AGENDA

Regular Meeting of the

CITY COUNCIL
OF THE CITY OF TROY

JULY 11, 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

July 11, 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) Presentation to the City of Troy by Roberta Urbani, Environmental Planner, and Mike Palchesko, Regional Manager, of the DTE Energy Tree Planting Grant Check

b) Acknowledgement of the City of Troy's 50th Anniversary by the Troy Chamber of Commerce

CARRYOVER ITEMS:

B-1 No Carryover Items

PUBLIC HEARINGS:

C-1 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

Suggested Resolution
Resolution #2005-07-
Moved by
Seconded by

RESOLVED, That the request from Marco Chin representing Mon Jin Lau Restaurant, to install an outdoor dining area for 40 seats at their existing restaurant at 1515 East Maple Road, is hereby **APPROVED** for a period not to exceed 2 years, in accordance with Section 22.30.07 of the Zoning Ordinance, Chapter 39 of the Code of the City of Troy.

Yes:
No:

POSTPONED ITEMS:

D-1 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 #2005-07-
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.

Yes:
No:

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 #2005-07-
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 #2005-07-

RESOLVED, That the Minutes of the Regular City Council Meeting of June 20, 2005 be **APPROVED** as submitted.

E-3 Proposed City of Troy Proclamations (None Proposed)

E-4 Standard Purchasing Resolutions

a) Standard Purchasing Resolution #1: Award to Low Bidder – Contract 05-5 – Fernleigh Water Main Replacement

Suggested Resolution
Resolution #2005-07-

RESOLVED, That Contract No. 05-5, Fernleigh Water Main Replacement, be **AWARDED** to Macomb Pipeline, 4500 River Ridge, Clinton Twp., MI 48038 at an estimated total cost of $570,727.00; and

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

b) Standard Purchasing Resolution #7: Proprietary Maintenance Service Contract – Engineering Software Maintenance (Bentley Systems, Inc.)

Suggested Resolution
Resolution #2005-07-

RESOLVED, That a two-year proprietary software maintenance contract for the City of Troy's Microstation CAD and plotting software is hereby **APPROVED** to Bentley Systems, Inc., for an estimated annual cost of $18,687.50 expiring July 13, 2007.

c) Standard Purchasing Resolution #8: Best Value Award – Sale of Surplus Parcels

Suggested Resolution
Resolution #2005-07-

RESOLVED, That contracts to sell $636,450.00 of surplus real estate parcels be **AWARDED** to the highest bidders as listed on the attached bid tabulation(s) opened June 24, 2005, a copy of which shall be **ATTACHED** to the original Minutes of this meeting and are summarized below:

Parcel #	Sidwell#	Minimum Bid	High Bid	Name of Bidder
6	20-10-477-017	$200,000	$204,950	Scarchilli Brothers Construction LLC
7	20-13-227-008	$ 87,000	$110,000	Patrick Bismack
8	20-15-352-006	$170,000	$171,500	Hung T Dam
18	20-24-352-041	$102,000	$150,000	Antoine El-Amoud, Gus Abbanour, Joseph M Dicicco
			$636,450	GRAND TOTAL

BE IT FURTHER RESOLVED, That the Real Estate and Development Department **SHALL EXPEND** the necessary funds for Title Insurance and recording, to be taken from the proceeds of said sales, to close and record these real estate parcels.

d) Standard Purchasing Resolution #3: Option to Renew and Extend – Tree Removal Services Contract

Suggested Resolution
Resolution #2005-07-

WHEREAS, On August 9, 2004, a one-year contract with an option to renew for one (1) additional year to provide Tree/Stump Removal Services on City-owned property, including ash trees was awarded to the low total bidder meeting specifications, J.H. Hart Urban Forestry of Sterling Heights, for an estimated annual cost of $1,500,000.00, at unit prices contained in the bid tabulation opened July 30, 2004, and supplemental schedule of values (Resolution #2004-08-400);

WHEREAS, J.H. Hart Urban Forestry has agreed to exercise the one-year option to renew and extend the contract from one to three years under the same pricing structure, terms, and conditions with rates increasing in year two by 2%; and

NOW, THEREFORE, BE IT RESOLVED, That the option to renew and extend the contract is hereby **EXERCISED** with J.H. Hart Urban Forestry to provide Tree/Stump Removal Services on City-owned property at unit prices contained in the bid tabulation opened July 30, 2004 for three additional years, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, with rates increasing at the beginning of year two by 2%;

BE IT FINALLY RESOLVED, That the rates contained in the attached supplemental schedule of values as listed in Appendix I **WILL BE THE SAME** for year one of the option and limited to a 2% increase per man hour for year two, with equipment rates remaining the same. The entire contract **SHALL EXPIRE** December 31, 2008.

e) Standard Purchasing Resolution #10: Travel Authorization and Approval to Expend Funds for Troy City Council Members' Travel Expenses – National League

of Cities Finance, Administration and Intergovernmental Relations (FAIR) Committee Meeting

Suggested Resolution
Resolution #2005-07-

RESOLVED, That the Council Member Robin Beltramini is **AUTHORIZED** to attend the National League of Cities Finance, Administration and Intergovernmental Relations (FAIR) committee meeting in Scarborough, Maine September 15-17, 2005 in accordance with accounting procedures of the City of Troy.

E-5 Request for Acceptance of Permanent Easements and Warranty Deeds from Hidden Development, LLC – Section 22, Sidwell #88-20-22-101-023, 025 and 030

Suggested Resolution
Resolution #2005-07-

RESOLVED, That the three Permanent Easements and Warranty Deed received from Hidden Development, LLC, owners of property having Sidwell # 88-20-22-101-023, 025 & 030 are hereby **ACCEPTED**, and

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

E-6 Request for Acceptance of Permanent Easements and Warranty Deeds from Mondrian Properties, LLC – Section 20, Sidwell #88-20-20-226-101, 100 and 104

Suggested Resolution
Resolution #2005-07-

RESOLVED, That the three Permanent Easements and two Warranty Deeds received from Mondrian Properties, LLC, owners of property having Sidwell # 88-20-20-226-101, 100 & 104 are hereby **ACCEPTED;** and

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

E-7 Request for Acceptance of a Permanent Watermain Easement and a Regrading and Temporary Construction Permit for the Troy Court Water Main Project #01.502.5 – Section 34

Suggested Resolution
Resolution #2005-07-

RESOLVED, That the Permanent Watermain Easement and Temporary Regrading and Construction Permit received from Boward Investment Corp., owners of property having Sidwell # 88-20-34-152-026, are hereby **ACCEPTED**, and payment for the Easement and Permit in the

combined amount of $2,000.00, plus recording costs, is **APPROVED**, for the construction, operation, maintenance and repair of the Troy Court Watermain Improvement Project #01.502.5; and

BE IT FURTHER RESOLVED, That the City Clerk is hereby directed to **RECORD** the Permanent Watermain Easement with the Oakland County Register of Deeds, and copy of both Easement and Permit shall be **ATTACHED** to the original Minutes of this meeting.

E-8 Troy Daze Festival Entertainment Tent Fee Request

Suggested Resolution
Resolution #2005-07-

RESOLVED, That the Troy Daze/Magic of Fall request to charge a $3.00 admission fee to the entertainment tent during Special Adults Day is hereby **APPROVED** as requested by the Troy Daze Advisory Committee.

E-9 Private Agreement for Clark Gas Station – Project No. 04.903.3

Suggested Resolution
Resolution #2005-07-

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

E-10 Private Agreement for Hidden Forest Site Condominiums – Project No. 04.908.3

Suggested Resolution
Resolution #2005-07-

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

E-11 Amendment #1 – Concrete Pavement Repair Program

Suggested Resolution
Resolution #2005-07-

WHEREAS, On January 24, 2005, contracts to complete the City of Troy's Concrete Pavement Repair Program were awarded to the low bidders, Major Cement Company of Detroit, MI for Proposal A, Hard Rock Concrete Inc. of Westland, MI – Proposal B, and Six-S, Inc. of

Waterford, MI – Proposal C, at estimated total costs of $824,775.00, $458,975.00, and $507,865.00 respectively for completion by June 30, 2005, at unit prices contained in the bid tabulation opened December 10, 2004 (Resolution #2005-01-041-E-20);

WHEREAS, It is recommended that the contracts be amended to allow for additional concrete replacement for work to be completed by June 30, 2006, on Major Roads, Local Roads, and Stephenson Highway.

NOW, THEREFORE, BE IT RESOLVED, That the contracts are hereby **AMENDED** to provide additional concrete pavement repair to the three low bidders, Major Cement Company – Proposal A, Hard Rock Concrete, Inc. – Proposal B, and Six S, Inc. – Proposal C, in an amount not to exceed $750,000.00, $500,000.00, and $500,000.00, respectively.

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; Ethnic Community Issues Advisory Committee; Historic District Commission; Historical Commission; Library Advisory Board; Liquor Committee; Parks and Recreation Board; Retiree Health Care Benefits Plan & Trust Board; Traffic Committee; Troy Daze**

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 #2005-07-
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 Alternates) – 3 years

Term Expires 06/30/08

Term Expires 06/30/08

CURRENT MEMBERS

NAME	TERM EXPIRES
John Szerlag	06/30/07
Douglas Smith	06/30/07
Keith Pretty **President, Walsh College** **(Requests Reappointment)**	06/30/05
Michael M. Adamczyk, **Asst Supt/Business Services, Troy School District** **(Requests Reappointment)**	06/30/05
Robin Beltramini **(Council)**	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 07/01/06 **(Student)**

CURRENT MEMBERS

NAME	TERM EXPIRES
Gary G. Chamberlain	12/31/05
Lynn Drake-Batts **(BZA Alt Rep)**	12/31/06
Fazlullah M. Khan	12/31/06
Larry Littman	12/31/07

Robert M. Schultz	12/31/05
Thomas Strat	12/31/05
Mark J. Vleck	12/31/07
David T. Waller	12/31/06
Wayne C. Wright **(BZA Rep)**	12/31/07
Howard Wu **(Student)**	07/01/05

INTERESTED STUDENT APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
Christopher Kulesza	07/01/05	07/11/05

Yes:
No:

(b) City Council Appointments

Suggested Resolution
Resolution #2005-07-
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
Renee Uitto	12/03/04-12/2006	12/06/04

INTERESTED STUDENT APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
None on file.		

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

Term Expires 04/30/08

CURRENT MEMBERS

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

INTERESTED APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
Cynthia Buchanan	06/07/00	06/07/00
Susan Burt	09/24/01	10/01/01
Kathleen Ann Connor	02/25/04-02/2006	03/01/04
Mary E. Freliga	11/25/02-11/2004	12/02/02
Victor P. Freliga	04/19/04-04/2006	05/03/04
Victoria Lang	06/16/03-06/2005	07/07/03
Dorothy A. Pietron	12/21/98-07/10/01	07/23/01
Mark Pritzloff	04/17/03-04/2005	04/28/03
Shiva Shakara K. Sastry	07/20/04-07/2006	08/23/04
Donald E. Schafer	06/08/04-06/2006	06/21/04
Remedios Solarte	09/15/04	09/20/04
Nancy Wheeler	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 07/01/06 **(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
None on file.		

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

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

Term expires 03/01/08

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

CURRENT MEMBERS

NAME	TERM EXPIRES

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

INTERESTED APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
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

INTERESTED STUDENT APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
None on file.		

Historical Commission

Appointed by Council – (7) – 3 years

_____ Term Expires 07/31/08

_____ Term Expires 07/31/08

_____ Term Expires 07/31/08

CURRENT MEMBERS

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

Library Advisory Board
Appointed by Council - (5) – 3 years

Unexpired Term Expires 04/30/08

CURRENT MEMBERS

NAME	TERM EXPIRES
Joanne C. Allen **(Resigned 06.20.05)**	04/30/08
Brian Griffen	04/30/06
Lynne R. Gregory	04/30/07
Nancy D. Wheeler	04/30/07
Audre Zembrzuski	04/30/08
Lauren Andreoff	07/01/06
Cheng Chen	07/01/06

INTERESTED APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
Wilson Deane Blythe	03/06/02	03/18/02
Michael Brady	04/30/03	
Mary E. Freliga	11/25/02-12/2004	12/02/02
Kul B. Gauri	08/26/99-07/03/03-07/2005	
Amin Hashmi	08/22/02-08/2004	
Dick Mellen	05/02/03-05/2005	05/05/03
Albert T. Nelson, Jr.	03/16/99	
Michael O'Brien	07/28/03-07/2005	08/04/03
Brian M. Powers	10/15/02-10/2004	10/21/02
Mark Pritzloff	04/17/03-04/2005	04/28/03
Shiva Shankara K. Sastry	07/20/04-07/2006	08/23/04
Jayshree Shah	08/28/01-01/12/04-01/2006	09/17/01-02/02/04
Oniell Shah	08/07/02	09/23/02
Patricia A. Shepich	07/22/04-07/2006	08/23/04
Mary E. Shiner	11/28/01	12/09/01
Beatrice G. Smits	12/02/03-12/2005	12/15/03
Remedios A. Solarte	12/19/04	09/20/04
Mark R. Solomon	02/05/99-06/16/03-05/2005	07/07/03
Renee Uitto	12/03/04-12/2006	12/06/04

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) (Board recommends reappointment)**	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.		

Retiree Health Care Benefits Plan & Trust Board

Appointments confirmed by City Council (8) – 3 Employee Trustees – 3 years; 1 Citizen Trustee – 3 years; 1 Council Trustee – 4 years; Retiree - Non-voting Member; City Manager and Assistant City Manager/Finance & Admn – by virtue of his position.

Michael Geise **(Employee Rep)**	Term Expires 12/31/05
Thomas Houghton **(Employee Rep)**	Term Expires 12/31/07
Steven A. Pallotta **(Employee Rep)**	Term Expires 12/31/06
Mark A. Calice **(Citizen-Council Appt.)**	Term Expires 12/31/06
Louise E. Schilling **(Council-Council Appt.)**	Term Expires 04/16/06
William Need **(Retiree-Council Appt.)**	Retiree Non-Voting Member
John Szerlag	City Manager
John M. Lamerato	Assistant City Manager/Finance & Admn.

NOTE: Retiree Health Care Benefits Plan and Trust (Established June 20, 2005 Resolution #2005-06-303): 1:303. Board of Trustees: 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.

Traffic Committee

Appointed by Council (7) – 3 years

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

CURRENT MEMBERS

NAME	TERM EXPIRES

John Diefenbaker	01/31/06
Lawrence Halsey	01/31/06
Jan L. Hubbell	01/31/08
Richard D. Kilmer	01/31/08
Richard D. Minnick II	01/31/06
Charles Solis	01/31/06
Grace Yau **(Student)**	07/01/05
Peter F. Ziegenfelder	01/31/08
John Abraham	(Ex-officio)
Charles Craft	(Ex-officio)
William Nelson	(Ex-officio)

INTERESTED STUDENT APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
None on file		

Troy Daze
Appointed by Council (9) – 3 years

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

CURRENT MEMBERS

NAME	TERM EXPIRES
Robert A. Berk	11/30/06
Jim D. Cyrulewski	11/30/07
Cecile Dilley	11/30/07
Michael S. Gonda	11/30/06
Kessie Kaltsounis	11/30/05
William F. Hall	11/30/05
Dhwani Mehta **(Student)**	07/01/05
Marilyn K. Musick	11/30/07
Jeffrey Stewart **(Rep to Parks & Rec Board)**	09/30/06
Robert S. Preston	11/30/05
Cheryl A. Whitton-Kaszubski	11/30/06

INTERESTED STUDENT APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
Berj Alexanjan	07/01/05	07/11/05

Yes:
No:

F-2 Standard Purchasing Resolution 1: Award to Sole Bidder

Resolutions A and B are for golf course Original Equipment Manufacturer (OEM) Replacement Parts. During the bid process, two bidders (Weingartz and Spartan Distributors) who are sole source distributors for their respective manufacturers did not respond to the solicitation necessitating the bid waiver.

a) Miscellaneous Golf and Turf Maintenance

Suggested Resolution
Resolution #2005-07-
Moved by
Seconded by

RESOLVED, That a contract to purchase three-year requirements of Miscellaneous Original Equipment Manufacturers Replacement Parts for the City of Troy Golf Division with an option to renew for one additional year is hereby **AWARDED** to the sole bidder, W.F. Miller Company of Novi, Michigan at pricing and percentage discounts contained in the bid tabulation opened April 27, 2005, a copy of which shall be **ATTACHED** to the original Minutes of this meeting with a contract expiration date of June 30, 2008.

Yes:
No:

b) OEM Replacement Parts for Golf and Turf Maintenance Equipment

Suggested Resolution
Resolution #2005-07-
Moved by
Seconded by

WHEREAS, Weingartz of Farmington Hills and Spartan Distributors of Sparta, Michigan, are the exclusive distributors in Michigan for John Deere and Toro replacement parts respectively;

WHEREAS, both Weingartz and Spartan Distributors has offered to sell their parts at list prices with discounts up to 55%.

NOW, THEREFORE, BE IT RESOLVED, That contracts to purchase both John Deere and Toro replacement parts are hereby **APPROVED** with Weingartz and Spartan Distributors, respectively, **TO EXPIRE** June 30, 2008, at list prices less discounts up to 55%.

Yes:
No:

F-3 Request to Publish and Solicit for Public Sealed Bid – Sale of 11 Surplus Parcels

Suggested Resolution
Resolution #2005-07-
Moved by
Seconded by

RESOLVED, That the Real Estate and Development Department, in conjunction with the Purchasing Department is **AUTHORIZED** to advertise to sell by sealed bid to the highest bidder, at or above the minimum bid value established as the appraised value, the following listed surplus parcels:

Parcel#	Sidwell#	Appraised Value	Type Property
1	20-01-476-032	$340,000.00	Vacant B-1
2	20-03-226-022(part)	$175,000.00	Vacant Residential
3	20-03-126-006	$80,000.00	Vacant Residential
5	20-03-226-022	$95,000.00	Vacant O-1
9	20-16-476-027,028	$187,000.00	Vacant Residential
21	20-26-433-019,020	$70,000.00	Vacant M-1
22	20-26-483-053	$235,000.00	Vacant M-1
23	20-28-477-042	$18,000.00	Vacant M-1
24	20-27-155-013	$60,000.00	Vacant Residential
26	20-34-201-003	$20,000.00	Vacant M-1
27	20-34-201-009	$13,500.00	Vacant M-1

Yes:
No:

F-4 Final Site Condominium Review – Stone Haven Woods East No. 2 Site Condominium, South Side of Wattles Road, West of Crooks Road, Section 20 – R-1B

Suggested Resolution
Resolution #2005-07-
Moved by
Seconded by

RESOLVED, That the Final Plan as submitted under Section 34.30.00 of the Zoning Ordinance (Unplatted One-Family Residential Development) for the development of a One-Family Residential Site Condominium known as Stone Haven Woods East No. 2 Site Condominium, located on the south side of Wattles Road, west of Crooks Road, including 4 home sites, within the R-1B zoning district, being 2.02 acres in size, is hereby **APPROVED**, as recommended by City Management.

Yes:
No:

F-5 Final Site Condominium Review (Revised) – Hidden Forest Site Condominium, South Side of Wattles, East of Livernois, Section 22 – R-1C

Suggested Resolution
Resolution #2005-07-
Moved by
Seconded by

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

Yes:
No:

F-6 Request for Approval of Purchase Agreement for Acquisition of Property Adjacent to Historic Green – Katharyn L. Jensen – Sidwell #88-20-16-478-027

Suggested Resolution
Resolution #2005-07-
Moved by
Seconded by

RESOLVED, That the Agreement to Purchase between Katharyn L. Jensen, and the City of Troy, having Sidwell #88-20-16-478-027 for the acquisition of her property at 100 West Wattles, is hereby **APPROVED**; and

BE IT FURTHER RESOLVED, That authorization is hereby **GRANTED** to purchase the property in the Agreement referenced above in the amount of $180,000.00, plus closing costs.

Yes:
No:

F-7 Charter Revision Committee Recommendations

Suggested Resolution
Resolution #2005-07-
Moved by
Seconded by

RESOLVED, That the Troy City Council **APPROVES** as to form the following proposed Charter amendments for the November 8, 2005 City General Election:

RECOMMENDED CHARTER REVISION PROPOSAL #1 (24 words)

Shall Section 3.4 of the Troy Charter be amended by moving and incorporating Section 7.5 of the Troy Charter in its entirety?

Yes:
No:

RECOMMENDED CHARTER REVISION PROPOSAL #2 (78 words)

Shall Section 3.4 of the Troy Charter be amended to implement election consolidation revisions to Michigan Election Law, by revising the term of Troy City Council Members and the Mayor from the current three (3) year terms that expire

at 8:00 PM of the third year of the term to provide for four (4) year terms that expire at 7:30 PM of the first Monday following the Regular Election of the fourth year of their term?

Yes:
No:

RECOMMENDED CHARTER REVISION PROPOSAL #3 (20 words)

Shall Section 7.5.5 of the Troy Charter be renumbered as 3.4.1 and titled as Elective Officers Term Limitations?

Yes:
No:

RECOMMENDED CHARTER REVISION PROPOSAL #4 (46 words)

Shall Section 7.5.5 be amended to revise the definition of a term from the current language that "any portion of a term served shall constitute one full term" to "Any service greater than two (2) years plus one (1) month shall constitute a term."?

Yes:
No:

RECOMMENDED CHARTER REVISION PROPOSAL #5 (78 words)

Shall Section 3.4.2 be created to implement election consolidation revisions to Michigan Election Law, by providing for the re-establishment of the staggering of City Council terms by providing for three (3) City Council Members to be elected in one election cycle and the remaining three (3) Council Members and the Mayor to be elected in a subsequent election cycle, which will be accomplished through an election of a one-time two (2) year City Council Member term?

Yes:
No:

RECOMMENDED CHARTER REVISION PROPOSAL #6 (94 words)

Shall Section 7.3 of the Troy City Charter be amended to implement election consolidation revisions to Michigan Election Law, by changing the election date from the "first Monday in April of each year" to the "first Tuesday after the first Monday of every odd-year November" and eliminating "if some other date in the months of March, April or May is fixed by law for the holding of the state biennial election, then the regular City election shall be held on the date so fixed", since these provisions conflict with Michigan Election Law?

Yes:
No:

RECOMMENDED CHARTER REVISION PROPOSAL #7 (99 words)

Shall Section 7.6 of the Troy City Charter be revised to implement election consolidation revisions to Michigan Election Law, by providing "Special City Elections shall be called as provided in Michigan Election Law" and eliminating

"Special City elections shall be held when called by resolution of the Council at least 40 days in advance of such election, or when required by this charter or statute. Any resolution calling a special election shall set forth the purpose of such election. No more special City elections shall be called in any one year than the number permitted by statute."

Yes:
No:

RECOMMENDED CHARTER REVISION PROPOSAL #8 (84 words)

Shall Section 7.9 of the Troy City Charter be revised to eliminate a conflict with Michigan Election Law, by eliminating "No person shall sign his name to a greater number of petitions for any office than there are persons to be elected to said office at the following City election. If the signature of any persons appears on more petitions than permitted by this section, such signatures shall not be counted on any one of the petitions so signed for that office."?

Yes:
No:

RECOMMENDED CHARTER REVISION PROPOSAL #9 (91 words)

Shall Section 7.10 of the Troy City Charter be revised to eliminate a conflict with Michigan Election Law by striking "The Council shall approve a form of nominating petition with spaces thereon for address and date of signing for each signer, an affidavit form for the circulator to sign affirming that he and the petitioners are registered electors and a summary of the qualifications required of candidates and the regulations governing the petition" and providing that "Nominating petitions shall be in a form as provided by Michigan Election Law"?

Yes:
No:

Yes:
No:

F-8 Option to Renew and Amend Contract – Sidewalk Replacement Program

Suggested Resolution
Resolution #2005-07-
Moved by
Seconded by

WHEREAS, On August 4, 2003 and corrected August 18, 2003, a one-year contract to provide Sidewalk Replacement and Installation with an option to renew for two additional one-year periods was awarded to the low bidder, Hard Rock Concrete, Inc., at an estimated cost of $366,210.00, and if changes in the quantity of work are required, either additive or deductive, such changes are authorized in an amount not to exceed 25% of the contract total per year (Resolution #2003-08-425-E9);

WHEREAS, Hard Rock Concrete Inc has agreed to exercise the second one-year option to renew under the same prices, terms, and conditions as the original contract;

WHEREAS, It is requested the contract be amended to allow for additional sidewalk work as needed, not to exceed $92,237.50.

NOW, THEREFORE, BE IT RESOLVED, That the option to renew the contract is hereby **EXERCISED AND AMENDED** with Hard Rock Concrete, Inc. to provide sidewalk replacement and installation with the City of Troy for an additional $92,237.50, which will be added to the previously approved contract amounts and all costs will not exceed $550,000.00; and

AND, BE IT FURTHER RESOLVED, That this contract renewal will be the same contract unit prices, terms and conditions for one-year **EXPIRING** June 30, 2006.

Yes:
No:

F-9 Final Environmental Impact Statement for Widening and Reconstruction of I-75 from M-102 to M-59

Suggested Resolution
Resolution #2005-07-
Moved by
Seconded by

WHEREAS, Improvements to the I-75 freeway corridor such as additional lanes on I-75, interchange improvements and local roadway improvements are overdue, and are recommended by the I-75 corridor study;

WHEREAS, The lack of these improvements continues to exacerbate concerns regarding traffic congestion and traffic crashes in the City and in the region.

NOW,THEREFORE, BE IT RESOLVED, That the City Council of the City of Troy **SUPPORTS** the Final Environmental Impact Statement (FEIS) for the I-75 Corridor Study and **ENCOURAGES** communities along I-75 to support the FEIS, for the timely approval of federal funds for the completion of the recommended improvements.

Yes:
No:

MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

G-1 Announcement of Public Hearings:

a) Parking Variance – Maple Research Center – July 18, 2005
b) Commercial Vehicle Appeal – 82 Miracle Drive – July 18, 2005
c) Preliminary Planned Unit Development Review – PUD-004 (The Monarch Private Residences) – North Side of Big Beaver Road, East of Alpine and West of McClure, Section 20 – July 18, 2005

G-2 Green Memorandums:

a) Proposed Amendments to Chapter 26 – Parks – General Regulations

b) Chapter 28 – Tree Ordinance Revision

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) Charter Revision Committee/Final – November 5, 2003

b) Library Board/Final – April 14, 2005

c) Downtown Development Authority/Final – April 20, 2005

d) Board of Zoning Appeals/Final – May 17, 2005

e) Troy Daze Advisory Committee/Final – May 24, 2005

f) Building Code Board of Appeals/Draft – June 1, 2005

g) Planning Commission Special/Study/Draft – June 7, 2005

h) Planning Commission Special/Study/Final – June 7, 2005

i) Charter Revision Committee/Draft – June 20, 2005

J-2 Department Reports:

a) 2005 Community Development Block Grant Funds Released

b) 2005 Second Quarter Litigation Report

J-3 Letters of Appreciation:

a) Letter of Appreciation to Sgt. Don Ostrowski from Oakland County Sheriff Michael Bouchard

b) Letter of Thanks to Chief Charles Craft from Larry W. West, Sr., Career Academy Manager at Macomb Community College

J-4 Proposed Proclamations/Resolutions from Other Organizations:

a) Resolution from the Charter Township of Independence Regarding Local Control of Liquor Licenses
b) Resolution from the City of Ferndale Regarding Detroit Intermodal Freight Terminal (DIFT) Project
c) Resolution from the City of Ferndale Regarding Social Security
d) Notice of Hearing for the Customers of the Detroit Edison Company – Case Number U-14528
e) Resolution of the Council of the City of Berkley, Michigan Supporting Local Control of Liquor Licenses
f) Resolution from the Charter Township of Bloomfield in Support of Local Control of Liquor Licenses

J-5 Calendar

J-6 Resignation Letter to John Szerlag from Laura Fitzpatrick

J-7 Intra-County Class C Liquor License Transfers

J-8 Letter from Oakland County Road Commission Regarding Discontinued Road Maintenance Work

J-9 Enforcement Activities Regarding Non-Permitted Group Day Care Homes in Single Family Residential Zoning

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

Suggested Resolution
Resolution #2005-07-
Moved by
Seconded by

BE IT RESOLVED, That the City of Troy City Council **SHALL MEET** in Closed Session, as permitted by MCL 15.268 (e), Pending Litigation – Sunset Excavating, Inc. v. MDOT (as Agent for the City of Troy.)

Yes:
No:

RECESSED

RECONVENED

ADJOURNMENT

Respectfully submitted,

John Szerlag, City Manager

SCHEDULED CITY COUNCIL MEETINGS:

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
Monday, October 3, 2005 ..... Regular City Council
Monday, October 17, 2005 ..... Regular City Council
Monday, October 24, 2005 ..... Regular City Council
Monday, November 14, 2005 ..... Regular City Council
Monday, November 21, 2005 ..... Regular City Council
Monday, November 28, 2005 ..... Regular City Council
Monday, December 5, 2005 ..... Regular City Council
Monday, December 19, 2005 ..... Regular City Council

A-01a

Mary F Redden

From: Cynthia A Stewart
Sent: Monday, June 27, 2005 8:41 AM
To: John Szerlag; Brian P Murphy
Cc: Mary F Redden; agenda; Carol K Anderson
Subject: Council Meeting - July 11 - Presentation

OK
SP

Roberta Urbani, Environmental Planner and Mike Palchesko, Regional Manager will be attending. They want to say a few words and do a check presentation (which they will provide). The grant is called the DTE Energy Tree Planting Grant Program, and we received $3000.

The 2005 DTE Energy Tree Planting Program's purpose it to increase the number and variety of properly maintained trees in municipalities and maintain those trees in good condition and health. An additional purpose is to assist those communities most affected by the Emerald Ash Borer. This grant will enable the city to replace 86 trees in right-of-way areas decimated by the Emerald Ash Border. We applied for the grant through an open grant announcement, and was awarded $3000 from the program in April.

A-1a

A-01b

Troy Chamber of Commerce
Board of Directors
Resolution of Support – Acknowledgement of the City of Troy's 50th Anniversary

Troy Township emerged a city 50 years ago. Following World War II, Troy Township changed rapidly. Companies that supported the automobile industry purchased large tracts of land in the southern sections of the township and built manufacturing plants. In half a century, Troy has grown from a neighborhood of farms and open fields to an area of global competitiveness and innovation.

WHEREAS the charter for the City of Troy was approved on December 12, 1955;

WHEREAS the township residents overwhelmingly approved the proposal to incorporate and elected a Charter Commission on June 7, 1955;

WHEREAS Troy has become a stable and viable community in which to work, live and play;

WHEREAS the Troy Chamber of Commerce looks forward to working collaboratively with City officials to support sensible growth within Troy and to promote Troy as the premier location for investment in Oakland County;

WHEREAS the Troy Chamber of Commerce will continue to partner with city and community leaders to support a high quality business environment, strong educational system, and the work of the non-profit community.

NOW THEREFORE BE IT RESOLVED, on this 21st day of June, 2005, the Board of Directors of the Troy Chamber of Commerce celebrates the **City of Troy's 50th Anniversary**, acknowledges its outstanding success, and looks forward to collaboratively building a foundation for continued achievement.

SIGNED:

Brad Frederick

Brad Frederick, 2005 Troy Chamber of Commerce Chairman
Board of Directors

Michele Hodges

Michele Hodges, President
Troy Chamber of Commerce

DATE: June 24, 2005

TO: John Szerlag, City Manager

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

SUBJECT: Agenda Item – Public Hearing
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. In the staff review of the proposal, we have determined that in addition to the existing shrubs a 48' high wrought iron style fence needs to be installed around the area in order to secure the area for liquor control. The applicant has agreed to add this fencing to his proposal.

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: _____

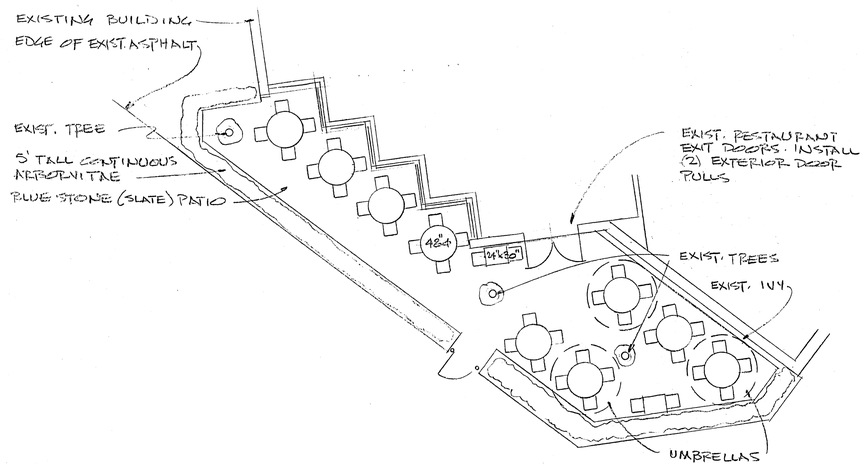
OWNER/MANAGER: _____

NUMBER OF SEATS _____

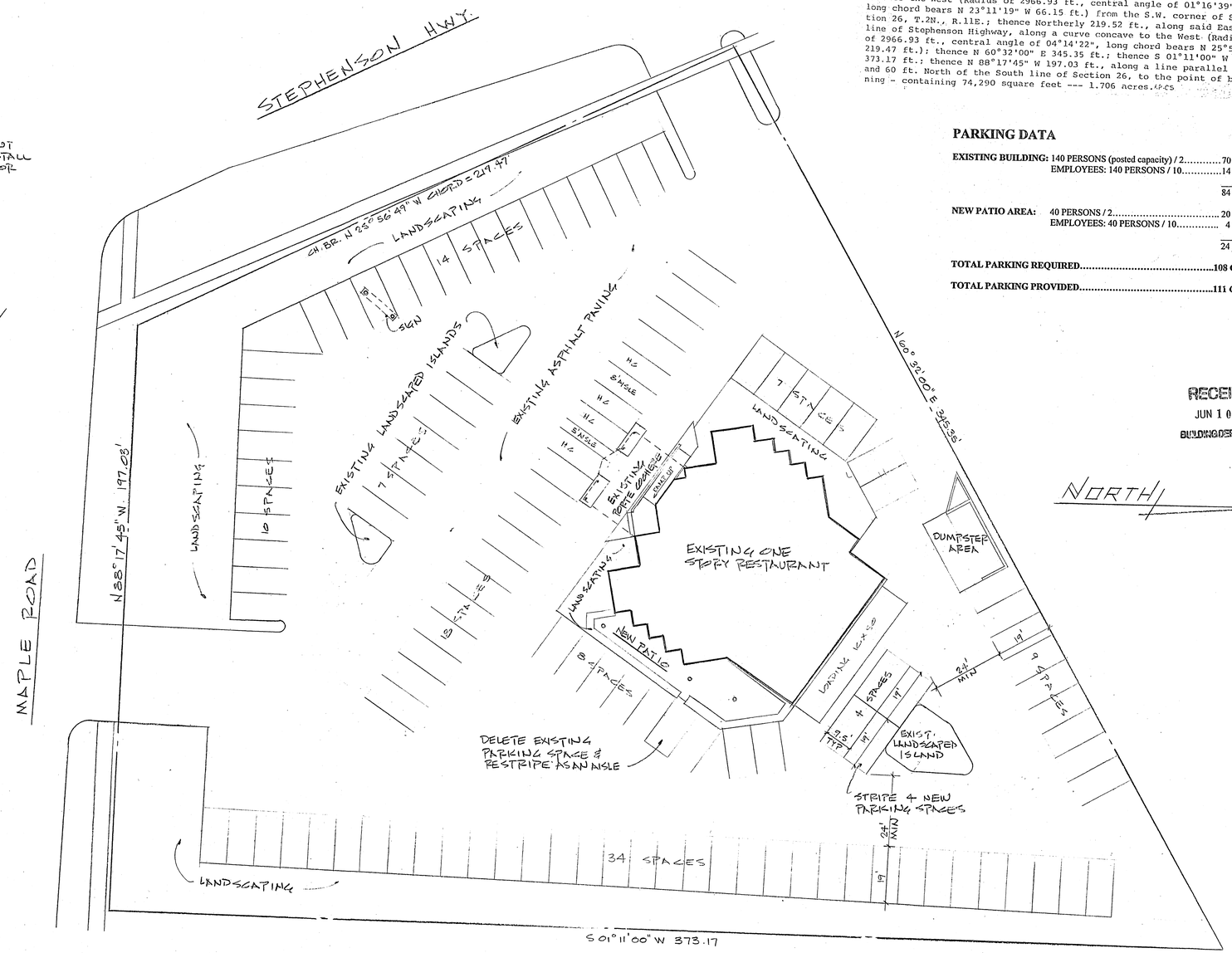
DATE APPROVED: _____

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

RESOLVED, That the request from Marco Chin representing Mon Jin Lau Restaurant, to install an outdoor dining area for 40 seats at their existing restaurant at 1515 East Maple Road, is hereby approved for a period not to exceed 2 years, in accordance with Section 22.30.07 of the Zoning Ordinance, Chapter 39 of the Code of the City of Troy.

Date: July 5, 2005

To: John Szerlag, City Manager

From: Brian Murphy, Assistant City Manager/Services
Douglas J. Smith, Director of Real Estate and Development
Mark Stimac, Building and Zoning Director
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

RECOMMENDATION

City Management supports the Planning Commission recommendation, with the exception of the eight feet maximum garage door height limit. City Management is consistent with objection to the garage door height limit provision. The indoor storage of some commercial vehicles and recreational vehicles are permitted, and this serves as the basis for this recommendation. Recreational vehicles will require heights greater than eight feet. If there is a garage height limitation, the only relief available is a variance from the Board of Zoning Appeals. In many potential circumstances recreational vehicle owners could not meet the standards for granting a variance as required in Article 43.72.00 of the Zoning Ordinance.

Two versions of ZOTA 215-A are provided. 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.

BACKGROUND

At the June 20, 2005 meeting, City Council postponed this item to the July 11, 2005 City Council 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. The Planning Commission version limits garage door height, to eight feet, for attached accessory buildings.

ILLUSTRATIONS

Illustrations are provided which demonstrate that for small lots with relatively large homes, the 30% lot coverage requirement, will limit the size of attached garages to less than 75% of the residential ground floor area.

LEGAL NON CONFORMING STRUCTURES VS. “GRANDFATHERING”

In relation to the adoption of the proposed new zoning regulations regarding accessory structures, ZOTA 215A, a question arose regarding the status of existing structures that would not meet the new ordinance requirements. The basic standards regarding

structures that are made non-conforming based upon a change in a Zoning Ordinance are based upon provisions in the enabling legislation that allows local communities to enforce zoning provisions. Public Act 207 of 1921 states in MCL 125.583a:

125.583a Nonconforming uses and structures.

Sec. 3a.

(1) The lawful use of land or a structure exactly as the land or structure existed at the time of the enactment of the ordinance affecting that land or structure, may be continued, except as otherwise provided in this act, although that use or structure does not conform with the ordinance.

(2) The legislative body may provide by ordinance for the resumption, restoration, reconstruction, extension, or substitution of nonconforming uses or structures upon terms and conditions provided in the ordinance. In establishing terms for the resumption, restoration, reconstruction, extension, or substitution of nonconforming uses or structures, different classes of nonconforming use may be established in the ordinance with different regulations applicable to each class.

(3) In addition to the power granted in this section, a city or village may acquire by purchase, condemnation, or otherwise private property or an interest in private property for the removal of nonconforming uses and structures, except that the property shall not be used for public housing. The legislative body may provide that the cost and expense of acquiring private property be paid from general funds, or the cost and expense or a portion thereof be assessed to a special district. The elimination of nonconforming uses and structures in a zoned district as provided in this act is declared to be for a public purpose and for a public use. The legislative body may institute and prosecute proceedings for the condemnation of nonconforming uses and structures under the power of eminent domain in accordance with the provisions of a city or village charter relative to condemnation or in accordance with Act No. 149 of the Public Acts of 1911, as amended, being sections 213.21 to 213.41 of the Michigan Compiled Laws, or any other applicable statute.

In implementation of these provisions the Troy Zoning Ordinance contains the following provisions in Section 40.50.04:

40.50.04 *<u>NON-CONFORMING</u> <u>STRUCTURES:</u>*

Where a lawful structure exists at the effective date of adoption or amendment of this chapter that could not be built under the terms of this chapter by reason of restrictions on area lot coverage, height, yards, or other characteristics of the structure of location on the lot, such structure may be continued, so long as it remains otherwise lawful, subject to the following provisions:

A. No such structure may be enlarged or altered in a way which increases its non-conformity; for example, existing residences on lots of a width less than required herein may add a rear porch provided that other requirements relative to yard space and land coverage are met.

B. Should such structure be destroyed by any means to an extent of more than 60 percent of its replacement cost, exclusive of the foundation at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this chapter.

C. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the District in which it is located after it is moved.

Based upon these Zoning Ordinance provisions an accessory structure that exists upon the adoption of an amendment of the ordinance would be permitted to continue to exist as long as the owner of the property wishes to keep it. It would not be able to be altered or enlarged in any way that increases its non-conformity. The structure could however be altered as long as the non-conformity is not increased or is in fact decreased by the alteration. The ordinance does provide for the elimination of the non-conformance if the structure is destroyed to an extent greater than 60% of its replacement cost.

The Ordinance does provide for the ordinary repairs and maintenance of a structure in Section 40.50.06, which states:

40.50.06 <u>REPAIRS AND MAINTENANCE:</u>
On any building devoted in whole or in part to any nonconforming use, work may be done in any period of twelve (l2) consecutive months on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring or plumbing to an extent not exceeding fifty (50%) percent of the assessed value of the building, provided that the cubic content of the building as it existed at the time of passage or amendment of this chapter shall not be increased.

Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order to such official.

This legal non-conforming status does run with the land as noted in Section 40.50.07, which states:

40.50.07 <u>CHANGE OF TENANCY OR OWNERSHIP:</u>
There may be a change of tenancy, ownership or management of any existing nonconforming uses of land, structures and premises provided there is no change in the nature or character of such nonconforming uses.

The proposed language of ZOTA 215A contains language that would “grandfather” certain structures. “Grandfathering” is “*a provision exempting persons or other entities already engaged in an activity from rules or legislation affecting that activity”.* Proposed Paragraph B of Section 40.56.01 reads as follows:

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 July 11, 2005 or the date City Council adopts ZOTA 215 A.

In effect this language would make any existing attached garages that exceed 75% of the ground floor footprint of the living area of the dwelling compliant with the Ordinance. They would not be subject to provisions of Section 40.50.04. If destroyed, they could be reconstructed in the same size as previously existed prior to the event that caused their destruction.

As was noted at your meeting of June 20, 2005, this “grandfathering” only applies to the relation of the area of the attached garage to the ground floor footprint of the living area of the dwelling. Any other non-conformity to the new regulations (i.e. garage door height) would still be subject to the provisions of Section 40.50.04.

There are other provisions of the Troy Zoning Ordinance that contain “grandfathering” provisions. They include Section 10.60.03 that exempts lots in subdivisions receiving tentative approval before January 1, 1976 from the 50’ setback from major thoroughfares. As well, the five times height setback of communication towers from residential zoned property does not apply to towers constructed prior to July 1, 1998 per Section 10.30.08.

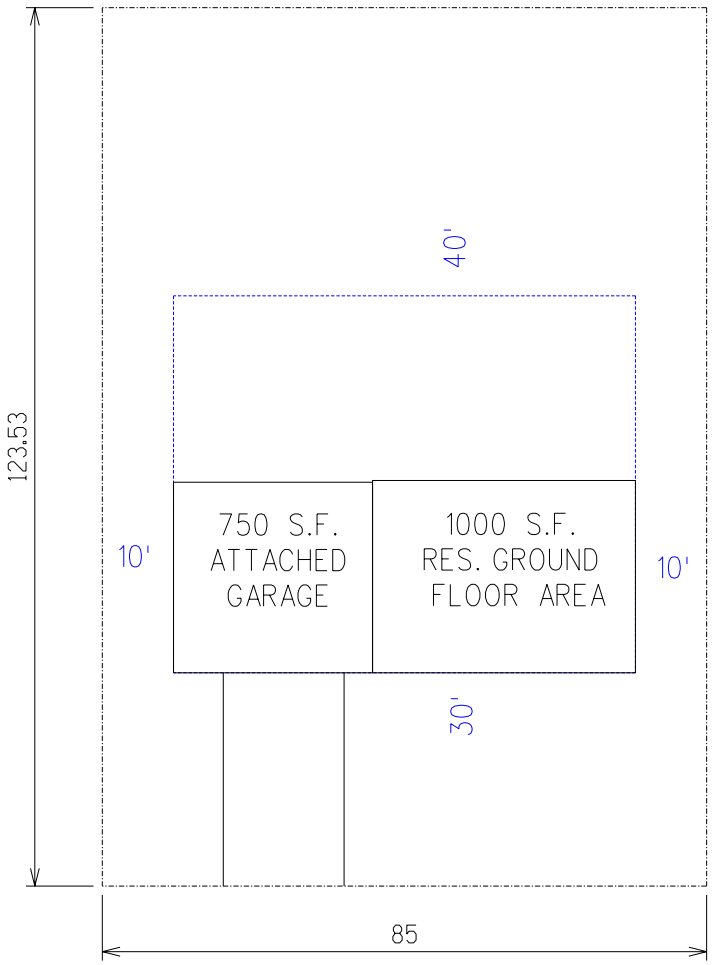
Attachments:

1. Illustrations.
2. ZOTA 215A Version A, as recommended by Planning Commission.
3. ZOTA 215A Version B, as recommended by City Management.
4. Minutes from May 16, 2005 City Council meeting.
5. Minutes from May 24, 2005 Planning Commission Special/Study meeting.
6. Draft minutes from June 14, 2005 Planning Commission Regular Meeting.
7. Draft minutes from June 20, 2005 City Council meeting.
8. City Management memo and attachment (Agenda Item C-5) prepared for May 16, 2005 City Council meeting, dated May 11, 2005.

Prepared by MFM
G:\ZOTAs\ZOTA 215 Accessory Structures in R-1\215A\ZOTA 215A CC Memo 07 11 05.doc

ILLUSTRATION #1

- R-1C ZONING
- 10,500 S.F. PARCEL
- 1000 S.F. RESIDENTIAL GROUND FLOOR AREA
- THE AREA OF ATTACHED ACCESSORY BUILDINGS SHALL NOT EXCEED 75% OF THE GROUND FLOOR FOOTPRINT OF THE LIVING AREA



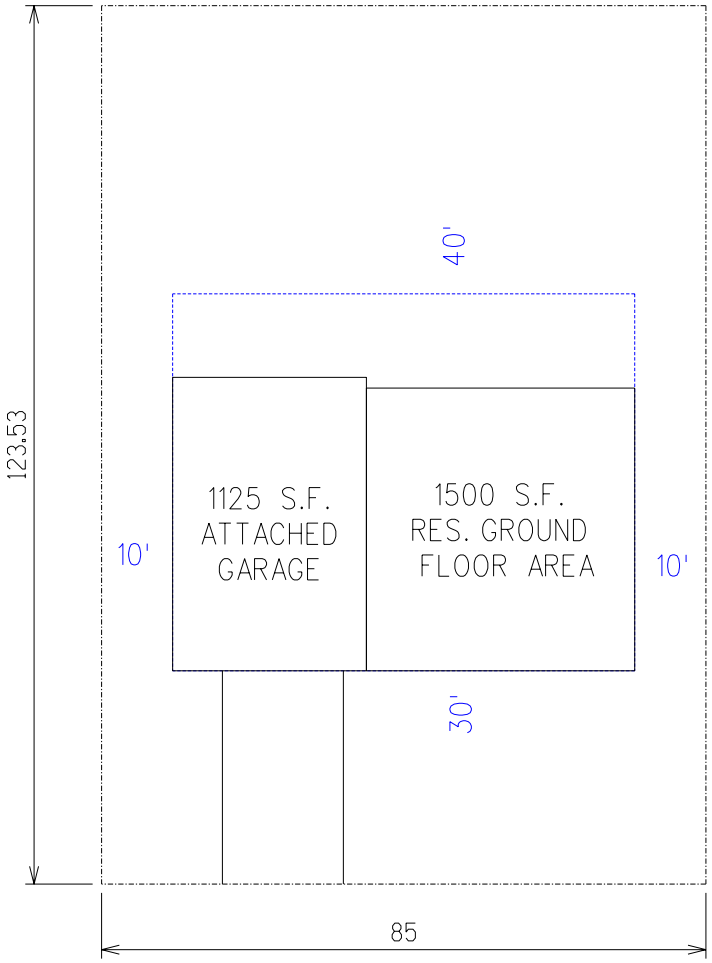
16.7% LOT COVERGAGE

PREPARED BY CITY OF TROY PLANNING DEPT.

