be liberally construed in their favor. Powers granted to counties and townships by this constitution and by law shall include those fairly implied and not prohibited by this constitution.

There being no constitutional provision prohibiting advisory questions, the provisions of the home rule cities act, MCL 117.1 *et seq.*; MSA 5.2071 *et seq.*, must be interpreted liberally in favor of the city in determining whether the power to place advisory questions can be fairly inferred from the language used. We conclude that, under the present state of the statutes and the Detroit City Charter, the city has no such power.

The home rule cities act has two provisions relevant to this issue. Section 3 of the home rule cities act, MCL 117.3; MSA 5.2073, provides certain mandatory provisions to be contained within a city charter. With respect to elections, it provides:

> Each city charter shall provide the following:

* * *

(c) For the time, manner, and means of holding elections and the registration of electors.

Construing this liberally in favor of the city, it is entirely possible that the city charter *could* provide for advisory elections as a "means" of carrying out some of the powers given to the city council by statute and city charter. However, even by the most liberal construction, one could hardly conclude that the city council has been authorized by the Legislature to spend public funds in a straw vote in an area entirely outside the powers of the city council, as in this case.

Section 3 of the home rule cities act does not enlarge the *subject matter* on which the city council may exercise power. It only permits it to determine by what "means" it will exercise the powers otherwise granted to it. Therefore, if the city charter so provided, the city council might well decide that an advisory vote on something over which it has jurisdiction would be the proper means of exercising its power. These particular advisory questions, however, clearly fall outside the power of the Detroit City Council and, even if the city charter authorized advisory votes, there is no grant of power from the Legislature to place these particular advisory questions on the ballot. Furthermore, while the Detroit City Charter has complied with the mandate of providing for the time, manner and means of holding elections, it has not provided as one of those means the use of advisory questions on the ballot.

For these reasons, we find no grant of power in MCL 117.3; MSA 5.2073 that could possibly sustain plaintiffs' position that these advisory questions were entitled to ballot placement.

The second part of the home rule cities act



relevant to this issue is MCL 117.4i; MSA 5.2082, one of the sections that sets forth permissible charter provisions. That section provides in part:

Each city may in its charter provide:

* * *

(6) For the initiative and referendum on all matters within the scope of its powers and for the recall of all of its officials.

At the outset, it is apparent that this is specifically limited to matters within the "scope of its power." The city council, having no power with respect to the subject matter of these resolutions, could not under the most liberal interpretation find the power to place advisory questions on the ballot arising from this section.

Moreover, the words "initiative" and "referendum" have been construed by the Michigan Supreme Court:

In *West v Portage*, 392 Mich 458, 465-466; 221 NW2d 303 (1974), the lead opinion by Justice LEVIN concludes that a right of referendum authorized by the home-rule act extends only to legislative acts:

"We hold that the words 'initiative' and 'referendum' are themselves an implicit limitation on the matters that may properly be the subject of an initiative or referendum, and that the Legislature did not in 1909 intend to confer on the electors of home-rule cities the power to vote on questions not truly legislative in character."

The opinion was signed by three Justices, one Justice concurring in the result. In *Rollingwood Homeowners Corp, Inc v City of Flint*, 386 Mich 258, 268; 191 NW2d 325 (1971), the Court stated that "[t]here is nothing inherently legislative about a decision to acquire real estate." We are of the view that the opinion of Justice LEVIN in *West*,

*supra,* correctly and adequately treats the governing legal principle and adopt the reasoning and conclusion of Justice LEVIN in part I of *West.* [*Beach v City of Saline,* 412 Mich 729, 730-731; 316 NW2d 724 (1982).]

See also *Citizens Lobby of Port Huron, Michigan, Inc v Port Huron City Clerk,* 132 Mich App 412, 419; 347 NW2d 473 (1984), interpreting a city charter. These resolutions cannot qualify as being truly legislative in character under the most liberal construction and, therefore, are not entitled to be placed on the ballot under the right of initiative granted by MCL 117.4i; MSA 5.2082, the Michigan Constitution, or the Detroit City Charter.

We conclude therefore that, while advisory questions as such are not necessarily excluded from ballots, in this case neither the Legislature nor the citizens of Detroit have conferred on the Detroit City Council the power to place *these* advisory questions on the ballot.

Affirmed.



GUARANTEED CONSTRUCTION COMPANY v GOLD BOND PRODUCTS

Docket No. 81772. Submitted February 6, 1986, at Detroit. Decided July 21, 1986.

Plaintiff, Guaranteed Construction Company, contracted with the Ingham County Housing Commission to refurbish the Carriage Lane Apartments in Okemos. Plaintiff subcontracted parts of the project to Formation Plaster, Inc., including the installation of corner bead, a light gauge piece of metal usually coated with zinc that protects the outer corner of a wall and is used in association with dry wall. After the corner bead was installed, a dry wall joint compound or mud was smoothed over joints in the dry wall and around the corner bead to create the look of a plaster wall, which was then painted. Formation's superintendent thereafter discovered that the mud had crumbled and the corner bead underneath it had corroded extensively. As a result, plaintiff had to replace the corner bead and mud and repaint the affected apartment units. Plaintiff thereafter filed suit in the Oakland Circuit Court against Gold Bond Products, Dale Industries, Sharon Steel Corp., Westphalia Building Products, Triumph Metal Source, and Formation Plaster, Inc. Gold Bond manufactured and sold the dry wall joint compound to Westphalia, which supplied it to Formation. Sharon Steel and Triumph sold steel to Dale Industries, which in turn constructed and sold the corner bead to Formation. Plaintiff's complaint alleged: (1) defective product, (2) breach of express and implied warranty, (3) failure to warn, and (4) negligent design and manufacture. The circuit court, Robert C. Anderson, J., on defendants' motion, granted summary judgment in favor of defendants, ruling that there was no genuine issue as to any material fact and that defendants were entitled to judgment as a matter of law. Plaintiff appealed claiming error in the circuit

REFERENCES

Am Jur 2d, Constitutional Law §§ 747 *et seq.*

Am Jur 2d, Elections §§ 204 *et seq.*, 328 *et seq.*

Am Jur 2d, Municipal Corporations, Counties, and Other Political Subdivisions §§ 126 *et seq.*

See the annotations in the ALR3d/4th Quick Index under Ballots; Elections.