ZOTA 215 A

ILLUSTRATION #2

- R-1C ZONING
- 10,500 S.F. PARCEL
- 1500 S.F. RESIDENTIAL GROUND FLOOR AREA
- THE AREA OF ATTACHED ACCESSORY BUILDINGS SHALL NOT EXCEED 75% OF THE GROUND FLOOR FOOTPRINT OF THE LIVING AREA



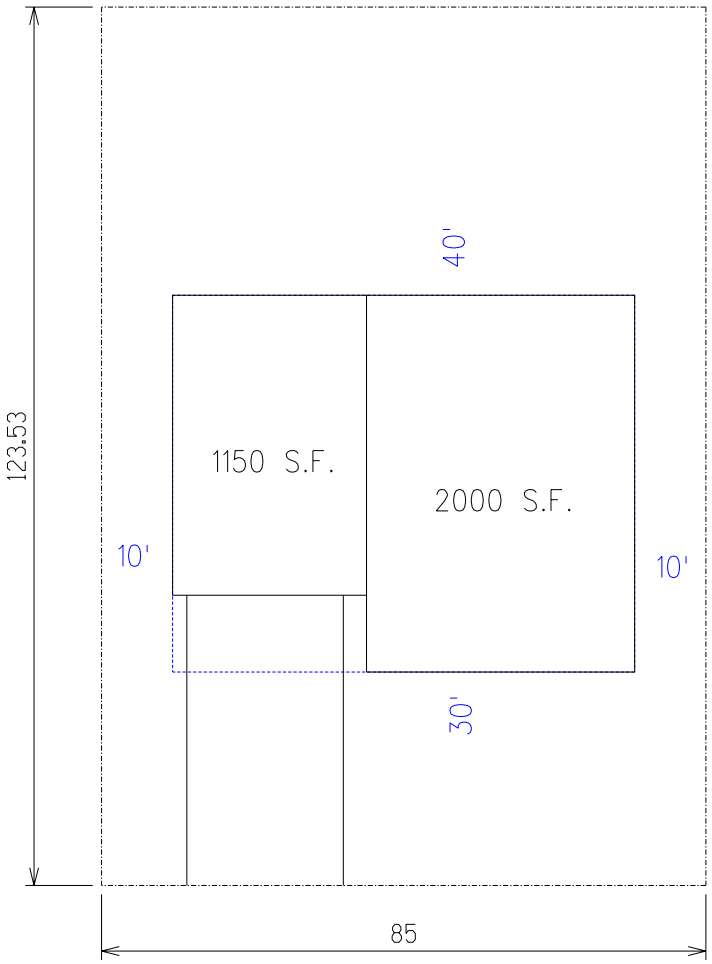
25% LOT COVERAGE

PREPARED BY CITY OF TROY PLANNING DEPT.

ZOTA 215 A

ILLUSTRATION #3

- R-1C ZONING
- 10,500 S.F. PARCEL
- 2000 S.F. RESIDENTIAL GROUND FLOOR AREA
- THE AREA OF ATTACHED ACCESSORY BUILDINGS SHALL NOT EXCEED 75% OF THE GROUND FLOOR FOOTPRINT OF THE LIVING AREA



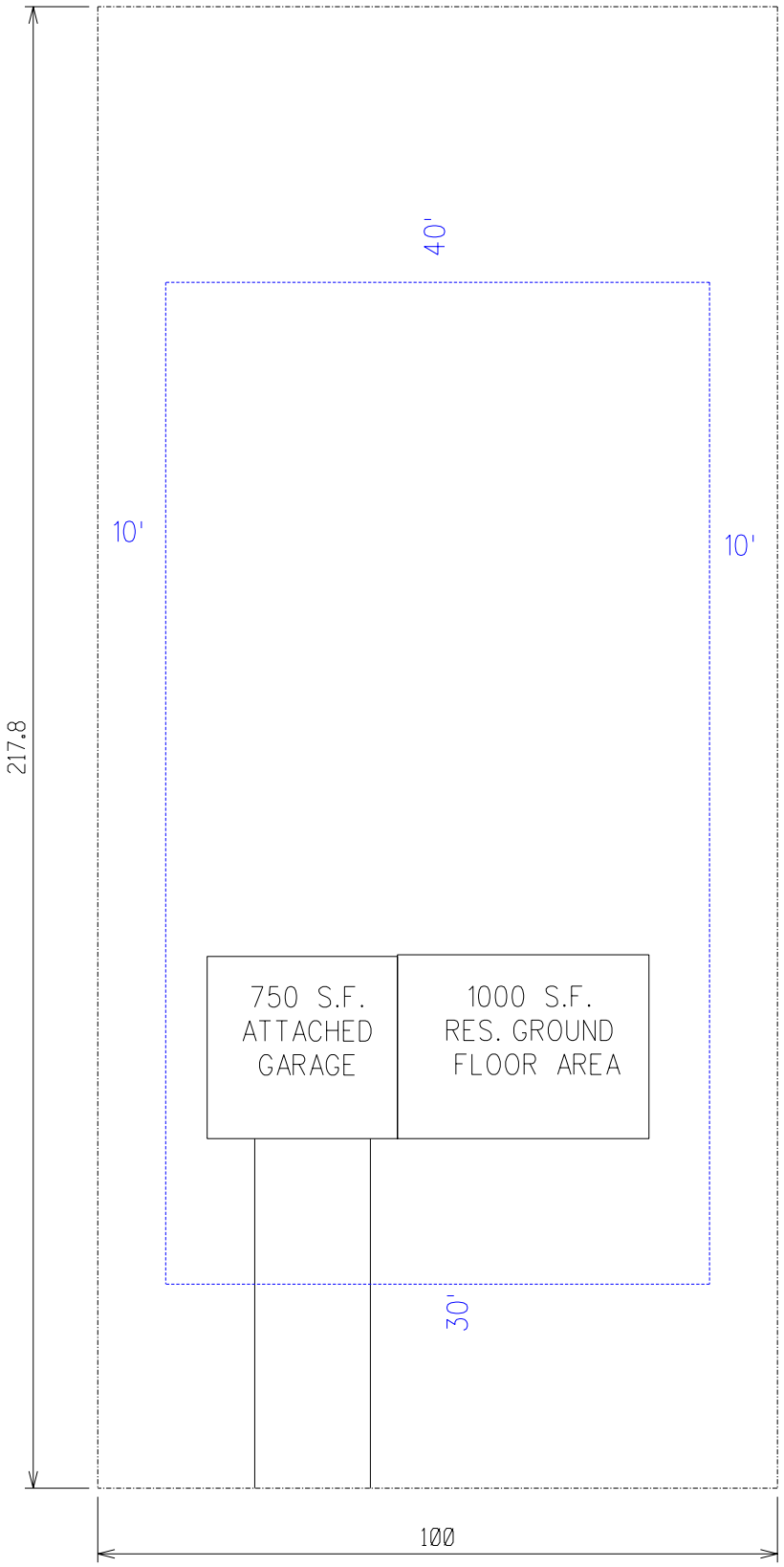
30% LOT COVERAGE

NOTE:
THE ATTACHED GARAGE COULD NOT EXCEED 57.5% OF THE RESIDENTIAL GROUND FLOOR AREA AS IT WOULD EXCEED THE 30% MAX. LOT COVERAGE REQUIREMENT.

PREPARED BY CITY OF TROY PLANNING DEPT. ZOTA 215 A

ILLUSTRATION #4

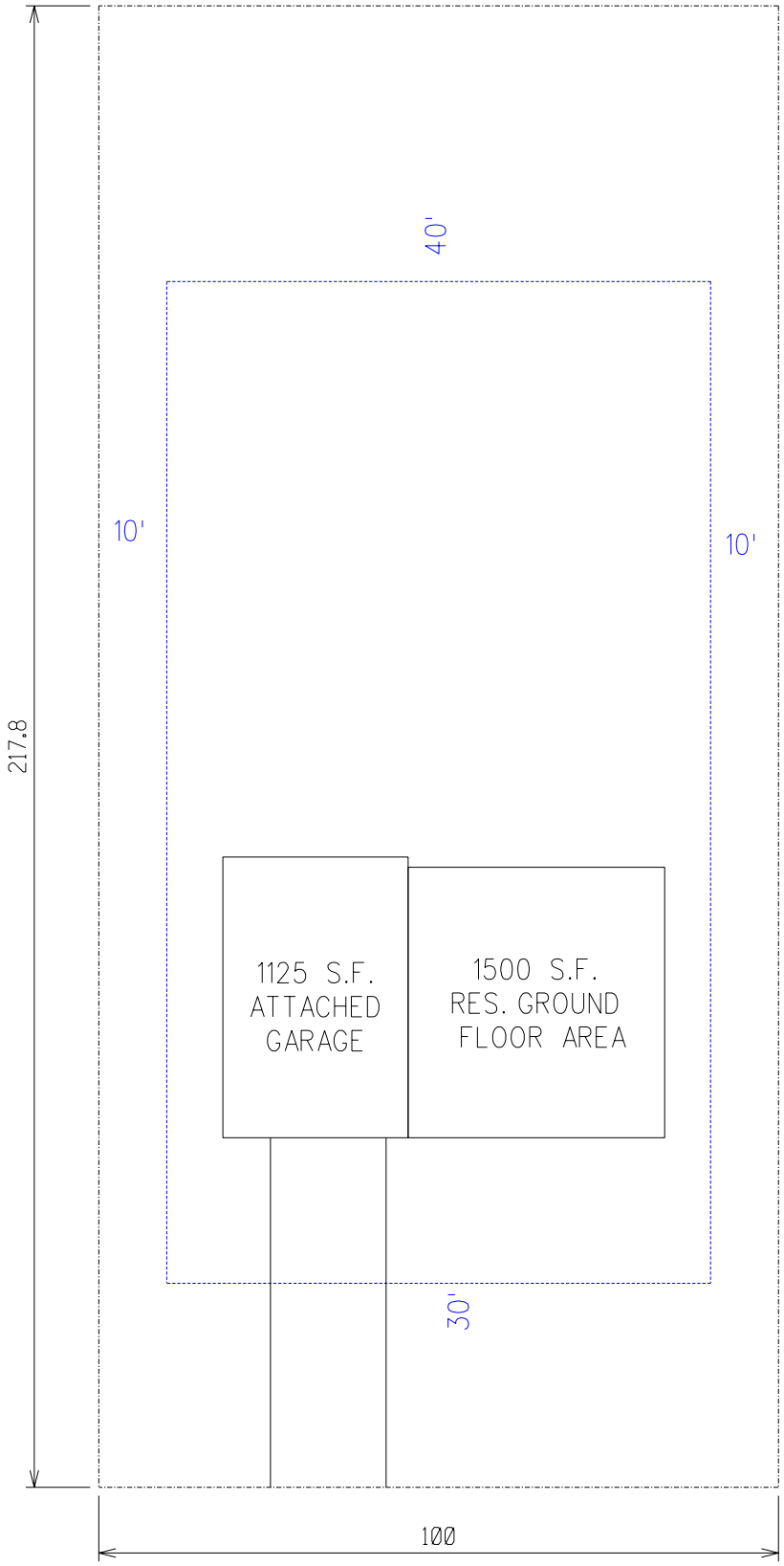
- R-1C ZONING
- ½ AC. PARCEL
- 1000 S.F. RESIDENTIAL GROUND FLOOR AREA
- THE AREA OF ATTACHED ACCESSORY BUILDINGS SHALL NOT EXCEED 75% OF THE GROUND FLOOR FOOTPRINT OF THE LIVING AREA



4% LOT COVERGAGE

ILLUSTRATION #5

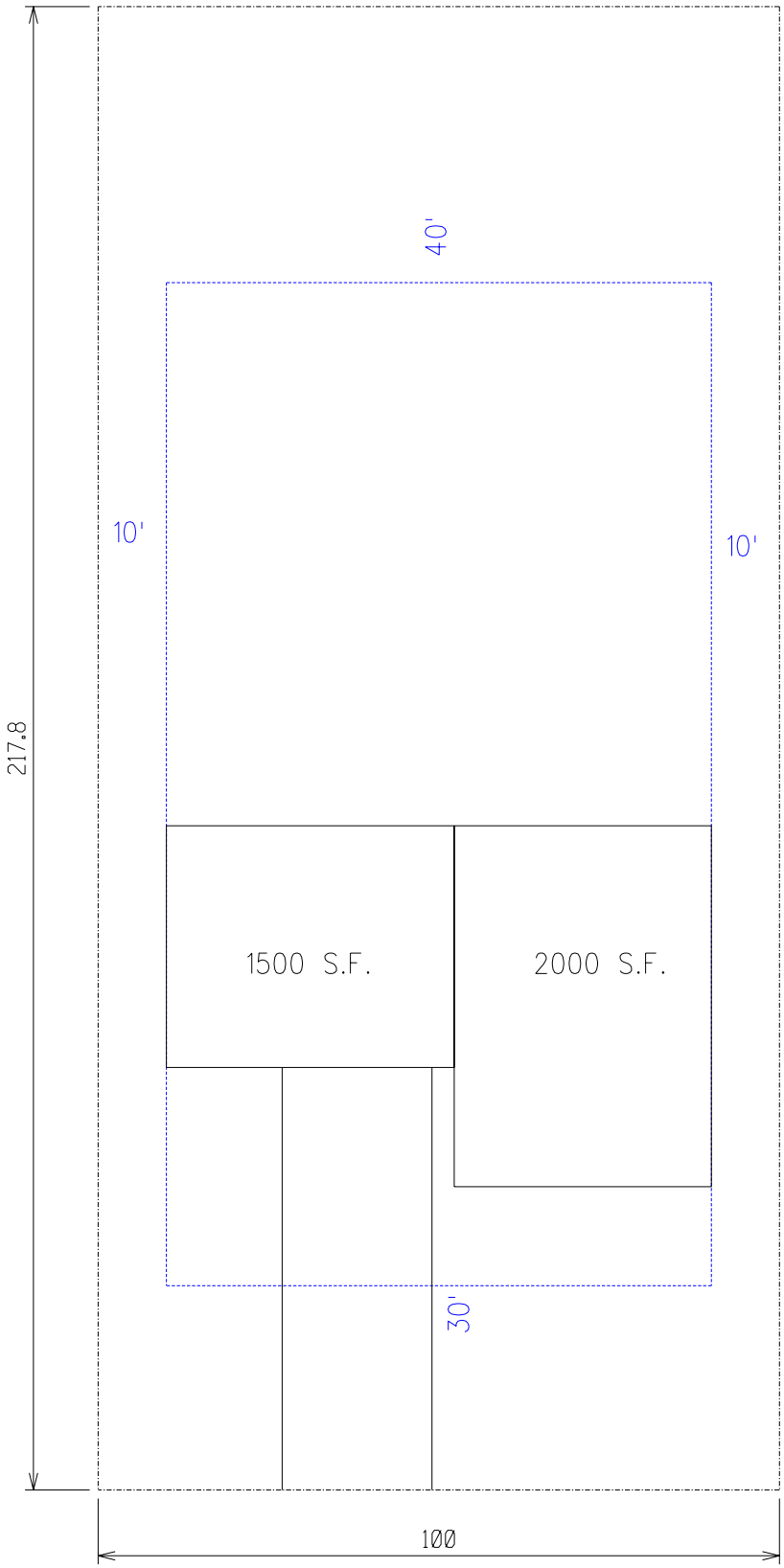
- R-1C ZONING
- ½ AC. PARCEL
- 1500 S.F. RESIDENTIAL GROUND FLOOR AREA
- THE AREA OF ATTACHED ACCESSORY BUILDINGS SHALL NOT EXCEED 75% OF THE GROUND FLOOR FOOTPRINT OF THE LIVING AREA



6% LOT COVERGAGE

ILLUSTRATION #6

- R-1C ZONING
- ½ AC. PARCEL
- 2000 S.F. RESIDENTIAL GROUND FLOOR AREA
- THE AREA OF ATTACHED ACCESSORY BUILDINGS SHALL NOT EXCEED 75% OF THE GROUND FLOOR FOOTPRINT OF THE LIVING AREA



12.4 % LOT COVERGAGE

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.

Vote on Resolution to Amend

Resolution #2005-06-294
Moved by Eisenbacher
Seconded by Stine

RESOLVED, That the Resolution for *Facilitation of a Futuring and Strategic Planning Process for the City of Troy by Mr. Ed Barlow* be **AMENDED** by **INSERTING** "RESOLVED, That Troy City Council intends that the futuring process be the lead study and that the other studies such as the Big Beaver Corridor Study and the PUD Projects be incorporated into this study/plan."

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

MOTION FAILED

Vote on Postponed Resolution

Resolution #2005-06-295
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: Broomfield, Stine, Schilling, Beltramini
No: Eisenbacher, Howrylak
Absent: Lambert

MOTION CARRIED

The meeting **RECESSED** at 9:57 PM.

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

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

Resolution #2005-06-296
Moved by Beltramini
Seconded by Stine

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.

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

Absent: Lambert

MOTION FAILED

Vote on Resolution to Postpone

Resolution
Moved by Stine
Seconded by Howrylak

RESOLVED, That 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 be **POSTPONED** until a full complement of City Council members can be present.

Vote on Resolution to Amend

Resolution #2005-06-297
Moved by Stine
Seconded by Howrylak

RESOLVED, That Resolution be **AMENDED** by **STRIKING** "a full complement of City Council members can be present" and **INSERTING**, "the Regular City Council Meeting scheduled for Monday, July 11, 2005.

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

MOTION CARRIED

Vote on Resolution as Amended

Resolution #2005-06-298
Moved by Stine
Seconded by Howrylak

RESOLVED, That 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 be **POSTPONED** until the Regular City Council Meeting scheduled for Monday, July 11, 2005.

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

MOTION CARRIED

May 11, 2005

TO: John Szerlag, City Manager

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

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

RECOMMENDATION

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

PLANNING COMMISSION BACKGROUND

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

PROJECT TIMELINE

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

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

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

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

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

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

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

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

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

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

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

Reviewed as to form and legality.

_____ _____

Lori Grigg-Bluhm Date
City Attorney

cc: File/ ZOTA 215-A

Attachments:

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

Prepared by RBS/MFM

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

The City of Troy ordains:

Section 1. Short Title

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

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

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

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

[Revise Section 04.20.00 DEFINITIONS as follows]:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

[Revise Section 40.55.00 – 40.59.00 as follows]:

40.55.00 ACCESSORY BUILDINGS, ACCESSORY SUPPLEMENTAL BUILDINGS AND ACCESSORY STRUCTURES

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

40.56.01 Attached Accessory Buildings

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

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

40.56.02 Detached Accessory Buildings

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

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

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

40.57.05

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

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

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

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

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

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

40.56.03 Accessory Supplemental Buildings

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

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

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

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

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

40.57.00 ACCESSORY BUILDINGS IN OTHER ZONING DISTRICTS

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

40.58.00 ACCESSORY STRUCTURES

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

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

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

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

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

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

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

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

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

~~40.57.12~~

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

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

~~A. Recreation uses.~~

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

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

Section 3. Savings

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

Section 4. Severability Clause

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

Section 5. Effective Date

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

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

_____
Louise Schilling, Mayor

_____
Tonni Bartholomew, City Clerk

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

Yes: All-7

POSTPONED ITEMS:

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

Resolution
Moved by Stine
Seconded by Beltramini

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

Vote on Resolution to Amend by Substitution

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

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

Yes: All-7

Vote on Resolution as Amended by Substitution

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

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

Yes: All-7

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

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

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

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

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

The City of Troy ordains:

Section 1. Short Title

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

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

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

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

[Revise Section 04.20.00 DEFINITIONS as follows]:

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:

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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

---

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 20, 2005, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the Meeting to order at 7:32 PM.

Mayor Pro Tem Beltramini gave the Invocation and the Pledge of Allegiance to the Flag was led by Dennis Mitchell.

ROLL CALL

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

Vote on Resolution to Excuse Council Member Lambert

Resolution #2005-06-287
Moved by Beltramini
Seconded by Eisenbacher

RESOLVED, That Council Member Lambert's absence at the Regular City Council meeting of Monday, June 20, 2005 is **EXCUSED** due to being out of the county.

Yes: All-6
No: None
Absent: Lambert

CERTIFICATES OF RECOGNITION:

A-1 Presentations:

Mayor Schilling presented proclamations on behalf of the City of Troy recognizing Hamilton Elementary School (Resolution #2005-05-252-E-3), Wass Elementary School (Resolution #2005-05-252-E-3), and Wattles Elementary School (Resolution #2005-05-252-E-3) for their commitment to education in achieving the "2004-2005 *Michigan Blue Ribbon Exemplary Schools*" designation by the Michigan Department of Education.

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

Resolution #2005-06-288
Moved by Beltramini
Seconded by Howrylak

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: All-6
No: None
Absent: Lambert

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)

Resolution #2005-06-289
Moved by Eisenbacher
Seconded by Howrylak

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: All-6
No: None
Absent: Lambert

C-3 Commercial Vehicle Appeal – 1820 E. Wattles

Resolution
Moved by Eisenbacher
Seconded by Broomfield

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:

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

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

The house is located on a mile road and the property has had various commercial vehicles parked on the property with the approval of the city for more than 40 years.

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 two (2) years.

Vote on Resolution to Amend

Resolution #2005-06-290
Moved by Stine
Seconded by Beltramini

RESOLVED, That the Resolution for the Commercial Vehicle Appeal – 1820 E. Wattles be **AMENDED** by **INSERTING**, " CONTINGENT upon the petitioner parking the vehicle on the west side of the house in the driveway" **AFTER** "two (2) years".

Yes: All-6
No: None
Absent: Lambert

Vote on Resolution as Amended

Resolution #2005-06-291
Moved by Eisenbacher
Seconded by Broomfield

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:

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

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

The location is on a mile road and the property has had various commercial vehicles parked on the property for more than 40 years with the approval of the city.

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 two (2) years **CONTINGENT** upon the petitioner parking the vehicle on the west side of the house in the driveway.

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

Absent: Lambert

MOTION CARRIED
Vote on Resolution to Suspend Rules of Procedure for the City Council, Rule #6

Resolution #2005-06-292
Moved by Schilling
Seconded by Eisenbacher

RESOLVED, That City Council **SUSPEND** Rules of Procedure for the City Council, Rule #6 – Order of Business and **MOVE FORWARD** Order of Business 10 – Public Comment, Presentation by Representatives from St. Nicholas Greek Orthodox Church.

Yes: All-6
No: None
Absent: Lambert

POSTPONED ITEMS:

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

Postponed Resolution
Resolution
Moved by Beltramini
Seconded by Lambert

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

Vote on Resolution to Amend

Resolution #2005-06-293
Moved by Beltramini
Seconded by Schilling

RESOLVED, That the Resolution for *Facilitation of a Futuring and Strategic Planning Process for the City of Troy by Mr. Ed Barlow* be **AMENDED** by **INSERTING** ”in accordance with the information and the timeline as presented as it was provided to City Council on May 27, 2005” **AFTER** “$50,000.00”.

Yes: None
No: All-6
Absent: Lambert

MOTION FAILED

Vote on Resolution to Amend

Resolution #2005-06-294
Moved by Eisenbacher
Seconded by Stine

RESOLVED, That the Resolution for *Facilitation of a Futuring and Strategic Planning Process for the City of Troy by Mr. Ed Barlow* be **AMENDED** by **INSERTING "**RESOLVED, That Troy City Council intends that the futuring process be the lead study and that the other studies such as the Big Beaver Corridor Study and the PUD Projects be incorporated into this study/plan."

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

MOTION FAILED

Vote on Postponed Resolution

Resolution #2005-06-295
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: Broomfield, Stine, Schilling, Beltramini
No: Eisenbacher, Howrylak
Absent: Lambert

MOTION CARRIED

The meeting **RECESSED** at 9:57 PM.

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

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

Resolution #2005-06-296
Moved by Beltramini
Seconded by Stine

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.

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

Absent: Lambert

MOTION FAILED

Vote on Resolution to Postpone

Resolution
Moved by Stine
Seconded by Howrylak

RESOLVED, That 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 be **POSTPONED** until a full complement of City Council members can be present.

Vote on Resolution to Amend

Resolution #2005-06-297
Moved by Stine
Seconded by Howrylak

RESOLVED, That Resolution be **AMENDED** by **STRIKING** "a full complement of City Council members can be present" and **INSERTING**, "the Regular City Council Meeting scheduled for Monday, July 11, 2005.

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

MOTION CARRIED

Vote on Resolution as Amended

Resolution #2005-06-298
Moved by Stine
Seconded by Howrylak

RESOLVED, That 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 be **POSTPONED** until the Regular City Council Meeting scheduled for Monday, July 11, 2005.

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

MOTION CARRIED

CONSENT AGENDA:

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

Resolution #2005-06-299
Moved by Beltramini
Seconded by Broomfield

RESOLVED, That all items as presented on the Consent Agenda are hereby **APPROVED** as presented with the exception of Item E-10 and E-11 which shall be considered after Consent Agenda (E) items, as printed.

Yes: All-6
No: None
Absent: Lambert

E-2 Approval of City Council Minutes

Resolution #2005-06-299-E-2

RESOLVED, That the Minutes of the Regular City Council Meeting of June 6, 2005 be **APPROVED** as submitted.

E-3 City of Troy Proclamations

Resolution #2005-06-299-E-3

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**

Resolution #2005-06-299-E-4a

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**

Resolution #2005-06-299-E-4b

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**

Resolution #2005-06-299-E-4c

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**

Resolution #2005-06-299-E-4d

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**

Resolution #2005-06-299-E-4e

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**

Resolution #2005-06-299-E-4f

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**

Resolution #2005-06-299-E-4g

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

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

Resolution #2005-06-300-E-5a

RESOLVED, That Traffic Control Order 05-01-MR 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

Resolution #2005-06-300-E-5b

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

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

Resolution #2005-06-299-E-5c

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

Resolution #2005-06-299-E-6

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.

E-7 Approval of First Baptist Church of Troy's Request for Temporary Suspension of Chapter 47, House Trailers

Resolution #2005-06-299-E-7

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

Resolution #2005-06-299-E-8

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

Resolution #2005-06-299-E-9

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

E-10 Inmate Telephone Agreement

Resolution #2005-06-300
Moved by Beltramini
Seconded by Stine

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.

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

MOTION CARRIED

E-11 2004-05 Budget Amendment No. 2

Resolution #2005-06-301
Moved by Beltramini
Seconded by Howrylak

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.

Yes: All-6
No: None
Absent: Lambert

PUBLIC COMMENT: Limited to Items Not on the Agenda

REGULAR BUSINESS:

F-1 Appointments to Boards and Committees: a) Mayoral Appointments: No Appointments b) City Council Appointments: Personnel Board

(b) City Council Appointments

Resolution #2005-06-302
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:

Personnel Board
Appointed by Council (5) - 3 years

Deborah L. Baughman Term Expires 04/30/08

Yes: All-6
No: None
Absent: Lambert

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

Resolution #2005-06-303
Moved by Beltramini
Seconded by Stine

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

Yes: All-6
No: None
Absent: Lambert

F-3 Bid Waiver - Contract Extension - Banking Services

Resolution #2005-06-304
Moved by Stine
Seconded by Broomfield

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: All-6
No: None
Absent: Lambert

F-4 Sale of Rochester Road Remnant Parcel #20, PIN# 20-23-352-035, 037 Section 23, Part of Lots 86 Through 91, and Vacated Alley of Supervisor's Plat of Beaver Run

Resolution #2005-06-305
Moved by Broomfield
Seconded by Beltramini

WHEREAS, The City Council may from time to time determine that the sale of certain parcels will best serve the public interest;

WHEREAS, The City Council may determine the public interest will best be served without obtaining sealed bids for the sale of remnant parcels.

NOW THEREFORE BE IT RESOLVED, That the Troy City Council finds that "the public interest will best be served without obtaining a sealed bid in accordance with *Resolution 85-254 Policy Governing Disposal (Sales) of Excess Right-of-Way* and approve the sale of the remnant parcel, described in Attachment A attached hereto, to Buscemi's Party Shoppe for $36,000.00 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 copy of which shall be **ATTACHED** to and made part of the original Minutes of this meeting.

Yes: Schilling, Beltramini, Broomfield, Eisenbacher, Stine

No: Howrylak
Absent: Lambert

MOTION CARRIED

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

Resolution #2005-06-306
Moved by Stine
Seconded by Broomfield

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

Yes: All-6
No: None
Absent: Lambert

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

Resolution #2005-06-307
Moved by Stine
Seconded by Beltramini

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: All-6
No: None
Absent: Lambert

F-6 2006 City Council Meetings

Resolution #2005-06-308
Moved by Stine
Seconded by Broomfield

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: All-6
No: None
Absent: Lambert

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

Resolution #2005-06-309
Moved by Beltramini
Seconded by Stine

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: All-6
No: None
Absent: Lambert

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

Resolution #2005-06-310

Moved by Stine
Seconded by Broomfield

RESOLVED, That City Council **SUSPEND** Rules of Procedure for the City Council, Rule #26 - *Continued Agenda Items Not Considered Before 12:00 AM* and **AUTHORIZE** City Council to **EXTEND** the adjournment time to 1:30 AM.

Yes: All-6
No: None
Absent: Lambert

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

Resolution #2005-06-311
Moved by Eisenbacher
Seconded by Broomfield

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: All-6
No: None
Absent: Lambert

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

Resolution #2005-06-312
Moved by Stine
Seconded by Beltramini

RESOLVED, That the City Attorney is hereby **AUTHORIZED** and **DIRECTED** to represent the City of Troy and 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: All-6
No: None
Absent: Lambert

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

Resolution #2005-06-313
Moved by Eisenbacher
Seconded by Broomfield

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 $406,638.00 (with the City share being $135,546.00) 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: All-6
No: None
Absent: Lambert

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

Resolution #2005-06-314
Moved by Stine
Seconded by Howrylak

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: All-6
No: None
Absent: Lambert

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

Resolution #2005-06-315
Moved by Beltramini
Seconded by Eisenbacher

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

MOTION CARRIED

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

Noted and Filed

G-2 Green Memorandums:

a) Unsolicited Proposal for Indoor Sports Facility

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) 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

Noted and Filed

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

Noted and Filed

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 Association

Noted and Filed

J-4 Proclamations/Resolutions from Other Organizations:

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

Noted and Filed

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

CLOSED SESSION:

L-1 Closed Session – No Closed Session

The meeting **ADJOURNED** at 1:03 AM on Tuesday, June 21, 2005.

Louise E. Schilling, Mayor

Tonni L. Bartholomew, City Clerk

E-04a

June 28, 2005

TO: John Szerlag, City Manager

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

SUBJECT: **AGENDA ITEM -** Standard Purchasing Resolution #1: Award to Low Bidder Contract 05-5 – Fernleigh Water Main Replacement

RECOMMENDATION

It is recommended that City Council award a contract for Fernleigh Water Main Replacement to Macomb Pipeline & Utilities Co., 43455 Schoenherr, Suite 6, Sterling Heights, MI 48313, for their low bid of $570,727.00 contingent upon submission of proper proposal and bid documents, including insurance certificates, bonds and all specified requirements.

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

PROJECT INFORMATION

Bids were received and publicly read on June 22, 2005. The low bidder was Macomb Pipeline, as can be seen in the attached tabulation of bids.

The project includes replacement of the existing 6" water main with 8" and 12" water mains on Fernleigh street from Wattles Road to Winter Street. All contract work, including final restoration and cleanup, is scheduled for completion by October 31, 2005.

The engineer's estimate for the project at the time of bidding was $567,848.00. The corrected low bid is $2,879.00 or 0.5% over the engineer's estimate.

FUNDING

Funds for this work are included in the 2004/05 and 2005/06 Water fund, account numbers 555.7972.035045. The budgeted amount includes funds for construction, inspection and contingencies.

9 - Bids Sent / 6 - Bids Rec'd

Prepared by: Gary Streight, Civil Engineer
G:\Contracts\Contracts - 2005\05-5 - Fernleigh Water Main Replacement\Correspondence\Bid Award.doc

BID TABULATION: **FERNLEIGH WATER MAIN REPLACEMENT AND DRAINAGE IMPROVEMENTS** JOB NO.: **TR04-007**

BID OPENING DATE: JUNE 22, 2005 ; 2:00 PM DATE PREPARED: 28-Jun-05

OWNER: CITY OF TROY
500 W. BIG BEAVER
TROY, MI 48084
PHONE: 248 524 3300

ENGINEER: SPALDING DEDECKER ASSOCIATES
905 SOUTH BLVD EAST
ROCHESTER HILLS, MI 48307
PHONE: (248) 844-5400

				MACOMB PIPELINE		GIANETTI CONTRACTING		VIL CONSTRUCTION		TYGER EXCAVATING	
ITEM NO.		UNIT	CONT. QTY	UNIT PRICE	CONTRACT AMOUNT	UNIT PRICE	CONTRACT AMOUNT	UNIT PRICE	CONTRACT AMOUNT	UNIT PRICE	CONTRACT AMOUNT
1	AUDIO-VISUAL TAPE COVERAGE OF CONST. AREA	LS	1	1,200.00	1,200.00	1,125.00	1,125.00	1,250.00	1,250.00	5,000.00	5,000.00
2	CLEARING & GRUBBING	LS	1	3,000.00	3,000.00	750.00	750.00	3,500.00	3,500.00	2,500.00	2,500.00
3	12" CL 54 DI WATER MAIN W/ POLYWRAP TRENCH DETAIL "F"	LF	1,437	67.50	96,997.50	55.00	79,035.00	84.00	120,708.00	98.50	141,544.50
4	12" CL 54 DI WATER MAIN W/ POLYWRAP TRENCH DETAIL "G"	LF	927	72.50	67,207.50	68.00	63,036.00	97.00	89,919.00	110.00	101,970.00
5	BORING (12" CL 54 DI WATER MAIN W/ POLYWRAP)	LF	276	140.00	38,640.00	170.00	46,920.00	125.00	34,500.00	150.00	41,400.00
6	20" OD STEEL CASING (0.375" MIN. WALL)	LF	76	75.00	5,700.00	47.00	3,572.00	75.00	5,700.00	45.00	3,420.00
7	HYDRANT ASSEMBLY	EA	5	2,000.00	10,000.00	2,300.00	11,500.00	2,250.00	11,250.00	2,000.00	10,000.00
8	12" GATE VALVE & WELL	EA	6	5,000.00	30,000.00	2,400.00	14,400.00	3,250.00	19,500.00	2,700.00	16,200.00
9	2" TEMPORARY BLOWOFF	EA	2	1,250.00	2,500.00	365.00	730.00	500.00	1,000.00	250.00	500.00
10	REMOVE HYDRANT ASSEMBLY	EA	4	500.00	2,000.00	300.00	1,200.00	350.00	1,400.00	500.00	2,000.00
11	REMOVE GATE VALVE & WELL	EA	1	750.00	750.00	500.00	500.00	400.00	400.00	300.00	300.00
12	ABANDON GATE VALVE & WELL	EA	1	600.00	600.00	500.00	500.00	300.00	300.00	250.00	250.00
13	CUT & CAP EXISTING WATER MAIN	EA	2	400.00	800.00	560.00	1,120.00	500.00	1,000.00	250.00	500.00
14	CONNECT WATER MAIN	EA	2	2,500.00	5,000.00	6,000.00	12,000.00	2,500.00	5,000.00	5,000.00	10,000.00
15	2' DIA. UNDERDRAIN CATCH BASIN	EA	37	900.00	33,300.00	590.00	21,830.00	850.00	31,450.00	800.00	29,600.00
16	4' DIA. UNDERDRAIN CATCH BASIN	EA	9	1,200.00	10,800.00	1,283.00	11,547.00	1,250.00	11,250.00	1,000.00	9,000.00
17	4' DIA. STORM MANHOLE	EA	4	1,300.00	5,200.00	1,218.00	4,872.00	1,300.00	5,200.00	1,000.00	4,000.00
18	5' DIA. STORM MANHOLE	EA	2	1,450.00	2,900.00	1,560.00	3,120.00	1,700.00	3,400.00	1,200.00	2,400.00
19	6' DIA. STORM MANHOLE	EA	1	1,800.00	1,800.00	1,980.00	1,980.00	2,250.00	2,250.00	2,500.00	2,500.00
20	8" DIA. UNDERDRAIN (WRAPPED W/ GEOTEXTILE FABRIC MDOT SPEC 910.05)	LF	3,896	15.00	58,440.00	24.70	96,231.20	15.00	58,440.00	17.00	66,232.00
21	12" CSP CULVERT - 14 GAGE	LF	142	26.00	3,692.00	40.80	5,793.60	30.00	4,260.00	25.00	3,550.00
22	12" CSP END SECTION	EA	12	215.00	2,580.00	100.00	1,200.00	125.00	1,500.00	100.00	1,200.00
23	12" RCP C-76 CL IV STORM SEWER TRENCH "B"	LF	303	35.00	10,605.00	40.00	12,120.00	32.00	9,696.00	41.00	12,423.00
24	18" RCP C-76 CL IV STORM SEWER TRENCH "B"	LF	1,368	45.00	61,560.00	58.00	79,344.00	47.00	64,296.00	46.00	62,928.00
25	30" RCP C-76 CL IV STORM SEWER TRENCH "B"	LF	56	80.00	4,480.00	79.00	4,424.00	85.00	4,760.00	64.00	3,584.00
26	12" CONCRETE END SECTION	EA	3	800.00	2,400.00	333.00	999.00	450.00	1,350.00	500.00	1,500.00
27	30" CONCRETE END SECTION	EA	2	1,500.00	3,000.00	680.00	1,360.00	750.00	1,500.00	750.00	1,500.00
28	AGGREGATE BASE, 21AA - SPECIAL	TON	900	25.00	22,500.00	15.40	13,860.00	16.00	14,400.00	26.00	23,400.00

				MACOMB PIPELINE		GIANETTI CONTRACTING		VIL CONSTRUCTION		TYGER EXCAVATING	
ITEM NO.		UNIT	CONT. QTY	UNIT PRICE	CONTRACT AMOUNT	UNIT PRICE	CONTRACT AMOUNT	UNIT PRICE	CONTRACT AMOUNT	UNIT PRICE	CONTRACT AMOUNT
29	1100T 36B BITUMINOUS PAVEMENT	TON	125	85.00	10,625.00	88.00	11,000.00	110.00	13,750.00	110.00	13,750.00
30	REMOVING PAVEMENT DRIVEWAYS	SY	1,254	5.00	6,270.00	5.00	6,270.00	6.00	7,524.00	8.00	10,032.00
31	REMOVE & RESET MAILBOXES	LS	1	1,500.00	1,500.00	50.00	50.00	4,200.00	4,200.00	200.00	200.00
32	MAILBOX GANG ASSEMBLY	EA	4	500.00	2,000.00	500.00	2,000.00	500.00	2,000.00	200.00	800.00
33	MAILBOX POSTS	EA	21	30.00	630.00	75.00	1,575.00	50.00	1,050.00	10.00	210.00
34	TRAFFIC MAINTENANCE CONTROL	LS	1	5,000.00	5,000.00	3,000.00	3,000.00	6,500.00	6,500.00	8,000.00	8,000.00
35	WATERING SOD	UNIT	175	15.00	2,625.00	50.00	8,750.00	75.00	13,125.00	35.00	6,125.00
36	MOWING SOD	EA	3	1,500.00	4,500.00	500.00	1,500.00	1,250.00	3,750.00	500.00	1,500.00
37	SOD REPLACEMENT "AS REQUIRED"	SY	400	6.00	2,400.00	5.00	2,000.00	7.00	2,800.00	6.75	2,700.00
38	WEED CONTROL "AS REQUIRED"	SY	4,000	0.50	2,000.00	0.10	400.00	0.10	400.00	0.15	600.00
39	GEOTEXTILE SILT FENCE FOR SEDIMENT CONTROL, STAKED IN PLACE	LF	4,000	1.75	7,000.00	1.50	6,000.00	1.50	6,000.00	1.00	4,000.00
40	GEOTEXTILE FABRIC UNDER CATCH BASIN COVERS	EA	2	100.00	200.00	75.00	150.00	50.00	100.00	50.00	100.00
41	SYLAX COLD PATCH MATERIAL "AS NEEDED"	TON	65	125.00	8,125.00	80.00	5,200.00	75.00	4,875.00	90.00	5,850.00
42	6' DIAMETER SANITARY HOUSE LEAD "AS REQUIRED"	LF	200	15.00	3,000.00	25.00	5,000.00	30.00	6,000.00	25.00	5,000.00
43	CONSTRUCTION OBSERVATION (@$680.00 PER Day)	CREW DAYS	$680.00	40	27,200.00	64	43,520.00	40	27,200.00	55	37,400.00
TOTAL AMOUNT OF ALL BID ITEMS				*	**$570,727.00**		**$591,483.80**		**$608,453.00**		**$655,668.50**

ENGINEER'S ESTIMATE $567,848.00

OTHER BIDDERS

TONY ANTHONY $686,887.25

PAMAR ENTERPRISES $710,935.00

I HEREBY CERTIFY THAT THE ABOVE IS THE TRUE AND CORRECT SUMMARY OF THE PROPOSALS RECEIVED

*Bids corrected by Engineer

SPALDING DEDECKER ASSOCIATES

E-04b

June 29, 2005

TO: John Szerlag, City Manager

FROM: Brian P. Murphy, Assistant City Manager/Services
Gert Paraskevin, Information Services Director
Jeanette Bennett, Purchasing Director
Steven Vandette, City Engineer

SUBJECT: **Agenda Item**: Standard Purchasing Resolution 7: Proprietary Maintenance Service Contract - Engineering Software Maintenance (Bentley Systems, Inc.)

RECOMMENDATION

The Troy Engineering Department recommends the City renew a two-year contract with Bentley Systems, Inc., the manufacturer of proprietary software, to provide software maintenance for Microstation, plotting, and other Bentley software used extensively by the City at an estimated annual cost of $18,687.50. Bentley Systems, Inc. has agreed to extend the contract under the same terms and conditions as the original contract. The new contract would expire July 13, 2007.

BACKGROUND INFORMATION

- Bentley is the manufacturer of the software and sole provider of maintenance.
- The maintenance contract is purchased directly from Bentley Systems, Inc.
- Additional software may be added as needed during the contract. (See projected software distribution).
- The annual cost is estimated at $18,687.50 including additional software that may be added during the term of the maintenance contract.
- Bentley's Microstation (computer aided drafting program) is used by eight (8) city departments.
- Other Bentley software is used exclusively by the Engineering Department for survey work and sewer design.
- The current contract approved by council was for $19,838.00 annually
- The software is holding up very well and does meet our needs and Bentley has been very responsive to our needs.

BUDGET

Funds are available from the following operating budgets:

June 29, 2005

To: John Szerlag, City Manager
Re: Proprietary Maintenance Service Contract – Engineering Software

BUDGET:

MICROSTATION:

Engineering	Account # 444-7980-030	(8 copies)	$568.75 X 8 =	$4,550.00
Traffic Engineering	Account # 446-7980-030	(1copy)	$568.75 X 1=	568.75
Parks and Recreation	Account # 752-7802-180	(1copy)	$568.75 X 1=	568.75
Real Estate and Development	Account # 740-7980-030	(3copies)	$568.75 X 3=	1,706.25
DPW	Account # 516-7814-060	(2 copies)	$568.75 X 2=	1,137.50
Building	Account # 371-7802-180	(1copy)	$568.75 X 1=	568.75
Planning	Account # 400-7802-180	(3 copies)	$568.75 X 3=	1,706.25
Fire	Account # 338-7980-020	(1copy)	$568.75 X 1=	568.75
			SUB-TOTAL	**$11,375.00**

OTHER BENTLEY SOFTWARE:

Inroads Select	Account # 444-7980-030	(3 Copies)	$1,092.00X3=	$3,276.00
Inroads Survey	Account # 444-7980-030	(1 Copies)	$273.00X1=	273.00
Inroads Sanitary and Storm	Account # 444-7980-030	(2 Copies)	$1506.375X2=	3,012.75
Power Survey	Account # 444-7980-030	(1 Copies)	$750.75X1=	750.75
			SUB-TOTAL	**$7,312.50**

TOTAL ESTIMATED ANNUAL COST: $18,687.50

Prepared by: Daniel Michalec
G:\STAFF - City Hall\Michalec\My Documents\SOFTWARE\Microstation 2005 contract.doc

July 5, 2005

TO: John Szerlag, City Manager

FROM: Jeanette Bennett, Purchasing Director
Doug Smith, Real Estate and Development Director

SUBJECT: **AGENDA ITEM** – Standard Purchasing Resolution 8: Best Value Award – Sale of Surplus Parcels

RECOMMENDATION

On January 24, 2005, City Council authorized the Real Estate and Development Department in conjunction with the Purchasing Department to advertise by sealed bid the sale of five (5) surplus City owned, real estate parcels. CC Res #2005-01-043.

City management recommends awarding the sale of surplus parcels in the amount of $636,450.00 to the highest qualified bidders as outlined in the attached bid tabulation(s), which opened June 24, 2005, and are summarized below.

Parcel #	Sidwell#	Minimum Bid	High Bid	Name of Bidder
6	20-10-477-017	$200,000	$204,950	Scarchilli Brothers Construction LLC of Royal Oak
7	20-13-227-008	$ 87,000	$110,000	Patrick Bismack of Rochester Hills
8	20-15-352-006	$170,000	$171,500	Hung T Dam of Centerline
18	20-24-352-041	$102,000	$150,000	Antoine El-Amoud, Gus Abbanour, Joseph M Dicicco of Royal Oak

BACKGROUND AND FINDINGS

A number of City owned real estate parcels have been identified as surplus parcels by the Real Estate and Development Department; 27 of these parcels have been appraised to establish a minimum sale price.

Five parcels were authorized by City Council to be advertised for sealed bids at a minimum price, with four of the five receiving qualified bids. The parcel at Big Beaver West of Waterfall Street did not receive any bids. The minimum price was set at $82,500.00.

SELECTION PROCESS

The City reserves the right to award the bids to the highest responsible bidder(s) meeting specifications. Property and structures will be purchased in an “as is” condition. Bids were received from May 27, 2005 to June 24, 2005, at which time they were publicly opened at 10:00am.

SUMMARY

City Council authorized the sealed bid sale of five surplus parcels. Signage, newspaper ads, Internet (city web page), the Michigan Intergovernmental Trade Network (MITN), direct mail, and City cable were used to solicit bids.

July 5, 2005

To: John Szerlag, City Manager
Re: Best Value Award – Sale of Surplus Parcels

BUDGET

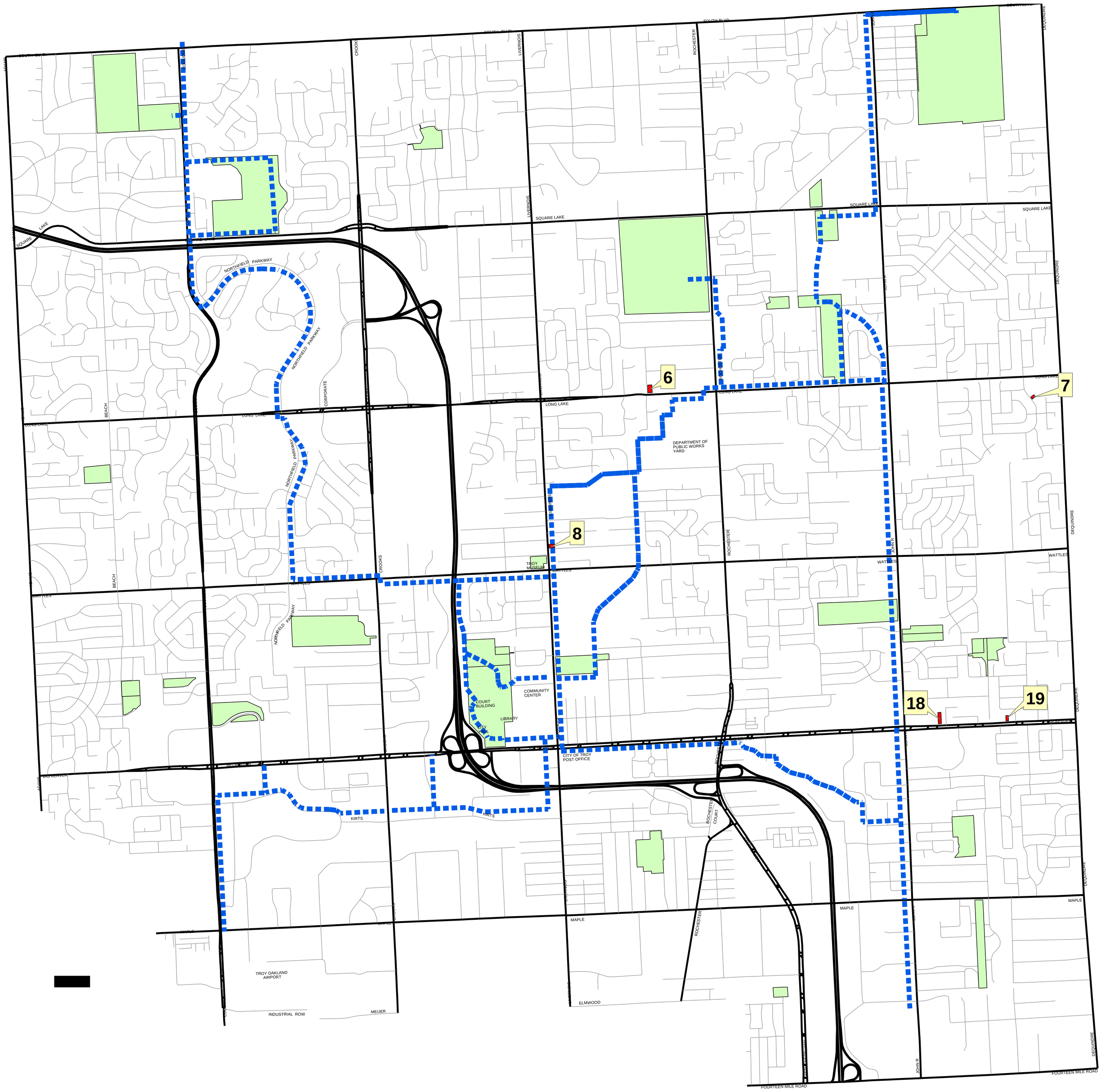
Funds from these sales will be disbursed to the Sale of Land - Capital Revenue Account #4010.4673.010.

At least 74 Bidders Notified via the MITN System
177 Notices Mailed to Bidders registered in JDEdwards
19 Bidders Walked-In

Prepared by: Dennis C. Stephens, Right of Way Representative

MEMOS TO MAYOR & CC/Surplus Parcels Bid Award 06-30-05

CITY OF TROY



Feet

0 500 1,000 2,000 3,000 4,000 5,000 6,000

Legend

- SURPLUS PARCELS
- SAFETY PATH PLAN
- CITY OF TROY PARKS & FUTURE PARKS

NOTE: THE INFORMATION PROVIDED BY THIS PROGRAM HAS BEEN COMPILED FROM RECORDED DEEDS, PLATS, TAX MAPS, SURVEYS, AND OTHER PUBLIC RECORDS AND DATA. IT IS NOT A LEGALLY RECORDED MAP OR SURVEY. USERS OF THIS DATA ARE HEREBY NOTIFIED THAT THE SOURCE INFORMATION REPRESENTED SHOULD BY CONSULTED FOR VERIFICATION.

PREPARED BY CITY OF TROY PLANNING DEPARTMENT 01-18-05

Opening Date -- 06-24-05
Date Prepared -- 7/1/05

CITY OF TROY
BID TABULATION
LONG LAKE & SOMERTON

VENDOR NAME:	*	SCARCHILLI BROTHERS CONSTRUCTION LLC		
REAL ESTATE SALE DESCRIPTION Tax ID# 20-10-477-017		PRICE	PRICE	PRICE
Property at Long Lake & Somerton	I offer:	**$ 204,950.00**		
Minimum Bid $200,000.00	Check #	123420070		
Size: 132 ft x 238 ft	(10% of offer)	$ 20,495.00		
SIGNATURE PAGE:	Attached	Yes		
TERMS:		**As Stated**	**As Stated**	**As Stated**
EMAIL ADDRESS:		eatgourmet@aol.com		
EXCEPTIONS:		BLANK		
ACKNOWLEDGEMENT:	Yes or No	Yes		

*** DENOTES SOLE BIDDER**

ATTEST:
Dennis Stephens
Cheryl Morrell
Linda Bockstanz

Jeanette Bennett
Purchasing Director

G:/ITB-COT 05-23 - Property Sale-Long Lake & Somerton

Opening Date -- 06-24-05
Date Prepared -- 7/1/05

CITY OF TROY
BID TABULATION
RENSHAW STREET

VENDOR NAME:	*	PATRICK BISMACK		
REAL ESTATE SALE DESCRIPTION Tax ID# 20-13-227-008		PRICE	PRICE	PRICE
Property at Renshaw Street	I offer:	$ 110,000.00		
Minimum Bid $87,000.00				
	Check #	632016498		
Size: 78 ft x 125 ft	(10% of offer)	$ 11,000.00		
SIGNATURE PAGE:	Attached	Yes		
TERMS:		**As Stated**	**As Stated**	**As Stated**
EMAIL ADDRESS:		BLANK		
EXCEPTIONS:		BLANK		
ACKNOWLEDGEMENT:	Yes or No	Yes		

*** DENOTES SOLE BIDDER**

ATTEST:
Dennis Stephens
Cheryl Morrell
Linda Bockstanz

Jeanette Bennett
Purchasing Director

G:/ITB-COT 05-24 - Property Sale-Renshaw

VENDOR NAME:	*	HUNG T DAM		
REAL ESTATE SALE DESCRIPTION Tax ID# 20-15-352-006		PRICE	PRICE	PRICE
Property at Livernois & Leetonia	I offer:	$ 171,500.00		
Minimum Bid $170,000.00				
	Check #	967302449-1		
Size: 108.5 ft x 144.5 ft	(10% of offer)	$ 17,150.00		
Includes: Single Story Home				
SIGNATURE PAGE:	Attached	Yes		
TERMS:		**As Stated**	**As Stated**	**As Stated**
EMAIL ADDRESS:		Dahon2k@yahoo.com		
EXCEPTIONS:		BLANK		
ACKNOWLEDGEMENT:	Yes or No	Yes		

*** DENOTES SOLE BIDDER**

ATTEST:
Dennis Stephens
Cheryl Morrell
Linda Bockstanz

Jeanette Bennett
Purchasing Director

Opening Date -- 06-24-05
Date Prepared -- 7/1/05

CITY OF TROY
BID TABULATION
BIG BEAVER WEST OF DOMINIQUE

VENDOR NAME:	*	**EL-AMOUD, ABBANOIR, DICICIO**	PRASAD R PONNAM	
REAL ESTATE SALE DESCRIPTION Tax ID# 20-24-352-041		PRICE	PRICE	PRICE
Property at Big Beaver West of Dominique	I offer:	**$ 150,000.00**	$ 125,116.00	
Minimum Bid $102,000.00	Check #	0378661	632022889	
Size: 100 ft x 345 ft	(10% of offer)	$ 15,000.00	$ 12,511.60	
SIGNATURE PAGE:	Attached	Yes	Yes	
TERMS:		**As Stated**	**As Stated**	**As Stated**
EMAIL ADDRESS:		BLANK	prasad@aetsolutions.com	
EXCEPTIONS:		BLANK	BLANK	
ACKNOWLEDGEMENT:	Yes or No	Yes	Yes	

ATTEST:
Dennis Stephens
Cheryl Morrell
Linda Bockstanz

*** BOLDFACE TYPE DENOTES HIGH BIDDER**

Jeanette Bennett
Purchasing Director

G:/ITB-COT 05-26 - Property Sale - Big Beaver West of Dominique

Opening Date -- 06-24-05
Date Prepared -- 7/1/05

CITY OF TROY
BID TABULATION
BIG BEAVER WEST OF WATERFALL

VENDOR NAME:		NO BIDS RECEIVED		
REAL ESTATE SALE DESCRIPTION Tax ID# 20-24-451-029		PRICE	PRICE	PRICE
Property at Big Beaver West of Waterfall	I offer:			
Minimum Bid $82,500.00				
	Check #			
Size: 82.5 ft x 167 ft	(10% of offer)			
SIGNATURE PAGE:	Attached			
TERMS:		**As Stated**	**As Stated**	**As Stated**
EMAIL ADDRESS:				
EXCEPTIONS:				
ACKNOWLEDGEMENT:	Yes or No			

ATTEST:
Dennis Stephens
Cheryl Morrell
Linda Bockstanz

Jeanette Bennett
Purchasing Director

G:/ITB-COT 05-27 - Property Sale - Big Beaver West of Waterfall

June 27, 2005

TO: John Szerlag, City Manager

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

SUBJECT: **Agenda Item** – Standard Purchasing Resolution 3: Option To Renew and Extend –Tree Removal Services Contract

RECOMMENDATION

On August 9, 2004, City Council approved a one-year contract to provide municipal tree/stump removal services on City-owned property, including ash trees with an option to renew for one (1) additional year to the low total bidder meeting specifications, J.H. Hart Urban Forestry of Sterling Heights. (Resolution #2004-08-400). City management recommends exercising the option to renew, and extending the option from one to three additional years, in order to ensure the completion of the municipal ash tree removal program.

The current contract allows for a rate increase within the Consumer Price Index at the beginning of the option year. However, if a multiple year extension is approved, J.H. Hart has agreed to forego any increase in year one, and limit the increase in year two to 2%. If the City approves a three-year extension, J.H. Hart will forego increases in both years one and three, with a 2% increase in year two (see attached letter from J.H. Hart).

SUMMARY

Tree Removal

Provide three-man tree removal crews, all equipment, saws, vehicles, aerial tower, chipper, trucks, traffic controls etc	Current Rate	Proposed New Rate
	$114.90	$117.20
Overtime	$159.86	$163.06
Holiday Time	$159.86	$163.06

Stump Removal

Provide a stumping crew including all equipment for removal and grinding of the stumps	Current Rate	Proposed New Rate
	$81.25	$ 82.88
Overtime	$99.75	$101.75
Holiday Time	$99.75	$101.75

June 27, 2005

To: John Szerlag, City Manager
Re: Option To Renew and Extend – Tree Removal Services

MARKET SURVEY
Staff has completed a market survey and verified that Hart's prices remain competitive with fuel cost continuing to rise.

BACKGROUND
J.H. Hart Urban Forestry has been removing municipal ash trees in the City since September of 2004. During that time, they have demonstrated the level of professionalism expected of a quality contractor.

They have developed a cooperative working relationship with City staff by promoting clear communication between their company and the City, resulting in fewer concerns from City staff or complaints from residents throughout the removal operation. J.H. Hart Urban Forestry has gone above and beyond to ensure the City is getting the best service possible and has even purchased additional equipment to that end.

BUDGET
Funds for this contract will be available in Subdivision Improvements Capital Account #401780.7974.130.

Prepared by: Jeffrey J. Biegler, Superintendent of Parks

June 22, 2005

TO: Jeanette Bennett
Purchasing Director

FROM: Linda N. Bockstanz
Associate Buyer

RE: MARKET SURVEY – TREE/STUMP REMOVAL SERVICES

ASPLUNDH TREE EXPERT COMPANY – Pete (215) 784-4384
Pete has indicated unless we were bidding this out next week, he could not help us with the Market Survey, because a lot of factors go into tree and stump removal, as fuel prices, labor costs, insurance, and etc.

THE DAVEY TREE EXPERT COMPANY- Keith (248) 371-9007
According to Keith, tree and stump removal services are expected to increase, mainly because of increasing cost of fuel prices. Insurance and labor costs would be second.

Based upon the above comments, I respectfully recommend that the City accept the offer to renew the contract for Tree/Stump Removal Services with the current vendor based on the fact that costs of this service may increase because on the gasoline market.

CC: Susan Leirstein
File

J.H. Hart Urban Forestry

May 16, 2005

Carol K. Anderson
Director of Parks and Recreation
City Of Troy
3179 Livernois
Troy, MI 48083

RE: Contract Extension For Tree Care And Removal

Dear Carol,

Some seven months have passed since our professional lives came together. To date, more than four thousand ash trees have met their match against the boys here at J.H. Hart. I must compliment you, and your staff, for making our Company feel so welcome in your City. The support has been unparalleled and all of you have made us feel like an extension of your staff. I am proud to see how well we have all worked together.

Since this endeavor began, we have made a number of changes which have had a positive impact both on productivity and service to the community. I believe the versatility you have allowed us in the deployment of our tree crews, aerial towers, dump trucks, log trucks and stump grinders has contributed greatly to this effort. While we have achieved success in most areas, I remain somewhat concerned with regard to the issue of our stump grinding and seeding operations.

As you know, during the winter months we are forced to suspend placing soil and seed in the holes. In addition, trailing surface roots are often covered by snow and therefore missed on the first pass. Hence, we are forced to expend an inordinate amount of time performing soil, seeding and regrinding operations in the spring. Although you and Mark have assured me that this is not an uncommon problem, we still receive calls daily from residents hoping to find out when their particular stump will be completed. In an effort to address this issue, and demonstrate our commitment to the City, we have been running stump crews on Saturdays and absorbing the overtime expenses internally.

We are also in the process of purchasing another self-propelled walk-behind stump grinder for use in Troy. This type of stump grinder is particularly well suited for applications requiring the removal of stumps down city right-of-ways. Specifically, it allows us to move from one stump to the next without the set-up time expended with stump grinders pulled behind a truck. Currently, only one of the stump grinders we have is a self-propelled walk-behind grinder and that grinder has always been dedicated for use

P.O. Box 222 • Birmingham, Michigan 48012 • 1-800-404-9390 • Fax (586) 795-0930

in Troy. I believe the addition of yet another self-propelled grinder will contribute significantly to our productivity.

As you know, the contract now in effect contains a one-year option to renew through mutual consent, and provides that the City may accept an increase in labor rates to the extent that the requested increase does not exceed the annual Consumer Price Index change for the Detroit/Ann Arbor area. Accordingly, I would respectfully request that the City grant us the privilege of a one-year extension of our contract at this time, together with a labor rate increase equal to the change in the Consumer Price Index.

I would also like to propose that you give consideration to granting us a two-year or three-year extension of the current contract. The removal of ash trees in the right-of-ways, parks, and other city properties will, in all likelihood, require a sustained three to four year effort. By granting us a two or three-year extension at this time, the City will be secure in maintaining a 'known commodity' and avoid the additional learning curve expenses associated with having to 'change horses in midstream'. As an added incentive, in the event that the City were to grant us a two-year extension at this time, we would be willing to forgo any increase in rates for the first year of the two-year extension, and limit the increase in the second year to a two percent increase. In the event that the City were to grant us a three-year extension, we would be willing to forgo any increases in the first and third years of the extension, and limit the increase in the second year to two percent.

It remains a pleasure working with you and serving the residents of Troy. As you may gather from our proposals to extend the contract, we look forward to building a lasting relationship and continuing our efforts on behalf of the City of Troy. I look forward to hearing your thoughts with regard to the contract extension. In the interim, please do not hesitate to call should you have any questions or concerns, or if I may provide any additional information.

Best regards,

Judd H. Hart

JHH:lh

VENDOR NAME:	* JH HART URBAN FORESTRY	ASPLUNDH TREE EXPERT CO	THE DAVEY TREE EXPERT COMPANY
Check Number	649163513	3282970	244840206
Amount	$50,000.00	$50,000.00	$50,000.00

PROPOSAL -- FURNISH ONE (1) YEAR REQUIREMENTS OF TREE/STUMP REMOVAL SERVICES WITH AN OPTION TO RENEW FOR AN ADDITIONAL YEAR IN ACCORDANCE WITH THE SPECIFICATIONS

PROPOSAL "A"			
TREE REMOVAL 6,000 HOURS - Estimated Qty			
Provide three-man tree removal crews, all equipment, saws, vehicles, aerial tower, chipper, trucks, traffic controls etc	$ 114.90 Hour/3man Crew	$ 132.91 Hour/3man Crew	$ 240.00 Hour/3man Crew
Overtime:	$ 159.86 Hour/3man Crew	$ 157.96 Hour/3man Crew	$ 360.00 Hour/3man Crew
Holiday Time:	$ 159.86 Hour/3man Crew	$ 183.01 Hour/3man Crew	$ 480.00 Hour/3man Crew
PROPOSAL "B"			
STUMP REMOVAL 6,000 HOURS - Estimated Qty			
Provide a stumping crew including all equipment for removal and grinding of the stumps.	$ 81.25 Man Hour	$ 156.10 Man Hour	$ 120.00 Man Hour
Overtime:	$ 99.75 Man Hour	$ 160.81 Man Hour	$ 180.00 Man Hour
Holiday Time:	$ 99.75 Man Hour	$ 185.87 Man Hour	$ 240.00 Man Hour
Typical Crew Size for Stumping	One (1) # of Men	Three (3) # of Men	Two (2) # of Men
ESTIMATED GRAND TOTAL PROPOSALS 'A-B':	* $1,176,900.00	$1,734,060.00	$ 2,160,000.00
SCHEDULE OF VALUES	Attached	Attached	Attached
INSURANCE: Can Meet	XX	XX	XX
Cannot Meet			
SITE INSPECTION: Y/N	YES	YES	YES
DATE	JULY 2004	7/26/04	7/23 & 7/24/04
EXTENDING TO MITN PURCHASING COOPERATIVE Y or N	NO	YES	NO
PROGRESS PAYMENTS Schedule:	BI-WEEKLY	W/I 30 DAYS OF INVOICE	WEEKLY
Identified as:	N/A	BLANK	BLANK
TERMS:	NET 14 DAYS	BLANK	UPON RECEIPT
EXCEPTIONS:	NONE	LISTED IN BID	BLANK
	VALUE-ADDED SERVICES: PRODUCE 1500CY OF SHREDDED HARDWOOD ANNUALLY FREE OF CHARGE		
ACKNOWLEDGEMENT - SIGNED Y or N	YES	YES	YES
Proposed Personnel & Equipment Y or N	YES	YES	YES

*** JH HART URBAN FORESTRY LOW TOTAL BIDDER MEETING SPECIFICATIONS**

NO BIDS:
Harry Fox, Inc

DMS: Owen Tree Service, Inc. Reason - No bid surety check submitted as specified. Included a 5% bid bond which was specifically excluded in the bid documents.

ATTEST:
Ron Hynd
Mark Colombo
Jeffrey Biegler
Charlene McComb
Linda Bockstanz

Jeanette Bennett
Purchasing Director

J.H. HART URBAN FORESTRY

City of Troy

SCHEDULE OF VALUES 2004 – 2005 PROGRAM

Your company MUST complete this form

ITEM	EQUIPMENT DESCRIPTION:	RATES:
Labor – ARBORIST Monday – Friday 8am to 5pm	See exhibit 'D'	$ 37.00 / Man Hour
Overtime Rate: see Bid, pp 2 Overtime: Holiday Time:	See exhibit 'D'	$ 55.50 / Man Hour $ 55.50 / Man Hour
Labor – TREE MAN Monday – Friday 8am to 5pm	See exhibit 'D'	$ 26.45 / Man Hour
Overtime Rate: see Bid, pp 2 Overtime: Holiday Time:	See exhibit 'D'	$ 39.68 / Man Hour $ 39.68 / Man Hour
Labor – STUMP MAN Monday – Friday 8am to 5pm	See exhibit 'D'	$ 37.00 / Man Hour
Overtime Rate: see Bid, pp 2 Overtime: Holiday Time:	See exhibit 'D'	$ 55.50 / Man Hour $ 55.50 / Man Hour
Logging truck / lift	See exhibit 'D'	$ 38.00 / Unit / 1 Hour
Aerial tower	See exhibit 'D'	$ 12.50 / Unit / 1 Hour
Brush chipper	See exhibit 'D'	$ 6.25 / Unit / 1 Hour
Dump truck	See exhibit 'D'	$ 6.25 / Unit / 1 Hour
Truck w/ walking floor	See exhibit 'D'	$ 38.00 / Unit / 1 Hour
Stump chipper	See exhibit 'D'	$ 38.00 / Unit / 1 Hour
Loader	See exhibit 'D'	$ 38.00 / Unit / 1 Hour
Heavy duty pick-up	See exhibit 'D'	$ 6.25 / Unit / 1 Hour
OTHER:		
Arrow Board	See exhibit 'D'	$6.25/Hr / Unit/ 1
Horizontal Grinder	See exhibit 'D'	$300.00/Hr / Unit/ 1
Wood Trailer	See exhibit 'D'	$2.00/Hr / Unit/ 1

E-7 Standard Purchasing Resolution 9: Approval to Expend Funds for Membership Dues and Membership Renewals Over $10,000.00: Southeast Michigan Council of Governments (SEMCOG) – 2004 Membership Dues

Resolution #2004-08-398-E-7

RESOLVED, That **APPROVAL IS GRANTED** to pay the 2004 Southeast Michigan Council of Governments (SEMCOG) membership dues from July 15, 2004 to July 15, 2005 in the amount of $11,040.00.

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

E-8 Approval of Changed Service Dates for Maintenance Contract for Sanctuary Lake Golf Course

Resolution #2004-08-399
Moved by Beltramini
Seconded by Eisenbacher

WHEREAS, On March 1, 2004 through Resolution #2004-03-117, staff was authorized to prepare contract documents for Douglas Treadwell Golf and Associates to provide golf maintenance from June 1, 2004 through November 30, 2004.

NOW, THEREFORE BE IT RESOLVED, That the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the attached contract documents as corrected, and with the following date change from July 1, 2004 through December 31, 2004; a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes: All-7

E-9 Standard Purchasing Resolution 2: Bid Award – Low Bidder Meeting Specifications – Tree/Stump Removal Service

Resolution #2004-08-400
Moved by Howrylak
Seconded by Stine

RESOLVED, That a one-year contract to provide crews and equipment for Tree / Stump Removal Services on City-owned property, including ash trees, with an option to renew for one (1) additional year is hereby **AWARDED** to the low total bidder meeting specifications, J.H. Hart Urban Forestry of Sterling Heights, for an estimated yearly cost of $1,500,000.00, at unit prices contained in the bid tabulation opened July 30, 2004, and supplemental Schedule of Values as listed in Appendix I, copies of which shall be **ATTACHED** to the original Minutes of this meeting.

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

August 5, 2004

To: John Szerlag, City Manager

From: Steve Vandette, Acting Assistant City Manager/Services
Jeanette Bennett, Purchasing Director
Carol K. Anderson, Parks and Recreation Director

Subject: **Agenda Item** - Standard Purchasing Resolution 2: Bid Award - Low Bidder Meeting Specifications – Tree/Stump Removal Services

RECOMMENDATION

On July 30, 2004, bid proposals were opened for a one (1) year contract to provide crews and equipment for tree / stump removal services on right-of-ways and City owned property, including ash trees, with an option to renew for one (1) additional year. After reviewing these proposals, City management recommends awarding the contract to the low total bidder meeting specifications, J.H. Hart Urban Forestry of Sterling Heights for an estimated total yearly cost of $1,500,000.00, at unit prices contained in the attached bid tabulation and supplemental Schedule of Values listed in Appendix I.

The award is contingent upon contractor submission of properly executed bid and contract documents, including insurance certificates and all other specified requirements.

SUMMARY

Due to the emerald ash borer, an estimated 20,000 to 30,000 ash trees on municipal property are creating hazardous situations. This contract will field four (4) tree removal crews and three (3) stump removal crews. These crews will be assigned square miles of the City and instructed to remove all ash trees and any other dead trees found on municipal property inside that square mile. Upon completion of each square mile, they will be reassigned to another square mile until the entire City has been serviced.

BUDGET

Funds for this project are available through the Parks Capital Account for Subdivision Improvements #401780.7974.130.

79 Vendors Notified on the MITN System
4 Bid Responses Received
1 Bid did not meet specifications
1 Late Bid
1 No Bid: Company's schedule does not permit performance of the specifications.

Prepared by: Ron Hynd, Landscape Analyst

Downloading History for ITB-COT 04-34TreeRemoval

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 **8/2/2004.**

Document Title:	One Year Requirements Tree / Stump Removal Services with Option
Date Issued:	7/9/2004
Close Date:	7/30/2004

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
16428	A. LILIA'S MAINTENANCE, INC.	Fax	7/15/2004	
12306	Advanced Services Lawn and Landscape	E-mail		
13986	Advanced Tree Care, Inc.	E-mail	7/28/2004	
14952	All State Tree & Lawn, Inc.	E-mail	7/21/2004	
14279	Amerinational Community Services	E-mail		
18056	ARBORCARE TREE SPECIALISTS LLC	Fax	7/20/2004	
13397	Asplundh Tree Expert Co.	Free	7/20/2004	
12114	B & B Lawn Service	Fax		
10139	B & J Parking Lot Maintenance, Inc.	E-mail		
15934	B & W Management Services, Inc	E-mail		
17378	Bedard Shade Tree Co., Inc.	E-mail		
17272	Ben & Dan's Landscaping, Inc.	E-mail		
18295	Beninati Land Clearing, Inc	Free	7/29/2004	
16863	BOSS Commercial Building Services	Free	7/29/2004	
11631	Bowman Construction LLC	Free	7/12/2004	
13917	Branch Tree Service, Inc.	Fax	7/9/2004	
18138	C & G Disaster Recovery Group, LLC	Free	7/15/2004	
10682	C & R Maintenance d/b/a Rizzo Services	E-mail	7/20/2004	
11355	Cartegraph	E-mail		
12856	CCH Incorporated	Free	7/20/2004	
10915				

	CITYWORKS, INC.	E-mail		
16071	Corporate Cleaning Group, Inc.	E-mail	7/14/2004	
15987	Cutting by Faith Landscaping snow	E-mail		
11681	D and J Lawn and Snow Corp.	E-mail		
15620	D. A. Alexander & Company	E-mail	7/22/2004	
13317	DJG & Associates	E-mail		
14616	Downriver Tree Service, Inc.	E-mail	7/28/2004	
17666	Eagle 1 Tree Service	Fax	7/10/2004	
14381	Environmental Wood Solutions	Fax		
10657	Envision Enterprises	E-mail		
16017	Fleis & Vandebrink Engineering, Inc	E-mail		
10938	Great Lakes Landscaping & Construction Inc.	Fax		
16111	Green Way Maintenance, LLC	E-mail		
14972	Harry Fox, Incorporated	Free	7/13/2004	
15149	HAWTHORNE TREE & LAWN CARE INC.	Fax	7/21/2004	
16255	I.E. Inc. Land Clearing and Grinding Service	Fax		
18255	IROQUOIS TREE SERVICE,LLC	Free	7/27/2004	
10543	J & W Tree Artisans	Free	7/18/2004	
10798	J.H. Hart Urban Forestry	E-mail	7/29/2004	
17522	Jack B. Anglin Company, Inc	E-mail		
17160	K.J. Tree Service Inc.	Fax		
15135	Kappy Industries Inc	Free	7/22/2004	
13409	kathys lawn maintenance	Free	7/16/2004	
14108	Kevin's Lawn Care & Snow Removal	E-mail		
16835	Kirtland Landscape Inc.	E-mail		
16067	Landscape Services, Inc.	E-mail		
14891	Lawn Barber Inc.	Fax		
17283	Metropolitan Tree Inc.	Fax		
11639	Mike's Tree Surgeons, Inc.	E-mail	7/23/2004	
10295	NLS Lawn Care Inc.	Free	7/27/2004	
14529	Northwood Contracting Incorporated	Fax		
18182	Oakland Tree Service	E-mail	7/19/2004	
10203	Owen Tree Service, Inc.	E-mail	7/16/2004	
18148	Paul Davis Restoration of Macomb and St. Clair	Free	7/14/2004	
15672	Perfect Irrigation & Landscape	E-mail	7/14/2004	
17790	Pete Wood Plumbing & Heating Co.	E-mail		
18310	Phil's Tree Services	E-mail	8/1/2004	
16120	PlaySmart Recreational Construction Inc.	Free	7/12/2004	
13725	Quality Tree Services, L.L.C.	E-mail		
16190	shades of green	Fax	7/29/2004	

13704	Shepherd's Landscape and Tree Service	E-mail		
13730	SMART Management Group, LLC	E-mail		
13684	soil and materials engineers, inc	E-mail		
13914	Steele's Service's LLC	E-mail		
18172	Stewarts Tree Service	Fax	7/29/2004	
10731	T.F.R. Enterprises, Inc.	E-mail		
13975	The Davey Co.	Free	7/28/2004	
17106	The Energy Group, Inc.	E-mail	7/30/2004	
15269	Tiede Landscaping	E-mail		
12516	Tree & Lawn Spraying	Free	7/19/2004	
13480	Tri-County Tree Expert Co., Inc.	E-mail	7/15/2004	
16126	ULTRA Professional Outdoor Services	Free	7/24/2004	
16454	UNITED TREE SERVICE	E-mail		
17713	Valentinco	E-mail		
15073	W.T. Stevens Construction, Inc.	Free	7/21/2004	
14338	Washtenaw Inc., Maintenance Services	E-mail	7/15/2004	
17151	Watts Lawn Service	E-mail		
17546	wonsey tree service, inc	Fax		
14292	Woody's Tree Service	E-mail	7/24/2004	

Return to Main Menu

Return to Report Menu

July 1, 2005

TO: John Szerlag, City Manager

FROM: Mary Redden, Administrative Assistant to the City Manager

SUBJECT: Agenda Item – Standard Purchasing Resolution 10
Travel Authorization and Approval to Expend Funds
for Troy City Council Members' Travel Expenses -
National League of Cities Finance, Administration and
Intergovernmental Relations (FAIR) Committee Meeting

Authorization is requested for Council Member Robin Beltramini's attendance of the National League of Cities Finance, Administration and Intergovernmental Relations (FAIR) committee meeting in Scarborough, Maine September 15-17, 2005.

close window

NATIONAL LEAGUE OF CITIES
Strengthening & promoting cities as centers of opportunity, leadership and governance

July 5, 2005

Inside Nlc : Finance, Administration and Intergovernmental Relations (FAIR) Committee

FAIR Leadership

Chair

Martin Jones, Council Member
Conyers, Georgia

Vice Chair

Cynthia Mangini, Council Member
Enfield, Connecticut

Vice Chair

Felicia Moore, Council Member
Altanta, Georgia

FAIR Links

Policy and Advocacy Committee Roster and appointment process

Steering Committee Roster and appointment process

FAIR Chapter of the National Municipal Policy
FAIR Resolutions

For more information, please go to these NLC issue pages:
Public Finance
Federalism & Unfunded Mandates

Committee Process and Purpose

NLC policy is developed in seven committees of municipal officials. Each committee consists of two bodies:

- A larger policy and advocacy committee, which chooses the policy agenda for the year and reviews the proposed

policy proposals and resolutions drafted on that agenda by the steering committee; and

- A Steering Committee, which researches the agenda topics chosen and drafts policy positions for policy and advocacy committee review.

Policy changes accepted by each policy and advocacy are subsequently forwarded to the entire membership for approval and inclusion in NLC's *National Municipal Policy* (*NMP*). The *NMP* is a collection of position statements on a variety of issues with immediate and long-term implications for the nation's cities and towns. Developed through the deliberative, member-driven policy development process described above, the *NMP* states the policy positions that frame NLC's advocacy efforts.

Each of the seven committees has a specific set of issues under its jurisdiction, and policy development in each committee is limited to these issues. The Finance, Administration and Intergovernmental Relations (FAIR) Committee deals with national economic policy, general financial assistance programs, liability insurance, intergovernmental relations, Census, municipal bonds and capital finance, municipal management, antitrust issues, citizen participation and civil rights, labor relations, Native American sovereignty and municipal authority.

In March of 2005, the FAIR Policy and Advocacy Committee chose to restructure the policy chapter (reviewing policy on municipal bonds, Social Security, and public pensions). The FAIR Steering Committee will research and draft recommendations on these topics for full committee approval at the Congress of Cities.

For more information about the FAIR Committee, please contact Nicole Young, Senior Policy Analyst, at young@nlc.org or 202-626-3175.

National League of Cities
1301 Pennsylvania Avenue NW Suite 550 · Washington, DC 20004
Phone:(202) 626-3000 · Fax:(202) 626-3043
info@nlc.org · www.nlc.org
Privacy Policy

June 21, 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 Permanent Easements and Warranty Deeds from Hidden Development , LLC – Section 22, Sidwell #88-20-22-101-023, 025 & 030

As part of the Hidden Forest development located in Section 22, on the south side of Wattles, between Livernois and Jennings, the Real Estate & Development Department has received the following three permanent easements and right of way dedication.

PROPERTY OWNER	SIDWELL	DOCUMENT TYPE
Hidden Development, LLC	88-20-22-101-023, 025 & 030	Warranty Deed
Hidden Development, LLC	88-20-22-101-023, 025 & 030	Storm Sewer Easement
Hidden Development, LLC	88-20-22-101-030	Water Main Easement
Hidden Development, LLC	88-20-22-101-025 & 023	Sanitary Sewer Easement

The consideration on each document is $1.00. Management recommends that City Council accept these documents.

Prepared by: Larysa Figol, Right of Way Representative

HIDDEN FOREST
SECTION 22
SIDWELL #88-20-22-101-023, 025 & 030

WARRANTY DEED

Sidwell # 88-20-22-101-023, 025 & 030 (part of)
Resolution #

The Grantor(s) Hidden Development, LLC, a Michigan Limited Liability Company, whose address is: 13440 Canal Road, Sterling Heights, MI 48313 convey(s) and warrant(s) to the City of Troy, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road,, Troy, Michigan 48084, the following described premises situated in the City of Troy, County of Oakland and State of Michigan:

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

For the sum of One Dollar and no/cents ($1.00)

subject to easements and building and use restrictions of record and further subject to

Dated this 15th day of June, 2005.

Signed in presence of:
(not required)

Signed by:
Hidden Development, LLC, a Michigan Limited Liability Company

By _____
Gary Abitheria
Its: Managing Member

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 15th day of June, 2005, by Gary Abitheria, Managing Member, of Hidden Development, LLC, a Michigan Limited Liability Company, on behalf of the company.

_____
* LARYSA FIGOL

Notary Public, OAKLAND County, MI
My commission expires: MARCH 2, 2006
Acting in Oakland County, MI

County Treasurer's Certificate		City Treasurer's Certificate
When recorded return to: City Clerk City of Troy 500 West Big Beaver Troy, MI 48084	Send subsequent tax bills to: Grantee	Drafted by: Larysa Figol City of Troy 500 West Big Beaver Troy, MI 48084

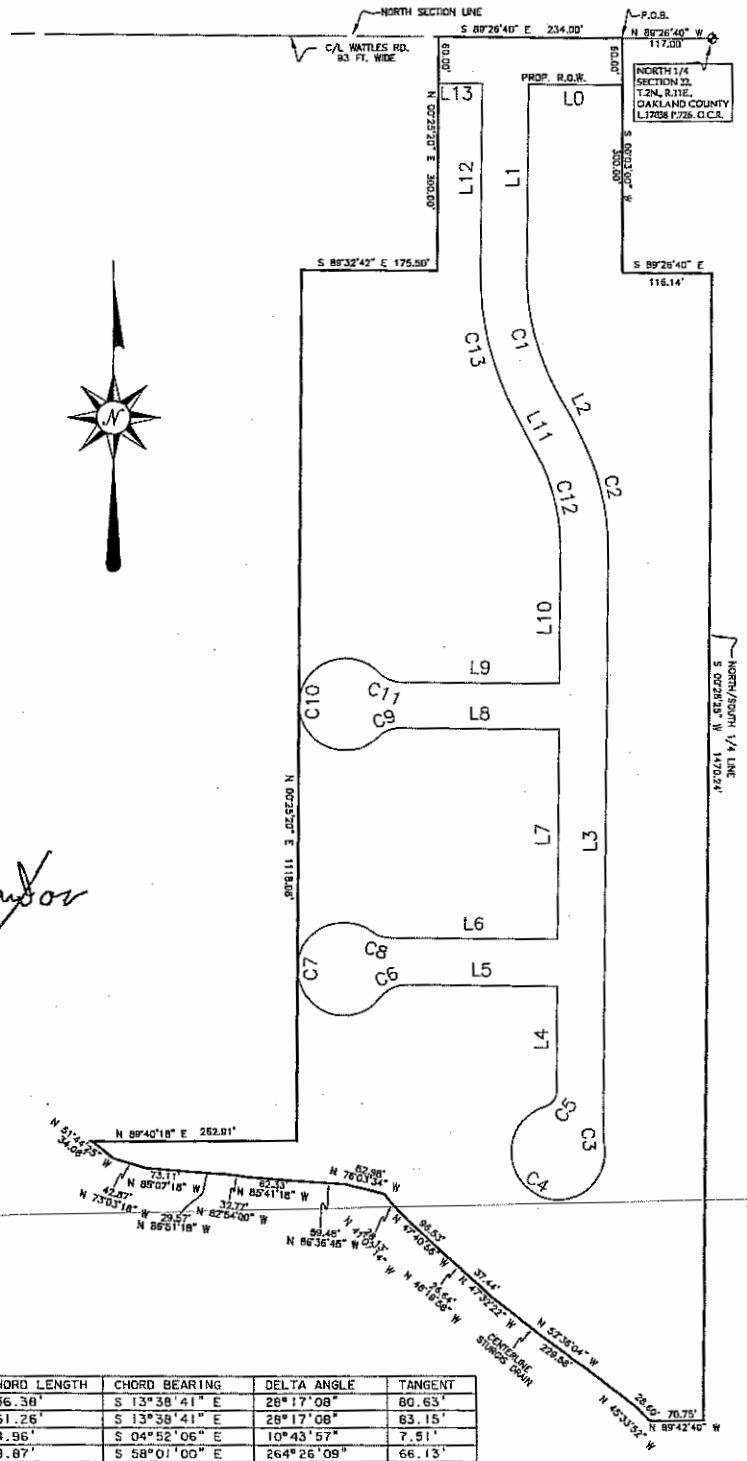
Tax Parcel #88-20-22-101-023, 025 & 030 (part of) Recording Fee _____ Transfer Tax _____

TYPE OR PRINT NAMES UNDER SIGNATURES

EXHIBIT "A"

LEGAL DESCRIPTION OF INTERIOR RIGHT OF WAY

A PART OF NORTHWEST 1/4 OF SECTION 22, T. 2 N., R. 11 E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS BEGINNING AT A POINT ON THE CENTERLINE OF WATTLES ROAD 93 FT. WIDE AS NOW ESTABLISHED, AND BEING N89°26'40"W 117.00 FEET FROM THE NORTH ¼ CORNER OF SAID SECTION 22, AND PROCEEDING THENCE S00°03'00"W 60.00 FEET TO THE SOUTH LINE OF SAID WATTLES ROAD; THENCE ALONG SAID LINE N89°26'40"W 118.12 FEET; THENCE S00°29'53"W 241.83 FEET; THENCE ALONG A CURVE TO THE LEFT AN ARC LENGTH OF 157.98 FEET, A RADIUS OF 320.00 FEET, A CHORD BEARING OF S13°38'41"E, A CHORD LENGTH OF 156.38 FEET, THENCE S27°47'15"E 57.80 FEET; THENCE ALONG A CURVE TO THE RIGHT AN ARC LENGTH OF 162.91 FEET, A RADIUS OF 330.00 FEET, A CHORD BEARING OF S13°38'41"E, A CHORD LENGTH OF 161.26 FEET, THENCE S00°29'53"W 743.28 FEET; THENCE ALONG A CURVE TO THE LEFT AN ARC LENGTH OF 14.99 FEET, A RADIUS OF 80.00 FEET, A CHORD BEARING OF S04°52'06"E, A CHORD LENGTH OF 14.96 FEET, THENCE ALONG A CURVE TO THE RIGHT AN ARC LENGTH OF 276.92 FEET, A RADIUS OF 60.00 FEET, A CHORD BEARING OF N58°01'00"W, A CHORD LENGTH OF 88.87 FEET, THENCE ALONG A CURVE TO THE LEFT AN ARC LENGTH OF 25.73 FEET, A RADIUS OF 20.00 FEET, A CHORD BEARING OF N37°20'59"E, A CHORD LENGTH OF 23.99 FEET, THENCE N00°29'53"E 133.65 FEET; THENCE N89°28'09"W 194.27 FEET; THENCE ALONG A CURVE TO THE LEFT AN ARC LENGTH OF 38.53 FEET, A RADIUS OF 42.00 FEET, A CHORD BEARING OF S64°14'52"W, A CHORD LENGTH OF 37.20 FEET, THENCE ALONG A CURVE TO THE RIGHT AN ARC LENGTH OF 281.76 FEET, A RADIUS OF 60.00 FEET, A CHORD BEARING OF N07°30'19"W, A CHORD LENGTH OF 85.55 FEET, THENCE ALONG A CURVE TO THE LEFT AN ARC LENGTH OF 26.75 FEET, A RADIUS OF 42.00 FEET, A CHORD BEARING OF S71°13'20"E, A CHORD LENGTH OF 26.30 FEET, THENCE S89°28'09"E 214.57 FEET; THENCE N00°29'53"E 270.00 FEET; THENCE N89°28'11"W 203.48 FEET; THENCE ALONG A CURVE TO THE LEFT AN ARC LENGTH OF 33.06 FEET, A RADIUS OF 42.00 FEET, A CHORD BEARING OF S67°58'53"W, A CHORD LENGTH OF 32.21 FEET, THENCE ALONG A CURVE TO THE RIGHT AN ARC LENGTH OF 282.95 FEET, A RADIUS OF 60.00 FEET, A CHORD BEARING OF N00°31'51"E, A CHORD LENGTH OF 84.71 FEET, THENCE ALONG A CURVE TO THE LEFT AN ARC LENGTH OF 33.06 FEET, A RADIUS OF 42.00 FEET, A CHORD BEARING OF S66°55'10"E, A CHORD LENGTH OF 32.21 FEET, THENCE S89°28'11"E 203.44 FEET; THENCE N00°29'53"E 168.91 FEET; THENCE ALONG A CURVE TO THE LEFT AN ARC LENGTH OF 133.29 FEET, A RADIUS OF 270.00 FEET, A CHORD BEARING OF N13°38'41"W, A CHORD LENGTH OF 131.94 FEET, THENCE N27°47'15"W 57.80 FEET; THENCE ALONG A CURVE TO THE RIGHT AN ARC LENGTH OF 187.60 FEET, A RADIUS OF 380.00 FEET, A CHORD BEARING OF N13°38'41"W, A CHORD LENGTH OF 185.70 FEET, THENCE N00°29'53"E 241.89 FEET TO THE SOUTHLINE OF SAID WATTLES ROAD; THENCE ALONG THE SOUTH LINE N89°26'40"W 56.27 FEET; THENCE N00°25'20"E 60.00 FEET TO THE CENTERLINE OF SAID WATTLES ROAD AND THE NORTH LINE OF SAID SECTION 22; THENCE ALONG SAID LINE S89°26'40"E 234.00 FEET TO THE POINT OF BEGINNING.



STATE OF MICHIGAN
CLIVE CANTOR
LAND SURVEYOR
#10692
REGISTERED LAND SURVEYOR

Clive Cantor

LINE	BEARING	DISTANCE
L0	N 89°26'40" W	118.12'
L1	N 00°29'53" E	241.83'
L2	N 27°47'15" W	57.80'
L3	N 00°29'53" E	743.28'
L4	N 00°29'53" E	133.65'
L5	S 89°28'09" E	194.27'
L6	S 89°28'09" E	214.57'
L7	S 00°29'53" W	270.00'
L8	S 89°28'11" E	203.48'
L9	S 89°28'11" E	203.44'
L10	N 00°29'53" E	168.91'
L11	S 27°47'15" E	57.80'
L12	S 00°29'53" W	241.89'
L13	N 89°26'40" W	56.27'

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE	TANGENT
C1	320.00'	157.98'	156.38'	S 13°38'41" E	28°17'08"	80.63'
C2	330.00'	162.91'	161.26'	S 13°38'41" E	28°17'08"	83.15'
C3	80.00'	14.99'	14.96'	S 04°52'06" E	10°43'57"	7.51'
C4	60.00'	276.92'	88.87'	S 58°01'00" E	264°26'09"	66.13'
C5	20.00'	25.73'	23.99'	N 37°20'59" E	73°42'12"	14.99'
C6	42.00'	38.53'	37.20'	N 64°14'52" E	52°33'59"	20.74'
C7	60.00'	281.76'	85.55'	S 07°30'19" E	269°03'36"	60.99'
C8	42.00'	26.75'	26.30'	S 71°13'20" E	36°29'38"	13.85'
C9	42.00'	33.06'	32.21'	N 67°58'53" E	45°05'57"	17.44'
C10	60.00'	282.95'	84.71'	N 00°31'51" E	270°11'54"	59.79'
C11	42.00'	33.06'	32.21'	S 66°55'10" E	45°05'57"	17.44'
C12	270.00'	133.29'	131.94'	S 13°38'41" E	28°17'08"	68.03'
C13	380.00'	187.60'	185.70'	S 13°38'41" E	28°17'08"	95.75'

REVISED PER CITY REVIEW: 04/25/05

HENNESSEY
ENGINEERING THE FUTURE
2674 WEST JEFFERSON AVE.
SUITE 200
TRENTON, MI 48183
(734) 692-3300
FAX (734) 692-3203

TITLE RIGHT OF WAY
HIDDEN FOREST
CITY OF TROY
OAKLAND COUNTY, MICHIGAN

FILE NAME: RIGHT OF WAY | FILE # D.1

DRAWN DMH | APPROVED

PERMANENT EASEMENT

Sidwell #88-20-22-101-023, 025 & 030
Resolution #

Hidden Development, L.L.C., a Michigan Limited Liability Company, Grantors, whose address is 13440 Canal Road, Sterling Height, MI 48313 for and in consideration of the sum of: One and no/100 Dollar ($1.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, grants to the Grantee the right to construct, operate, maintain, repair and/or replace storm sewer, said easement for land situated in the City of Troy, Oakland County, Michigan described as:

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

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

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

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

IN WITNESS WHEREOF, the undersigned hereunto affixed his signature(s) this 15th day of June A.D. 2005.

In presence of:
WITNESS

By _____(L.S.)
*Gary Abitheria
Its Managing Member

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 15th day of June, 2005, by Gary Abitheria, Managing Member, on behalf of Hidden Development, L.L.C., a Michigan Limited Liability Company.

_____
* LARYSA FIGOL
Notary Public, OAKLAND County, Michigan

My Commission Expires MARCH 2, 2006
Acting in Oakland County, MI

Prepared by: Larysa Figol
City of Troy
500 W. Big Beaver Road
Troy, MI 48084

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

EXHIBIT "A"

LEGAL DESCRIPTION OF STORM SEWER EASEMENT

EASEMENT "A"

A 20 FT. WIDE STORM SEWER EASEMENT LOCATED IN PART OF NORTHWEST 1/4 OF SECTION 22, T. 2 N., R. 11 E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN, CENTERLINE DESCRIBED AS BEGINNING AT A POINT ON THE SOUTH LINE OF WATTLES RD. 93 FT. WIDE AS NOW ESTABLISHED, AND BEING N89°26'40"W 304.35 FEET AND S00°33'20"W 300.00 FEET FROM THE NORTH ¼ CORNER OF SAID SECTION 22, AND PROCEEDING THENCE ALONG A CURVE TO THE LEFT AN ARC LENGTH OF 194.46 FEET, A RADIUS OF 390.00 FEET, A CHORD BEARING OF S13°30'12"E, A CHORD LENGTH OF 192.45 FEET, THENCE S27°47'15"E 57.80 FEET; THENCE ALONG A CURVE TO THE RIGHT AN ARC LENGTH OF 128.36 FEET, A RADIUS OF 260.00 FEET, A CHORD BEARING OF S13°38'41"E, A CHORD LENGTH OF 127.06 FEET, THENCE S00°29'53"W 49.58 FEET TO POINT "A"; THENCE S00°29'53"W 119.31 FEET TO POINT OF ENDING BEING POINT "B", THENCE BEGINNING AT POINT "A" AND PROCEEDING THENCE N89°18'08"W 264.59 FEET TO THE POINT OF ENDING.

ALSO CONTINUING S00°29'53"W 60.00 FEET FROM POINT "B"; THENCE S00°29'53"W 143.01 FEET TO POINT "C" AND PROCEEDING S00°29'53"W 127.00 FEET TO POINT OF ENDING BEING POINT "D", THENCE BEGINNING AT POINT "C" AND PROCEEDING THENCE N89°28'09"W 249.00 FEET TO POINT OF ENDING.

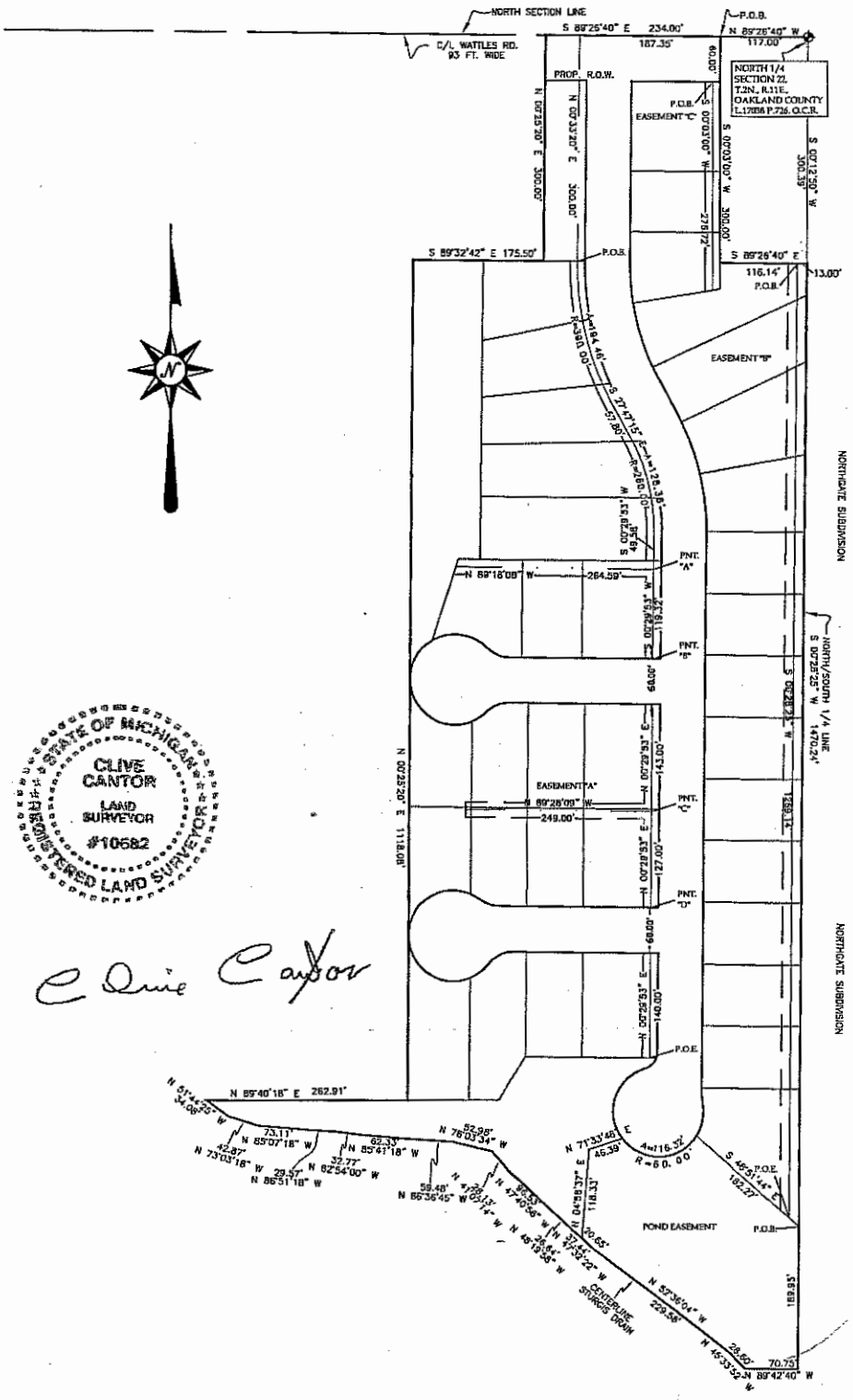
ALSO CONTINUING S00°29'53"W 60.00 FEET FROM POINT "D" AND PROCEEDING THENCE S00°29'53"W 140.00 FEET TO THE POINT OF ENDING.

EASEMENT "B"

A 26 FT. WIDE STORM SEWER EASEMENT LOCATED IN PART OF NORTHWEST 1/4 OF SECTION 22, T. 2 N., R. 11 E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN, CENTERLINE DESCRIBED AS BEGINNING AT A POINT BEING S00°12'50"W 300.39 FEET AND N89°26'40"W 13.00 FEET FROM THE NORTH ¼ CORNER OF SAID SECTION 22, AND PROCEEDING THENCE S00°28'25"W 1269.14 FEET TO THE POINT OF ENDING.

EASEMENT "C"

A 20 FT. WIDE STORM SEWER EASEMENT LOCATED IN PART OF NORTHWEST 1/4 OF SECTION 22, T. 2 N., R. 11 E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN, CENTERLINE DESCRIBED AS BEGINNING AT A POINT ON THE SOUTH LINE OF WATTLES RD. 93.00 FEET WIDE AND THE NORTH LINE OF SAID SECTION 22 AND BEING N89°26'40"W 117.00 FEET AND S00°03'00"W 60.00 FEET AND N89°26'40"W 10.00 FEET FROM THE NORTH ¼ CORNER OF SAID SECTION 22, AND PROCEEDING THENCE S00°03'00"W 276.72 FEET TO THE POINT OF ENDING.



REVISED PER CITY REVIEW: 04/25/05

HENNESSEY

ENGINEERING THE FUTURE

2674 WEST JEFFERSON AVE.
SUITE 200
TRENTON, MI 48183
(734) 692-3300
FAX (734) 692-3203

TITLE	STORM SEWER EASEMENT HIDDEN FOREST CITY OF TROY OAKLAND COUNTY, MICHIGAN
FILE NAME: STORM ESMT	FILE # D.1
DRAWN DMH	APPROVED

PERMANENT EASEMENT

Sidwell #88-20-22-101-030
Resolution #

Hidden Development, L.L.C., a Michigan Limited Liability Company, Grantors, whose address is 13440 Canal Road, Sterling Height, MI 48313 for and in consideration of the sum of: One and no/100 Dollar ($1.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, grants to the Grantee the right to construct, operate, maintain, repair and/or replace water main, said easement for land situated in the City of Troy, Oakland County, Michigan described as:

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

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

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

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

IN WITNESS WHEREOF, the undersigned hereunto affixed his signature(s) this 15th day of June A.D. 2005.

In presence of:
WITNESS

By _____(L.S.)
*Gary Abitheria
Its Managing Member

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 15th day of June, 2005, by Gary Abitheria, Managing Member, on behalf of Hidden Development, L.L.C., a Michigan Limited Liability Company.

_____
*
Notary Public, OAKLAND County, Michigan

My Commission Expires MARCH 2, 2006
Acting in Oakland County, MI

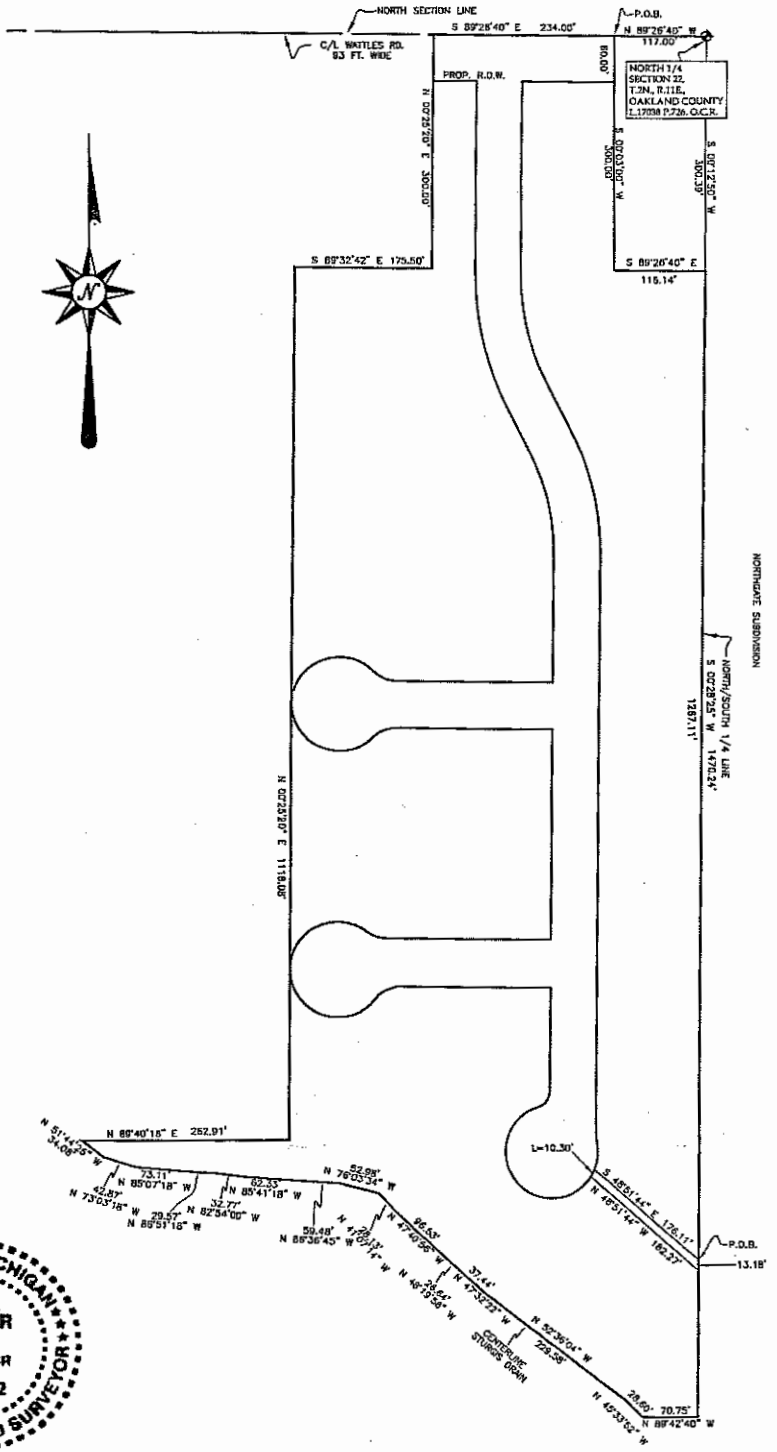
Prepared by: Larysa Figol
City of Troy
500 W. Big Beaver Road
Troy, MI 48084

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

EXHIBIT "A"

LEGAL DESCRIPTION OF 10 FT. WD. WATERMAIN EASEMENT

A PART OF NORTHWEST 1/4 OF SECTION 22, T. 2 N., R. 11 E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS BEGINNING AT A POINT BEING S00°12'50"W 300.39 FEET AND S00°28'25"W 1267.11 FEET ALONG THE NORTH AND SOUTH ¼ LINE OF SAID SECTION 22 AND THE WEST LINE OF NORTHGATE SUBDIVISION AS REC. IN LIBER 44, PAGE 56, OAKLAND COUNTY RECORDS, FROM THE NORTH ¼ CORNER OF SAID SECTION 22, AND PROCEEDING THENCE S00°28'32"W 13.18 FEET; THENCE N48°51'44"W 182.27 FEET; THENCE ALONG A CURVE TO THE LEFT AN ARC LENGTH OF 10.30 FEET, A RADIUS OF 60.00 FEET, A CHORD BEARING OF N27°29'29"E, A CHORD LENGTH OF 10.29 FEET, THENCE S48°51'44"E 176.11 FEET TO THE POINT OF BEGINNING.



Clive Cantor

REVISED: 04/25/05

HENNESSEY

ENGINEERING THE FUTURE

2674 WEST JEFFERSON AVE.
SUITE 200
TRENTON, MI 48183
(734) 692-3300
FAX (734) 692-3203

TITLE	WATERMAIN EASEMENT HIDDEN FOREST CITY OF TROY OAKLAND COUNTY, MICHIGAN
FILE NAME: WAT ESMT	FILE # D.1
DRAWN DMH	APPROVED

PERMANENT EASEMENT

Sidwell #88-20-22-101-025 & 023
Resolution #

Hidden Development, L.L.C., a Michigan Limited Liability Company, Grantors, whose address is 13440 Canal Road, Sterling Height, MI 48313 for and in consideration of the sum of: One and no/100 Dollar ($1.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, grants to the Grantee the right to construct, operate, maintain, repair and/or replace sanitary sewer, said easement for land situated in the City of Troy, Oakland County, Michigan described as:

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

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

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

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

IN WITNESS WHEREOF, the undersigned hereunto affixed his signature(s) this 15th day of June A.D. 2005.

In presence of:
WITNESS

By _____(L.S.)
*Gary Abitheria
Its Managing Member

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 15th day of June, 2005, by Gary Abitheria, Managing Member, on behalf of Hidden Development, L.L.C., a Michigan Limited Liability Company.

_____
*
Notary Public, OAKLAND County, Michigan

My Commission Expires MARCH 2, 2006
Acting in Oakland County, MI

Prepared by: Larysa Figol
City of Troy
500 W. Big Beaver Road
Troy, MI 48084

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

EXHIBIT "A"

LEGAL DESCRIPTION OF SANITARY SEWER EASEMENT

EASEMENT "A"

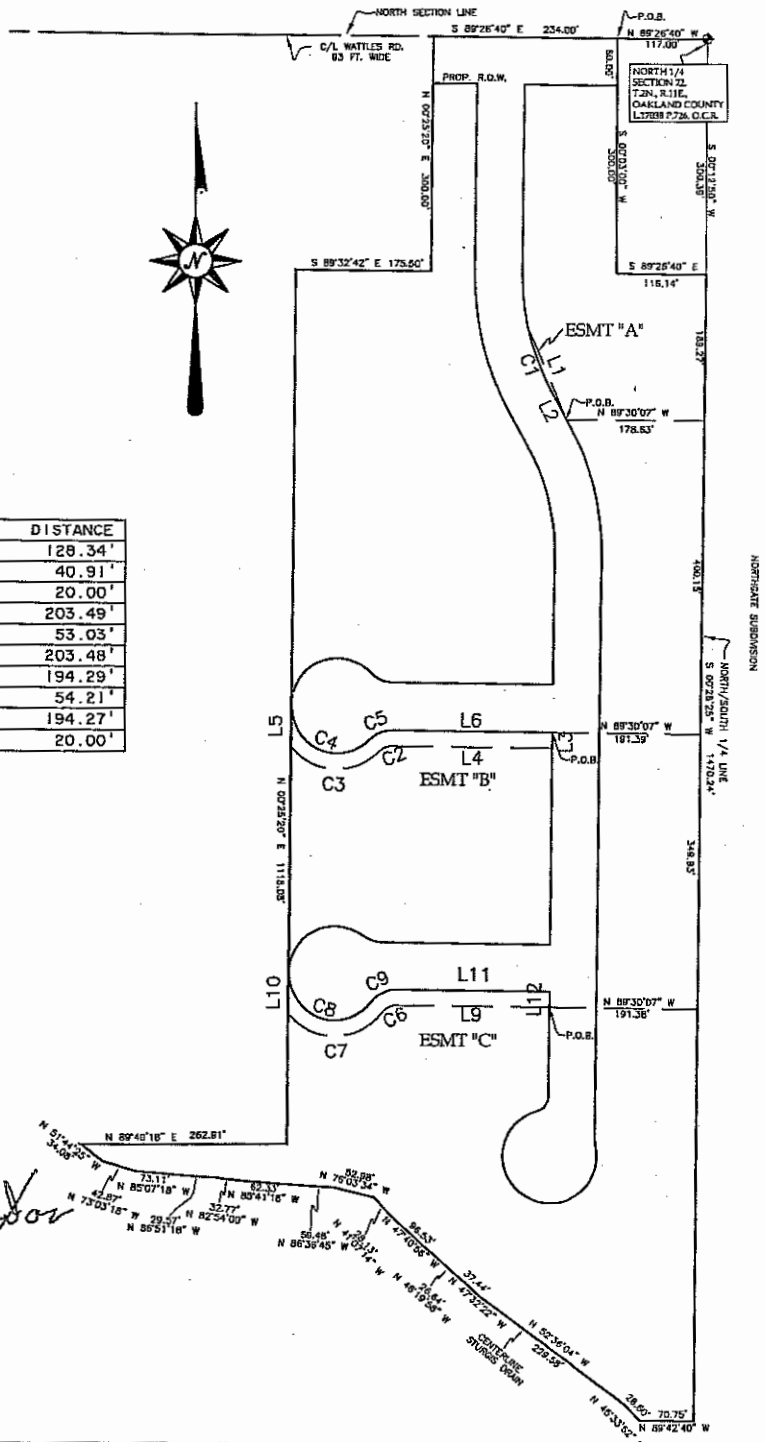
A PART OF NORTHWEST 1/4 OF SECTION 22, T. 2 N., R. 11 E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS BEGINNING AT A POINT BEING S00°12'50"W 300.39 FEET AND S00°28'25"W 189.27 FEET ALONG THE NORTH AND SOUTH ¼ LINE OF SAID SECTION 22 AND THE WEST LINE OF NORTHGATE SUBDIVISION AS REC. IN LIBER 44, PAGE 56, OAKLAND COUNTY RECORDS, AND N89°30'07"W 178.63 FEET FROM THE NORTH ¼ CORNER OF SAID SECTION 22, AND PROCEEDING THENCE N22°24'58"W 128.34 FEET; THENCE ALONG A CURVE TO THE LEFT AN ARC LENGTH OF 87.96 FEET, A RADIUS OF 320.00 FEET, A CHORD BEARING OF S19°54'45"E, A CHORD LENGTH OF 87.69 FEET, THENCE S27°47'15"E 40.91 FEET TO THE POINT OF BEGINNING, HAVING AN AREA OF 0.01 ACRES.

EASEMENT "B"

A 20 FT. WIDE SANITARY SEWER EASEMENT LOCATED IN PART OF NORTHWEST 1/4 OF SECTION 22, T. 2 N., R. 11 E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS BEGINNING AT A POINT BEING S00°12'50"W 300.39 FEET AND S00°28'25"W 589.42 FEET ALONG THE NORTH AND SOUTH ¼ LINE OF SAID SECTION 22 AND THE WEST LINE OF NORTHGATE SUBDIVISION AS REC. IN LIBER 44, PAGE 56, OAKLAND COUNTY RECORDS, AND N89°30'07"W 191.39 FEET FROM THE NORTH ¼ CORNER OF SAID SECTION 22, AND PROCEEDING THENCE S00°29'53"W 20.00 FEET; THENCE N89°28'11"W 203.49 FEET; THENCE ALONG A CURVE TO THE LEFT AN ARC LENGTH OF 17.32 FEET, A RADIUS OF 22.00 FEET, A CHORD BEARING OF S67°58'54"W, A CHORD LENGTH OF 16.87 FEET, THENCE ALONG A CURVE TO THE RIGHT AN ARC LENGTH OF 130.66 FEET, A RADIUS OF 80.00 FEET, A CHORD BEARING OF N87°46'41"W, A CHORD LENGTH OF 116.62 FEET, THENCE N00°25'20"E 53.03 FEET; THENCE ALONG A CURVE TO THE LEFT AN ARC LENGTH OF 141.48 FEET, A RADIUS OF 60.00 FEET, A CHORD BEARING OF S67°01'07"E, A CHORD LENGTH OF 110.91 FEET, THENCE ALONG A CURVE TO THE RIGHT AN ARC LENGTH OF 33.06 FEET, A RADIUS OF 42.00 FEET, A CHORD BEARING OF N67°58'53"E, A CHORD LENGTH OF 32.21 FEET, THENCE S89°28'11"E 203.48 FEET TO THE POINT OF BEGINNING, HAVING AN AREA OF 0.16 ACRES.

EASEMENT "C"

A 20 FT. WIDE SANITARY SEWER EASEMENT LOCATED IN PART OF NORTHWEST 1/4 OF SECTION 22, T. 2 N., R. 11 E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS BEGINNING AT A POINT BEING S00°12'50"W 300.39 FEET AND S00°28'25"W 939.35 FEET ALONG THE NORTH AND SOUTH ¼ LINE OF SAID SECTION 22 AND THE WEST LINE OF NORTHGATE SUBDIVISION AS REC. IN LIBER 44, PAGE 56, OAKLAND COUNTY RECORDS, AND N89°30'07"W 191.38 FEET FROM THE NORTH ¼ CORNER OF SAID SECTION 22, AND PROCEEDING THENCE N89°28'09"W 194.29 FEET; THENCE ALONG A CURVE TO THE LEFT AN ARC LENGTH OF 20.18 FEET, A RADIUS OF 22.00 FEET, A CHORD BEARING OF S64°14'51"W, A CHORD LENGTH OF 19.48 FEET, THENCE ALONG A CURVE TO THE RIGHT AN ARC LENGTH OF 141.07 FEET, A RADIUS OF 80.00 FEET, A CHORD BEARING OF S88°28'53"W, A CHORD LENGTH OF 123.49 FEET, THENCE N00°25'20"E 54.21 FEET; THENCE ALONG A CURVE TO THE LEFT AN ARC LENGTH OF 150.46 FEET, A RADIUS OF 60.00 FEET, A CHORD BEARING OF S70°11'52"E, A CHORD LENGTH OF 114.02 FEET, THENCE ALONG A CURVE TO THE RIGHT AN ARC LENGTH OF 38.53 FEET, A RADIUS OF 42.00 FEET, A CHORD BEARING OF N64°14'52"E, A CHORD LENGTH OF 37.20 FEET, THENCE S89°28'09"E 194.27 FEET; THENCE S00°29'53"W 20.00 FEET HAVING AN AREA OF 0.17 ACRES.



LINE	BEARING	DISTANCE
L1	N 22°24'58" W	128.34'
L2	S 27°47'15" E	40.91'
L3	S 00°29'53" W	20.00'
L4	N 89°28'11" W	203.49'
L5	N 00°25'20" E	53.03'
L6	S 89°28'11" E	203.48'
L9	N 89°28'09" W	194.29'
L10	N 00°25'20" E	54.21'
L11	S 89°28'09" E	194.27'
L12	S 00°29'53" W	20.00'

STATE OF MICHIGAN
CLIVE CANTOR
LAND SURVEYOR
#10682
REGISTERED LAND SURVEYOR

Clive Cantor

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE	TANGENT
C1	320.00'	87.96'	87.69'	S 19°54'45" E	15°44'59"	44.26'
C2	22.00'	17.32'	16.87'	N 67°58'54" E	45°05'59"	9.14'
C3	80.00'	130.66'	116.62'	S 87°46'41" E	93°34'50"	85.16'
C4	60.00'	141.48'	110.91'	S 67°01'07" E	135°05'57"	145.21'
C5	42.00'	33.06'	32.21'	N 67°58'53" E	45°05'57"	17.44'
C6	22.00'	20.18'	19.48'	N 64°14'51" E	52°34'00"	10.87'
C7	80.00'	141.07'	123.49'	N 88°28'53" E	101°01'59"	97.10'
C8	60.00'	150.46'	114.02'	S 70°11'52" E	143°40'31"	182.90'
C9	42.00'	38.53'	37.20'	N 64°14'52" E	52°33'59"	20.74'

REVISED PER CITY REVIEW: 04/25/05

HENNESSEY
ENGINEERING THE FUTURE
2674 WEST JEFFERSON AVE.
SUITE 200
TRENTON, MI 48183

TITLE SANITARY SEWER EASEMENT
HIDDEN FOREST
CITY OF TROY
OAKLAND COUNTY, MICHIGAN

FILE NAME: SAN ESMT

FILE # D.1

June 21, 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 Permanent Easements and Warranty Deeds from Mondrian Properties , LLC – Section 20, Sidwell #88-20-20-226-101, 100 & 104

As part of the Stone Haven Woods East No. 2 development located in Section 20, on the south side of Wattles, west of Crooks, the Real Estate & Development Department has received the following three permanent easements and two right of way dedications.

PROPERTY OWNER	SIDWELL	DOCUMENT TYPE
Mondrian Properties, LLC	88-20-20-226-101, 100 & 104	Warranty Deed
Mondrian Properties, LLC	88-20-20-226-101	Warranty Deed
Mondrian Properties, LLC	88-20-20-226-101, 100 & 104	Storm Sewer Easement
Mondrian Properties, LLC	88-20-20-226-101, 100 & 104	Non-Access Greenbelt Easement
Mondrian Properties, LLC	88-20-20-226-101, 100 & 104	Sanitary Sewer & Public Utilities Easement

The consideration on each document is $1.00. Management recommends that City Council accept these documents.

Prepared by: Larysa Figol, Right of Way Representative

STONE HAVEN WOODS EAST NO. 2
SECTION 20
SIDWELL #88-20-20-226-101, 100 & 104

WARRANTY DEED

Sidwell # 88-20-20-226-101, 100 & 104 (part of)
Resolution #

The Grantor(s) Mondrian Properties, LLC, a Michigan Limited Liability Company, whose address is: 1111 West Long Lake Road, Suite 103, Troy, MI 48098 convey(s) and warrant(s) to the City of Troy, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road,, Troy, Michigan 48084, the following described premises situated in the City of Troy, County of Oakland and State of Michigan:

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

For the sum of One Dollar and no/cents ($1.00)

subject to easements and building and use restrictions of record and further subject to

Dated this 15 day of JUNE, 2005.

Signed in presence of:
(not required)

Signed by:
Mondrian Properties, LLC, a Michigan Limited Liability Company

By _____
Joseph Maniaci
Its: Member

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 15 day of JUNE, 2005, by Joseph Maniaci, Member, of Mondrian Properties, LLC, a Michigan Limited Liability Company, on behalf of the Company.

*ELAINE M. SIMPSON

ELAINE M. SIMPSON
Notary Public, Oakland County, MI
My Commission Expires Dec. 25, 2007

Notary Public, OAKLAND County, MI
My commission expires: DEC. 25, 2007
Acting in Oakland County, MI

County Treasurer's Certificate		City Treasurer's Certificate
When recorded return to: City Clerk City of Troy 500 West Big Beaver Troy, MI 48084	Send subsequent tax bills to: Grantee	Drafted by: Larysa Figol City of Troy 500 West Big Beaver Troy, MI 48084

Tax Parcel #88-20-20-226-101, 100 & 104 (part of) Recording Fee _____ Transfer Tax _____

TYPE OR PRINT NAMES UNDER SIGNATURES

EXHIBIT "A"

SKETCH OF RIGHT OF WAY DEDICATION

LEGAL DESCRIPTION
OVERALL PARCEL

Part of the Northeast 1/4 of Section 20, Township 2 North, Range 11 East, City of Troy, Oakland County, Michigan; being more particularly described as commencing at the Northeast Corner of Section 20, thence S 89°42'41" W along the the north line of said section 20, 392.00 feet, thence S 00°00'28" W, 50.00 feet to the southerly line of Wattles Road (variable width) and the Point of Beginning; thence continuing S 00°00'28" W, 248.32 feet to the north line of "Stonehaven Woods East" (Liber 280, Pages 9–14), thence along said line and the extension thereof S 89°42'41" W, 280.00 feet, thence N 00°00'35" E, 28.32 feet, thence S 89°42'41" W, 95.00 feet, thence N 00°00'35" E, 210.00 feet to the aforementioned southerly line of Wattles Road, thence along said southerly line the following three courses:

N 89°42'41" E, 250.00 feet,
N 00°00'30" E, 10.00 feet,
and N 89°42'41" E, 125.00 feet

to the Point of Beginning, containing 2.019 acres more or less.

LEGAL DESCRIPTION
RIGHT OF WAY DEDICATION

A dedication of land in the Northeast 1/4 of Section 20, Township 2 North, Range 11 East, City of Troy, Oakland County, Michigan for the purpose of public roadway; being more particularly described as commencing at the Northeast Corner of Section 20, thence S 89°42'41" W along the the north line of said section 20, 392.00 feet, thence S 00°00'28" W, 238.32 feet to the to the Point of Beginning; thence continuing S 00°00'28" W, 60.00 feet to the north line of "Stonehaven Woods East", (Liber 280, Pages 9–14), thence along said line S 89°42'41" W, 240.00 feet, thence N 00°00'28" E, 6.18 feet, thence 19.68 feet along a curve to the left, radius 45.00 feet, central angle 25°03'35", chord bearing N 12°31'19" W, 19.53 feet, thence 180.26 feet along a curve to the right, radius 60.83 feet, central angle 169°47'22", chord bearing N 59°50'34" E, 121.18 feet, thence 57.62 feet along a curve to the left, radius 60.00 feet, central angle 55°01'35", chord bearing S 62°46'32" E, 55.43 feet, thence N 89°42'41" E, 90.17 feet to the Point of Beginning, containing 19,628 square feet more or less.

CLIENT: MONDRIAN PROPERTIES 1111 WEST LONG LAKE RD., SUITE 103 TROY, MICHIGAN 48098	SCALE: N/A	JOB No: 2004247	PROFESSIONAL ENGINEERING ASSOCIATES 2430 Rochester Ct. Suite 100 Troy, MI 48083-1872 (248) 689-9090
	DATE: 2-25-05	DWG. No: 2 of 2	

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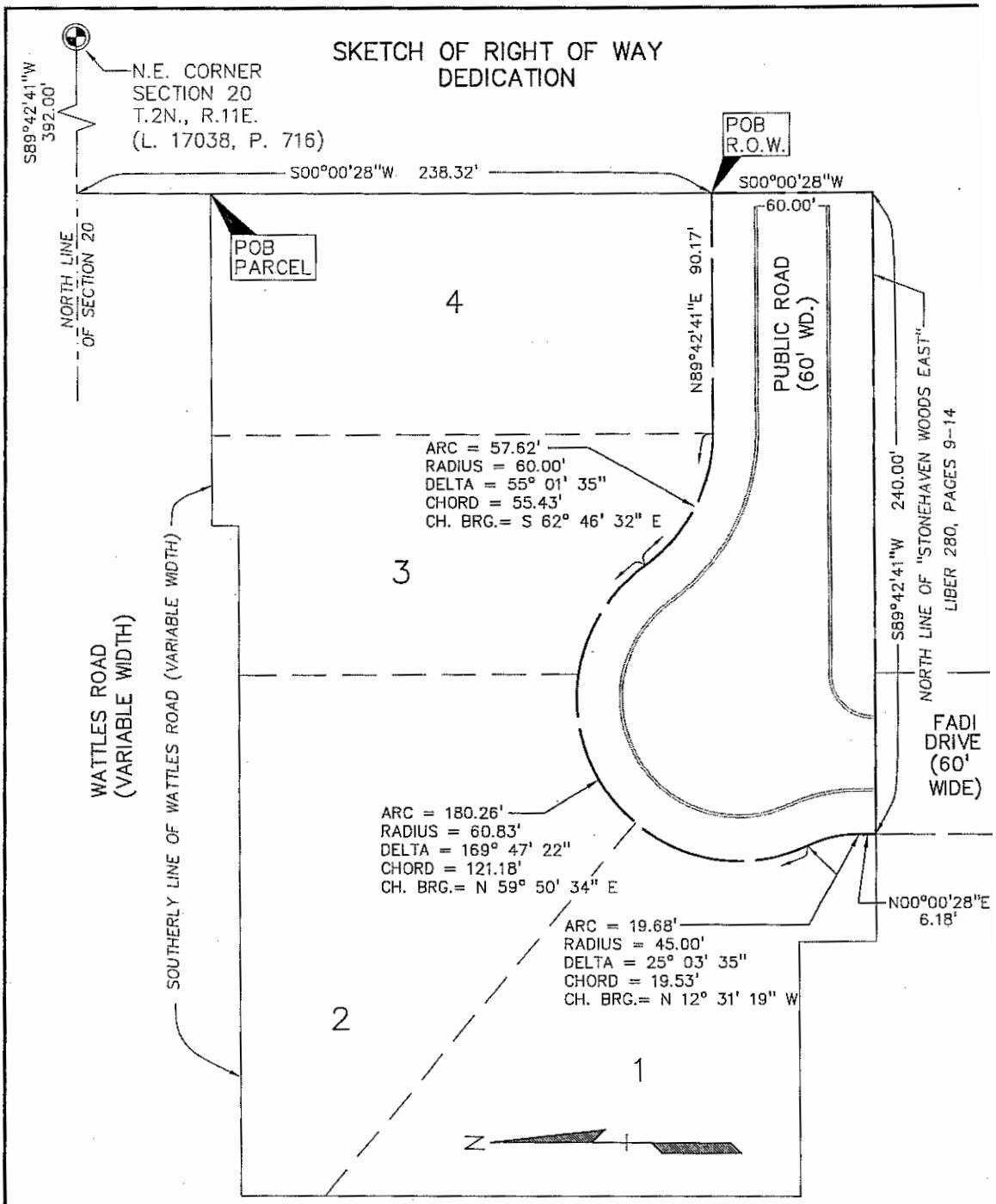
RECEIVED
MAY 18 2005
ENGINEERING

SKETCH OF RIGHT OF WAY DEDICATION



LEGEND

SECTION CORNER

0 50 25 100
GRAPHIC SCALE
1" = 50'

PROFESSIONAL ENGINEERING ASSOCIATES
2430 Rochester Ct. Suite 100
Troy, MI 48083-1872
(248) 689-9090

CLIENT: MONDRIAN PROPERTIES 1111 WEST LONG LAKE RD., SUITE 103 TROY, MICHIGAN 48098	SCALE: 1"= 50'	JOB No: 2004247
	DATE: 2-25-05	DWG. No: 1 of 2

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WARRANTY DEED

Sidwell # 88-20-20-226-101 (part of)
Resolution #

The Grantor(s) Mondrian Properties, LLC, a Michigan Limited Liability Company, whose address is: 1111 West Long Lake Road, Suite 103, Troy, MI 48098 convey(s) and warrant(s) to the City of Troy, a Michigan Municipal Corporation Grantee, whose address is 500 West Big Beaver Road,, Troy, Michigan 48084, the following described premises situated in the City of Troy, County of Oakland and State of Michigan:

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

For the sum of One Dollar and no/cents ($1.00)

subject to easements and building and use restrictions of record and further subject to

Dated this 15 day of JUNE, 2005.

Signed in presence of:
(not required)

Signed by:
Mondrian Properties, LLC, a Michigan Limited Liability Company

By _____
Joseph Maniaci
Its: Member

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 15 day of JUNE, 2005, by Joseph Maniaci, Member, of Mondrian Properties, LLC, a Michigan Limited Liability Company, on behalf of the Company.

ELAINE M. SIMPSON
Notary Public, Oakland County, MI
My Commission Expires Dec. 25, 2007

*ELAINE M. SIMPSON

Notary Public, OAKLAND County, MI
My commission expires: DEC. 25, 2007
Acting in Oakland County, MI

County Treasurer's Certificate		City Treasurer's Certificate
When recorded return to: City Clerk City of Troy 500 West Big Beaver Troy, MI 48084	Send subsequent tax bills to: Grantee	Drafted by: Larysa Figol City of Troy 500 West Big Beaver Troy, MI 48084

Tax Parcel #88-20-20-226-101 (part of) Recording Fee _____ Transfer Tax _____

TYPE OR PRINT NAMES UNDER SIGNATURES

EXHIBIT "A"

SKETCH OF RIGHT OF WAY DEDICATION

LEGAL DESCRIPTION
PROPOSED OVERALL PARCEL (AFTER WATTLES DEDICATION)

Part of the Northeast 1/4 of Section 20, Township 2 North, Range 11 East, City of Troy, Oakland County, Michigan; being more particularly described as commencing at the Northeast Corner of Section 20, thence S 89°42'41" W along the the north line of said section 20, 392.00 feet, thence S 00°00'28" W, 60.00 feet to the proposed southerly line of Wattles Road (Variable width) and the Point of Beginning; thence continuing S 00°00'28" W, 248.32 feet to the north line of "Stonehaven Woods East" (Liber 280, Pages 9–14), thence along said line and the extension thereof S 89°42'41" W, 280.00 feet, thence N 00°00'35" E, 28.32 feet, thence S 89°42'41" W, 95.00 feet, thence N 00°00'35" E, 210.00 feet to the aforementioned southerly line of Wattles Road, thence along said southerly line N 89°42'41" E, 375.00 feet to the Point of Beginning, containing 1.990 acres more or less.

LEGAL DESCRIPTION
RIGHT OF WAY DEDICATION

A dedication of land in the Northeast 1/4 of Section 20, Township 2 North, Range 11 East, City of Troy, Oakland County, Michigan for the purpose of public roadway; being more particularly described as commencing at the Northeast Corner of Section 20, thence S 89°42'41" W along the the north line of said section 20, 392.00 feet, thence S 00°00'28" W, 60.00 feet to the to the Point of Beginning; thence S 89°42'41" W, 125.00 feet, thence N 00°00'30" E, 10.00 feet, thence N 89°42'41" E, 125.00 feet, thence S 00°00'28" W, 10.00 to the Point of Beginning, containing 1,250 square feet more or less.

CLIENT: MONDRIAN PROPERTIES 1111 WEST LONG LAKE RD., SUITE 103 TROY, MICHIGAN 48098	SCALE: N/A	JOB No: 2004247	PROFESSIONAL ENGINEERING ASSOCIATES 2430 Rochester Ct. Suite 100 Troy, MI 48083-1872 (248) 689-9090
	DATE: 5-13-05	DWG. No: 2 of 2	

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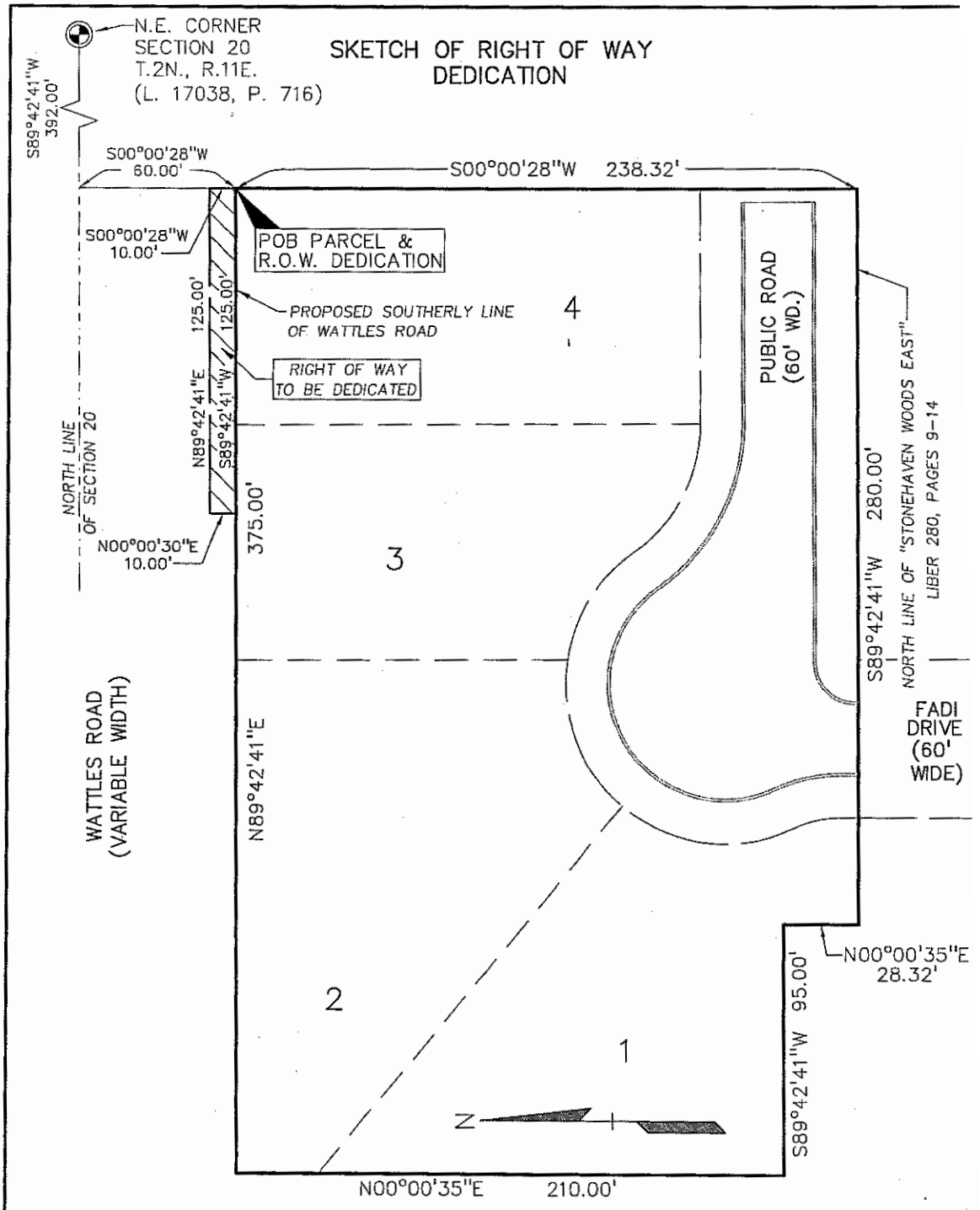
SKETCH OF RIGHT OF WAY DEDICATION



LEGEND

SECTION CORNER

0 50 25 100
GRAPHIC SCALE
1" = 50'

PROFESSIONAL ENGINEERING ASSOCIATES
2430 Rochester Ct. Suite 100
Troy, MI 48083-1872
(248) 689-9090

CLIENT: MONDRIAN PROPERTIES 1111 WEST LONG LAKE RD., SUITE 103 TROY, MICHIGAN 48098	SCALE: 1"= 50'	JOB No: 2004247
	DATE: 5-13-05	DWG. No: 1 of 2

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PERMANENT EASEMENT

Sidwell #88-20-20-226-101, 100 & 104 (pt of)
Resolution #

Mondrian Properties, L.L.C., a Michigan Limited Liability Company, Grantor(s), whose address is 1111 West Long Lake Road, Suite 103, Troy, MI 48098 for and in consideration of the sum of: One and no/100 Dollar ($1.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, grants to the Grantee the right to construct, operate, maintain, repair and/or replace storm sewer, said easement for land situated in the City of Troy, Oakland County, Michigan described as:

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

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

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

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

IN WITNESS WHEREOF, the undersigned hereunto affixed 1 signature(s) this 15 day of June A.D. 2005.

In presence of:
WITNESS

By _____ (L.S.)
*Joseph Maniaci
Its Member

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 15 day of JUNE, 2005, by Joseph Maniaci, Member, of Mondrian Properties, L.L.C., a Michigan Limited Liability Company on behalf of the Company.

ELAINE M. SIMPSON
Notary Public, Oakland County, MI
My Commission Expires Dec. 25, 2007

* ELAINE M. SIMPSON
Notary Public, OAKLAND County, Michigan

My Commission Expires DEC. 25 2007
Acting in the County of OAKLAND, MI

Prepared by: Larysa Figol
City of Troy
500 W. Big Beaver Road
Troy, MI 48084

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

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

EXHIBIT "A"

SKETCH OF EASEMENT

LEGAL DESCRIPTION
OVERALL PARCEL

Part of the Northeast 1/4 of Section 20, Township 2 North, Range 11 East, City of Troy, Oakland County, Michigan; being more particularly described as commencing at the Northeast Corner of Section 20, thence S 89°42'41" W along the the north line of said Section 20, 392.00 feet, thence S 00°00'28" W, 50.00 feet to the southerly line of Wattles Road (variable width) and the Point of Beginning; thence continuing S 00°00'28" W, 248.32 feet to the north line of "Stonehaven Woods East" (Liber 280, Pages 9–14), thence along said line and the extension thereof S 89°42'41" W, 280.00 feet, thence N 00°00'35" E, 28.32 feet, thence S 89°42'41" W, 95.00 feet, thence N 00°00'35" E, 210.00 feet to the aforementioned southerly line of Wattles Road, thence along said southerly line the following three courses:

N 89°42'41" E, 250.00 feet,
N 00°00'30" E, 10.00 feet,
and N 89°42'41" E, 125.00 feet

to the Point of Beginning, containing 2.019 acres more or less.

LEGAL DESCRIPTION
STORM UTILITY EASEMENT A

A 12 foot wide Storm Utility Easement over land in the Northeast 1/4 of Section 20, Township 2 North, Range 11 East, City of Troy, Oakland County, Michigan; being more particularly described as commencing at the Northeast Corner of Section 20, thence S 89°42'41" W along the the north line of said Section 20, 392.00 feet, thence S 00°00'28" W, 84.32 feet to the Point of Beginning; thence continuing S 00°00'28" W, 154.00 feet, thence S 89°42'41" W, 12.00 feet, thence N 00°00'28" E, 154.00 feet, thence N 89°42'41" E, 12.00 feet to the Point of Beginning, containing 1,848 square feet more or less.

LEGAL DESCRIPTION
STORM UTILITY EASEMENT B

A 12 foot wide Storm Utility Easement over land in the Northeast 1/4 of Section 20, Township 2 North, Range 11 East, City of Troy, Oakland County, Michigan; being more particularly described as commencing at the Northeast Corner of Section 20, thence S 89°42'41" W along the the north line of said Section 20, 392.00 feet, thence S 00°00'28" W, 238.32, thence S 89°42'41" W, 84.17 feet to the Point of Beginning; thence continuing S 89°42'41" W, 6.00 feet, thence 6.01 feet along a curve to the right, radius 60.00 feet, central angle 05°44'21", chord bearing N 87°25'08" W, 6.01 feet, thence N 00°17'19" W, 91.53 feet, thence N 89°42'41" E, 12.00 feet, thence S 00°17'19" E, 91.83 feet to the Point of Beginning, containing 1,101 square feet more or less.

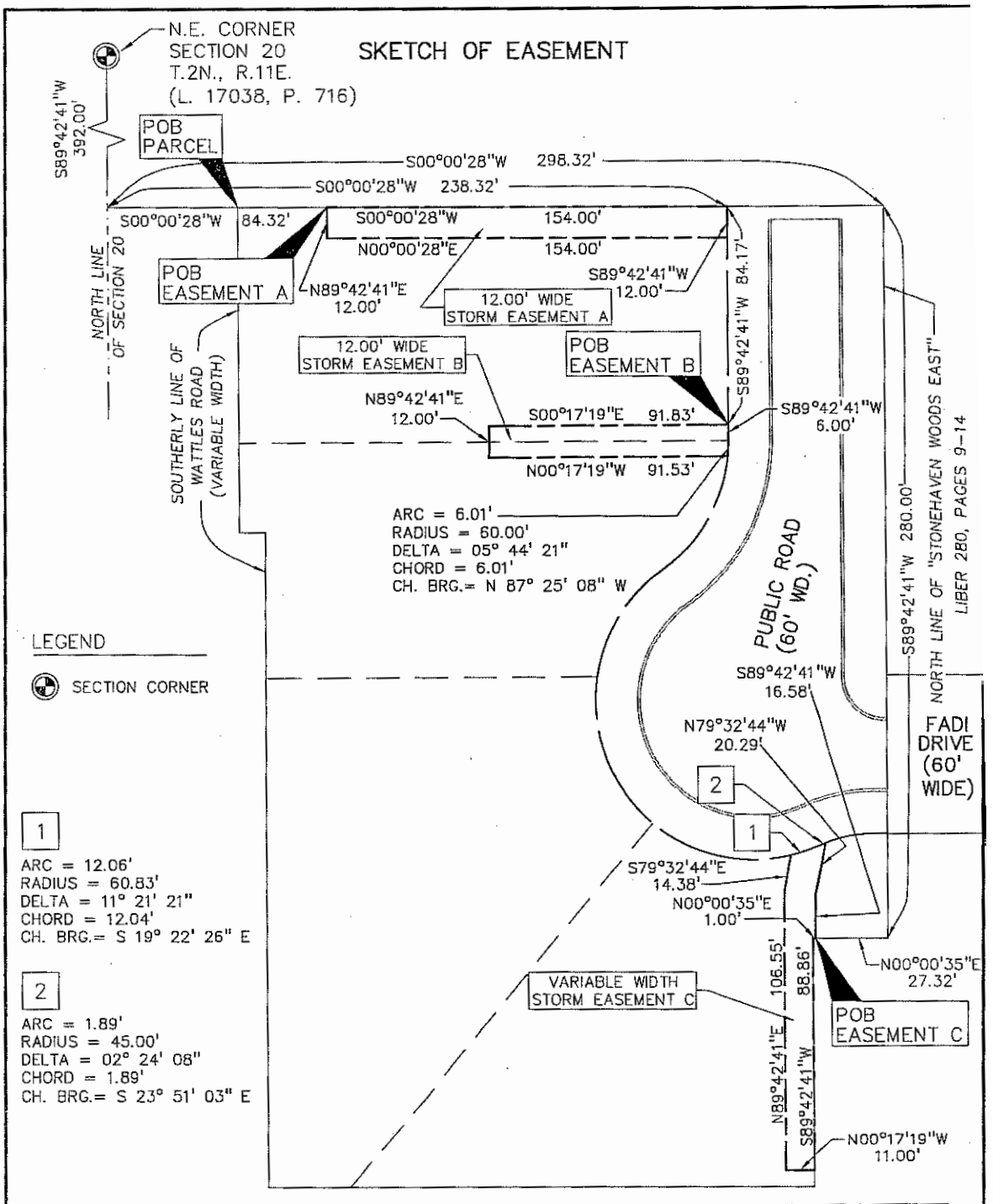
LEGAL DESCRIPTION
STORM UTILITY EASEMENT C

A variable width Storm Utility Easement over land in the Northeast 1/4 of Section 20, Township 2 North, Range 11 East, City of Troy, Oakland County, Michigan; being more particularly described as commencing at the Northeast Corner of Section 20, thence S 89°42'41" W along the the north line of said section 20, 392.00 feet, thence S 00°00'28" W, 298.32 to the north line of "Stonehaven Woods East" (Liber 280, Pages 9–14), thence along said line and the extension thereof S 89°42'41" W, 280.00, thence N 00°00'35" E, 27.32 feet to the Point of Beginning; thence continuing N 00°00'35" E, 1.00 feet, thence S 89°42'41" W, 88.86 feet, thence N 00°17'19" W, 11.00 feet, thence N 89°42'41" E, 106.55 feet, thence S 79°32'44" E, 14.38 feet, thence 12.06 feet along a non–tangent curve to the left, radius 60.83 feet, central angle 11°21'21", chord bearing S 19°22'26" E, 12.04 feet, thence 1.89 feet along a non–tangent curve to the right, radius 45.00 feet, central angle 02°24'08", chord bearing S 23°51'03" E, 1.89 feet, thence N 79°32'44" W, 20.29 feet, thence S 89°42'41" W, 16.58 feet to the Point of Beginning, containing 1,388 square feet more or less.

CLIENT: MONDRIAN PROPERTIES 1111 WEST LONG LAKE RD., SUITE 103 TROY, MICHIGAN 48098	SCALE: N/A	JOB No: 2004247	PROFESSIONAL ENGINEERING ASSOCIATES 2430 Rochester Ct. Suite 100 Troy, MI 48083–1872 (248) 689–9090
	DATE: 2–24–05	DWG. No: 2 of 2	

R:\2004Proj\2004247\SURVEY–DEPT\04247BND\dwg\04247 STORM EASE.dwg; DN

SKETCH OF EASEMENT



CLIENT: MONDRIAN PROPERTIES 1111 WEST LONG LAKE RD., SUITE 103 TROY, MICHIGAN 48098	SCALE: 1"= 50'	JOB No: 2004247	PROFESSIONAL ENGINEERING ASSOCIATES 2430 Rochester Ct. Suite 100 Troy, MI 48083-1872 (248) 689-9090
	DATE: 2-24-05	DWG. No: 1 of 2	

PERMANENT EASEMENT

Sidwell #88-20-20-226-101, 100 & 104 (pt of)
Resolution #

Mondrian Properties, L.L.C., a Michigan Limited Liability Company, Grantor(s), whose address is 1111 West Long Lake Road, Suite 103, Troy, MI 48098 for and in consideration of the sum of: One and no/100 Dollar ($1.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, grants to the Grantee the right to construct, operate, maintain, repair and/or replace non-access greenbelt, said easement for land situated in the City of Troy, Oakland County, Michigan described as:

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

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

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

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

IN WITNESS WHEREOF, the undersigned hereunto affixed 1 signature(s) this 15 day of June A.D. 2005.

In presence of:
WITNESS

By _____(L.S.)
*Joseph Maniaci
Its Member

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 15 day of JUNE, 2005, by Joseph Maniaci, Member, of Mondrian Properties, L.L.C., a Michigan Limited Liability Company on behalf of the Company.

ELAINE M. SIMPSON
Notary Public, Oakland County, MI
My Commission Expires Dec. 25, 2007

* ELAINE M. SIMPSON
Notary Public, OAKLAND County, Michigan

My Commission Expires DEC. 25, 2007
Acting in the County of OAKLAND, MI

Prepared by: Larysa Figol
City of Troy
500 W. Big Beaver Road
Troy, MI 48084

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

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

EXHIBIT "A"

SKETCH OF NON-ACCESS GREENBELT EASEMENT

LEGAL DESCRIPTION
OVERALL PARCEL

Part of the Northeast 1/4 of Section 20, Township 2 North, Range 11 East, City of Troy, Oakland County, Michigan; being more particularly described as commencing at the Northeast Corner of Section 20, thence S 89°42'41" W along the the north line of said Section 20, 392.00 feet, thence S 00°00'28" W, 50.00 feet to the southerly line of Wattles Road (variable width) and the Point of Beginning; thence continuing S 00°00'28" W, 248.32 feet to the north line of "Stonehaven Woods East" (Liber 280, Pages 9-14), thence along said line and the extension thereof S 89°42'41" W, 280.00 feet, thence N 00°00'35" E, 28.32 feet, thence S 89°42'41" W, 95.00 feet, thence N 00°00'35" E, 210.00 feet to the aforementioned southerly line of Wattles Road, thence along said southerly line the following three courses:

N 89°42'41" E, 250.00 feet,
N 00°00'30" E, 10.00 feet,
and N 89°42'41" E, 125.00 feet

to the Point of Beginning, containing 2.019 acres more or less.

LEGAL DESCRIPTION
NON-ACCESS GREENBELT EASEMENT

A 15 foot wide Non-Access Greenbelt Easement over land in the Northeast 1/4 of Section 20, Township 2 North, Range 11 East, City of Troy, Oakland County, Michigan; being more particularly described as commencing at the Northeast Corner of Section 20, thence S 89°42'41" W along the the north line of said Section 20, 392.00 feet, thence S 00°00'28" W, 60.00 feet to the Point of Beginning; thence continuing S 00°00'28" W, 15.00 feet, thence S 89°42'41" W, 375.00 feet, thence N 00°00'35" W, 15.00 feet, thence N 89°42'41" E, 375.00 feet to the Point of Beginning, containing 5,625 square feet more or less.

CLIENT: MONDRIAN PROPERTIES 1111 WEST LONG LAKE RD., SUITE 103 TROY, MICHIGAN 48098	SCALE: N/A	JOB No: 2004247	PROFESSIONAL ENGINEERING ASSOCIATES 2430 Rochester Ct. Suite 100 Troy, MI 48083-1872 (248) 689-9090
	DATE: 5-2-05	DWG. No: 2 of 2	

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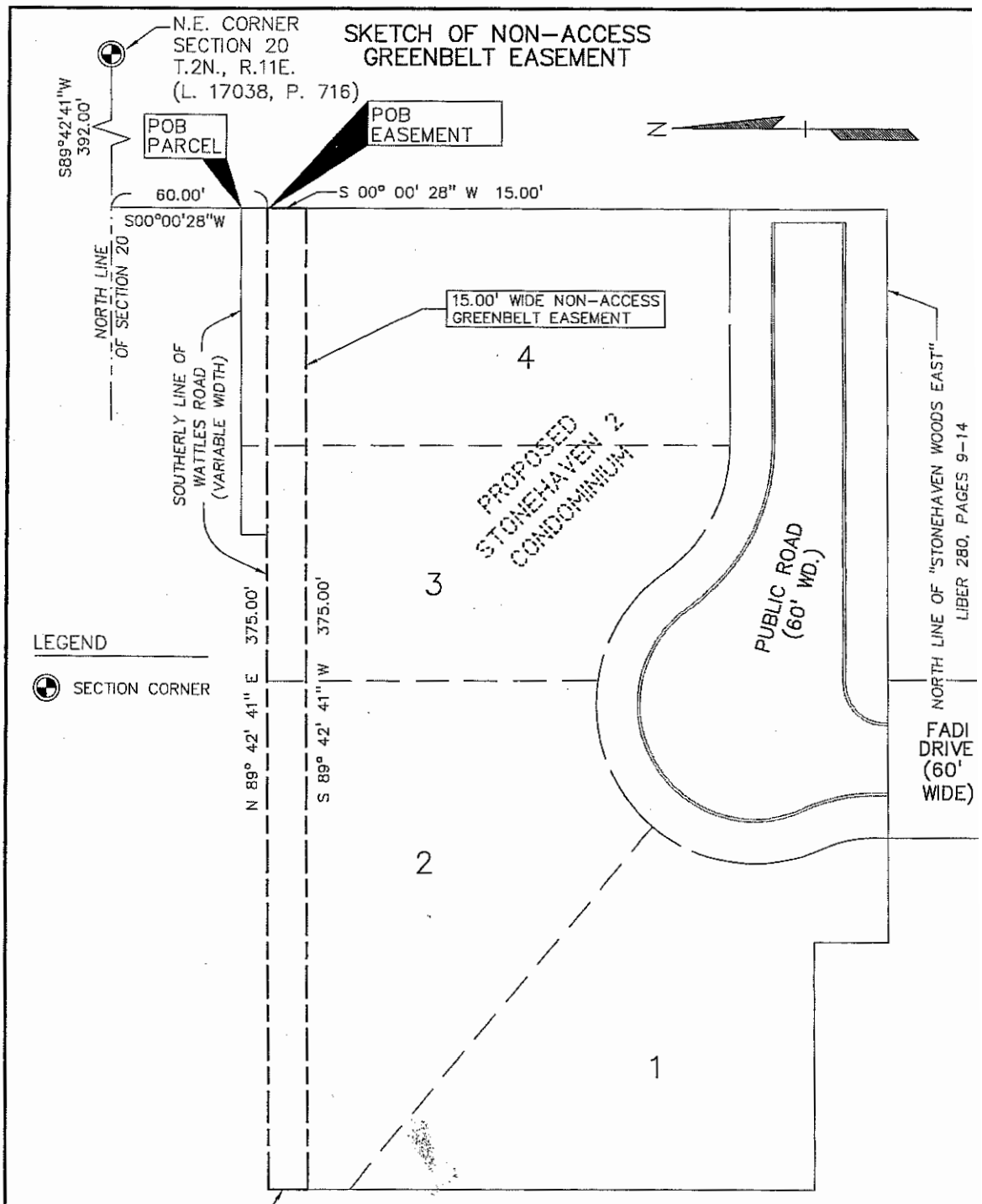
SKETCH OF NON-ACCESS GREENBELT EASEMENT



CLIENT: MONDRIAN PROPERTIES 1111 WEST LONG LAKE RD., SUITE 103 TROY, MICHIGAN 48098	SCALE: 1"= 50'	JOB No: 2004247	PROFESSIONAL ENGINEERING ASSOCIATES 2430 Rochester Ct. Suite 100 Troy, MI 48083-1872 (248) 689-9090
	DATE: 5-2-05	DWG. No: 1 of 2	

PERMANENT EASEMENT

Sidwell #88-20-20-226-101, 100 & 104 (pt of)
Resolution #

Mondrian Properties, L.L.C., a Michigan Limited Liability Company, Grantor(s), whose address is 1111 West Long Lake Road, Suite 103, Troy, MI 48098 for and in consideration of the sum of: One and no/100 Dollar ($1.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, grants to the Grantee the right to construct, operate, maintain, repair and/or replace sanitary sewer and public utilities, said easement for land situated in the City of Troy, Oakland County, Michigan described as:

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

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

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

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

IN WITNESS WHEREOF, the undersigned hereunto affixed 1 signature(s) this 15 day of JUNE A.D. 2005.

In presence of:
WITNESS

By _____ (L.S.)
*Joseph Maniaci
Its Member

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 15 day of JUNE, 2005, by Joseph Maniaci, Member, of Mondrian Properties, L.L.C., a Michigan Limited Liability Company on behalf of the Company.

ELAINE M. SIMPSON
Notary Public, Oakland County, MI
My Commission Expires Dec. 25, 2007

_____
* ELAINE M. SIMPSON
Notary Public, OAKLAND County, Michigan

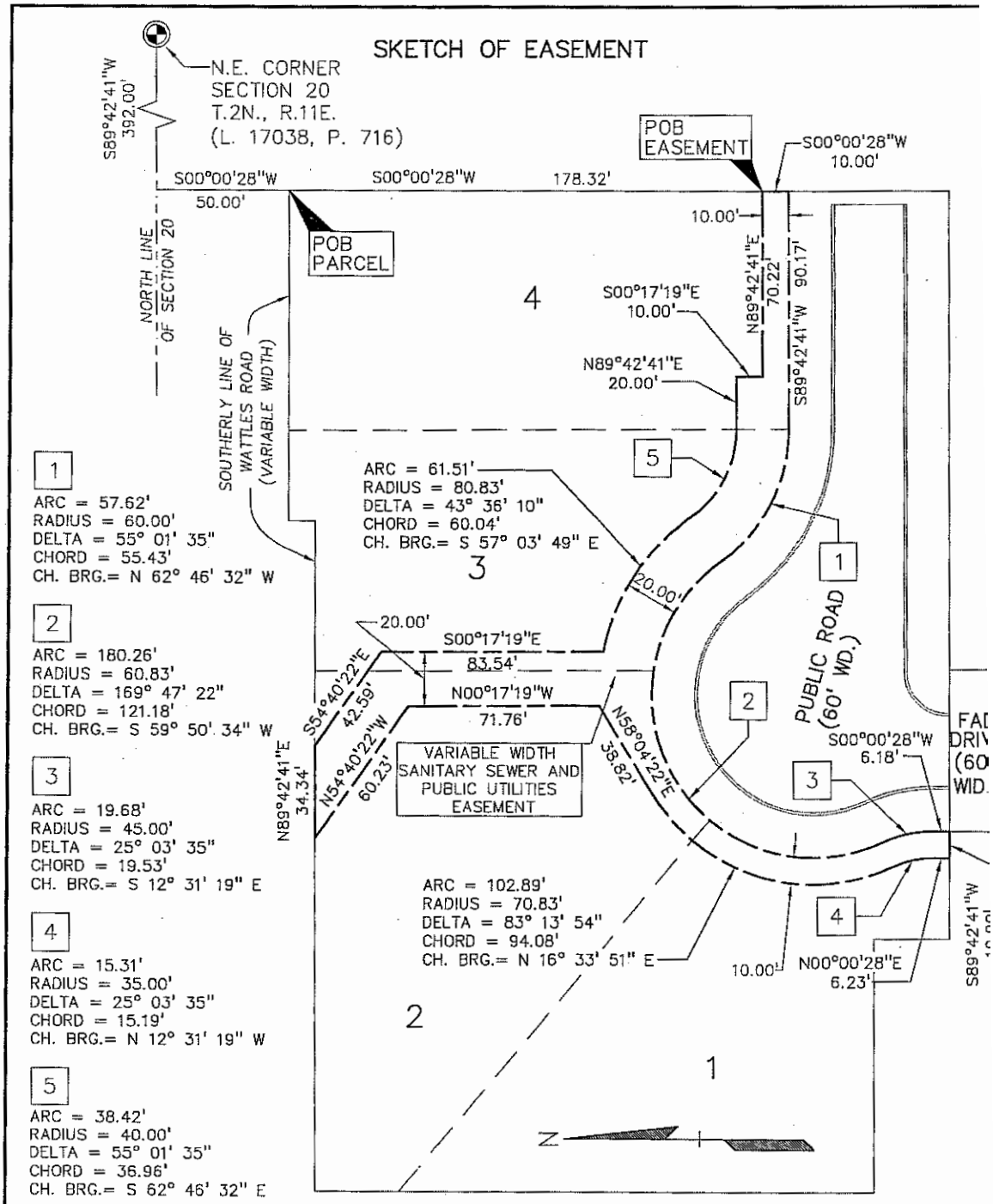
My Commission Expires DEC. 25, 2007
Acting in the County of OAKLAND, MI

Prepared by: Larysa Figol
City of Troy
500 W. Big Beaver Road
Troy, MI 48084

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

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

SKETCH OF EASEMENT



1
ARC = 57.62'
RADIUS = 60.00'
DELTA = 55° 01' 35"
CHORD = 55.43'
CH. BRG.= N 62° 46' 32" W

2
ARC = 180.26'
RADIUS = 60.83'
DELTA = 169° 47' 22"
CHORD = 121.18'
CH. BRG.= S 59° 50' 34" W

3
ARC = 19.68'
RADIUS = 45.00'
DELTA = 25° 03' 35"
CHORD = 19.53'
CH. BRG.= S 12° 31' 19" E

4
ARC = 15.31'
RADIUS = 35.00'
DELTA = 25° 03' 35"
CHORD = 15.19'
CH. BRG.= N 12° 31' 19" W

5
ARC = 38.42'
RADIUS = 40.00'
DELTA = 55° 01' 35"
CHORD = 36.96'
CH. BRG.= S 62° 46' 32" E

LEGEND

SECTION CORNER

0 50 25 100
GRAPHIC SCALE
1" = 50'

PROFESSIONAL ENGINEERING ASSOCIATES
2430 Rochester Ct. Suite 100
Troy, MI 48083-1872
(248) 689-9090

CLIENT: MONDRIAN PROPERTIES 1111 WEST LONG LAKE RD., SUITE 103 TROY, MICHIGAN 48098	SCALE: 1"= 50'	JOB No: 2004247
	DATE: 2-24-05	DWG. No: 1 of 2

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EXHIBIT "A"

SKETCH OF EASEMENT

LEGAL DESCRIPTION
OVERALL PARCEL

Part of the Northeast 1/4 of Section 20, Township 2 North, Range 11 East, City of Troy, Oakland County, Michigan; being more particularly described as commencing at the Northeast Corner of Section 20, thence S 89°42'41" W along the the north line of said section 20, 392.00 feet, thence S 00°00'28" W, 50.00 feet to the southerly line of Wattles Road (variable width) and the Point of Beginning; thence continuing S 00°00'28" W, 248.32 feet to the north line of "Stonehaven Woods East" (Liber 280, Pages 9–14), thence along said line and the extension thereof S 89°42'41" W, 280.00 feet, thence N 00°00'35" E, 28.32 feet, thence S 89°42'41" W, 95.00 feet, thence N 00°00'35" E, 210.00 feet to the aforementioned southerly line of Wattles Road, thence along said southerly line the following three courses:

N 89°42'41" E, 250.00 feet,
N 00°00'30" E, 10.00 feet,
and N 89°42'41" E, 125.00 feet

to the Point of Beginning, containing 2.019 acres more or less.

LEGAL DESCRIPTION
SANITARY SEWER AND PUBLIC UTILITIES EASEMENT

A variable width Sanitary Sewer and Public Utilities Easement over land in the Northeast 1/4 of Section 20, Township 2 North, Range 11 East, City of Troy, Oakland County, Michigan; being more particularly described as commencing at the Northeast Corner of Section 20, thence S 89°42'41" W along the the north line of said section 20, 392.00 feet, thence S 00°00'28" W, 50.00 feet to the southerly line of Wattles Road (variable width), thence S 00°00'28" W, 178.32 feet to the Point of Beginning; thence continuing S 00°00'28" W, 10.00 feet, thence S 89°42'41" W, 90.17 feet, thence 57.62 feet along a curve to the right, radius 60.00 feet, central angle 55°01'35", chord bearing N 62°46'32" W, 55.43 feet, thence 180.26 feet along a curve to the left, radius 60.83 feet, central angle 169°47'22", chord bearing S 59°50'34" W, 121.18 feet, thence 19.68 feet along a curve to the right, radius 45.00 feet, central angle 25°03'35", chord bearing S 12°31'19" E, 19.53 feet, thence S 00°11'28" W, 6.18 feet, thence S 89°42'41" W, 10.00 feet, thence N 00°00'28" E, 6.23 feet, thence 15.31 feet along a curve to the left, radius 35.00 feet, central angle 25°03'35", chord bearing N 12°31'19" W, 15.19 feet, thence 102.89 feet along a curve to the right, radius 70.83 feet, central angle 83°13'54", chord bearing N 16°33'51" E, 94.08 feet, thence N 58°04'22" E, 38.82 feet, thence N 00°17'19" W, 71.76 feet, thence N 54°40'22" W, 60.23 feet, to the southerly line of Wattles Road (variable width), thence along said line N 89°42'41" E, 34.34 feet, thence S 54°40'22" E, 42.59 feet, thence S 00°17'19" E, 83.54 feet, thence 61.51 feet along a non–tangent curve to the right, radius 61.51 feet, central angle 43°36'10", chord bearing S 57°03'49" E, 60.04 feet, thence 38.42 feet along a curve to the left, radius 40.00 feet, central angle 55°01'35", chord bearing S 62°46'32" E, 36.96 feet, thence N 89°42'41" E, 20.00 feet, thence S 00°17'19" E, 10.00 feet, thence N 89°42'41" E, 70.22 feet to the Point of Beginning, containing 7,707 square feet more or less.

CLIENT: MONDRIAN PROPERTIES, 1111 WEST LONG LAKE RD., SUITE 103, TROY, MICHIGAN 48098	SCALE: 1"= 50'	JOB No: 2004247	PROFESSIONAL ENGINEERING ASSOCIATES, 2430 Rochester Ct. Suite 100, Troy, MI 48083–1872, (248) 689–9090
	DATE: 2–24–05	DWG. No: 2 of 2	

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June 23, 2005

TO: John Szerlag, City Manager

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

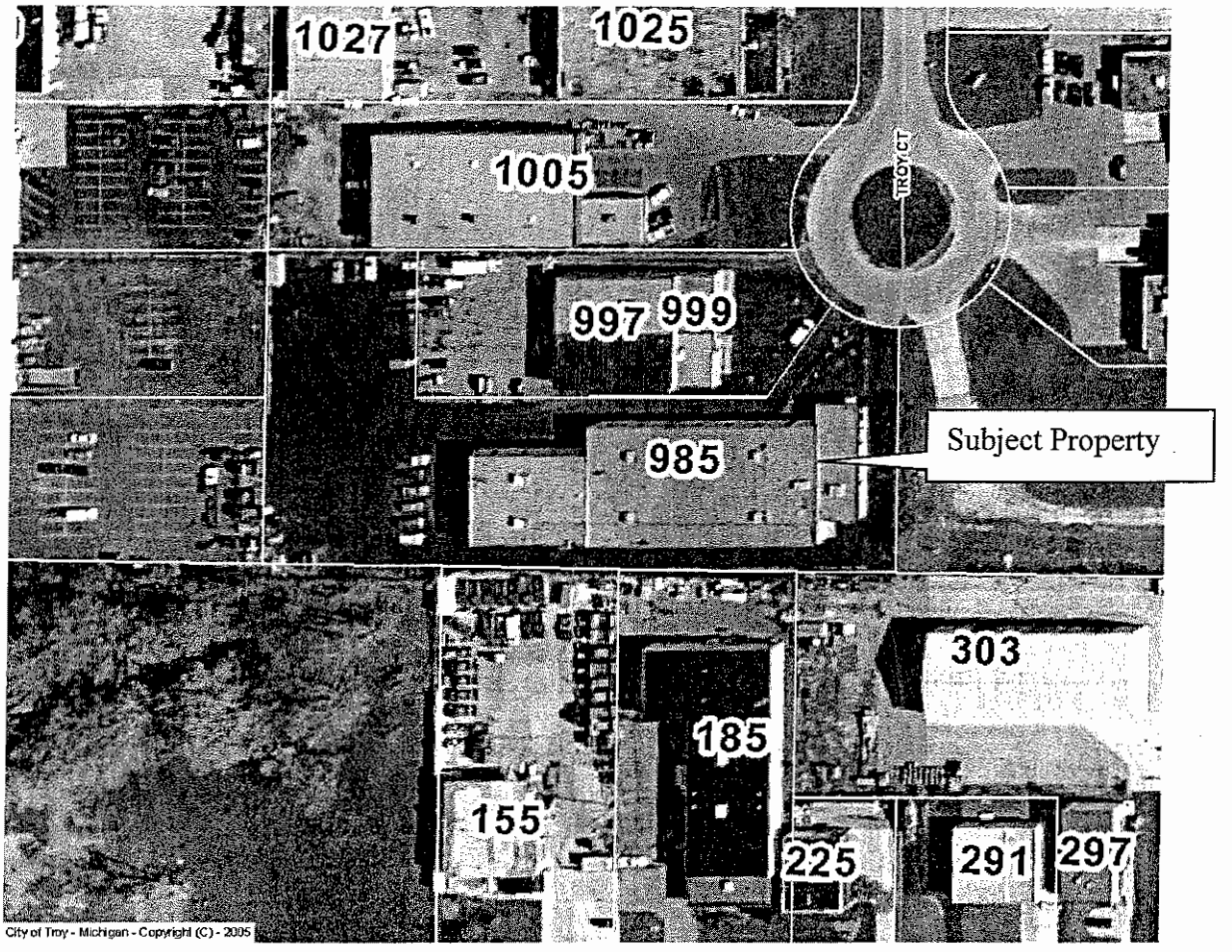
RE: Agenda Item – Request for Acceptance of a Permanent Watermain Easement and a Regrading and Temporary Construction Permit for the Troy Court Water Main Project #01.502.5 – Section 34

In connection with the Troy Court Water Main improvement project affecting properties located on Elmwood Street and Troy Court in Section 34, the Real Estate and Development Department has received a Permanent Watermain Easement and a Regrading and Temporary Construction Permit from Boward Investment Corp, property owner of Sidwell #88-20-34-152-026. Staff has reviewed property values in the area and believes that a compensation amount of $2,000.00 for both is justifiable

In order for the Water Department to proceed with the Troy Court Watermain Improvement Project, we recommend that City Council accept the attached documents and authorize the payment of the agreed amount.

Prepared by: Larysa Figol, Right of Way Representative

TROY COURT WATER MAIN
Sidwell #88-20-34-152-026



PERMANENT EASEMENT

Sidwell # 88-20-34-152-026
Project # 01.502.5
Resolution #

Boward Investment Corp., a Michigan Corporation, Grantor, whose address is 985 Troy Court, Troy, MI 48083 for and in consideration of the sum of: One Thousand, Five Hundred and no/100 Dollars ($1,500.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, grants to the Grantee the right to construct, operate, maintain, repair and/or replace watermain, said easement for land situated in the City of Troy, Oakland County, Michigan, described as:

> Part of Lot 22 of "Maple Industrial Subdivision", a subdivision of part of the West ½ of the Northwest ¼ of Section 34, T2N-R11E, City of Troy, Oakland County, Michigan, as recorded in Liber 120, Page 5-6 of Oakland County records. Described as beginning at the Northeast corner of said Lot 22; thence, along the east line of said lot, South 00 degrees 02 minutes 15 seconds West 165.00 feet to the southeast corner of said lot; thence North 89 degrees 11 minutes 30 seconds West, along south lot line, 6.05 feet; thence North 17 degrees 42 minutes 29 seconds West 12.97 feet; thence North 00 degrees 02 minutes 15 seconds East 153.23 feet to the north line of said lot; thence on a curve to the left having a radius of 75.00 feet, a central angle of 07 degrees 39 minutes 38 seconds, and a chord bearing and distance of South 86 degrees 07 minutes 28 seconds East 10.02 feet to the point of beginning. Containing 1,627 Square Feet or 0.037 Acres more or less.

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

The City of Troy agrees to replace the existing driveway to the East of the property as described on Exhibit "A". That driveway shall be replaced with asphalt and be in compliance with City engineering standards concerning asphalt. If it is necessary to remove all or part of the fence at the back of the property to replace the driveway or as a result of watermain installation, the City will reinstate the same fence in its original location.

The premises so disturbed by the exercise of any of the foregoing powers shall be restored to its original condition by the Grantee and any defects directly caused by work done by the City in the easement shall be repaired for a three (3) year period after completion of the work.

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

IN WITNESS WHEREOF, the undersigned hereunto affixed his signature(s) this 23 day of June 2005.

BOWARD INVESTMENT CORP., A
MICHIGAN CORPORATION

By _____ (L.S.)

Its: DAVID J. RIVARD
SECRETARY

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument as acknowledged before me this 23rd day of June, 2005, by David J. Rivard, Secretary, of Boward Investment Corp., a Michigan Corporation, on behalf of the corporation.

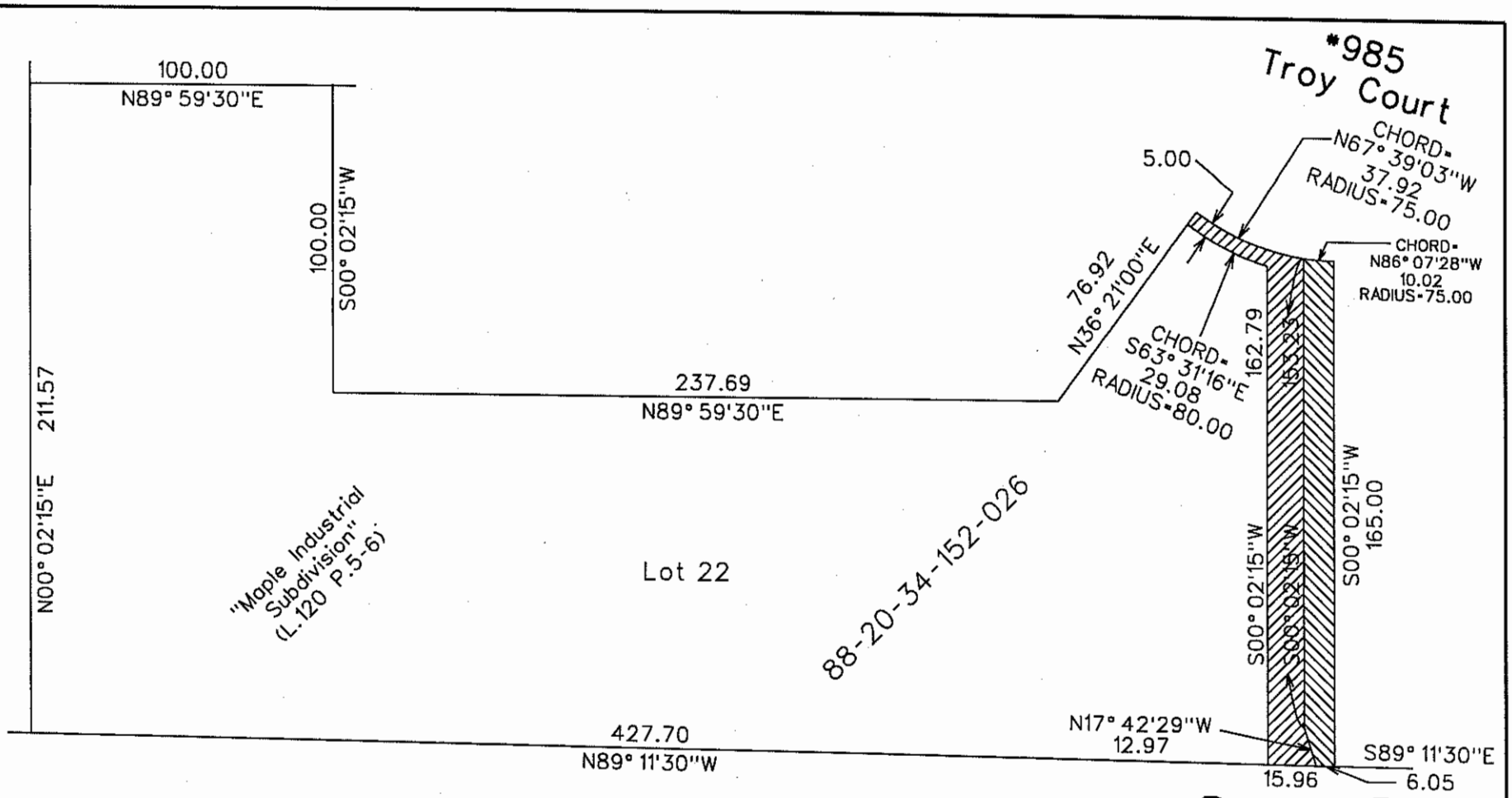
_____
LARYSA FIGOL

Notary Public, OAKLAND County, Michigan

My Commission Expires MARCH 2, 2006
ACTING IN OAKLAND COUNTY, MI

Prepared by:
Larysa Figol
City of Troy
500 West Big Beaver
Troy, Michigan 48084

Return to:
City Clerk,
City of Troy
500 West Big Beaver Road
Troy, Michigan 48084



Parcel #5

Graphic Scale: 1"=50'

0 25' 50' 100'

N

Permanent Watermain Easement
Area=1,627 Sq.Ft.

Temporary Grading Permit
Area=2,162 Sq.Ft.

DATE	REV.
5-03-05	Revised Grading Permit

DOCUMENT PREPARED BY
George J. Ballard III
LAND SURVEYOR

CONTRACT No.

CITY OF TROY
OAKLAND COUNTY, MICHIGAN

Proposed Easement and Permit Sketch

SCALE	DRAWN BY	CHECKED	FILE
HOR. 1"=50'	NAME GJB III	NAME	See Above
VER.	DATE 2-07-05	DATE	VIEW #1

STEVEN J. VANDETTE
CITY ENGINEER

SHEET No.	JOB No.
1OF1	

REGRADING AND TEMPORARY CONSTRUCTION PERMIT

Sidwell # 88-20-34-152-026
Project # 01.502.5
Resolution #

Boward Investment Corp., a Michigan Corporation, Grantor(s), whose address is 985 Troy Court, Troy, MI 48083 for and in consideration of Five Hundred and no/100 Dollars ($500.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, hereinafter called the CITY, whose address is 500 West Big Beaver Road, Troy, Michigan, hereby grants to the CITY, during the construction of and for a period of six (6) Months after completion of water main the right to move men, equipment, and materials on and through, and to store equipment, materials, and excavated matter on the following described property, located in the City of Troy, to-wit:

> Part of Lot 22 of "Maple Industrial Subdivision", a subdivision of part of the West ½ of the Northwest ¼ of Section 34, T2N-R11E, City of Troy, Oakland County, Michigan, as recorded in Liber 120, Page 5-6 of Oakland County records. Described as commencing at the Northeast corner of said Lot 22; thence, along the northerly line of said lot, on a curve to the right having a radius of 75.00 feet, a central angle of 07 degrees 39 minutes 38 seconds, and a chord bearing and distance of North 86 degrees 07 minutes 28 seconds West 10.02 feet to the point of beginning; thence, continuing along said north line, along a curve to the right having a radius of 75.00 feet, a central angle of 29 degrees 17 minutes 11 seconds, and a chord bearing and distance of North 67 degrees 39 minutes 03 seconds West 37.92 feet; thence South 36 degrees 21 minutes 00 seconds West 5.00 feet; thence along a curve to the left having a radius of 80.00 feet, a central angle of 20 degrees 56 minutes 36 seconds, and a chord bearing and distance of South 63 degrees 31 minutes 16 seconds East 29.08 feet; thence South 00 degrees 02 minutes 15 seconds West 162.79 feet to the south line of said Lot 22; thence, along said south line, South 89 degrees 11 minutes 30 seconds East 15.96 feet; thence North 17 degrees 42 minutes 29 seconds West 12.97 feet; thence North 00 degrees 02 minutes 15 seconds East 153.23 feet to the point of beginning. Containing 2,162 Square Feet or 0.050 Acres more or less.

IN FURTHER CONSIDERATION, the premises so disturbed by reason of the exercise of any of the foregoing powers, shall be reasonably restored to its original condition by the City.

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

IN WITNESS WHEREOF, the undersigned hereunto affixed his signatures(s) this 23 day of JUNE, 2005, A.D.

BOWARD INVESTMENT CORP, A
MICHIGAN CORPORATION

By _____ (L.S.)
Its: DAVID J. RIVARD
SECRETARY

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

On this 23rd day of June, 2005, before me a Notary Public in and for said county, personally appeared David J. Rivard, Secretary of Boward Investment Corp., a Michigan Corporation to me known to be the same person(s) described in and who executed the within instrument, who then acknowledged the same to be their free act and deed.

_____
Notary Public, OAKLAND, County, Michigan

My Commission Expires MARCH 2, 2006
Acting in OAKLAND County, MI.

June 21, 2005

To: John Szerlag, City Manager

From: Brian Murphy, Assistant City Manager/Services
Carol K. Anderson, Parks and Recreation Director

Subject: Agenda Item: Troy Daze Festival Entertainment Tent Fee Request

Recommendation
City management recommends approval of the $3.00 fee for entry in the entertainment tent during the Troy Daze Festival Special Adults Day.

Background
At the April 4, 2005 City Council meeting, the schedule and fees were approved for the 2005 festival. The Special Adults Day entertainment tent had not been scheduled at that time. As you know, the Troy Daze committee has been working to reduce the expenses and increase revenues of the festival. The fee for admission to the entertainment tent during Special Adults Day will help the committee to meet this goal.

Attached, please find correspondence from Jim Cyrulewski, Festival Chairman, and Bob Berk, Advisory Committee Chairman, proposing the fee.

Attachment

Prepared by: CKA

Draft

Date: June 14, 2005

To: John Szerlag, City Manager

From: Brian Murphy, Assistant City Manager/Services
Carol Anderson, Director of Parks and Recreation
Bob Berk, Chairman, Troy Daze Advisory Committee
Jim Cyrulewski, Chairman, Festival Committee

Subject: **Fees Recommendation Addition**

The Troy Daze Advisory Committee is planning to expand Special Adults' Day held on Thursday of the Festival. The Co-Chairpersons of the event are making a concentrated effort to significantly increase the number of Special Adults' that attend. In the past Special Adults would ride the amusement rides free but did not have a place to gather. This year additional activities are to be held in the Entertainment Tent which will be open only to Special Adults. Entertainment and food will be provided. This will create a club type atmosphere for Special Adults. The Co-Chairpersons have obtained volunteers to help them manage the "club". To help defer the cost of the additional activities, the Co-Chairpersons propose a $3.00 fee/ special adult to enter the Entertainment Tent. The Co-Chairpersons have pointed out the attendees are adults who expect to do their part in supporting the Festival.

The Co-Chairpersons have spent considerable time in planning improvements to an activity the Troy Daze Committee has wanted to grow. Therefore the Troy Daze Advisory Committee requests approval of the $3 fee/special adult cover charge for entrance to the Special Adult Club to be open Thursday night of the Festival.

If you have any questions please call Jim Cyrulewski at (248) 374-7130 or Bob Berk at (313)-322-9813.

cc: Troy Daze Advisory Committee Members

E-09

July 1, 2005

TO: John Szerlag, City Manager

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

SUBJECT: Agenda Item - Private Agreement for Clark Gas Station
Project No. 04.903.3

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

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

Approval is recommended.

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

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

Enclosed Private Agreement, Detailed Summary, Sketch

G:\Projects\Projects - 2004\04.903.3 - Clark Store-Gas Station\Private Agreement Cover Letter.doc

CONTRACT FOR INSTALLATION OF MUNICIPAL IMPROVEMENTS
(PRIVATE AGREEMENT)

PROJECT NO. 04.903.3	PROJECT LOCATION: SW 1/4 Sec. 25
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 **Majid Kesto** whose address is **6100 South Cedar, Lansing, MI ~~48653~~** 48911 and whose telephone number is **517-712-0061** hereinafter referred to as "Owners". 48911

WITNESSETH, FIRST: That the City agrees to allow the installation of **Sanitary Sewer and Detention System** in accordance with plans prepared by **Caeruleum Enviromental Design** whose address is **5603 S. Telegraph, Deaborn Heights, MI 48125** and whose telephone number is **313-299-4499**, 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 **$46,900.00**. This amount will be transmitted to the City Clerk for installation of said improvements in the form of (check one):

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

Said funds shall be placed on deposit with the City upon the execution of this contract and shall be disbursed to the owner by the City only upon presentation of duly executed waivers of lien and sworn statements satisfactory to the City, and after final inspection and approval by the Engineering Department for the City. In addition, the owners agree to contribute the following cash fees:

* Plan Review and Construction Inspection Fee (Public Improvements)	$	2,860.90
Engineering Review Fee (Private Improvements)	$	2,256.06
Soil Erosion Fee	$	404.70
Street Cleaning/Road Maintenance (Refundable)	$	2,500.00
TOTAL:	**$**	**8,021.66**

* 8.1% (.081) of approximate contract price

CONTRACT FOR INSTALLATION OF MUNICIPAL IMPROVEMENTS

(PRIVATE AGREEMENT)

PROJECT NO. 04.903.3	PROJECT LOCATION: SW 1/4 Sec. 25
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 $54,921.66 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. 04.903.3 | PROJECT LOCATION: SW 1/4 Sec. 25

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:

Please Print or Type

MAjid Kesto

Please Print or Type

CITY OF TROY

By:

Louise E. Schilling, Mayor

Tonni Bartholomew, City Clerk

STATE OF MICHIGAN, COUNTY OF OAKLAND

On this 23d day of June, A.D.2005, before me personally appeared Majid Kesto 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.

Laurel Nottage

NOTARY PUBLIC, Oakland County, Michigan
Acting in Oakland County

My commission expires: 10-12-11

DETAILED SUMMARY OF REQUIRED ESCROW DEPOSITS AND CASH FEES
PRIVATE AGREEMENT FOR CLARK GAS STATION
PROJECT NO. 04.903.3

The estimated costs of public improvements for the above-mentioned project are as follows:

Escrow Deposits:

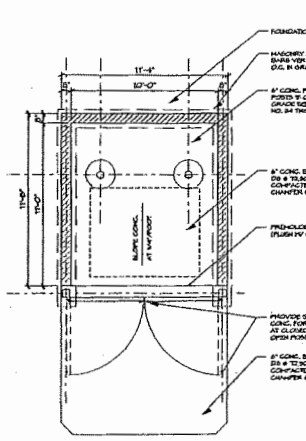
Sanitary Sewer	**37,500.00**
Detention	**9,400.00**

Total Escrow Deposits: (Letter of Credit) **$ 46,900.00**

Cash Fees:

Review & Inspection	$2,860.90
Engineering Review	2,256.06
Soil Erosion	404.40
Water Main Testing Fee	650.00
Street Cleaning/Road Maintenance	2,500.00

Total Cash Fees: (check) **$ 8,021.66**

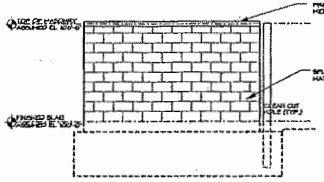


TRASH ENCLOSURE

03 / C201 — SCALE: 1/4" = 1'-0"

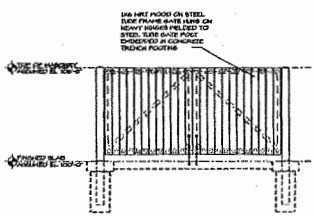
BARRIER FREE PARKING SIGN

05 / C201 — SCALE: 1/2" = 1'-0"



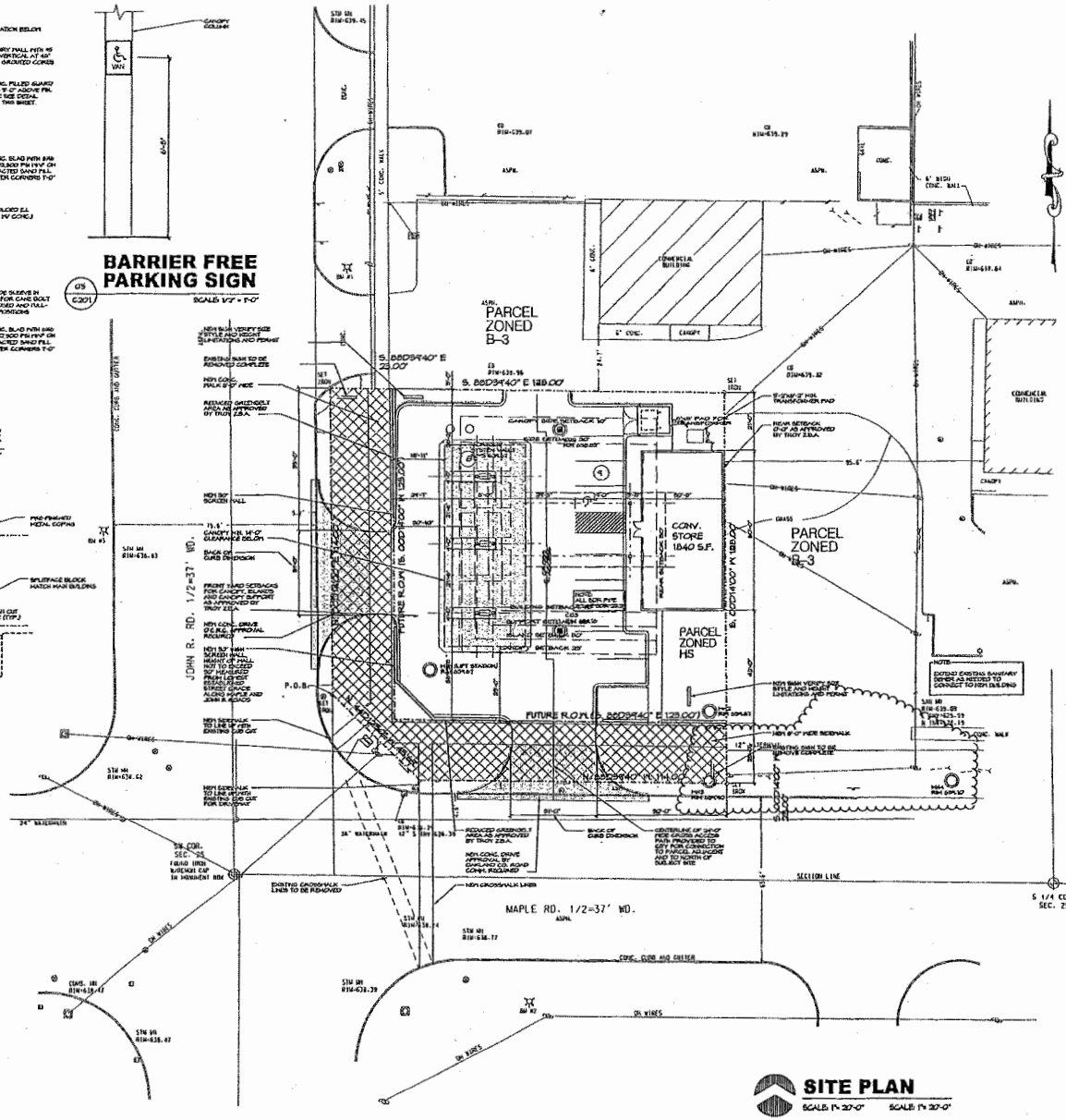
SIDE ELEVATION

02 / C201 — SCALE: 1/4" = 1'-0"



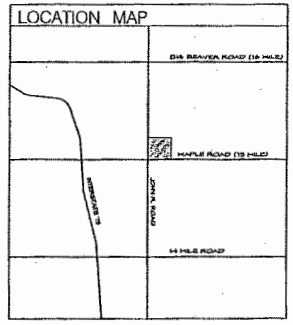
GATE ELEVATION

01 / C201 — SCALE: 1/4" = 1'-0"



SITE PLAN

SCALE: 1" = 20'-0" SCALE: 1" = 20'-0"



LEGAL DESCRIPTION

TOWN 2 NORTH, RANGE 11 EAST, SECTION 25 SUPERVISORS PLAT OF MAPLE ACRES AS RECORDED IN LIBER 42 PAGE 51 OF OAKLAND COUNTY, MICHIGAN RECORDS. EAST 145 FEET OF WEST 183 FEET OF S 94.00 FEET OF LOT 9, ALSO E 145 FEET OF WEST 183 FEET OF NORTH 108.00 FEET OF LOT 10 EXCLUDING THAT PART IN DR PARCEL HEADBANK 40 FEET ALONG WEST AND SOUTH LINES OF SAID LOT 10

EXCEPT FOR PROPERTY TAKEN FOR RIGHT OF WAY IMPROVEMENTS DESCRIBED AS:
BEGINNING AT THE SE CORNER OF PREVIOUSLY DESCRIBED PARCEL; THENCE N 000 04' 40" W 114.00' ALONG THE EASTERN NORTH RIGHT OF WAY LINE OF MAPLE ROAD, THENCE N 40D 13' 50" W 14.14'; THENCE S 00D 14' 00" E 114.00', THENCE S 88D 39' 40" E 25.00', THENCE S 00D 14' 00" W 123.00', THENCE S 88D 39' 40" E 123.00', THENCE S 00D 14' 00" W 28.00' TO POINT OF BEGINNING. SAID PARCEL CONTAINS 15,126 SQ. FT. OR 0.347 ACRES.

PARKING AND USE

GRANDE ZONING CLASS:	B-3 (GENERAL BUSINESS)
CURRENT SITE USE:	GASOLINE FILLING STATION CONVENIENCE STORE
PROPOSED ZONING:	H-S (GENERAL SERVICES) (§35.30.03)
PROPOSED USE:	GASOLINE FILLING STATION (FEE) CONVENIENCE STORE
SITE AREA:	REQ'D: 15,000 SQ. FT. (0.34 ACRES) PROVIDED: 20,824 SQ. FT. (0.48 ACRES) FUTURE R.O.W.: (3,126 SQ. FT.)
FRONTAGE:	PROVIDED: 146 FEET ON JOHN R. RD. AND MAPLE RD.
BUILDING AREA:	PROPOSED: 1840 GROSS SQ. FT.
PARKING:	REQ'D: ONE (1) SPACE PER DISPENSER = ONE (1) PER 300 SQUARE FT. OF GROSS FLOOR AREA (40 (0.48-40 (0.34) 1840 SQ. FT. / 300 = 6 SPACES SIX (6) DISPENSER = NINE (9) PARKING SPACES = 15 SPACES TOTAL REQUIRED = 15 SPACES
	PROVIDED: 15 (6 AT DISPENSERS, 8 REGULAR AND 1 B.F. SPACE)
MAX HT:	REQ'D: 40' (§3.30.01) PROVIDED: 14'-0"
SETBACKS FOR BLDG:	REQ'D: FRONT = 40', REAR = 30', SIDE = 30' (§3.30.01) PROVIDED: FRONT = 109 (LINN R.), FRONT (MAPLE RD.) = 40', REAR SIDE = 31'-11"
SETBACKS CANOPY:	REQ'D: FRONT = 20', SIDE = 10', REAR = 20', NO. NIGHT = 14'-0" PROVIDED: FRONT = 19'-11" (JOHN R.), FRONT = 25' (MAPLE), SIDE = 39'-0", REAR = 14'-4"
SETBACKS ISLANDS:	REQ'D: FRONT = 30', FRONT = 30', REAR = 30' PROVIDED: FRONT = 24'-7" (JOHN R.), FRONT = 57 (MAPLE), REAR = 39'-10", REAR = 66'-4"
SETBACKS GAS SUPPORTS:	PROVIDED: FRONT = 20', FRONT = 30', REAR = 30' (§3.30.03 A) PROVIDED: FRONT = 50'-0" (JOHN R.), FRONT = 84 (MAPLE), SIDE = 27'-10", REAR = 84'-4"
LOADING SPACE:	REQ'D: DISCRETION OF PLANNING COMMISSION TO ALLOW IN SIDE OR FRONT YARD PROVIDED: NONE (§3.30.03)
SCREEN WALLS:	30" HIGH SCREEN WALLS IN LIEU OF 30'-0" SHRUBS (§4.10.05)
LANDSCAPING:	REQ'D: 1,318 S.F. PROVIDED: 1,360 S.F.

OWNER/DEVELOPER:
MAJID NOROO
4400 SOUTH CEDAR
LANSING, MI 48911
517-712-2061, FAX 517-882-3333

ARCHITECT/SITE DESIGN/ENGINEERING
CABULLOH ENVIRONMENTAL DESIGN
5605 S. TELEGRAPH, SUITE 103
DEARBORN HEIGHTS, MI 48125
313-291-4488, FAX 313-291-4488
CONTACT MICHAEL ROSLONSKI

SECTION LINE

NOTE: EXTENT EXISTING SANITARY SEWER AS NEEDED TO CONNECT TO NEW BUILDING

72 HOURS BEFORE YOU DIG CALL MISS DIG 1-800-482-7171 (TOLL FREE)

ALL WORK TO CONFORM TO CITY OF TROY, MICHIGAN STANDARDS AND SPECIFICATIONS

TANIK ZOLIN ENGINEER No. 34180

CAERULEUM ENVIRONMENTAL DESIGN
5605 S. TELEGRAPH, SUITE 103, DEARBORN HEIGHTS, MICHIGAN, TEL. 313-291-4488, FAX. 313-291-4488

CLARK STORE #1050

1634 JOHN R ROAD, TROY, MICHIGAN 48083

NEW GAS STATION / CONVENIENCE STORE

ARCHITECTURAL SITE PLAN

Issued For:
1 Revised Per Planning Commission Comments
2 Revised Per Planning Commission Comments
3 Revised Per Planning Commission Comments

Job No. CED-03-083

Sheet No. C-201

...\CURRENT\c03-083_C201.dgn 8/3/2005 2:03:40 PM

July 1, 2005

TO: John Szerlag, City Manager

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

SUBJECT: Agenda Item - Private Agreement for Hidden Forest Site Condominiums
Project No. 04.908.3

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

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

Approval is recommended.

cc: Tonni Bartholomew, City Clerk (Original Agreement)
James Nash, Financial Services Director
Carol Anderson, Director of Parks and Recreation
Mark Miller, Planning Director
Nino Licari, City Assessor
Timothy Richnak, Director of Public Works
William Jawlik, Inspector Supervisor.
GFA Development

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

Enclosed Private Agreement, Detailed Summary, Sketch and Suggested Resolution

G:\Projects\Projects - 2004\04.908.3 - Hidden Forest\Private Agreement Cover Letter.doc

CONTRACT FOR INSTALLATION OF MUNICIPAL IMPROVEMENTS (PRIVATE AGREEMENT)

PROJECT NO. 04.908.3	PROJECT LOCATION: NW ¼ Sec 22
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 **GFA Development** whose address is **178 Larchwood, Troy, MI 48083** and whose telephone number is **586-726-6700** hereinafter referred to as "Owners".

WITNESSETH, FIRST: That the City agrees to allow the installation of **Sanitary sewer, storm sewer, water main, detention, paving, sidewalks and soil erosion** in accordance with plans prepared by **Hennessey Engineers.** whose address is **2674 W. Jefferson Ave, Suite 200, Trenton, MI 48183** and whose telephone number is **734-692-3300** 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 **$ 800,388.00**. 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 **$132,731.00** cash fee per the attached **Detailed Summary of Required Escrow Deposits Cash Deposits and Cash Fees.**

CONTRACT FOR INSTALLATION OF MUNICIPAL IMPROVEMENTS

(PRIVATE AGREEMENT)

PROJECT NO. 04.908.3	PROJECT LOCATION: NW ¼ Sec 22
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 **$933,119.00** 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. 04.908.3 | PROJECT LOCATION: NW ¼ Sec 22

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:

Gary Abitheira

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 28th day of June, A.D.2005, before me personally appeared Gary Abitheira 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.

Laurel Nottage

NOTARY PUBLIC, Oakland County, Michigan
acting in Oakland County

My commission expires: 10-12-11

Detailed Summary of Required Escrow Deposits, Cash Fees & Deposits
Hidden Forest Site Condominium
34 Units - Section 22

ESCROW DEPOSITS:

Sanitary Sewers	$133,337
Water Mains	$110,215
Storm Sewers	$90,530
Rear Yard Drains	$50,203
Pavement - CONCRETE	$280,490
Grading	$25,000
Detention Basin	$20,000
Soil Erosion Control Measures	$2,393
Monuments and Lot Corner Irons	$1,690
Deceleration and/or Passing Lane - MAJOR ROAD	$45,000
Sidewalks - ON SITE	$11,850
Sidewalks - OFF SITE	$2,280
Street Light	$7,000
Deposit for the Repair of Damage to Existing Public Streets Used for Access	$20,400
TOTAL ESCROW DEPOSITS (REFUNDABLE):	**$800,388**

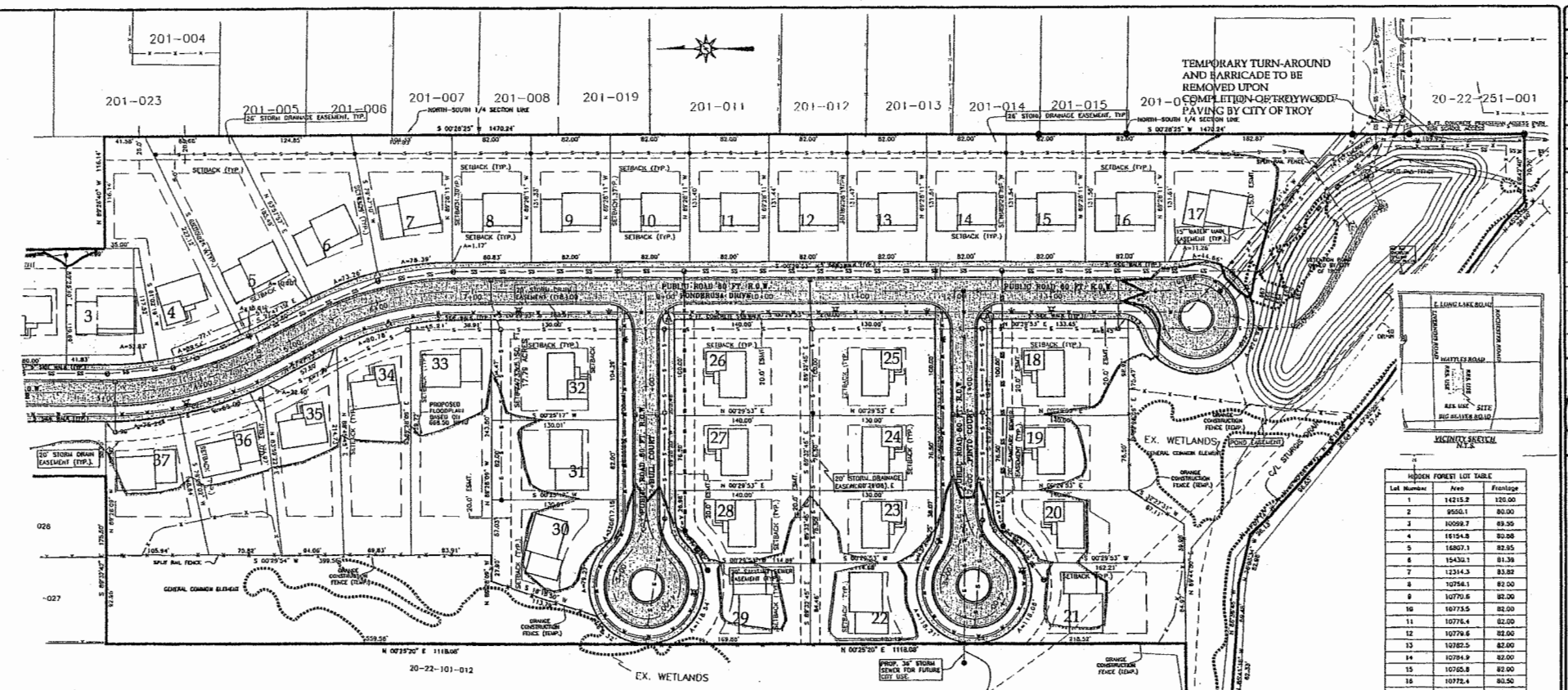
CASH FEES (NON-REFUNDABLE):

Water Main Testing and Chlorination	$1,088
Street Name and Traffic Signs	$1,426
Maintenance of Detention Basin (20 year)	$22,800
Soil Erosion and Sedimentation Control Permits	$1,400
Testing Services	$12,006
Engineering Review and Inspection	$53,946
TOTAL CASH FEES (NON-REFUNDABLE):	**$92,666**

CASH DEPOSITS (REFUNDABLE):

Street Island Improvements	$3,519
Sidewalk Closures	$1,620
Walkway and Split Rail Fence	$5,500
Deposit for Maintenance & Cleaning of Ex. Public Streets Used for Access	$6,800
Landscape Deposit	$14,959
Protection & Clean-up of Wetlands & Sturgis Drain	$5,000
Punchlist & Restoration Deposit	$6,186
TOTAL CASH DEPOSITS (REFUNDABLE):	**$40,065**

Engineer: Hennessey Engineering
Developer: GFA Development



HIDDEN FOREST LOT TABLE		
Lot Number	Area	Frontage
1	14215.2	120.00
2	9550.1	80.00
3	10059.7	89.55
4	16154.8	80.88
5	16807.1	82.95
6	15430.1	81.39
7	12314.3	83.82
8	10758.1	82.00
9	10770.6	82.00
10	10773.5	82.00
11	10776.4	82.00
12	10779.6	82.00
13	10782.5	82.00
14	10784.9	82.00
15	10785.8	82.00
16	10772.4	80.50
17	16609.0	85.02
18	13973.8	100.00
19	10709.9	76.50
20	12999.6	84.03
21	13928.5	85.49
22	9986.8	65.91
23	9566.7	77.43
24	9945.1	76.50
25	12892.1	100.00
26	13991.9	100.00
27	10709.9	76.50
28	10655.7	80.21
29	9988.1	86.23
30	11660.3	112.10
31	10853.0	82.00
32	13560.9	104.29
33	20372.3	84.02
34	16820.1	80.48
35	13954.6	84.23
36	13081.8	86.93
37	12913.6	83.03

CURVE TABLE

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	330.00'	157.68'	156.16'	S 13°38'11" E	28°17'08"
C2	380.00'	187.60'	185.70'	S 13°38'41" E	28°17'08"
C3	330.00'	162.81'	161.28'	S 13°38'41" E	28°17'08"
C4	270.00'	133.32'	131.94'	S 13°38'41" E	28°17'08"
C5	43.00'	33.66'	32.83'	S 66°55'02" E	45°05'39"
C6	60.00'	101.83'	84.71'	S 00°31'51" W	97°17'34"
C7	42.00'	33.06'	32.21'	S 67°55'53" W	45°05'39"
C8	43.00'	38.13'	34.50'	S 71°13'30" E	50°48'26"
C9	60.00'	281.76'	85.00	S 07°10'39" E	269°03'18"
C10	43.00'	38.13'	34.50'	S 71°13'30" W	50°48'26"
C11	60.00'	14.93'	14.88'	S 64°26'00" E	14°47'08"
C12	60.00'	376.82'	86.87'	S 50°01'00" E	354°29'24"
C13	30.00'	23.72'	23.07'	S 27°29'00" W	22°37'12"

SITE DATA

GROSS AREA:	17.79 ACRES
TOTAL LOTS:	37
EXISTING ZONING:	R1-E, CLUSTER OPTION
MIN. LOT WIDTH:	80 L.F.
	74.5 L.F. WITH LOT AVERAGING
SETBACKS:	
FRONT	30 L.F.
SIDE	10 L.F. PER SIDE/
	20 L.F. TOTAL
REAR	40 L.F.

LEGEND

- LIGHT POLE
- POWER POLE
- CATCH BASIN
- SAN. MANHOLE
- STORM MANHOLE
- HYDRANT
- GATE VALVE AND WELL
- WATER VALVE
- GAS VALVE
- SIGN
- GUY WIRE
- SPK. SPRINKLER
- TREE & TAG NUMBER
- 000.00 EXIST. ELEV.
- 000.00 PROP. ELEV.
- FG FINISHED GRADE
- FF FINISHED FLOOR
- GFF GARAGE FINISHED FLOOR
- T/C TOP CURB
- G GUTTER
- TREE
- PINE, SPRUCE
- BUSH, SHRUB
- SOIL BORING
- BELL MANHOLE
- DETROIT EDISON MAN HOLE
- EX. FENCE
- EX. C/L
- PROPERTY LINE
- EX. WATERMAIN
- EX. STORM SEWER
- EX. SANITARY SEWER
- PROP WATERMAIN
- PROP STORM SEWER
- PROP SANITARY SEWER
- EX. GAS LINE
- EX. OVERHEAD UTILITIES
- EX. UNDERGROUND EDISON
- EX. UNDERGROUND AMERITECH
- EX. WETLANDS BOUNDARY
- PROP. FLOODPLAIN

DEVELOPER INSTALL SIDEWALK

UTILITY INFORMATION, AS SHOWN, INDICATES APPROXIMATE LOCATIONS AND TYPES OF FACILITIES ONLY, AS DISCLOSED TO THIS FIRM BY THE VARIOUS UTILITY COMPANIES RECORDS. NO GUARANTEE IS GIVEN OR IMPLIED AS TO THE COMPLETENESS OR ACCURACY THEREOF.

PRIOR TO CONSTRUCTION, ALL LOCATIONS AND DEPTHS OF EXISTING OVERHEAD AND UNDERGROUND UTILITIES (IN CONFLICT WITH THE CONSTRUCTION OF PROPOSED IMPROVEMENTS) SHALL BE VERIFIED IN THE FIELD.

DURING CONSTRUCTION, CONTRACTOR SHALL USE EXTREME CAUTION WHEN OPERATING NEAR OVERHEAD AND/OR BURIED UTILITIES. CALL MISS DIG.

MISS DIG

3 WORKING DAYS BEFORE YOU DIG CALL MISS DIG 1-800-482-7171

BENCH MARKS

1. B.M. ARROW ON HYDRANT, SOUTH SIDE OF WATTLES RD. 60' WEST OF JOHNSONS RD.
ELEV. 672.98 N.G.V.D.
2. B.M. ARROW ON HYDRANT, SOUTH SIDE OF WATTLES RD. AT HOUSE #430
ELEV. 669.19 N.G.V.D.
TO CONVERT BENCHMARKS TO NAVD 88 (CITY OF TROY DATUM), SUBTRACT 0.30 FROM THE ABOVE FIGURES PER THE CITY OF TROY.

HENNESSEY ENGINEERS NOTES:

HENNESSEY ENGINEERS, INC., SHALL NOT BE RESPONSIBLE FOR MEANS, METHODS, PROCEDURES, TECHNIQUES, OR SEQUENCES OF CONSTRUCTION, NOR FOR SAFETY ON THE JOB SITE, NOR SHALL HENNESSEY ENGINEERS, INC. BE RESPONSIBLE FOR THE CONTRACTOR'S FAILURE TO CARRY OUT THE WORK IN ACCORDANCE WITH THE CONTRACT DOCUMENTS.

THE CONTRACTOR SHALL INDEMNIFY AND SAVE HARMLESS THE OWNER AND ENGINEER FROM ALL LIABILITIES FOR INJURY TO PERSON, OR DAMAGE TO OR LOSS OF PROPERTY, OR ANY OTHER LOSS, COST OF EXPENSE, AS A RESULT OF THE ACTIONS OF THE CONTRACTOR, HIS EMPLOYEES, AGENTS, OR SUBCONTRACTORS.

THE LOCATION AND ELEVATION OF EXISTING UNDERGROUND UTILITIES AS SHOWN ON THESE DRAWINGS 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 LOCATION AND ELEVATION OF THE EXISTING UTILITIES AND PROPOSED UTILITY CROSSINGS IN THE FIELD PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL NOTIFY THE ENGINEER IF ANY CONFLICTS ARE APPARENT OR IF THE LOCATION OR DEPTH DIFFERS SIGNIFICANTLY FROM THE PLAN.

LEGAL DESCRIPTION

A PART OF NORTHWEST 1/4 OF SECTION 22, T. 2 N., R. 11 E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS BEGINNING AT A POINT ON THE CENTERLINE OF WATTLES RD. 83 FT. WIDE, ALSO BEING THE NORTH LINE OF SAID SECTION 22 AND BEING N88°28'40"W 117.00 FEET FROM THE NORTH 1/4 CORNER OF SAID SECTION 22, AND PROCEEDING THENCE S00°03'00"W 300.00 FEET; THENCE S88°28'40"E 116.14 FEET TO THE WEST LINE OF NORTHGATE SUBDIVISION AS RECORDED IN LIBER 44, PAGE 55, OAKLAND COUNTY RECORDS, SAID LINE ALSO BEING THE NORTH AND SOUTH 1/4 LINE OF SAID SECTION 22; THENCE ALONG SAID WEST LINE S00°28'25"W 1470.24 FEET TO THE CENTERLINE OF STURGIS DRIVE; THENCE ALONG SAID CENTERLINE N89°42'40"W 70.75 FEET AND N42°33'52"W 28.00 FEET AND N82°35'04"W 228.58 FEET AND N47°32'28"W 37.44 FEET AND N48°19'58"W 28.84 FEET AND N47°40'48"W 88.53 FEET AND N41°07'14"W 28.13 FEET AND N08°03'34"W 52.98 FEET AND N88°38'48"W 55.48 FEET AND N85°41'18"W 82.33 FEET AND N82°34'00"W 32.77 FEET AND N88°51'18"W 28.57 FEET AND N87°07'18"W 23.11 FEET AND N73°03'18"W 42.87 FEET AND N51°42'25"W 34.08 FEET; THENCE N89°40'15"E 262.91 FEET; THENCE N00°25'20"E 1118.08 FEET; THENCE S88°32'43"E 178.50 FEET; THENCE N00°25'20"E 300.00 FEET TO THE CENTERLINE OF SAID WATTLES RD. AND NORTH LINE OF SAID SECTION 22; THENCE ALONG SAID LINE S89°25'40"E 234.00 FEET TO THE POINT OF BEGINNING. INCLUDING THE RIGHTS OF THE PUBLIC AND OF ANY GOVERNMENTAL AGENCY OVER THE NORTHERLY 60 FEET OF THE LAND USED FOR WATTLES ROAD. HAVING AN AREA OF 17.79 ACRES.

PROJECT NUMBER:	53190
DATE:	03/03/04
SCALE:	1" = 50'
DESIGNED BY:	JPW
DRAWN BY:	JPW
CHECKED BY:	
APPROVED BY:	

REVISIONS

- REVISED PER MDEQ REVIEW OF 8/17/04 ON 9/20/04
- REVISED PER MDEQ REVIEW OF SWL PERMIT ON 10/08/04
- REVISED PER CITY OF TROY REVIEW ON 11/11/04
- REVISED PER CITY OF TROY REVIEW ON 12/23/04
- REVISED PER CITY OF TROY REVIEW ON 01/27/05
- REVISED PER CITY OF TROY REVIEW ON 02/15/05
- REVISED PER CITY OF TROY REVIEW ON 03/03/05

STATE OF MICHIGAN
JOHN L. HENNESSEY
ENGINEER
No. 15950
REGISTERED PROFESSIONAL ENGINEER

HENNESSEY ENGINEERS, INC
ENGINEERING THE FUTURE
2634 WEST JEFFERSON AVE.
SUITE 300
TRENTON, MI 48183
(734) 676-2810
FAX (734) 692-2333
PORT HURON, MI 48060
(810) 966-4333
FAX (810) 966-4333

TITLE
PRELIMINARY SITE PLAN
HIDDEN FOREST
CITY OF TROY
OAKLAND COUNTY, MICHIGAN

SHEET
CE2

June 15,2005

TO: John Szerlag, City Manager

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

RE: **Agenda Item** – Amendment #1– Concrete Pavement Repair Program

RECOMMENDATION

On January 24, 2005, Troy City Council approved the contract for Concrete Pavement Repair to the low bidders: A)- Major Cement Company for Major Roads, B)- Hard Rock Concrete for Local Roads, and C)- Six S, Inc. for Stephenson Hwy. (Resolution #2005-01-041-E20)

City management recommends that City Council approve the amendment to the concrete pavement repair contract for the three low bidders, Major Cement Company – Proposal A, Hard Rock Concrete, Inc. – Proposal B, and Six S, Inc. – Proposal C, not to exceed $750,000.00, $500,000.00, and $500,000.00, respectively for completion of work by June 30, 2006,

All three contractors have agreed to amend the contract through June 30, 2006, under the same prices, terms, and conditions.

SUMMARY

Major roads covered under Proposal A include Rochester Road, Coolidge, Highway, Industrial Road, and scattered locations. Local Roads under Proposal B include streets in Sections #23, #24, #17, #7 and other scattered locations. Proposal C will repair scattered locations on Stephenson Highway northbound and southbound starting from I-75 and going south.

MARKET SURVEY

A favorable market survey was conducted by the Purchasing Department. Economic conditions indicate prices will continue to rise on concrete, labor, and fuel. Shortages in concrete have been a major problem caused in part by the building boom in China and U.S. rail backlogs to ship cement.

BACKGROUND

- All three contractors have been able to work at a faster than expected pace while producing a quality product for the City.
- The price for fuel and cement is continuing to increase; it is to our benefit to take advantage of 2004/05 pricing for the 2005/2006-construction season by amending the construction quantities.
- Moving this work forward would improve public safety and also reduce the City's liability.

June 15, 2005

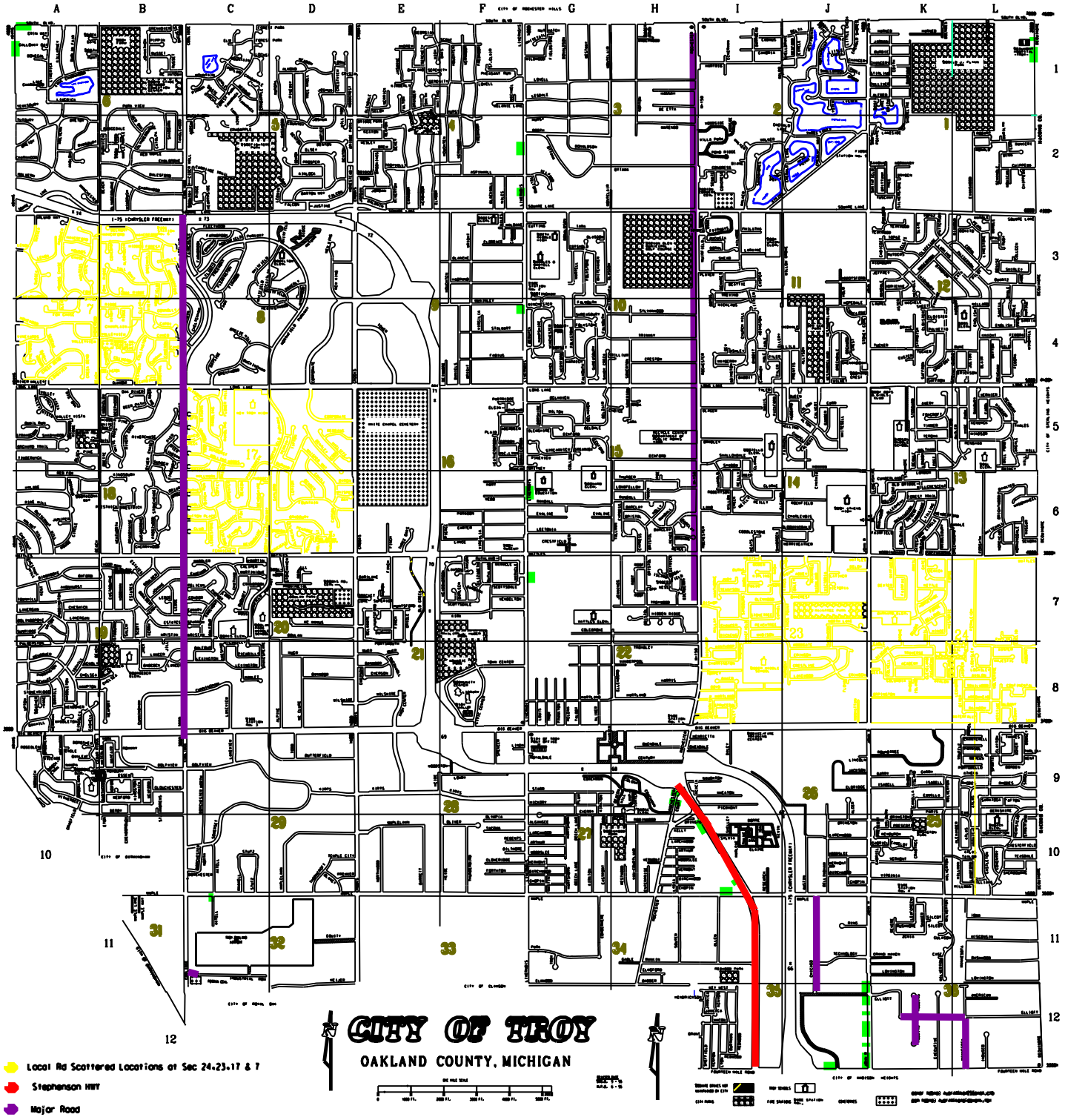
To: John Szerlag, City Manager
Re: Amendment #1 – Concrete Pavement Repair Program

BUDGET

Funding for this project will come from 2005/2006 budgeted funds available in the Capital Accounts for Public Works Construction for Major Roads (401479.7989.500), Local Roads (401499.7989.500) and Stephenson Highway (401479.7989.022015).

Prepared by: Marina Basta Farouk, Project Construction Manager

2005/2006 CONCRETE PAVEMENT REPAIR PROGRAM



...\Concrete Pavement Replacement 6/30/2005 11:00:40 AM

June 1, 2005

TO: Jeanette Bennett
Purchasing Director

FROM: Linda N. Bockstanz
Associate Buyer

RE: MARKET SURVEY – CONCRETE PAVEMENT REPAIR

HARTWELL CEMENT CO. – Lisa (248) 548-5858
Lisa has indicated that concrete will increase in price because of the shortage. She received a letter from her supplier, who has indicated that the increase will be about $6.00 to $10.00 per cubic yard. Second would be the price of fuel.

FLORENCE CEMENT CO. - Dwayne (810) 499-2537 or (586) 997-2666
According to Dwayne, prices will be going up 5 to 10% because of the powder that is part of the mixture in concrete, the rising cost of fuel, and labor costs. He will have to increase his prices also to accommodate for these items.

DILISIO CONTRACTING - Joe Lia (586) 783-4044
Called and left messages on 5/25, 5/26, & 5/27/05. No response to calls.

CENTURY CEMENT CO. – A.J. Pighin (734) 248-8770
Called and left messages on 5/25, 5/26, & 5/27/05. No response to calls.

Based upon the above comments, I respectfully recommend that the City accept the offers to renew the various contracts for Concrete Pavement Repair to the current vendors based on the fact costs for Concrete has increase 5% to 10% in price due to the above comments.

CC: Susan Leirstien

ATTN: Michael Scappaticci
Major Cement Co.
P.O. Box 19310
Detroit, MI 48219

Dear Mr. Scappaticci

On January 24, 2005, the City of Troy entered into contract 20400612 OB with Major Cement Co. to complete concrete pavement repair for Major Roads.

Please fax this letter back to Marina Basta Farouk at the Public Works Department indicating if Major Cement Co. wishes to extend this contract until June 30, 2006. Our fax number is (248) 524-3520. It should be understood that this request to extend the contract is subject to a favorable market survey. A request by City staff to determine the successful bidder's interest in extending the contract in no way obligates the City. The extension cannot be exercised without Troy City Manager and City Council approval and a blanket purchase order issued.

If you have any questions please call me at (248) 524-3695.

CHECK ONE:

Major Cement Co. is interested in extending the contract under the same prices, terms, and conditions: X

Major Cement Co. is not interested in extending the contract: ( )

X _____
Signed: Authorized Company Representative

Date: 5-18-05

Thank you,
Marina Basta Farouk
Project Construction Manager

ATTN: Racco Grimaldi
Hard Rock Concrete Inc
38146 Abruzzi
Westland, MI 48185

Dear Mr. Gtimaldi:

On January 24, 2005, the City of Troy entered into contract 20400613 OB with Hard Rock Concrete Inc to complete concrete pavement repair for Local Roads.

Please fax this letter back to Marina Basta Farouk at the Public Works Department indicating if Hard Rock Concrete Inc. wishes to extend this contract until June 30, 2006. Our fax number is (248) 524-3520. It should be understood that this request to extend the contract is subject to a favorable market survey. A request by City staff to determine the successful bidder's interest in extending the contract in no way obligates the City. The extension cannot be exercised without Troy City Manager and City Council approval and a blanket purchase order issued.

If you have any questions please call me at (248) 524-3595.

CHECK ONE:

Hard Rock Concrete Inc. is interested in extending the contract under the same prices, terms, and conditions: ✓

Hard Rock Concrete Inc. is not interested in extending the contract: ( )

X _____
Signed: Authorized Company Representative

Date: 5/18/05

Thank you,
Marina Basta Farouk
Project Construction Manager

ATTN: Gennady Bilzon
Six-S, Inc.
2210 Scott Lake Road
Waterford, MI 48328

Dear Mr.: Bilzon

On January 24, 2005, the City of Troy entered into contract 20400614 OB with Six-S, Inc. to complete concrete pavement repair for Stephenson Highway.

Please fax this letter back to Marina Basta Farouk at the Public Works Department indicating if Six-S, Inc. wishes to extend this contract until June 30, 2006. Our fax number is (248) 524-3520. It should be understood that this request to extend the contract is subject to a favorable market survey. A request by City staff to determine the successful bidder's interest in extending the contract in no way obligates the City. The extension cannot be exercised without Troy City Manager and City Council approval and a blanket purchase order issued.

If you have any questions please call me at (248) 524-3595.

CHECK ONE:

Six-S, Inc. is interested in extending the contract under the same prices, terms, and conditions: (X)

Six-S, Inc. Is not interested in extending the contract: ( )

X G. Bilzon
Signed: Authorized Company Representative

Date: 5-25-05

Thank you,
Marina Basta Farouk
Project Construction Manager

E-19 Standard Purchasing Resolution 3: Option to Renew – Office Supplies

Resolution #2005-01-041-E-19

WHEREAS, On March 19, 2001, a cooperative contract for Office Supplies was approved with Office Depot as a result of a bid process conducted by Los Angeles County and made available through the U.S. Communities Program (Resolution #2001-03-160-E4); and

WHEREAS, Office Depot and the City of Troy exercised an option to renew the contract under the same discount structure, terms, and conditions expiring April 4, 2005 (Resolution #2004-02-040-E6); and

WHEREAS, Office Depot has extended the option until March 4, 2006.

NOW THEREFORE, BE IT RESOLVED, That the option to renew the contract is hereby **EXTENDED** with Office Depot under the same discount structure, terms, and conditions expiring March 4, 2006.

E-20 Standard Purchasing Resolution 1: Award to Low Bidders – Concrete Pavement Repair

Resolution #2005-01-041-E-20

RESOLVED, That contracts to complete the City of Troy's Concrete Pavement Repair Program are hereby **AWARDED** to the low bidders, Major Cement Company of Detroit, MI for Proposal A, Hard Rock Concrete Inc. of Westland, MI - Proposal B, and Six S, Inc. of Waterford, MI - Proposal C, at estimated total costs of $824,775.00, $458,975.00, and $507,865.00 respectively for completion by June 30, 2005, at unit prices contained in the bid tabulation opened December 10, 2004, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

BE IT FURTHER RESOLVED, That the awards are contingent upon contractors submission of properly executed bid and contract documents, including bonds, insurance certificates and all other specified requirements; and if changes in the quantity of work is required either additive or deductive, such changes are **AUTHORIZED** in an amount not to exceed 25% of the total project cost and within budgetary limitations.

ITEMS TAKEN OUT OF ORDER:

E-10 Transfer of Ownership of an SDD-SDM Licensed Business – The Beer Barrel – 4935 John R Road

(a) License Transfer

Resolution #2005-01-042 (a)
Moved by Stine
Seconded by Beltramini

December 22, 2004

TO: John Szerlag, City Manager

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

RE: **Agenda Item** - Standard Purchasing Resolution 1: Award To Low Bidders – Concrete Pavement Repair

RECOMMENDATION

On December 10, 2004, bids were received for Concrete Pavement Repair under three proposals: A)- Major Roads, B)- Local Roads, and C)- Scattered Locations on Stephenson Highway. City management recommends awarding the contract by proposal to three separate low bidders, Major Cement Company – Proposal A, Hard Rock Concrete, Inc. – Proposal B, and Six S, Inc. – Proposal C, at estimated total costs of $824,775.00, $458,975.00, and $507,865.00 respectively for completion by June 30, 2005, at unit prices contained in the attached bid tabulation.

In addition, staff requests authorization to change the quantity of work either additive or deductive at unit prices contained in the attached bid tabulation, not to exceed 25% of the total project cost and within budgetary limitations.

The award is contingent upon the recommended bidders submission of proper contract and bid documents, including bonds, insurance certificates and all other specified requirements.

SUMMARY

Major roads covered under Proposal A include Rochester Road, Coolidge Highway, and scattered locations. Local Roads under Proposal B include streets in Sections #23, #24, and other scattered locations. While Proposal C will repair scattered locations on Stephenson Highway northbound and southbound starting from I-75 and going south.

BUDGET

Funds for this project are available in the 2004/05 Capital Accounts for Public Works Construction for Major Roads (401479.7989.500), Local Roads (401499.7989.500) and Stephenson Highway (401479.7989.022015).

89 Vendors Notified on MITN System
7 Bid Responses Rec'd

Prepared by: Marina Basta-Farouk, Project Construction Manager

VENDOR NAME:	MAJOR CEMENT COMPANY	HARD ROCK CONCRETE INC	SIX-S INC	DILISIO CONTRACTING
Ck Number	699867280-8	257897374	7181639622	4434455102
Ck Amount	$ 10,000.00	$ 10,000.00	$ 10,000.00	$ 10,000.00

Proposal A –Rochester Rd, Coolidge Hwy & Scattered Locations(Major Roads) **to be completed by June 30, 2005**

NO.	DESCRIPTION	EST. QTY.	Year 2005 UNIT PRICE	Year 2005 UNIT PRICE	Year 2005 UNIT PRICE	Year 2005 UNIT PRICE
1	Remove & Replace with Concrete Type P-NC, - 9" Non-reinforced	9900 S.Y.	**$49.75**	NO BID	$51.50	$62.20
2	Remove & Replace with Concrete Type P-NC, - 8" Non-reinforced	6000 S.Y.	**$47.00**		$48.53	$59.67
3	Remove & Replace with Concrete 7" Non-reinforced (Locations not specified)	25 S.Y.	**$42.00**		$52.15	$35.00
4	Remove & Replace with Concrete Sidewalk/ Driveway, 6" Non-reinforced (Locations not specified)	25 S.Y.	**$41.00**		$42.11	$34.00
5	Remove & Replace with Concrete Sidewalk/ 4" Non-reinforced (Locations not specified)	25 S.Y.	**$39.00**		$36.30	$33.00
6	Gatewell Adjustment	1 Each	**$300.00**		$219.34	$250.00
7	Gatewell Repair Per Foot	2 Feet	**$150.00**		$217.26	$250.00
8	Manhole or Catch Basin Adjustment	2 Each	**$250.00**		$219.33	$250.00
9	Manhole or Catch Basin Repair per Foot	2 Feet	**$150.00**		$217.26	$250.00
10	Miscellaneous Base Repair per Cubic Yard to excavate & replace with 21AA compacted	900 CY	**$27.00**		$34.44	$20.00
11	Installation of 6" edge drain (Locations not specified)	200 L.F.	**$10.00**		$8.82	$8.00
12	Remove and Replace Curb and Gutter.	500 L.F.	**$25.00**		$15.00	$18.00
13	Install MDOT Sidewalk Ramp with 24" Detectable Warning	20 Each	**$350.00**		$277.95	$500.00
14	Class F Fly Ash if needed	1450 Ton	**N/A**		$0.01	$0.10
15	Traffic Maintenance	Included	**Included**	Included	Included	Included
	Estimated Total Cost – Proposal A		**$824,775.00**	NO BID	$851,654.54	$1,016,845.00

Proposal B – Sec #24,23, and Scattered Locations (Local Roads) **Completed by June 30, 2005**

NO.	DESCRIPTION	EST. QTY.	UNIT PRICE	UNIT PRICE	UNIT PRICE	UNIT PRICE
1	Remove & Replace with Concrete Type 7 Sack HE, 8" Non-reinforced	2800 S.Y.	$43.00	**$33.00**	$46.11	$57.25
2	Remove & Replace with Concrete Type 7 Sack HE, 7" Non-reinforced	10800 S.Y.	$41.00	**$31.00**	$42.57	$49.62
3	Remove & Replace with Concrete Sidewalk/ Driveway, 6" Non-reinforced (Locations not specified)	25 S.Y.	$42.00	**$30.00**	$42.11	$34.00
4	Remove & Replace with Concrete Sidewalk/ Driveway, 4" Non-reinforced	25 S.Y.	$41.00	**$28.00**	$36.30	$33.00
5	Gatewell Adjustment	1 Each	$300.00	**$275.00**	$219.34	$250.00
6	Gatewell Repair Per Foot	2 Feet	$150.00	**$75.00**	$217.26	$250.00
7	Manhole or Catch Basin Adjustment	2 Each	$250.00	**$275.00**	$219.33	$250.00
8	Manhole or Catch Basin Repair per Foot	2 Feet	$150.00	**$75.00**	$217.26	$250.00
9	Miscellaneous Base Repair per Cubic Yard to excavate & replace with 21AA compacted	800 CY	$27.00	**$21.00**	$34.44	$20.00
10	Installation of 6" edge drain (Locations not specified)	100 L.F.	$10.00	**$12.00**	$8.82	$8.00
11	Remove and Replace Curb and Gutter. (Locations not specified)	100 L.F.	$25.00	**$22.00**	$24.24	$18.00
12	Install MDOT Sidewalk Ramp with 24" Detectable Warning	20 each	$350.00	**$450.00**	$277.95	$500.00
13	Class F Fly Ash if needed	1000 Ton	N/A	**$0.00**	$0.01	$0.10
14	Traffic Maintenance	Included	Included	**Included**	Included	Included
	Estimated Total Cost – Proposal B		$598,775.00	**$458,975.00**	$628,778.29	$728,321.00

VENDOR NAME:			MAJOR CEMENT COMPANY	HARD ROCK CONCRETE INC	SIX-S INC	DILISIO CONTRACTING
Proposal C – Scattered Locations S.B. & N.B. of Stephenson Hwy **Completed by June 30, 2005**						
NO.	**DESCRIPTION**	**EST. QTY.**	**UNIT PRICE**	**UNIT PRICE**	**UNIT PRICE**	**UNIT PRICE**
1	Remove & Replace with Concrete Pavement Patching Type P-NC-10" Non-rein	8700 S.Y.	$ 54.50	NO BID	**$ 53.78**	$ 67.32
2	Remove & Replace with Concrete Pavement Patching Type P-NC-9" Non-rein	25 S.Y.	$ 52.00		**$ 58.89**	$ 62.20
3	Remove & Replace with Concrete Pavement Patching - 8" Non-reinforced	25 S.Y.	$ 50.00		**$ 54.71**	$ 36.00
4	Remove & Replace with Concrete Pavement Patching - 7" Non-reinforced	25 S.Y.	$ 45.00		**$ 53.91**	$ 35.00
5	Remove & Replace with Concrete Sidewalk/ Driveway, 6" Non-reinforced (Locations not specified)	25 S.Y.	$ 39.00		**$ 42.10**	$ 34.00
6	Remove & Replace with Concrete Sidewalk 4" Non-reinforced (Locations not specified)	25 S.Y.	$ 35.00		**$ 36.30**	$ 33.00
7	Gatewell Adjustment	1 Each	$ 300.00		**$ 219.34**	$ 250.00
8	Gatewell Repair Per Foot	2 Feet	$ 150.00		**$ 217.26**	$ 250.00
9	Manhole or Catch Basin Adjustment	2 Each	$ 250.00		**$ 219.33**	$ 250.00
10	Manhole or Catch Basin Repair per Foot	2 Feet	$ 150.00		**$ 217.26**	$ 250.00
11	Miscellaneous Base Repair per Cubic Yard to excavate & replace with 21AA compacted	750 C.Y.	$ 27.00		**$ 34.44**	$ 20.00
12	Installation of 6" edge drain (Locations not specified)	100 L.F.	$ 10.00		**$ 8.82**	$ 8.00
13	Remove and Replace Curb and Gutter. (Locations not specified)	2350 L.F.	$ 25.00		**$ 0.01**	$ 18.00
14	Install MDOT Sidewalk Ramp with 24" Detectable Warning	20 Ea	$ 350.00		**$ 277.96**	$ 500.00
15	Class F Fly Ash if needed	950 Ton	N/A		**$ 0.01**	$ 0.10
	Estimated Total Cost – Proposal C		$568,075.00	NO BID	**$507,864.99**	$660,634.00

INSURANCE:	Can Meet		XX	XX	XX	XX
	Cannot Meet					
PROPOSED PAYMENT SCHEDULE:		Y or N	EVERY TWO WEEKS	N/A	SEMI-MONTHLY	EVERY TWO WEEKS
CONTACT INFORMATION		Hrs of Oper.	(313)532-3212	7-7	8-5	9-5
		Phone	(248)388-1168	(734)564-0925	(248)673-0585	(586)405-4578
AWARD	100% of Contract		XX		XX	XX
	Partial Contract:	Proposal A				
		Proposal B		XX		
		Proposal C				
TERMS:			30 DAYS	BLANK	10 DAYS OF INVOICE	BLANK
WARRANTY:			ONE YEAR	BLANK	BLANK	BLANK
EXCEPTIONS:			CLASS F FLY ASH IS NOT AVAILABLE. WE CANNOT PUT A # TO THE UNIT.	N/A	BLANK	BLANK
ACKNOWLEGEMENT:			YES	YES	YES	YES
VENDOR QUESTIONNAIRE		Y or N	YES	YES	YES	YES
	Legal Status of Bidder	Y or N	YES	YES	YES	YES
	Non-Collusion Affidavit	Y or N	YES	YES	YES	YES

VENDOR NAME:			CENTURY CEMENT CO	HARTWELL CEMENT CO	FLORENCE CEMENT CO	
		Ck Number	589562073	649185516	649368106	
		Ck Amount	$ 10,000.00	$ 10,000.00	$ 10,000.00	
Proposal A –Rochester Rd, Coolidge Hwy & Scattered Locations(Major Roads) **to be completed by June 30, 2005**						
			Year 2005	**Year 2005**	**Year 2005**	**Year 2005**
NO.	**DESCRIPTION**	**EST. QTY.**	**UNIT PRICE**	**UNIT PRICE**	**UNIT PRICE**	**UNIT PRICE**
1	Remove & Replace with Concrete Type P-NC, - 9" Non-reinforced	9900 S.Y.	NO BID	NO BID	NO BID	
2	Remove & Replace with Concrete Type P-NC, - 8" Non-reinforced	6000 S.Y.				
3	Remove & Replace with Concrete 7" Non-reinforced (Locations not specified)	25 S.Y.				
4	Remove & Replace with Concrete Sidewalk/ Driveway, 6" Non-reinforced (Locations not specified)	25 S.Y.				
5	Remove & Replace with Concrete Sidewalk/ 4" Non-reinforced (Locations not specified)	25 S.Y.				
6	Gatewell Adjustment	1 Each				
7	Gatewell Repair Per Foot	2 Feet				
8	Manhole or Catch Basin Adjustment	2 Each				
9	Manhole or Catch Basin Repair per Foot	2 Feet				
10	Miscellaneous Base Repair per Cubic Yard to excavate & replace with 21AA compacted	900 CY				
11	Installation of 6" edge drain (Locations not specified)	200 L.F.				
12	Remove and Replace Curb and Gutter.	500 L.F.				
13	Install MDOT Sidewalk Ramp with 24" Detectable Warning	20 Each				
14	Class F Fly Ash if needed	1450 Ton				
15	Traffic Maintenance	Included				
	Estimated Total Cost – Proposal A		NO BID	NO BID	NO BID	
Proposal B – Sec #24,23, and Scattered Locations (Local Roads) **Completed by June 30, 2005**						
NO.	**DESCRIPTION**	**EST. QTY.**	**UNIT PRICE**	**UNIT PRICE**	**UNIT PRICE**	**UNIT PRICE**
1	Remove & Replace with Concrete Type 7 Sack HE, 8" Non-reinforced	2800 S.Y.	$48.00	$38.50	NO BID	
2	Remove & Replace with Concrete Type 7 Sack HE, 7" Non-reinforced	10800 S.Y.	$44.00	$36.45		
3	Remove & Replace with Concrete Sidewalk/ Driveway, 6" Non-reinforced (Locations not specified)	25 S.Y.	$36.00	$34.50		
4	Remove & Replace with Concrete Sidewalk/ Driveway, 4" Non-reinforced	25 S.Y.	$32.00	$32.00		
5	Gatewell Adjustment	1 Each	$400.00	$75.00		
6	Gatewell Repair Per Foot	2 Feet	$400.00	$75.00		
7	Manhole or Catch Basin Adjustment	2 Each	$300.00	$75.00		
8	Manhole or Catch Basin Repair per Foot	2 Feet	$300.00	$75.00		
9	Miscellaneous Base Repair per Cubic Yard to excavate & replace with 21AA compacted	800 CY	$40.00	$10.00		
10	Installation of 6" edge drain (Locations not specified)	100 L.F.	$15.00	$9.00		
11	Remove and Replace Curb and Gutter. (Locations not specified)	100 L.F.	$30.00	$18.00		
12	Install MDOT Sidewalk Ramp with 24" Detectable Warning	20 ea.	$150.00	$200.00		
13	Class F Fly Ash if needed	1000 Ton	$8.00	$0.50		
14	Traffic Maintenance	Included	Included	Included		
	Estimated Total Cost – Proposal B		$661,200.00	$518,847.50	NO BID	

VENDOR NAME:			CENTURY CEMENT CO	HARTWELL CEMENT CO	FLORENCE CEMENT CO	
Proposal C – Scattered Locations S.B. & N.B. of Stephenson Hwy **Completed by June 30, 2005**						
NO.	**DESCRIPTION**	**EST. QTY.**	**UNIT PRICE**	**UNIT PRICE**	**UNIT PRICE**	**UNIT PRICE**
1	Remove & Replace with Concrete Pavement Patching Type P-NC-10" Non-rein	8700 S.Y.	$ 63.00	NO BID	$ 68.15	
2	Remove & Replace with Concrete Pavement Patching Type P-NC-9" Non-rein	25 S.Y.	$ 63.00		$ 70.00	
3	Remove & Replace with Concrete Pavement Patching - 8" Non-reinforced	25 S.Y.	$ 45.00		$ 67.50	
4	Remove & Replace with Concrete Pavement Patching - 7" Non-reinforced	25 S.Y.	$ 40.00		$ 65.00	
5	Remove & Replace with Concrete Sidewalk/ Driveway, 6" Non-reinforced (Locations not specified)	25 S.Y.	$ 36.00		$ 50.50	
6	Remove & Replace with Concrete Sidewalk 4" Non-reinforced (Locations not specified)	25 S.Y.	$ 34.00		$ 44.50	
7	Gatewell Adjustment	1 Each	$ 400.00		$ 300.00	
8	Gatewell Repair Per Foot	2 Feet	$ 400.00		$ 225.00	
9	Manhole or Catch Basin Adjustment	2 Each	$ 300.00		$ 300.00	
10	Manhole or Catch Basin Repair per Foot	2 Feet	$ 300.00		$ 200.00	
11	Miscellaneous Base Repair per Cubic Yard to excavate & replace with 21AA compacted	750 C.Y.	$ 30.00		$ 25.00	
12	Installation of 6" edge drain (Locations not specified)	100 L.F.	$ 15.00		$ 11.25	
13	Remove and Replace Curb and Gutter. (Locations not specified)	2350 L.F.	$ 28.00		$ 24.25	
14	Install MDOT Sidewalk Ramp with 24" Detectable Warning	20 Ea	$ 150.00		$ 1,000.00	
15	Class F Fly Ash if needed	950 Ton	$ 10.00		$ 0.01	
	Estimated Total Cost – Proposal C		$658,250.00	NO BID	$698,964.50	

INSURANCE:	Can Meet		XX	XX	XX	
	Cannot Meet					
PROPOSED PAYMENT SCHEDULE:		Y or N	MONTHLY	MONTHLY	BI-WEEKLY	
CONTACT INFORMATION		Hrs of Oper.	7:30-3:15	8-4:30	BLANK	
		Phone	(734)284-8770	(248)789-4156	BLANK	
AWARD	100% of Contract					
	Partial Contract:	Proposal A				
		Proposal B	XX	XX		
		Proposal C	XX		XX	
TERMS:			MONTHLY	NET 30 DAYS	PER CONTRACT	
WARRANTY:			ONE YEAR	ONE YEAR	PER CONTRACT	
EXCEPTIONS:			BLANK	BLANK	BLANK	
ACKNOWLEGEMENT:			YES	YES	YES	
VENDOR QUESTIONNAIRE		Y or N	YES	YES	YES	
	Legal Status of Bidder	Y or N	YES	YES	YES	
	Non-Collusion Affidavit	Y or N	YES	YES	YES	

BOLDFACE TYPE DENOTES LOW TOTAL BIDDERS

ATTEST:

Robert Robertson

MaryAnn Hays

Marina Basta-Farouk

Linda Bockstanz

Jeanette Bennett
Purchasing Director

G: ITB-COT 04-38Concrete Pavement Repair

Michigan Inter-governmental Trade Network
MITN

Downloading History for ITB-COT 04-38ConcretePav

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 **12/22/2004.**

Document Title:	Concrete Pavement Repair Program
Date Issued:	11/22/2004
Close Date:	12/10/2004

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
16124	A Land Construction Inc.	Fax	11/29/2004	
18057	advanced air services,inc.	E-mail		
19261	ADVANCEDPOWERWASH PLUS INC.	E-mail	12/2/2004	
12964	Ajax Materials Corporation	E-mail		
12466	Al's Asphalt Paving Co., Inc.	Fax		
14003	AMERICAN CLEANING	E-mail	12/9/2004	
14279	Amerinational Community Services	E-mail		
14471	Angelo Iafrate Construction Company	E-mail	12/2/2004	
18545	AnnSeal	E-mail		
11691	Asphalt Specialists, Inc.	Fax		
16540	Audu Engineering Consultants, Inc.	Free	12/8/2004	
10139	B & J Parking Lot Maintenance, Inc.	E-mail	11/22/2004	
17412	Bales Incorporated	Fax		
12250	Barrett Paving Materials Inc.	E-mail		
16399	Barthel Contacting Company	E-mail	12/10/2004	
10851	BEI Associates Inc.	E-mail		
19211	Bidigare Contractors, Inc.	E-mail	11/23/2004	
11742	Bowen Paving, Inc.	Fax		
11631	Bowman Construction LLC	Free	11/22/2004	
10682	C & R Maintenance d/b/a Rizzo Services	E-mail	12/1/2004	
12687	C & S Engineers, Inc	E-mail		

17556	C.A. Hull Co., Inc.	E-mail		
12856	CCH Incorporated	Free	11/22/2004	
15673	Central Contractors Inc	E-mail		
16371	Century Cement Co Inc	Fax	12/2/2004	
19489	Cipparrone Contracting Inc.	Free	11/24/2004	
16936	Crandell Bros. Trucking	Fax		
12323	D.L.F. Trucking, Inc.	E-mail		
17560	D1 Services	Free	11/30/2004	
19126	DFS Construction	Fax		
19136	Dodaj Enterprises	E-mail	12/1/2004	
17954	Elite Engineering services Inc.	Free	12/7/2004	
16017	Fleis & Vandebrink Engineering, Inc	E-mail		
11211	Florence Cement Company	E-mail	11/24/2004	
16547	Gaglio Bros. Corporation	E-mail		
13719	Giorgi Concrete LLC	E-mail	11/29/2004	
17654	GM & Sons, Inc. Concrete Construction	Fax		
16228	Goers Landscaping, Inc.	E-mail		
19597	Greer Construction	Free	12/8/2004	
13332	HARDROCK CONCRETE, INC.	Free	11/24/2004	
15842	Harlan Electric Company	E-mail		
11517	Hart Pavement Striping Corporation	E-mail	12/10/2004	
10833	Hartwell Cement Company	E-mail	12/10/2004	
15913	HAYES EXCAVATING CO INC.	Fax		
11514	Highway Maintenance & Construction Co.	E-mail		
19522	Interstate Sealant & Concrete, Inc	E-mail	11/30/2004	
18894	Island Connection, Inc.	E-mail		
18533	James P Contracting, Inc.	E-mail		
12021	JOHN CARLO, INC.	E-mail	11/22/2004	
13283	Kelcris Corporation	E-mail	11/23/2004	
17240	Koala-T Construction, Inc.	Fax		
16426	Lacaria Concrete Construction Inc.	Fax	11/23/2004	
17964	M. L. Chartier, Inc.	E-mail		
17901	MacKenzie Environmental Services	E-mail		
18159	mago construction	E-mail		
13213	Major Cement Co.	Free	11/26/2004	
19149	Metro Building Services	Free	12/1/2004	
19566	Michael Scappaticci	Fax	12/9/2004	
15741	MIDWEST PAVEMENT CONTRACTING, INC	Fax		
16288	Miller Company LTD	E-mail	11/22/2004	
10604	nationwide fence & Supply	E-mail		
12761	Northwest Consultants, Inc.	E-mail		
18380	OccuMed3	E-mail		

11059	Pamar Enterprises, Inc.	E-mail		
16120	PlaySmart Recreational Construction Inc.	Free	12/3/2004	
16071	Pro Commercial Services, Inc.	E-mail	11/22/2004	
15509	Pro-Line Asphalt Paving Corp.	Fax		
15064	Protech Diamond Tools	E-mail		
11361	Quickie Carpet Cleaning	Free	11/30/2004	
13691	R & E Trucking Inc.	Fax		
13833	R.S. Contracting, Inc.	E-mail	12/7/2004	
16831	RICHCO Construction, Inc	Fax		
15568	Rotondo Construction Corp.	E-mail		
14057	S.J.R. Pavement Repair	Fax		
19544	S.S. Seeding, Inc.	Free	12/6/2004	
12265	scodeller construction, inc.	E-mail	11/22/2004	
11383	Six-S, Inc.	Free	11/24/2004	
13684	soil and materials engineers, inc	E-mail		
13340	SPECIAL EVENTS PARTY RENTAL	Free	11/23/2004	
10327	T & M ASPHALT PAVING, INC.	E-mail		
12535	The Stansley Group	E-mail		
11814	Tony Anthony Inc	E-mail		
15301	Tyger Excavating Inc.	E-mail		
16126	ULTRA Professional Outdoor Services	Free	11/27/2004	
12483	URS Corporation	E-mail	11/22/2004	
13562	V&J Cement Construction Inc.	E-mail		
13207	Walbridge Aldinger Company	E-mail		
14338	Washtenaw Inc., Maintenance Services	E-mail	12/7/2004	
16312	Zuniga Cement Construction	Free	12/3/2004	

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June 9, 2005

TO: John Szerlag, City Manager

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

SUBJECT: **Agenda Item:** Standard Purchasing Resolution 1: Award To Sole Bidder – Miscellaneous Golf and Turf Maintenance Replacement Parts

RECOMMENDATION

Bid proposals were opened April 27, 2005, to furnish three (3) year requirements of original equipment manufacturers replacement parts for golf course, lawn and turf maintenance equipment with an option to renew for one (1) additional year. The estimated total cost for these replacement parts is $30,000.00 per year. City management recommends purchases be made from the sole bidder, WF Miller Company of Novi, Michigan at list prices dated 4/4/05 for the following items—

WF MILLER COMPANY

Section A

Item	Catalog & Price Sheet	Discount
Cushman Turf Equipment	P400000	0%
Jacobsen Turf Equipment	2811657	0%
Ryan Turf Equipment	P400000	0%
Ransomes Turf Equipment	P400000	0%

Section B

Kohler Engine Parts	TP-453-P	10%
Briggs & Stratton Engine Parts	MS-7299-7100	0%

SUMMARY

Even though WF Miller was the sole bidder, they are the authorized dealer/distributor in Michigan for the items awarded in Section A. (see above) Spartan Distributors and Weingartz have participated in past bids and awarded contracts for OEM replacement parts with exclusive distributorships. The reasons given for their lack of participation in this recent solicitation are as follows:

Spartan Distributors – Even though the company was mailed a notice, failure in the company's internal processing meant the proper division was not notified that the bid document was available for pick-up at the City or download from the MITN system.

June 9, 2005

TO: John Szerlag
RE: Bid Award – Golf and Turf Maintenance Equipment Replacement Parts

SUMMARY (continued)
Weingartz – The bid opened at 10AM on April 27, 2005. A new runner for the company did not arrive at the Office of the City Clerk until after the specified time. Therefore, the bid was considered late and returned to the runner unopened.

BUDGET
Funds are available to complete these purchases in Sylvan Glen Operating Supplies Account #785.7740.010 and Sanctuary Lake Operating Supplies Account #885.7740.010.

31 Vendors Notified via the MITN System
39 Vendors Mailed Notices from JDE System
1 Bid Response Rec'd
1 Late Bid

Prepared by: Danny T. McDonald, Superintendent of Greens

Opening Date -- 4/27/05
Date Prepared -- 6/8/05

CITY OF TROY
BID TABULATION
GOLF AND TURF MAINTENANCE REPLACEMENT PARTS

VENDOR NAME: * **WF MILLER COMPANY**

SECTION A: (Note -- Copies of Price List Pages must be included w/bid for verification purposes.)

	Approved Alternate Make/Part#	Catalog Price	Net Price	Approved Alternate Make/Part#	Catalog Price	Net Price
CUSHMAN TURF EQUIPMENT						
Universal Joint Part#826284		$ 12.05	$ 12.05			
Alternator Belt Part#816864		$ 6.33	$ 6.33			
Solenoid Part#889673	Cushman 2701465	$ 33.49	$ 33.49			
Breaker Point Set Part#580394		$ 12.81	$ 12.81			
Complete line discounted at --		0%	0%			
dated:		4/4/2005				
JACOBSEN TURF EQUIPMENT						
Bedknife Part#503460		$ 30.48	$ 30.48			
Reel Coupling Part#337370		$ 3.98	$ 3.98			
Bearing Set Part#500534		$ 7.60	$ 7.60			
Reel Nut Part#364900		$ 6.31	$ 6.31			
Complete line discounted at --		0%	0%			
dated:		4/4/2005				
RYAN TURF EQUIPMENT						
Drive Belt Part#522887		$ 37.03	$ 37.03			
Slide Assembly Part#540094		$ 250.71	$ 250.71			
Hydraulic Oil Filter Part#522972	Cushman 108046	$ 15.64	$ 15.64			
Tine 5/8" Part#523028		$ 1.75	$ 1.75			
Complete line discounted at --		0%	0%			
dated:		4/4/2005				
JOHN DEERE TURF EQUIPMENT	NO BID					
Hydraulic Filter Part #RE45864						
Oil Filter Part #M801209						
Air Filter Part #M131802						
Mower Blade Part #M77178						
Complete line discounted at --						
dated:						
RANSOMES TURF EQUIPMENT						
Bedknife Part #503478		$ 28.31	$ 28.31			
Reel Part #839031		$ 318.57	$ 318.57			
Bearing Set Part #500534		$ 7.60	$ 7.60			
Reel Seal Part #839064		$ 3.47	$ 3.47			
Complete line discounted at --		0%	0%			
dated:		4/4/2005				

Opening Date -- 04/27/05
Date Prepared -- 6/8/05

CITY OF TROY
BID TABULATION
GOLF AND TURF MAINTENANCE REPLACEMENT PARTS

VENDOR NAME:	* WF MILLER COMPANY					
SECTION A: (Cont'd)	Approved Alternate Make/Part#	Catalog Price	Net Price	Approved Alternate Make/Part#	Catalog Price	Net Price
TORO TURF/IRRIGATION EQUIPMENT	NO BID					
Bearing Cone Part #254-94						
Bearing Cup Part #254-72						
Oil Seal Part #253-96						
Reel Part #12-3599						
Complete line discounted at -- dated:						

SECTION B: (Note -- After award, a Published Price List MUST be supplied unless previously furnished.)

DEALER & SPECIALTY PARTS/ SUPPLY ITEMS	CURRENT PUBLISHED PRICE LIST OF MANUFACTURER'S RETAIL PRICE		MINUS % DISCOUNT	CURRENT PUBLISHED PRICE LIST OF MANUFACTURER'S RETAIL PRICE		MINUS % DISCOUNT
Honda Engine Parts	NO BID					
Kohler Engine Parts			-10%			
Briggs & Stratton Engine Parts			0%			
Progressive Rotary Mower Parts	NO BID					
Ty-Crop Equipment Parts	NO BID					
DELIVERY	ALL ORDERS SHIPPED SAME DAY UPS PROCESSED W/I 10 HOURS AFTER PHONE RELEASE					
MINIMUM ORDER PER SHIPMENT	NONE					
CONTACT INFORMATION:						
Hours of Operation	7-4pm					
Phone Number	(248) 649-4100					
TERMS	BLANK					
WARRANTY	BLANK					
EXCEPTIONS	BLANK					
ACKNOWLEDGEMENT:	YES					

ATTEST:
Pat Rubino
Danny McDonald
Linda Bockstanz

*** DENOTES SOLE BIDDER**

Jeanette Bennett
Purchasing Director

G:ITB-COT 05-07Golf Turf Parts.xls

BIDDERS LIST

Mailing Name	Address Line 1	Address Line 2	City City	ST	Postal Code
ALL TYPE TRUCK & TRAILER REPAIR	23660 SHERWOOD		WARREN	MI	48091
APACHE TURF EQUIPMENT INC	524 SOUTH MARKET AVENUE		FT PIERCE	FL	34982
ARIENS COMPANY	655 W RYAN		BRILLION	WI	54110
CAPITAL EQUIPMENT	3545 N VAN DYKE		ALMONT	MI	48003
CAREFREE LAWN CENTER	2805 VAN HORN		TRENTON	MI	48183
CHIEF CART INC/FORMERLY BURINGTON GOLF	149 N PERRY STREET		PONTIAC	MI	48342
CINTAS FIRST AID & SAFETY	14975 CLEAT STREET		PLYMOUTH	MI	48170
CLUB CAR INC	11878 BROOKFIELD		LIVONIA	MI	48150
COMMERCIAL LAWNMOWER	32098 PLYMOUTH ROAD		LIVONIA	MI	48150-1489
JACK DOHENY SUPPLIES INC	777 DOHENY COURT	P O BOX 609	NORTHVILLE	MI	48167
E Z GO TEXTRON	3310 RANGER ROAD		LANSING	MI	48906
ELLIS SALES INC	6915 STADIUM DRIVE		KALAMAZOO	MI	49009
FOOTE TRACTOR INC	46401 GRAND RIVER	P O BOX 942	NOVI	MI	48376-0942
GRANDVILLE TRACTOR & EQUIPMENT	3736 CHICAGO DRIVE SW		GRANDVILLE	MI	49418
INDUSTRIAL VEHICLE & TURF SALES INC	1645 S TELEGRAPH		BLOOMFIELD HILLS	MI	48302-0049
KING BROTHERS INC	2391 PONTIAC ROAD		AUBURN HILLS	MI	48326
LANDSCAPERS SUPPLY COMPANY	750 CHESTNUT RIDGE ROAD	P O BOX 459	SPRING VALLEY	NY	10977-0459
LESCO INC #442	1889 LARCHWOOD		TROY	MI	48083
MAGED CONTRACTING	P O BOX 701421		PLYMOUTH	MI	48170
MANUS POWER MOWERS	30642 WOODWARD AVE		ROYAL OAK	MI	48073-6928
MICHIGAN POWER EQUIPMENT INC	7022 E ATHERTON ROAD		DAVISON	MI	48423
MILLER W F TURF& INDUSTRIAL EQUIPMENT C	25125 TRANS-X	P O BOX 605	NOVI	MI	48376-0605
MUNN TRACTOR SALES INC	3700 LAPEER ROAD		AUBURN HILLS	MI	48326
PARADISE GRAVELY TRACTOR	67111 VAN DYKE		ROMEO	MI	48095
PARKS OUTDOOR MAINTENANCE LLC	6871 MONTCLAIR DRIVE		TROY	MI	48085
PIRTEK METRO DETROIT	25363 DEQUINDRE ROAD		MADISON HEIGHTS	MI	48071
PREMIER LAWN & SNOW, INC - BOTH	P.O. BOX 877		STERLING HEIGHTS	MI	48311

ITB-COT 05-07 Golf / Turf Maintenance Replacement Parts

Commodity Code: # 934-46 Lawn Equip Mtnace/Repair

BIDDERS LIST

Mailing Name	Address Line 1	Address Line 2	City City	ST	Postal Code
R & R PRODUCTS	3334 E MILBER ST		TUCSON	AZ	85714
RUSSELL FARM & GARDEN	50025 N GRATIOT		CHESTERFIELD	MI	48051
SALOPEK GOLF CARS INC	1943 WEBSTER STREET		DAYTON	OH	45404-1123
SPARTAN DISTRIBUTORS, INC	487 W DIVISION ST	PO BOX 246	SPARTA	MI	49345
THESIER EQUIPMENT COMPANY	28342 PONTIAC TRAIL		SOUTH LYON	MI	48178
U S LAWNS OF TROY	670 ECKFORD DRIVE		TROY	MI	48098
VALLEY TURF INC	11711 E GRAND RIVER ROAD		BRIGHTON	MI	48116-8534
WEINGARTZ SUPPLY CO	46061 VAN DYKE		UTICA	MI	48317
WEINGARTZ SUPPLY CO INC-FARMINGTON HILL	39050 GRAND RIVER		FARMINGTON HILLS	MI	48335
WITTEK GOLF CO	3650 AVONDALE		CHICAGO	IL	60618
WM F SELL & SON INC	16555 TELEGRAPH ROAD		TAYLOR	MI	48180
YALE MATERIALS HANDLING	28990 WIXOM ROAD		WIXOM	MI	48393

Michigan Inter-governmental Trade Network
MITN

Downloading History for ITB-COT 05-07 Turf Parts

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 4/27/2005.

Document Title:	Lawn & Turf Maintenance Replacement Parts
Date Issued:	4/5/2005
Close Date:	4/27/2005

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
17272	Ben & Dan's Landscaping, Inc.	E-mail	4/18/2005	
11697	BILLINGS LAWN EQUIPMENT	E-mail		
16731	Bobcat Central Inc. DBA Bobcat of Lansing	E-mail	4/8/2005	
19985	Countryside Lawn & Power Equipment, inc	E-mail		
11681	D and J Lawn and Snow Corp.	E-mail		
13576	DAC TECHNOLOGIES INC.	Free	4/20/2005	
20064	Dan's Landscape & Gardens	Free	4/6/2005	
16410	DeAngelo Brothers Inc	Free	4/21/2005	
17044	Environmental Services of North America, Inc.	Free	4/11/2005	
12478	Foote Tractor, Inc.	Free	4/11/2005	
14623	Gene's Landscape Service Co.	E-mail	4/15/2005	
18765	I.F. Metalworks	E-mail		
19591	Innovated Capital Solutions	E-mail		
20893	Jade Landscaping	Free	4/11/2005	
13114	Jasso Tree Service, Inc.	Free	4/13/2005	
14945	John Deere Landscapes	E-mail	4/5/2005	
20399	K & K Maintenance Supply Inc.	Free	4/13/2005	
15171	Lacal Equipment	E-mail	4/11/2005	
11630	Mercer Equipment Rentals	E-mail		

13310	North Star Refrigeration, Heating and Cooling	E-mail		
17825	Northwest Fuel Injection Service of Michigan Inc.	E-mail		
16071	Pro Commercial Services, Inc.	E-mail	4/7/2005	
13371	Rochester Rental L.L.C.	E-mail		
19544	S.S. Seeding, Inc.	Free	4/20/2005	
10113	Sullivan Corporation	Free	4/8/2005	
14709	Thesier Equipment Company	Free	4/6/2005	
16068	Trost Irrigation, Ind.	Fax	4/5/2005	
20920	TSI - Mike Glass	Free	4/7/2005	
11913	W.F. MILLER COMPANY	E-mail	4/6/2005	
14785	Weingartz	E-mail	4/27/2005	
16277	Wm. F. Sell Equipment	E-mail		

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June 29, 2005

TO: John Szerlag, City Manager

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

SUBJECT: **Agenda Item:** Sole Source – OEM Replacement Parts For Golf and Turf Maintenance Equipment

RECOMMENDATION

The Parks and Recreation Department recommends approval of a three-year contract to purchase original equipment manufactured replacement parts for John Deere equipment from Weingartz in Farmington Hills and Toro parts from Spartan Distributors of Sparta, Michigan, the exclusive distributors in southeast Michigan at varied discounts up to 55%. The companies agree to their individual contracts, which will expire June 30, 2008.

BACKGROUND

Contracts for manufactured equipment replacement parts with Weingartz and Spartan Distributors expired in the spring of 2005, and have been used by various City departments to purchase repair parts and supplies for routine maintenance of turf equipment throughout the City. All of the Torro and John Deere brand maintenance equipment used by the various City departments requires replacement parts that are sold exclusively through Weingartz and Spartan Distributors. By having contracts in place for replacement parts for Torro and John Deere brand pieces of equipment, the City will be able to utilize the support and expertise of the parts and service departments to assist us quickly and efficiently to adjust and/or repair our equipment.

BUDGET

Funds are available to complete these purchases in Sylvan Glen Operating Supplies Account #785.7740.010 and Sanctuary Lake Operating Supplies Account #885.7740.010.

Prepared by: Danny T. McDonald, Superintendent of Greens

Spartan Distributors

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

1050 Opdyke Road
Auburn Hills, MI 48326
248.373.9800
Fax: 248.373.8699

June 24, 2005

City of Troy
Purchasing Division
3179 Livernois
Troy, MI 48083

RE: City of Troy Bid for Toro Parts & Equipment

To Whom It May Concern:

City of Troy posted a bid for Toro Parts & Equipment on MITN which was not received by Spartan Distributors, Inc.

In the state of Michigan, Spartan Distributors, Inc. has the exclusive right to sell and/or distribute Toro equipment, parts and irrigation supplies.

Spartan Distributors, Inc. is pleased to provide our best available purchase price on commercial parts for the duration of your blanket purchase order. All parts are sold at list price except those parts on the Toro Performance Parts Program. The Performance Parts Program consists of 1500 of the most commonly used replacement parts. Prices and discounts on the Performance Parts Program do change annually. Program pricing is determined by Toro, with discounts ranging from zero to fifty-five percent.

All prices are subject to change and will change at least annually. Toro prices typically change annually on November 1st. Spartan Distributors, Inc. reserves the right to change pricing and discount structures at any time.

Orders requiring shipment are sent UPS Ground or Next Day Air at the customer's request. Freight charges are pre-paid and added to your invoice.

We look forward to being of assistance in the future, and wish to remain on your bid list. If you should have any questions or need further information, feel free to contact me at 800-822-2216 ext. 3169.

Sincerely,

Mike Janowiecki
Parts Representative

MJ/dm

WEINGARTZ

GOLF & TURF

June 15, 2005

Jeanette Bennett
Purchasing Director
City of Troy

Fax (248) 879-3607

Ms. Bennett:

Weingartz offers to sell John Deere Golf and Turf parts at list price in a time period beginning today and ending June 30, 2008. List price will be based on the manufacturer's published list price at the time of the order. Electronic price lists are available upon request.

Weingartz is the exclusive distributor for John Deere Golf and Turf parts in the state of Michigan.

We look forward to servicing your needs. If you have any questions, please feel free to call.

Sincerely,

WEINGARTZ

Daniel Weingartz

Daniel Weingartz
General Manager
(248) 471-3050
Fax (248) 471-6948

July 1, 2005

TO: John Szerlag, City Manager

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

RE: **AGENDA ITEM – REQUEST TO PUBLISH AND SOLICIT FOR PUBLIC SEALED BID – SALE OF 11 SURPLUS PARCELS**

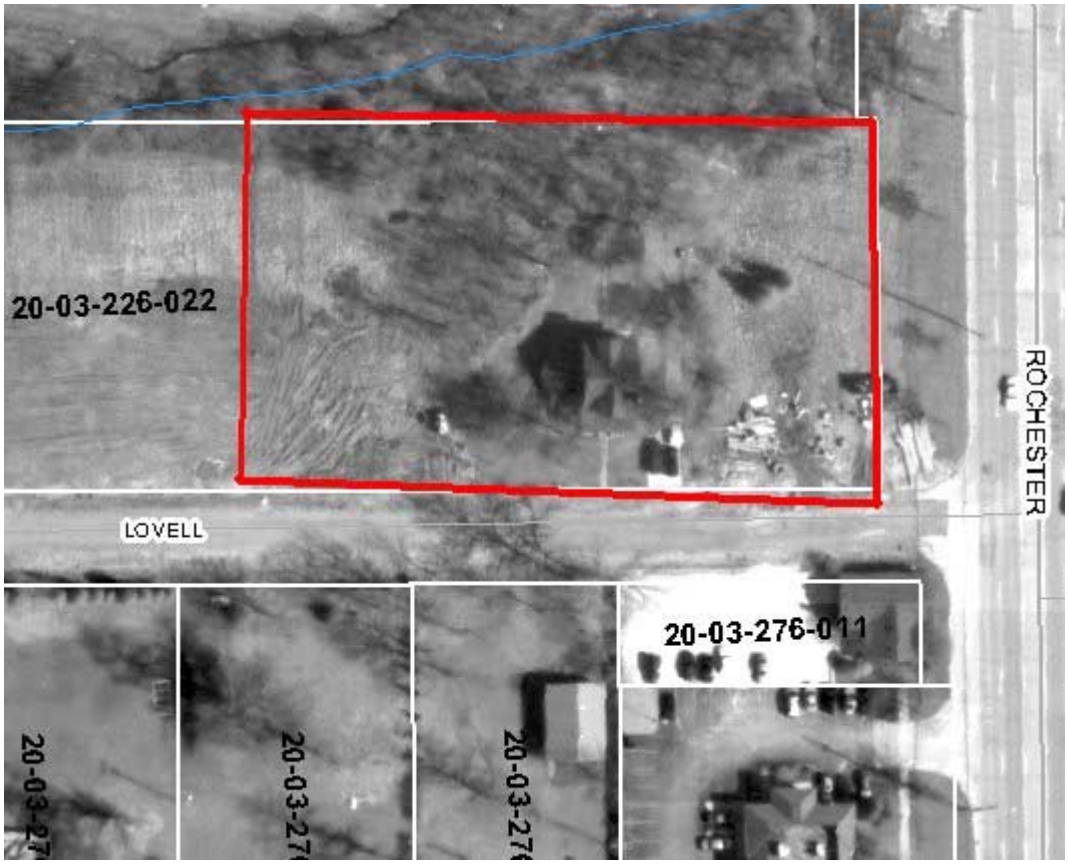
The Real Estate and Development Department has had 11 surplus parcels appraised, which are listed below:

Parcel#	Sidwell#	Appraised Value	Type Property
1	20-01-476-032	$340,000.00	Vacant B-1
2	20-03-226-022(part)	$175,000.00	Vacant Residential
3	20-03-126-006	$80,000.00	Vacant Residential
5	20-03-226-022	$95,000.00	Vacant O-1
9	20-16-476-027,028	$187,000.00	Vacant Residential
21	20-26-433-019,020	$70,000.00	Vacant M-1
22	20-26-483-053	$235,000.00	Vacant M-1
23	20-28-477-042	$18,000.00	Vacant M-1
24	20-27-155-013	$60,000.00	Vacant Residential
26	20-34-201-003	$20,000.00	Vacant M-1
27	20-34-201-009	$13,500.00	Vacant M-1

The Real Estate and Development Department, in conjunction with the Purchasing Department requests approval to advertise to sell these 11 surplus parcels by public sealed bid, with a minimum acceptable bid at the appraised value.

Prepared by: Dennis C. Stephens, Right of Way Representative

Surplus Parcel #1

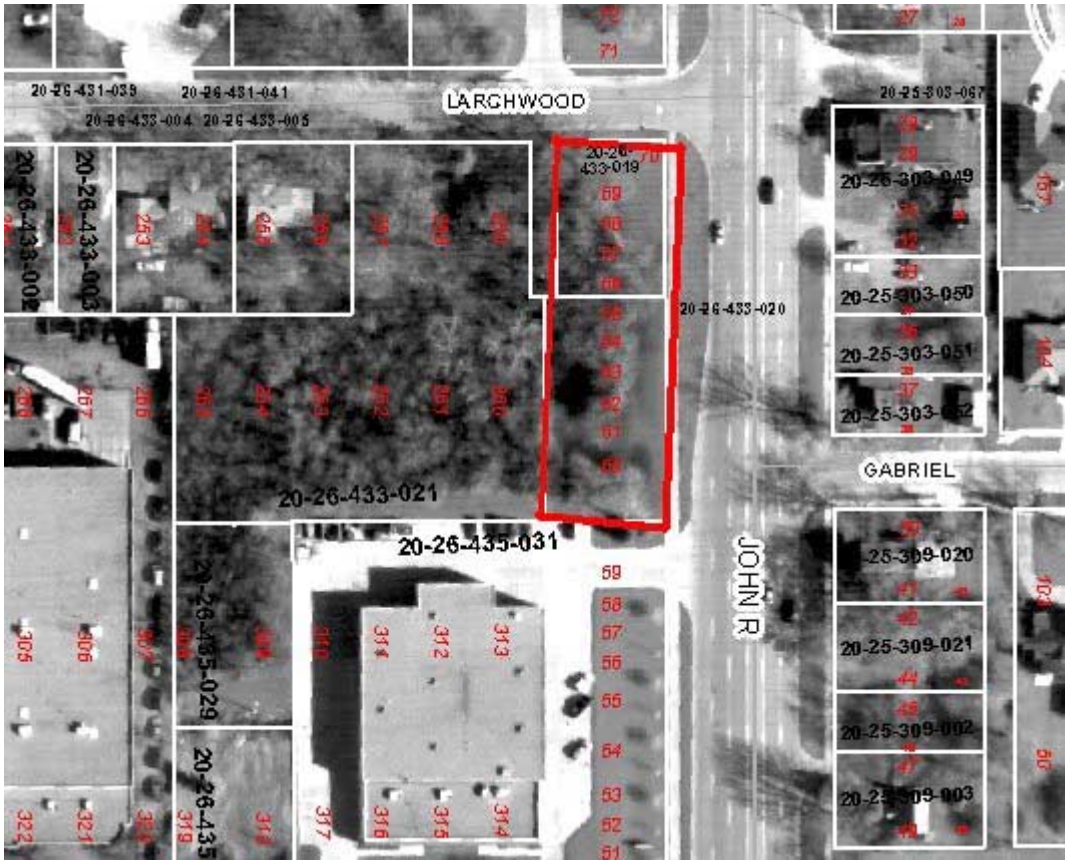


Surplus Parcel #2

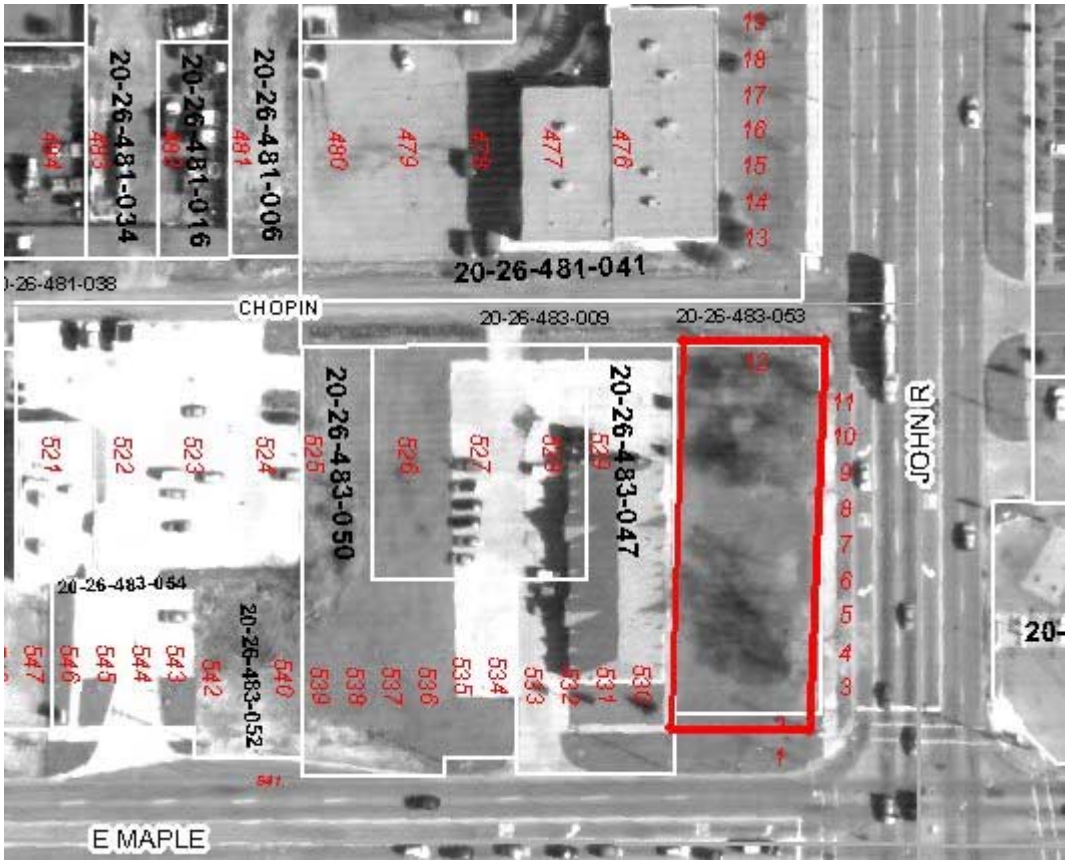
Surplus Parcel #3

Surplus Parcel #5

Surplus Parcel #9



Surplus Parcel #21



Surplus Parcel #22

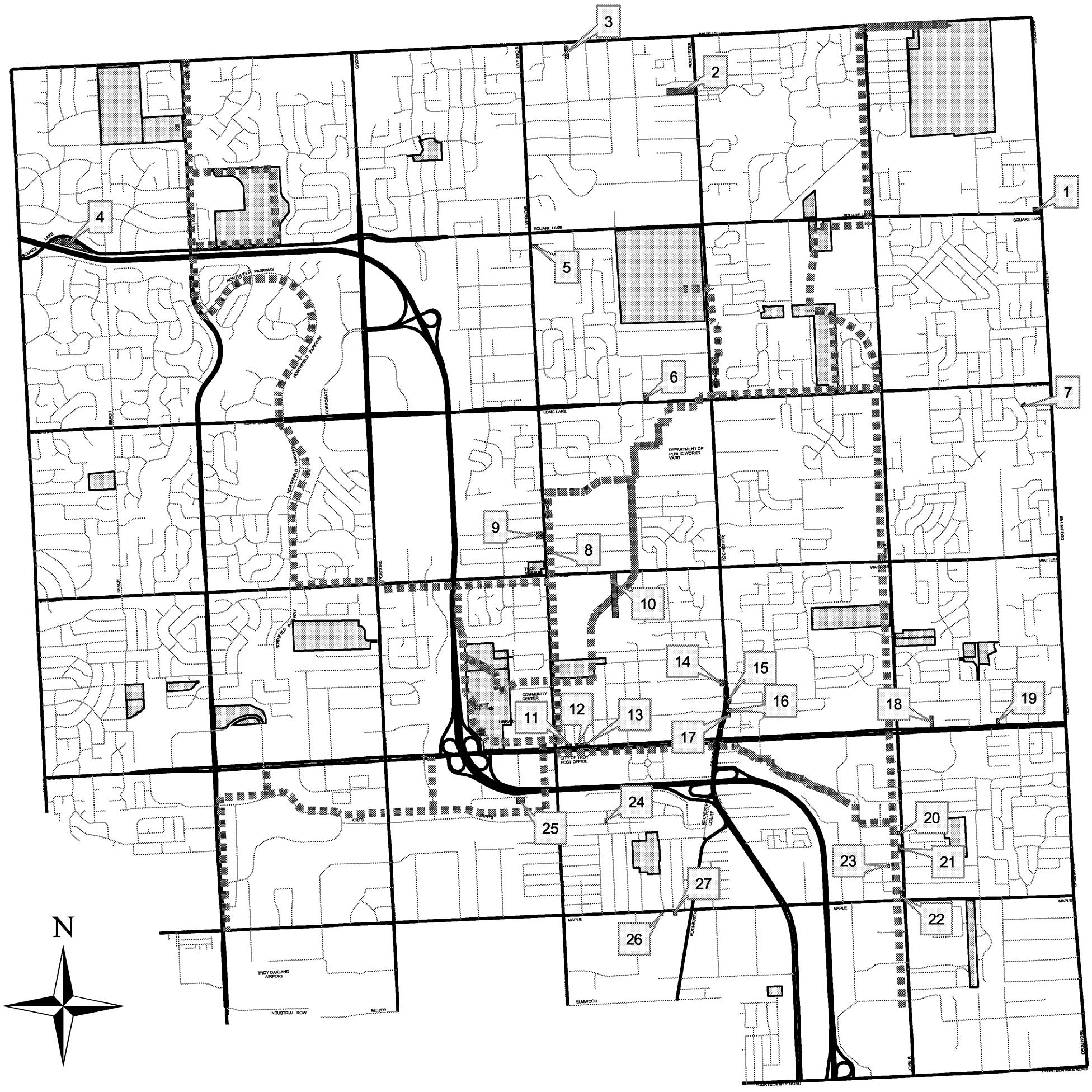
Surplus Parcel #23

Surplus Parcel #24

Surplus Parcel #26

Surplus Parcel # 27

CITY OF TROY



Feet

0 1,000 2,000 4,000 6,000 8,000 10,000

NOTE: THE INFORMATION PROVIDED BY THIS PROGRAM HAS BEEN COMPILED FROM RECORDED DEEDS, PLATS, TAX MAPS, SURVEYS, AND OTHER PUBLIC RECORDS AND DATA. IT IS NOT A LEGALLY RECORDED MAP OR SURVEY. USERS OF THIS DATA ARE HEREBY NOTIFIED THAT THE SOURCE INFORMATION REPRESENTED SHOULD BY CONSULTED FOR VERIFICATION.

Legend

- SURPLUS PARCELS
- SAFETY PATH PLAN
- CITY OF TROY PARKS & FUTURE PARKS

PREPARED BY CITY OF TROY PLANNING DEPARTMENT 05-17-04

DATE: June 23, 2005

TO: John Szerlag, City Manager

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

SUBJECT: AGENDA ITEM – FINAL SITE CONDOMINIUM REVIEW – Stone Haven Woods East No. 2 Site Condominium, South side of Wattles Road, West of Crooks Road, Section 20 – R-1B

RECOMMENDATION

On September 27, 2004 City Council granted preliminary approval of the proposed site condominium.

The Engineering Department granted approval of the engineering plans based upon the City's Development Standards; therefore, the development will not cause or exacerbate drainage problems on contiguous properties, due to surface run-off from the proposed development. In addition, the petitioner executed a contract for installation of municipal improvements and provided the required escrow deposits and cash fees. The proposed site condominium complies with all applicable ordinance requirements. City Management recommends approval of the Final Plan for Stone Haven Woods East No. 2 Site Condominium.

GENERAL INFORMATION

Name of Owner / Applicant:
Mondrian Properties.

Location of subject property:
The property is located on the south side of Wattles Road, west of Crooks Road, in section 20.

Size of subject parcel:
The parcel is approximately 2.02 acres in area.

Description of proposed development:
The applicant is proposing to develop a 4-unit site condominium, with Fadi Drive extending to the north and then turning to the east, ending in a stub street (Jefferson Drive). This stub street could potentially be extended to the east and south and provide access to future residential units.

Current use of subject property:
A single family residence presently sits on the property.

Current use of adjacent parcels:
North: Single family residential.
South: Single family residential.
East: Single family residential.
West: Single family residential.

Current zoning classification:
The property is currently zoned R-1B One Family Residential.

Zoning classification of adjacent parcels:
North: R-1B One Family Residential.
South: R-1B One Family Residential.
East: R-1B One Family Residential.
West: R-1B One Family Residential.

Future Land Use Designation:
The property is designated on the Future Land Use Plan as Low Density Residential.

ANALYSIS

Compliance with area and bulk requirements:

Lot Area: 15,000 square feet average, no less than 13,500 square feet with lot averaging. The applicant is using lot averaging; all units meet this requirement.

Lot Width: 100 feet, no less than 90 feet with lot averaging. The applicant is using lot averaging; all units meet this requirement.

Height: 2 stories or 25 feet.

Setbacks: Front: 40 feet.
Side (least one): 10 feet.
Side (total two): 25 feet.
Rear: 45 feet.

Minimum Floor Area: 1,400 square feet.

Maximum Lot Coverage: 30%.

The applicant meets the area and bulk requirements of the R-1B 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:
A Tree Preservation Plan was submitted as part of the application.

Stormwater detention:
The applicant is proposing to utilize the existing detention basin located at the southeast corner of Stone Haven Woods East Subdivision.

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

Subdivision Control Ordinance, Article IV Design Standards

Blocks: The applicant is proposing to extend Fadi Drive to the north and east.

Lots: All units meet the minimum area and bulk requirements of the Zoning Ordinance.

Topographic Conditions: The parcel is relatively flat and contains some trees.

Streets: The applicant is proposing extend Fadi Drive, a 60-foot wide public right-of-way.

Sidewalks: The applicant is proposing to construct 5-foot wide sidewalks along both sides of the proposed street and an 8-foot wide sidewalk on the south side of Wattles.

Utilities: The parcel is served by public water and sewer.

Attachments:
1. Maps
2. Unplatted Residential Development Levels of Approval
3. Comparison Between Site Condominiums and Plats
4. City Council Minutes from September 27, 2004
5. Contract for Installation of Municipal Services

cc: Applicant
File/Stone Haven Woods East No. 2 Site Condominium

Prepared by RBS/MFM

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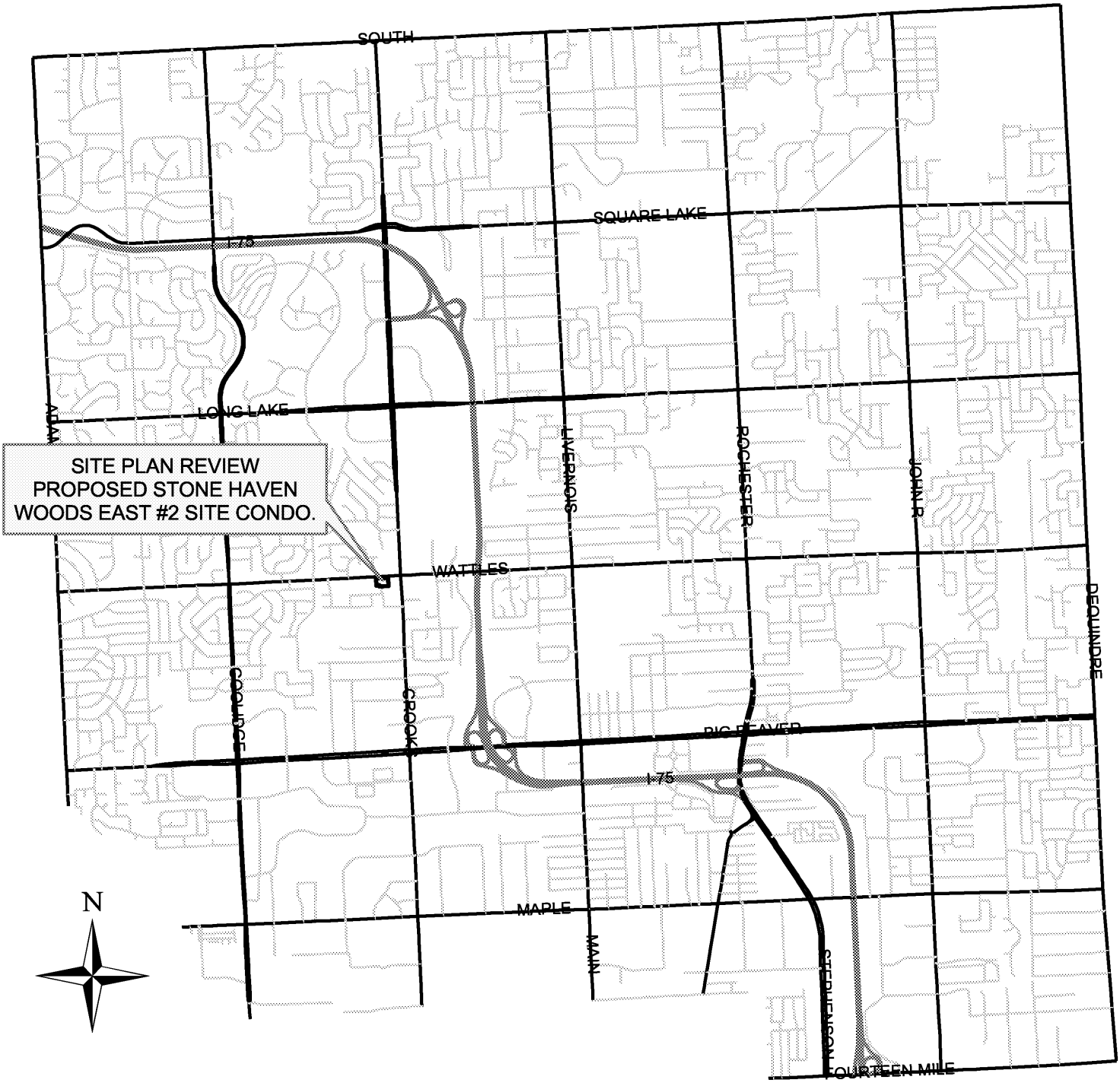
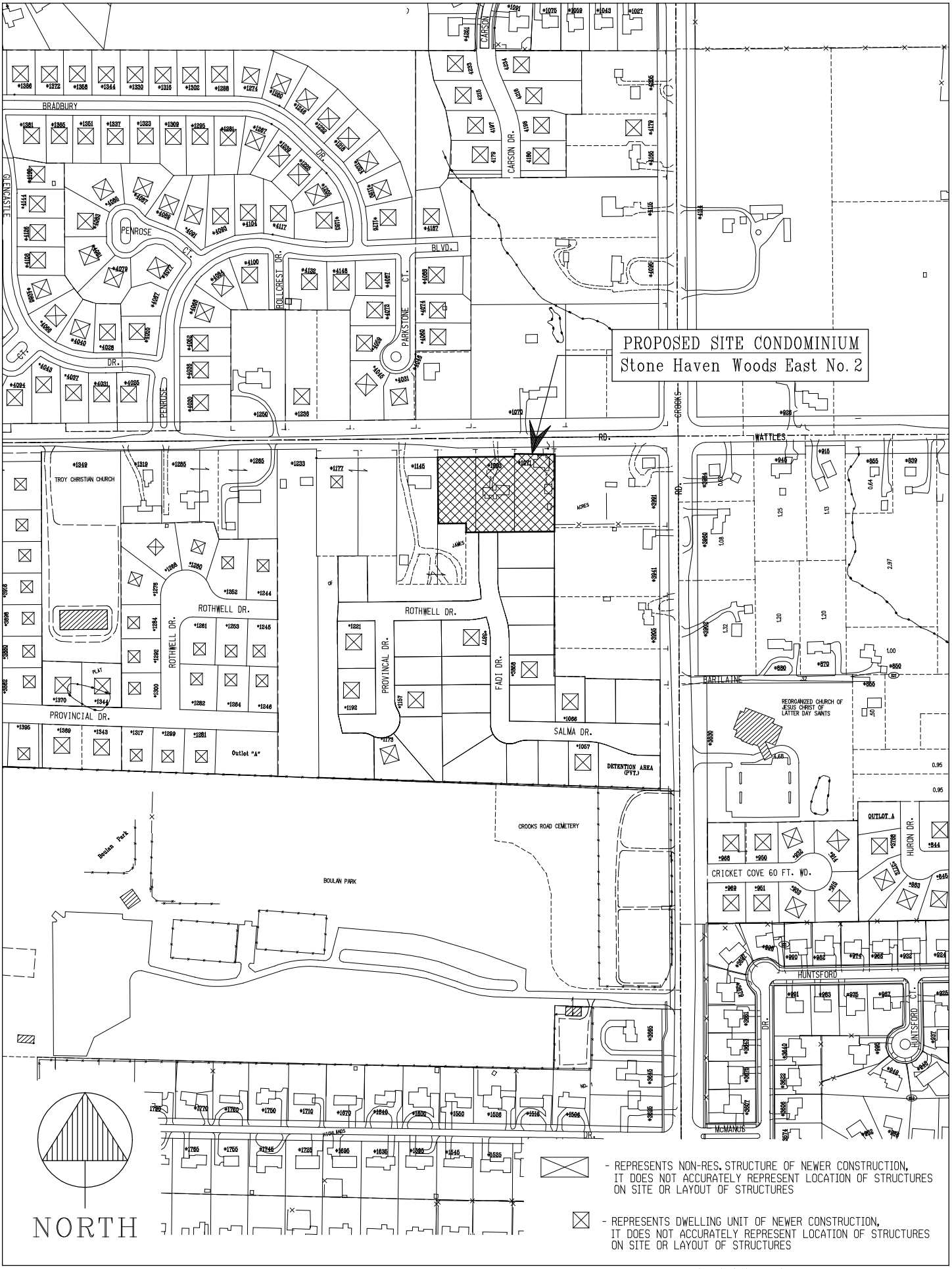
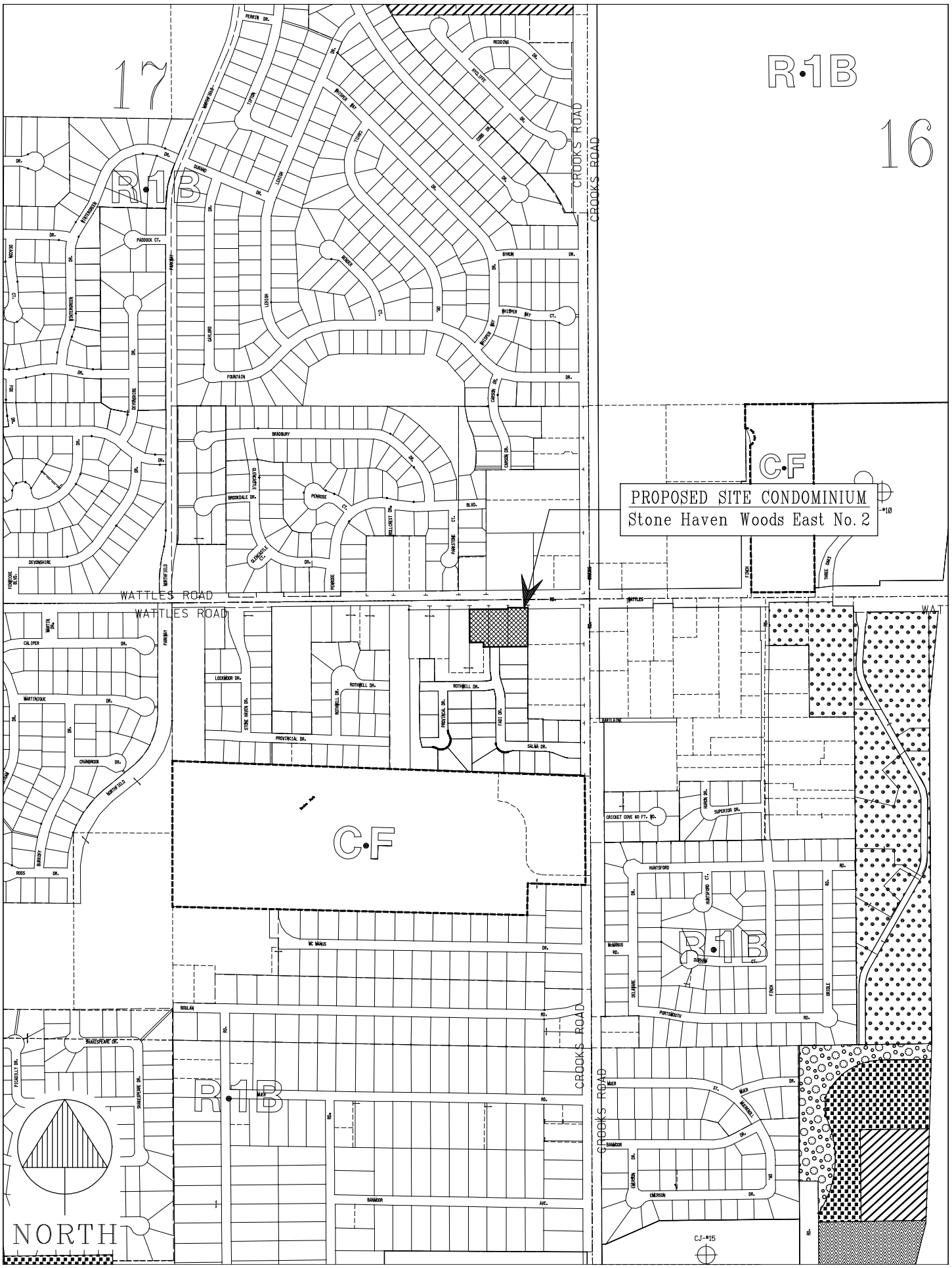
CITY OF TROY

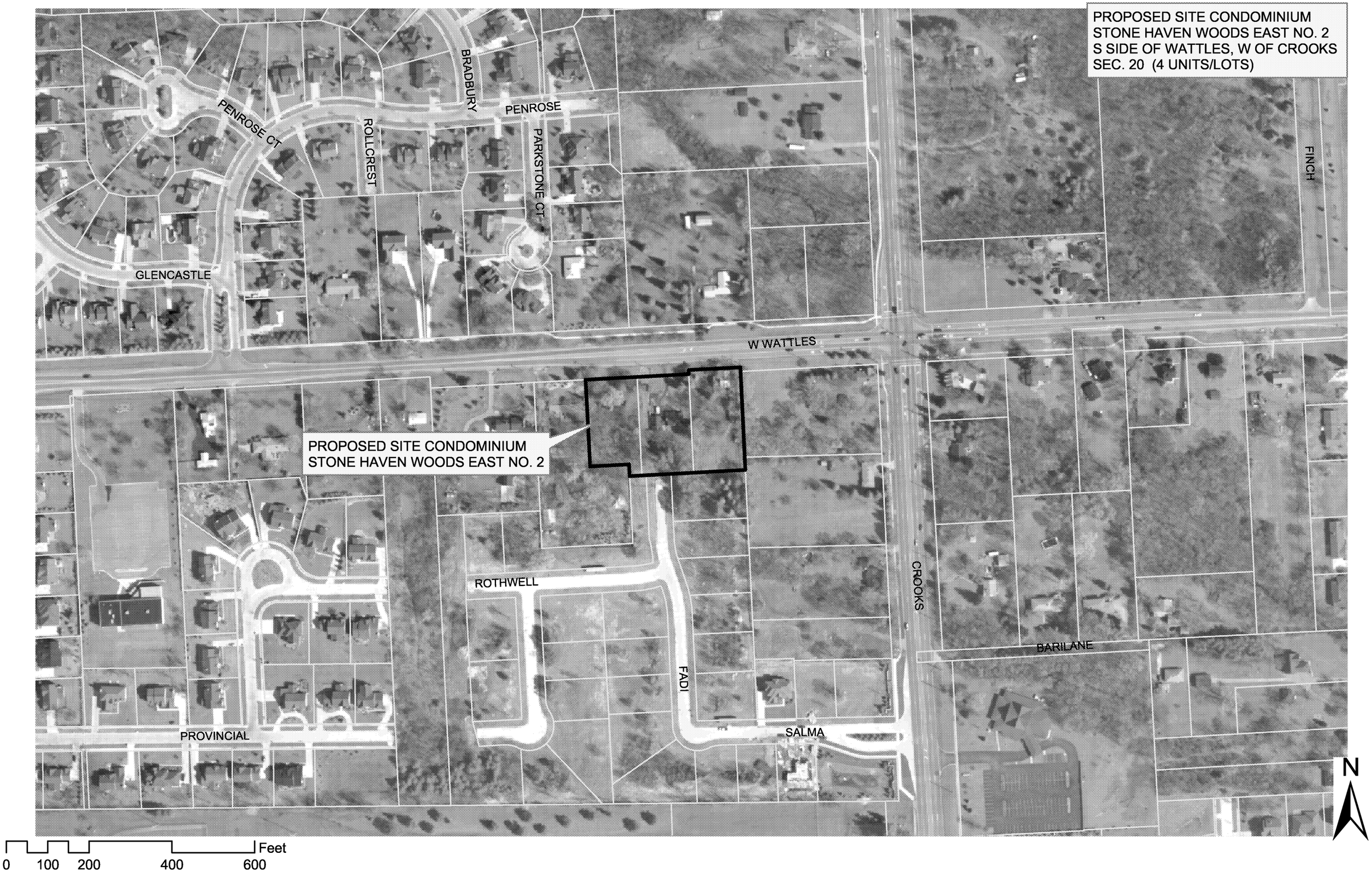


PREPARED BY CITY OF TROY PLANNING DEPT.



STONE HAVEN WOODS EAST #2 S.C. / SEC. 20 / 04-16-04


PROPOSED SITE CONDOMINIUM
Stone Haven Woods East No. 2
R-1B
17
16
C-F
CROOKS ROAD
WATTLES ROAD
NORTH


PROPOSED SITE CONDOMINIUM
STONE HAVEN WOODS EAST NO. 2
S SIDE OF WATTLES, W OF CROOKS
SEC. 20 (4 UNITS/LOTS)
PENROSE CT
BRADBURY
PENROSE
ROLLCREST
PARKSTONE CT
FINCH
GLENCASTLE
W WATTLES
PROPOSED SITE CONDOMINIUM
STONE HAVEN WOODS EAST NO. 2
ROTHWELL
CROOKS
BARILANE
FADI
SALMA
PROVINCIAL
N
0
100
200
400
600
Feet

UNPLATTED RESIDENTIAL DEVELOPMENT LEVELS OF APPROVAL

Preliminary Plan Approval

A sign is placed on the property informing the public of the proposed development.
Adjacent property owners are notified by mail
Public meeting held by **Planning Commission** for review and recommendation to City Council
City Council reviews and approvals plan

The following items are addressed at Preliminary Plan Approval:

- Street Pattern, including potential stub streets for future development
- Potential development pattern for adjacent properties
- Fully dimensioned residential parcel layout, including proposed building configurations
    - Number of lots
    - Building setbacks
    - Lot dimensions
    - Locations of easements
- Preliminary sanitary sewer, storm sewer, and water main layout
- Environmental Impact Statement (if required)
- Location(s) of wetlands on the property

Final Plan Approval

Notice sign is posted on site
City Council review and approval of:

- Final Plan
- Contract for Installation of Municipal Improvements (Private Agreement)

The following items are addressed at Final Plan Approval:

- Fully dimensioned plans of the total property proposed for development, prepared by registered Civil Engineer or Land Surveyor
- Corners of all proposed residential parcels and other points as necessary to determine that the potential parcels and building configurations will conform with ordinance requirements
- Warranty Deeds and Easement documents, in recordable form for all ROW. and easements which are to be conveyed to the public
- Construction plans for all utilities and street improvements, prepared in accordance with City Engineering Design Standards:
    - Sanitary and Storm sewer
    - Water mains
    - Detention / Retention basins
    - Grading and rear yard drainage
    - Paving and widening lanes
    - Sidewalk and driveway approaches
- Approval from other government agencies involved with the development
- Verification of wetlands and M.D.E.Q. permit if necessary
- Financial guarantees to insure the construction of required improvements and the placement of proper property and parcel monuments and markers shall be furnished by the petitioner prior to submittal of the Final Plan to the City Council for review and approval
- Floor Plans and Elevations of the proposed residential units

COMPARISON BETWEEN SITE CONDOMINIUMS AND PLATS

The site condominium is a form of development that closely resembles the more traditional form of land subdivision known as a "subdivision" or a "plat". Although both types of development have the same basic characteristics, site condominiums are a newer form of development and are not, therefore, as familiar to homebuyers and neighbors as the more customary plats. An important concept related to any type of condominium development is that condominiums are a form of OWNERSHIP, not a type of physical development.

The following summary is intended to compare and contrast the two types of development.

1. **Comparisons between site condominiums and plats.**

   a. **Statutory Basis** – Site condominium subdivisions first became possible under the Michigan Condominium Act, which was adopted by the Michigan Legislature in 1978. Plats are created under the Michigan Land Division Act, formerly the Michigan Subdivision Control Act of 1967.

   b. **Nature and Extent of Property Ownership** – An individual homesite building in a platted subdivision is called a "lot". In a site condominium, each separate building site or homesite is referred to by the Condominium Act as a "unit". Each unit is surrounded by "limited common area", which is defined as common elements reserved in the master deed for the exclusive use of less than all of the co-owners". The remaining area in the site condominium is "general common area", defined as the common elements reserved in the master deed for the use of all of the co-owners. The nature and extent of ownership of a platted lot and a condominium unit, with the associated limited common area, are essentially equivalent from both a practical and legal standpoint.

   c. **Compliance with Zoning Ordinance** – Both site condominiums and subdivisions are required to comply with the minimum requirements of the City of Troy Zoning Ordinance for area and bulk, including minimum lot size, lot width, setbacks and building height. Essentially, site condominiums and subdivisions in Troy must "look" similar.

   d. **Creation/Legal Document** – A site condominium is established by recording in the records of the county in which the land is located a master deed, bylaws and condominium subdivision plan ("plan"). A platted subdivision is created by the recording of a subdivision plat ("plat"), usually coupled with a declaration of easements, covenants, conditions and restrictions The plan depicts the condominium units and limited and general common areas, while the plat defines the lots. Both have

substantially the same geometrical appearance and characteristics. The master deed and bylaws on the one hand and the declaration on the other have essentially the same functions with respect to the site condominium or platted subdivision, namely, establishment of: (i) building and use restrictions; (ii) rights of homeowners to use common areas; (iii) financial obligations of owners; and, (iv) procedures for operation of the subdivision.

e. **Home Maintenance and Real Estate Taxes** – Each unit and lot, as respectively depicted on a condominium plan or subdivision plat, together with any home located thereon, are required to be individually maintained by the owner. Likewise, separate real estate taxes are assessed on each condominium unit or platted lot and paid individually by each homeowner.

f. **Roads and Utilities** – In most plats, roads are dedicated to the public and maintained by the county road commission or the municipality in which the subdivision is located. Site condominium roads can be either public or private. Sanitary sewer and water supply are public in both. Storm water detention can vary between public and private dedication in both platted and condominium subdivisions.

g. **Common Areas** – In a site condominium, general common areas, such as open space, entrance areas and storm drainage system, are owned by condominium unit owners in common as an incident of ownership of each unit. In a platted subdivision, legal title to common areas is owned by a homeowners association. In both forms of development, a homeowners association administers the common areas for the benefit of all homeowners equally.

h. **Homeowners Association** – It is important in both types of development to incorporate a homeowners association comprised of all lot owners or unit owners, as the case may be, to maintain common areas, enforce restrictions and regulations, collect assessments and otherwise administer the common affairs of the development. Because the Condominium Act confers special enforcement powers upon homeowner associations, which are not characteristic of platted subdivision associations, it is generally thought that the condominium form is superior from the standpoint of enforcing rules and regulations of the private community.

i. **Financial Obligations of Homeowners** – In both types of development, the homeowners association is given the power to assess property owners to pay for maintenance of all common areas and other expenses of administration. Failure to pay give rise to a lien on the defaulting owner's homesite thus providing financial security that the common areas will be properly maintained for the benefit of all homeowners.

j. **Public Relations** – The same types of public health, safety and welfare regulations apply to both forms of development. Procedurally, the methods of applying for and obtaining plat or condominium plan approval are similar at the municipal level.

k. **Unique Characteristics of Condominium Unit Purchase** – The Condominium Act provides special benefits for site condominium unit purchasers: (i) a 9-day period after signing a purchase agreement within which a purchaser may withdraw without penalty; and (ii) a requirement that all condominium documents, supplemented by an explanatory disclosure statement, be furnished to all purchasers at the time of entry into a purchase agreement. There are no similar benefits to purchasers provided under the Land Division Act.

l. **Local and State Review** – Both development types require City Council approval, following a recommendation by the Planning Commission. Unlike subdivisions, site condominiums do not require the review and approval of the Michigan Department of Consumer and Industry Services. For this reason it can sometimes take a substantially shorter period of time to obtain necessary public approvals of site condominiums than platted subdivisions.

2. Reason for choosing one form versus another.

Developers and municipalities often prefer the site condominium approach because of better control of market timing. It should be emphasized that the site condominium choice never sacrifices any public protections that would otherwise be present in the case of a platted subdivision under similar circumstances.

3. Conclusion.

The platted subdivision approach and the newer site condominium technique are two different statutory methods of reaching essentially the same practical and legal result of dividing real estate into separate residential building sites. Both methods are required to meet substantially the same public health, safety and welfare requirements. The site condominium is sometimes chosen over the platted subdivisions because of perceived benefits to purchasers, homeowners, and developers.

F-3 Preliminary Site Condominium Review: Stone Haven Woods East No. 2 - South Side of Wattles Road – West of Crooks Road – Section 20 – R-1B-PP

City Management requests a 5-minute presentation regarding this item.

Resolution #2004-09-517
Moved by Stine
Seconded by Eisenbacher

RESOLVED, That the Preliminary Plan as submitted under Section 34.30.00 of the Zoning Ordinance (Unplatted One-Family Residential Development) for the development of a One-Family Residential Site Condominium known as Stone Haven Woods East No. 2 Site Condominium, and as recommended for approval by the petitioner, City Management and the Planning Commission, located on the south side of Wattles Road, west of Crooks Road, including 4 home sites, within the R-1B zoning district, being 2.02 acres in size, is hereby **APPROVED**.

Yes: ~~All-7~~ All-6
No: None
Absent: Schilling

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.**

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:

_____

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

DATE: July 1, 2005

TO: John Szerlag, City Manager

FROM: Brian Murphy, Assistant City Manager/Services
Douglas J. Smith, Real Estate & Development Director
Steven J. Vandette, City Engineer
Mark F. Miller, Planning Director

SUBJECT: AGENDA ITEM – FINAL SITE CONDOMINIUM REVIEW (REVISED) – Hidden Forest Site Condominium, south side of Wattles, east of Livernois, section 22 – R-1C.

RECOMMENDATION

On May 16, 2005 City Council granted preliminary approval of the proposed site condominium.

The Engineering Department granted approval of the engineering plans based upon the City's Development Standards; therefore, the development will not cause or exacerbate drainage problems on contiguous properties, due to surface run-off from the proposed development. In addition, the petitioner executed a contract for installation of municipal improvements and provided the required escrow deposits and cash fees. The proposed site condominium complies with all applicable ordinance requirements. City Management recommends approval of the Final Plan for Hidden Forest Site Condominium.

BACKGROUND

The applicant received Preliminary Site Condominium Approval from City Council for a 34-unit site condominium on April 19, 2004, and completed the engineering design. However, the applicant purchased the 0.82-acre parcel on the east side of the Wattles Road entry drive and proposes to incorporate the property into the site condominium and develop three additional units on the property. On May 16, 2005, City Council granted Preliminary Approval to the revised site condominium. The applicant has completed the engineering design for a 37-unit site condominium and seeks Final Site Condominium Approval from City Council for the revised design and approval of the Contract for Municipal Improvements.

GENERAL INFORMATION

Name of Owner / Applicant:
Gary Abitheira.

Location of subject property:
The property is located on the south side of Wattles, east of Livernois in section 22.

Size of subject parcel:
The parcel is approximately 17.79 acres in area.

Current use of subject property:
The property is presently vacant.

Proposed Use of subject property:
The applicant proposes a 37-unit site condominium.

Current use of adjacent parcels:
North: Single family residential and vacant.
South: McColloch Drain (City of Troy) and Wattles Elementary School.
East: Single family residential.
West: Single family residential and McColloch Drain (City of Troy).

Current zoning classification:
The property is currently zoned R-1C One Family Residential.

Zoning classification of adjacent parcels:
North: R-1C One Family Residential.
South: R-1C One Family Residential.
East: R-1C One Family Residential.
West: R-1C One Family Residential.

Future Land Use Designation:
The property is designated on the Future Land Use Plan as Low Density Residential.

ANALYSIS

Compliance with area and bulk requirements:
Lot Area: 10,500 square feet (reduced to 9,450 square feet using lot averaging).

Lot Width: 85 feet (reduced to 76.5 feet using lot averaging).

Height: 2 stories or 25 feet.

Setbacks: Front: 30 feet.
Side (least one): 10 feet.
Side (total two): 20 feet.
Rear: 40 feet.
Minimum Floor Area: 1,200 square feet.

Maximum Lot Coverage: 30 %.

The applicant meets the area and bulk requirements of the R-1C 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:
A Tree Preservation Plan was submitted as part of the application.

Stormwater detention
The applicant is proposing to provide on-site detention in the southeast corner of the development. The detention pond will have a 1 on 6 slope and will be unfenced, and dedicated to the City.

Natural features and floodplains:
The Natural Features Map indicates that there are wetlands, woodlands and a drain located on the property. A Wetland Evaluation was conducted on the parcel by Brooks Williamson and Associates, Inc. on November 24, 2003. The report indicates there are 3 State-regulated wetlands on the parcel. One of these wetlands is located in the northwest corner of the parcel, the other two are located in the southern portion of the parcel. In addition there is floodway and 100 year floodplain located on the subject property.

Subdivision Control Ordinance, Article IV Design Standards

Blocks: Access to the site condominium will be provided by a two-way entry drive on Wattles Road.

Lots: All units meet the minimum area and bulk requirements of the Zoning Ordinance.

Topographic Conditions: The property is relatively flat, with elevations ranging from 666 feet above sea level to 671 feet above sea level. The Topographic Survey indicates the existing flood plain elevation is 668.3 feet above sea level.

Streets: The streets are proposed to be 28-feet wide and are to be located within a 60-foot right-of-way.

Sidewalks: The applicant is proposing to install 5-foot wide sidewalks along both sides of the drive, including the cul-de-sacs. In addition the applicant is proposing an emergency vehicle access (EVA) connection to Troywood, and an 8-foot wide concrete pedestrian access path connection to the existing path, in the southeast corner of the property. This will provide a non-motorized connection between the neighborhood and both Troywood and Wattles Elementary School.

Utilities: The parcel is served by public water and sewer.

Attachments:

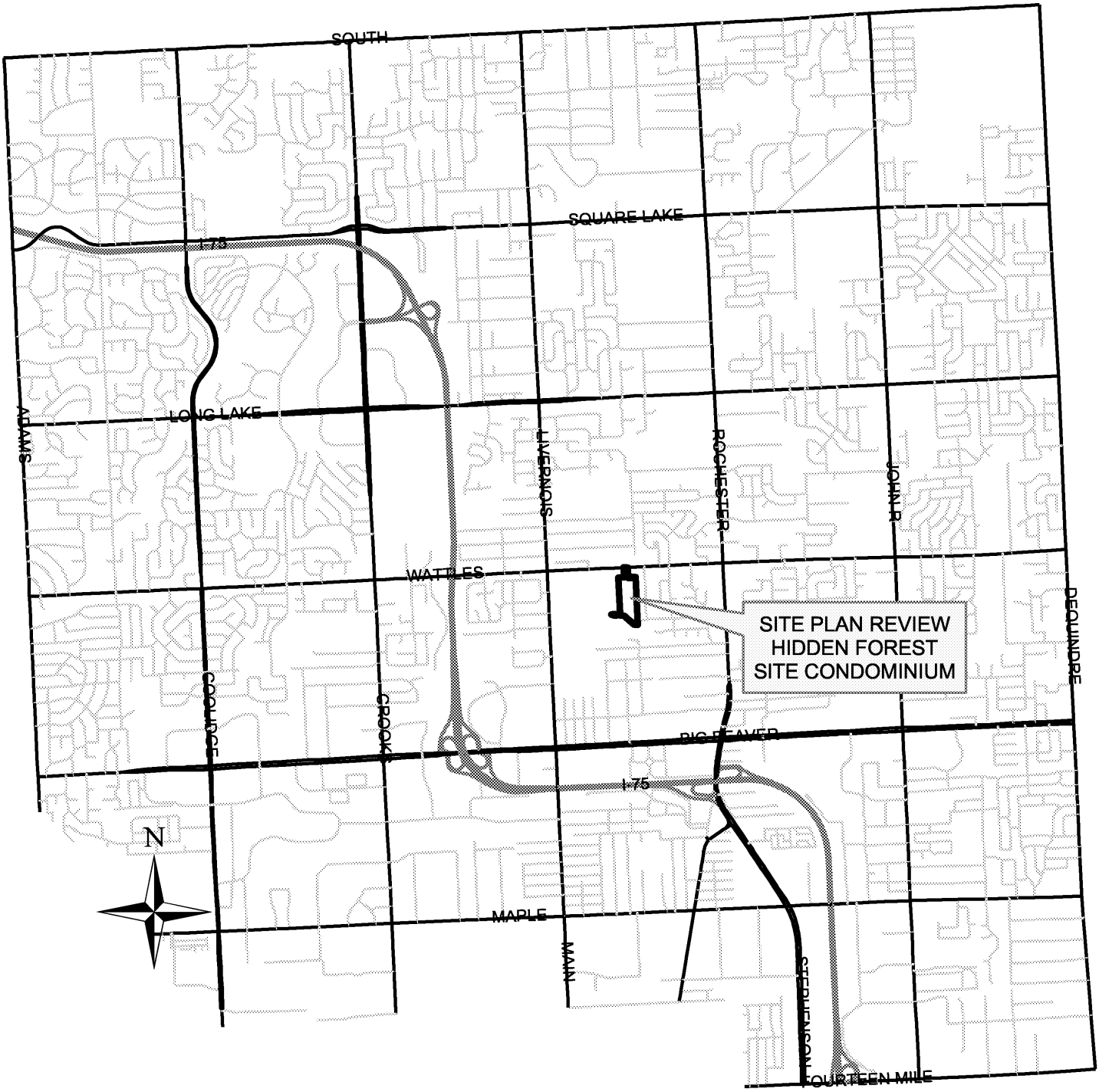
1. Maps
2. Unplatted Residential Development Levels of Approval.
3. Comparison Between Site Condominiums and Plats.
4. City Council Minutes from May 16, 2005.
5. Contract for Installation of Municipal Services.

cc: Applicant
File/Hidden Forest Site Condominium

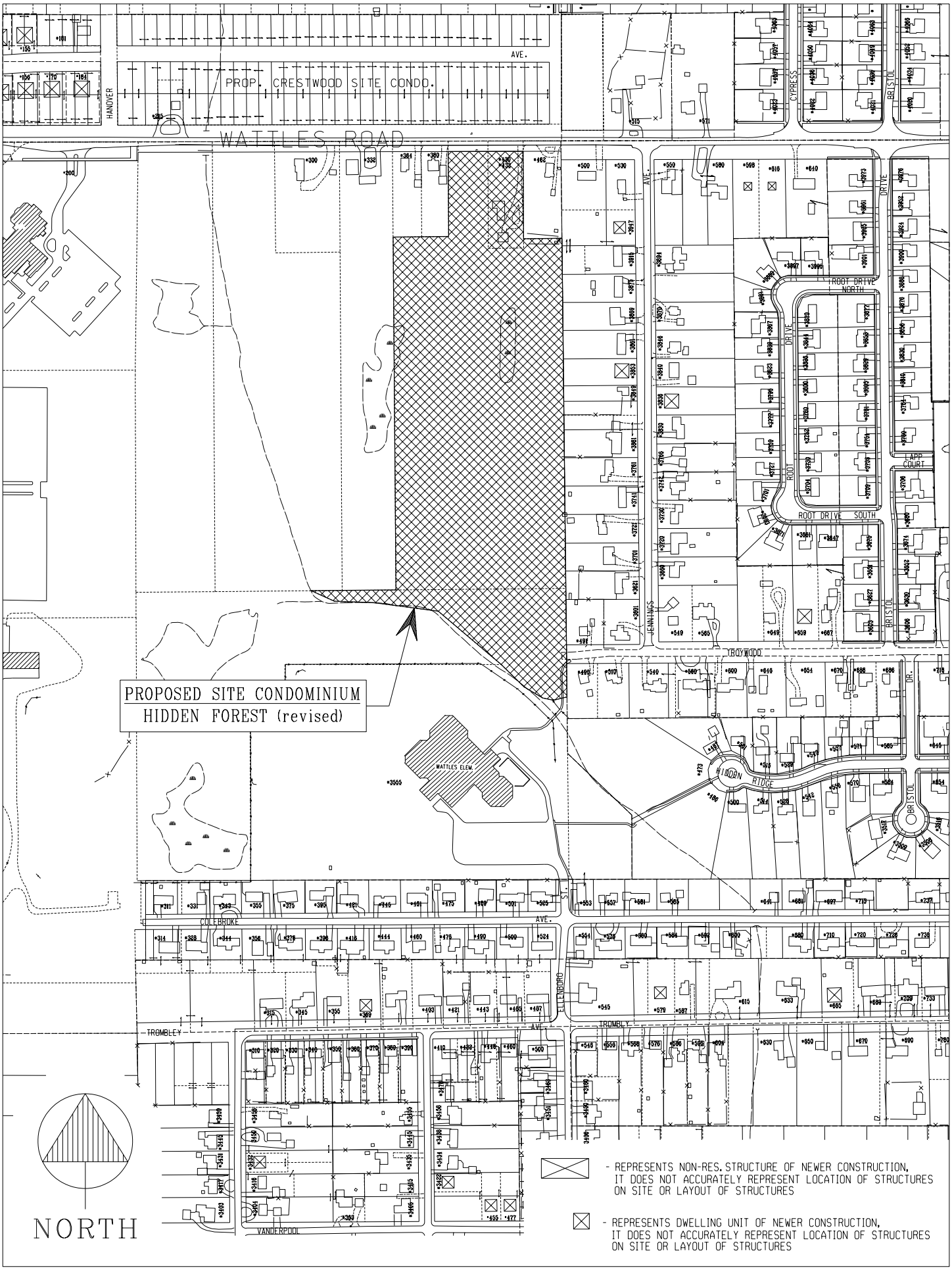
Prepared by RBS/MFM

G:\SUBDIVISIONS & SITE CONDOS\HIDDEN FOREST SITE CONDO SEC 22\Revised - Hidden Forest Site Condo CC Final Approval 07 11 05.doc

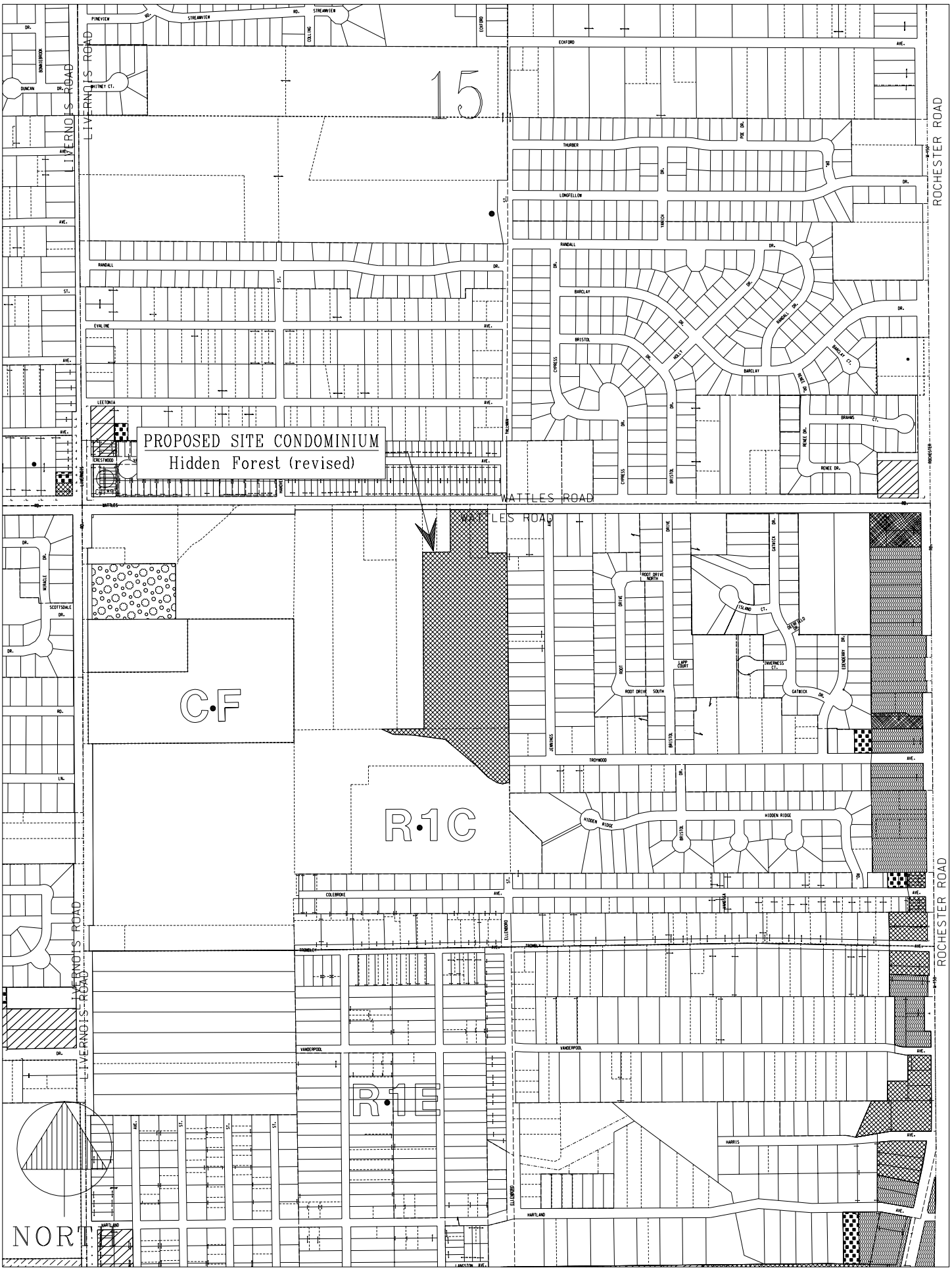
CITY OF TROY



PREPARED BY CITY OF TROY PLANNING DEPT.



HIDDEN FOREST S.C. / SEC. 22 / 04-21-05


PROPOSED SITE CONDOMINIUM
Hidden Forest (revised)
15
C·F
R·1C
R·1E
NORTH
LIVERNOIS ROAD
ROCHESTER ROAD
WATTLES ROAD
ECKFORD
THURBER
LONGFELLOW
RANDALL
BARCLAY
BRISTOL
CYPRESS
HOLLY
BRAHMS CT.
RENEE DR.
ROOT DRIVE NORTH
ROOT DRIVE SOUTH
LAPP COURT
ISLAND CT.
INVERNESS CT.
GATWICK DR.
EDENDERRY DR.
TROYWOOD
HIDDEN RIDGE
COLEBROKE
TROMBLEY
VANDERPOOL
HARRIS
HARTLAND
LANGSTON AVE.
ELLENBORO
JENNINGS
PINEVIEW
STREANVIEW
WHITNEY CT.
DUNCAN
BONNIEBROOK
EVALINE
LEETONIA
CRESTWOOD
SCOTTSDALE
MIRACLE
PALMAN
YANICH
POE DR.
DEERFIELD DR.
GATWICK
ROOT
DRIVE
BRISTOL
HARRIS
M-150

SITE PLAN REVIEW
PROPOSED HIDDEN FOREST
SITE CONDOMINIUM (REVISED)
S SIDE OF WATTLES, W OF JENNINGS
SEC. 22 (37 UNITS/LOTS)
SITE PLAN REVIEW
HIDDEN FOREST SITE
CONDOMINIUM (REVISED)
CRESTFIELD
HANOVER
E WATTLES
CYPRESS
JENNINGS
GATWICK
ISLAND
DEERFIELD
ROOT
BRISTOL
INVERNESS CT
EDENDERRY
TROYWOOD
BRISTOL
HIDDENRIDGE
ELLENBORO
COLEBROOK
Feet
0 100 200 400 600

UNPLATTED RESIDENTIAL DEVELOPMENT LEVELS OF APPROVAL

Preliminary Plan Approval

A sign is placed on the property informing the public of the proposed development.
Adjacent property owners are notified by mail
Public meeting held by **Planning Commission** for review and recommendation to City Council
City Council reviews and approvals plan

The following items are addressed at Preliminary Plan Approval:

- Street Pattern, including potential stub streets for future development
- Potential development pattern for adjacent properties
- Fully dimensioned residential parcel layout, including proposed building configurations
    - Number of lots
    - Building setbacks
    - Lot dimensions
    - Locations of easements
- Preliminary sanitary sewer, storm sewer, and water main layout
- Environmental Impact Statement (if required)
- Location(s) of wetlands on the property

Final Plan Approval

Notice sign is posted on site
City Council review and approval of:

- Final Plan
- Contract for Installation of Municipal Improvements (Private Agreement)

The following items are addressed at Final Plan Approval:

- Fully dimensioned plans of the total property proposed for development, prepared by registered Civil Engineer or Land Surveyor
- Corners of all proposed residential parcels and other points as necessary to determine that the potential parcels and building configurations will conform with ordinance requirements
- Warranty Deeds and Easement documents, in recordable form for all ROW. and easements which are to be conveyed to the public
- Construction plans for all utilities and street improvements, prepared in accordance with City Engineering Design Standards:
    - Sanitary and Storm sewer
    - Water mains
    - Detention / Retention basins
    - Grading and rear yard drainage
    - Paving and widening lanes
    - Sidewalk and driveway approaches
- Approval from other government agencies involved with the development
- Verification of wetlands and M.D.E.Q. permit if necessary
- Financial guarantees to insure the construction of required improvements and the placement of proper property and parcel monuments and markers shall be furnished by the petitioner prior to submittal of the Final Plan to the City Council for review and approval
- Floor Plans and Elevations of the proposed residential units

COMPARISON BETWEEN SITE CONDOMINIUMS AND PLATS

The site condominium is a form of development that closely resembles the more traditional form of land subdivision known as a "subdivision" or a "plat". Although both types of development have the same basic characteristics, site condominiums are a newer form of development and are not, therefore, as familiar to homebuyers and neighbors as the more customary plats. An important concept related to any type of condominium development is that condominiums are a form of OWNERSHIP, not a type of physical development.

The following summary is intended to compare and contrast the two types of development.

1. **Comparisons between site condominiums and plats.**

   a. **Statutory Basis** – Site condominium subdivisions first became possible under the Michigan Condominium Act, which was adopted by the Michigan Legislature in 1978. Plats are created under the Michigan Land Division Act, formerly the Michigan Subdivision Control Act of 1967.

   b. **Nature and Extent of Property Ownership** – An individual homesite building in a platted subdivision is called a "lot". In a site condominium, each separate building site or homesite is referred to by the Condominium Act as a "unit". Each unit is surrounded by "limited common area", which is defined as common elements reserved in the master deed for the exclusive use of less than all of the co-owners". The remaining area in the site condominium is "general common area", defined as the common elements reserved in the master deed for the use of all of the co-owners. The nature and extent of ownership of a platted lot and a condominium unit, with the associated limited common area, are essentially equivalent from both a practical and legal standpoint.

   c. **Compliance with Zoning Ordinance** – Both site condominiums and subdivisions are required to comply with the minimum requirements of the City of Troy Zoning Ordinance for area and bulk, including minimum lot size, lot width, setbacks and building height. Essentially, site condominiums and subdivisions in Troy must "look" similar.

   d. **Creation/Legal Document** – A site condominium is established by recording in the records of the county in which the land is located a master deed, bylaws and condominium subdivision plan ("plan"). A platted subdivision is created by the recording of a subdivision plat ("plat"), usually coupled with a declaration of easements, covenants, conditions and restrictions The plan depicts the condominium units and limited and general common areas, while the plat defines the lots. Both have

substantially the same geometrical appearance and characteristics. The master deed and bylaws on the one hand and the declaration on the other have essentially the same functions with respect to the site condominium or platted subdivision, namely, establishment of: (i) building and use restrictions; (ii) rights of homeowners to use common areas; (iii) financial obligations of owners; and, (iv) procedures for operation of the subdivision.

e. **Home Maintenance and Real Estate Taxes** – Each unit and lot, as respectively depicted on a condominium plan or subdivision plat, together with any home located thereon, are required to be individually maintained by the owner. Likewise, separate real estate taxes are assessed on each condominium unit or platted lot and paid individually by each homeowner.

f. **Roads and Utilities** – In most plats, roads are dedicated to the public and maintained by the county road commission or the municipality in which the subdivision is located. Site condominium roads can be either public or private. Sanitary sewer and water supply are public in both. Storm water detention can vary between public and private dedication in both platted and condominium subdivisions.

g. **Common Areas** – In a site condominium, general common areas, such as open space, entrance areas and storm drainage system, are owned by condominium unit owners in common as an incident of ownership of each unit. In a platted subdivision, legal title to common areas is owned by a homeowners association. In both forms of development, a homeowners association administers the common areas for the benefit of all homeowners equally.

h. **Homeowners Association** – It is important in both types of development to incorporate a homeowners association compromised of all lot owners or unit owners, as the case may be, to maintain common areas, enforce restrictions and regulations, collect assessments and otherwise administer the common affairs of the development. Because the Condominium Act confers special enforcement powers upon homeowner associations, which are not characteristic of platted subdivision associations, it is generally thought that the condominium form is superior from the standpoint of enforcing rules and regulations of the private community.

i. **Financial Obligations of Homeowners** – In both types of development, the homeowners association is given the power to assess property owners to pay for maintenance of all common areas and other expenses of administration. Failure to pay give rise to a lien on the defaulting owner's homesite thus providing financial security that the common areas will be properly maintained for the benefit of all homeowners.

j. **Public Relations** – The same types of public health, safety and welfare regulations apply to both forms of development. Procedurally, the methods of applying for and obtaining plat or condominium plan approval are similar at the municipal level.

k. **Unique Characteristics of Condominium Unit Purchase** – The Condominium Act provides special benefits for site condominium unit purchasers: (i) a 9-day period after signing a purchase agreement within which a purchaser may withdraw without penalty; and (ii) a requirement that all condominium documents, supplemented by an explanatory disclosure statement, be furnished to all purchasers at the time of entry into a purchase agreement. There are no similar benefits to purchasers provided under the Land Division Act.

l. **Local and State Review** – Both development types require City Council approval, following a recommendation by the Planning Commission. Unlike subdivisions, site condominiums do not require the review and approval of the Michigan Department of Consumer and Industry Services. For this reason it can sometimes take a substantially shorter period of time to obtain necessary public approvals of site condominiums than platted subdivisions.

2. Reason for choosing one form versus another.

Developers and municipalities often prefer the site condominium approach because of better control of market timing. It should be emphasized that the site condominium choice never sacrifices any public protections that would otherwise be present in the case of a platted subdivision under similar circumstances.

3. Conclusion.

The platted subdivision approach and the newer site condominium technique are two different statutory methods of reaching essentially the same practical and legal result of subdividing real estate into separate residential building sites. Both methods are required to meet substantially the same public health, safety and welfare requirements. The site condominium is sometimes chosen over the platted subdivisions because of perceived benefits to purchasers, homeowners, and developers.

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

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

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

Yes: All-6
No: None
Absent: Beltramini

July 1, 2005

TO: John Szerlag, City Manager

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

SUBJECT: Agenda Item - Private Agreement for Hidden Forest Site Condominiums
Project No. 04.908.3

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

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

Approval is recommended.

cc: Tonni Bartholomew, City Clerk (Original Agreement)
James Nash, Financial Services Director
Carol Anderson, Director of Parks and Recreation
Mark Miller, Planning Director
Nino Licari, City Assessor
Timothy Richnak, Director of Public Works
William Jawlik, Inspector Supervisor.
GFA Development

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

Enclosed Private Agreement, Detailed Summary, Sketch and Suggested Resolution

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Approval of Contract for the Installation of Municipal Improvements (Private Agreement) for Hidden Forest Site Condominiums, Project No. 04.908.3

RESOLVED, that the *Contract for the Installation of Municipal Improvements* (Private Agreement) between the City of Troy and GFA Development Company is hereby approved for the installation of sanitary sewer, storm sewer, detention, water main, soil erosion, sidewalks, landscaping and paving on the site and in the adjacent right of way, and the Mayor and City Clerk are authorized to execute the documents, a copy of which shall be attached to the original Minutes of this meeting.

CONTRACT FOR INSTALLATION OF MUNICIPAL IMPROVEMENTS
(PRIVATE AGREEMENT)

PROJECT NO. 04.908.3	PROJECT LOCATION: NW ¼ Sec 22
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 **GFA Development** whose address is **178 Larchwood, Troy, MI 48083** and whose telephone number is **586-726-6700** hereinafter referred to as "Owners".

WITNESSETH, FIRST: That the City agrees to allow the installation of **Sanitary sewer, storm sewer, water main, detention, paving, sidewalks and soil erosion** in accordance with plans prepared by **Hennessey Engineers.** whose address is **2674 W. Jefferson Ave, Suite 200, Trenton, MI 48183** and whose telephone number is **734-692-3300** 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 **$ 800,388.00**. 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 **$132,731.00** cash fee per the attached **Detailed Summary of Required Escrow Deposits Cash Deposits and Cash Fees.**

CONTRACT FOR INSTALLATION OF MUNICIPAL IMPROVEMENTS

(PRIVATE AGREEMENT)

PROJECT NO. **04.908.3**	PROJECT LOCATION: **NW ¼ Sec 22**
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 **$933,119.00** 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. 04.908.3	PROJECT LOCATION: NW ¼ Sec 22
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:

Gary Abitheira

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 28th day of June, A.D.2005, before me personally appeared Gary Abitheira 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.

Laurel Nottage

NOTARY PUBLIC, Oakland County, Michigan
Acting in Oakland County

My commission expires: 10-12-11

Detailed Summary of Required Escrow Deposits, Cash Fees & Deposits
Hidden Forest Site Condominium
34 Units - Section 22

ESCROW DEPOSITS:

Sanitary Sewers	$133,337
Water Mains	$110,215
Storm Sewers	$90,530
Rear Yard Drains	$50,203
Pavement - CONCRETE	$280,490
Grading	$25,000
Detention Basin	$20,000
Soil Erosion Control Measures	$2,393
Monuments and Lot Corner Irons	$1,690
Deceleration and/or Passing Lane - MAJOR ROAD	$45,000
Sidewalks - ON SITE	$11,850
Sidewalks - OFF SITE	$2,280
Street Light	$7,000
Deposit for the Repair of Damage to Existing Public Streets Used for Access	$20,400
TOTAL ESCROW DEPOSITS (REFUNDABLE):	**$800,388**

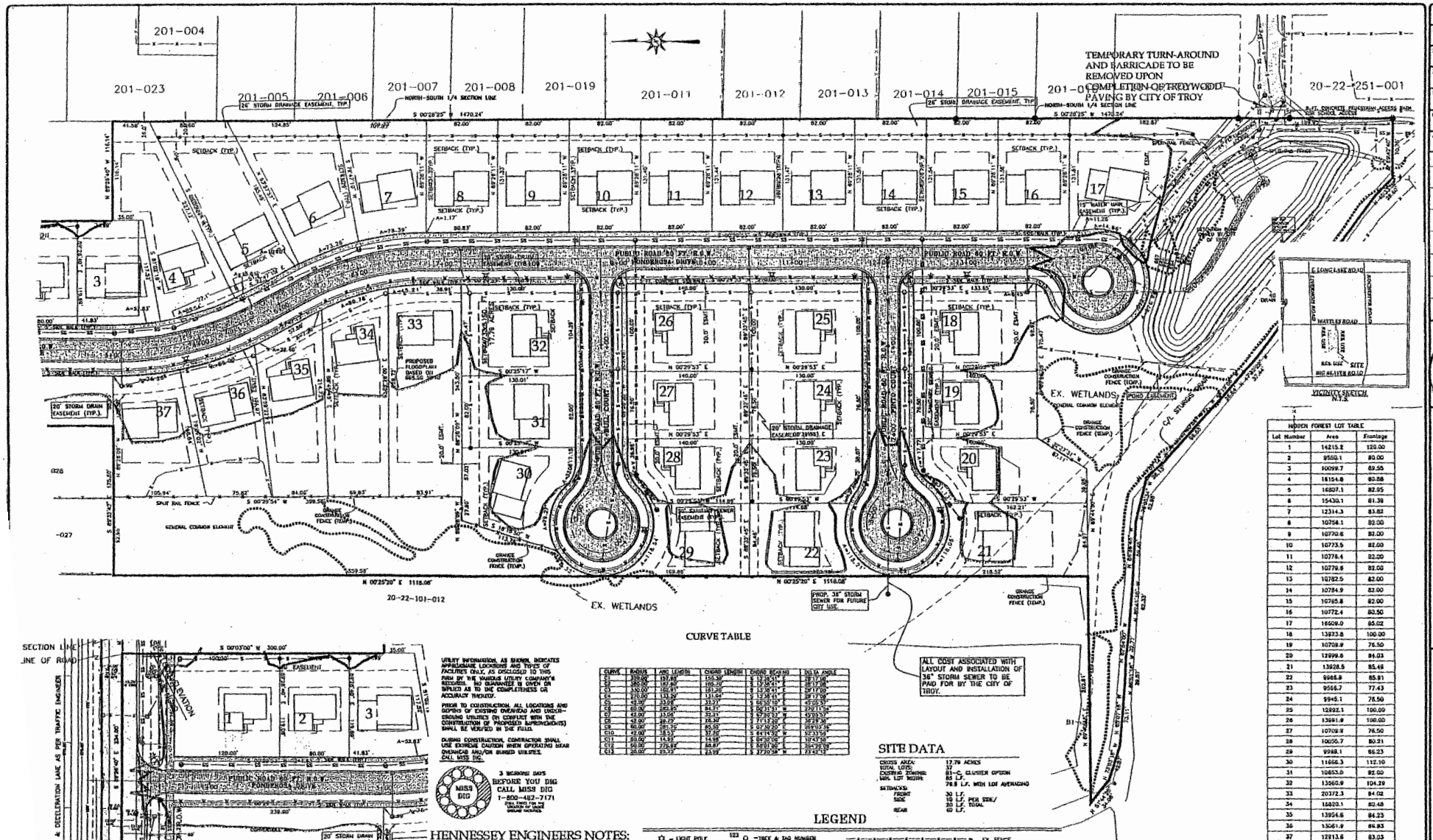
CASH FEES (NON-REFUNDABLE):

Water Main Testing and Chlorination	$1,088
Street Name and Traffic Signs	$1,426
Maintenance of Detention Basin (20 year)	$22,800
Soil Erosion and Sedimentation Control Permits	$1,400
Testing Services	$12,006
Engineering Review and Inspection	$53,946
TOTAL CASH FEES (NON-REFUNDABLE):	**$92,666**

CASH DEPOSITS (REFUNDABLE):

Street Island Improvements	$3,519
Sidewalk Closures	$1,620
Walkway and Split Rail Fence	$5,500
Deposit for Maintenance & Cleaning of Ex. Public Streets Used for Access	$6,800
Landscape Deposit	$14,959
Protection & Clean-up of Wetlands & Sturgis Drain	$5,000
Punchlist & Restoration Deposit	$6,186
TOTAL CASH DEPOSITS (REFUNDABLE):	**$40,065**

Engineer: Hennessey Engineering
Developer: GFA Development



HIDDEN FOREST LOT TABLE		
Lot Number	Area	Frontage
1	14215.2	120.00
2	9550.1	80.00
3	10099.7	69.55
4	18154.8	80.58
5	16807.1	82.95
6	15430.1	81.39
7	12314.3	83.82
8	10758.1	82.00
9	10770.6	82.00
10	10773.5	82.00
11	10776.4	82.00
12	10779.6	82.00
13	10782.5	82.00
14	10784.9	82.00
15	10785.8	82.00
16	10772.4	80.50
17	16609.0	95.02
18	13973.8	100.00
19	10709.9	76.50
20	12999.6	84.03
21	13928.5	85.48
22	9988.8	85.81
23	9556.7	77.43
24	9945.1	76.50
25	12892.1	100.00
26	13891.9	100.00
27	10709.9	76.50
28	10056.7	80.21
29	9998.1	86.23
30	11666.3	112.10
31	10853.0	82.00
32	13560.9	104.29
33	20372.3	84.02
34	16820.1	82.48
35	13954.6	84.23
36	13061.9	84.93
37	12913.6	83.03

CURVE TABLE					
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	325.00	137.82	136.78	S 72°35'41" E	24°17'08"
C2	380.00	187.80	185.79	S 72°35'41" E	28°19'08"
C3	330.00	162.91	161.23	S 72°35'41" E	28°17'08"
C4	270.00	133.29	131.94	S 72°35'41" E	28°17'08"
C5	43.00	33.08	33.37	S 60°50'19" E	45°05'35"
C6	69.00	85.82	84.71	S 60°13'31" W	71°21'52"
C7	43.00	33.06	33.41	S 87°35'33" W	43°33'50"
C8	43.00	28.72	28.32	S 71°13'32" E	38°28'36"
C9	60.00	101.72	89.90	S 07°10'20" E	96°13'18"
C10	42.00	18.13	17.92	S 64°14'52" W	25°33'58"
C11	30.00	14.93	14.78	S 62°35'06" E	19°13'26"
C12	60.00	275.82	60.87	S 58°01'46" E	264°26'28"
C13	28.00	23.33	22.69	S 27°05'58" W	23°49'13"

UTILITY INFORMATION AS SHOWN INDICATES APPROXIMATE LOCATIONS AND TYPES OF FACILITIES ONLY, AS DISCLOSED TO US FROM BY THE VARIOUS UTILITY COMPANY'S RECORDS. NO GUARANTEE IS GIVEN OR IMPLIED AS TO THE COMPLETENESS OR ACCURACY THEREOF.

PRIOR TO CONSTRUCTION, ALL LOCATIONS AND DEPTHS OF EXISTING OVERHEAD AND UNDERGROUND UTILITIES ON CONFLICT WITH THE CONSTRUCTION OF PROPOSED IMPROVEMENTS SHALL BE VERIFIED IN THE FIELD.

DURING CONSTRUCTION, CONTRACTOR SHALL USE EXTREME CAUTION WHEN OPERATING NEAR OVERHEAD AND/OR BURIED UTILITIES. CALL MISS DIG.

MISS DIG

3 WORKING DAYS BEFORE YOU DIG CALL MISS DIG 1-800-482-7171

(THIS SERVES THE PUBLIC RECORD OF THE LOCATION OF MISS DIGGING MEMBERS)

SITE DATA

GROSS AREA:	12.79 ACRES
TOTAL LOTS:	37
EXISTING ZONING:	R1-C, CLUSTER OPTION
MIN. LOT WIDTH:	85 L.F.
	76.5 L.F. WITH LOT AVERAGING
SETBACKS:	
FRONT	30 L.F.
SIDE	10 L.F. PER SIDE/ 20 L.F. TOTAL
REAR	40 L.F.

LEGEND

- LIGHT POLE
- POWER POLE
- CATCH BASIN
- SAN. MANHOLE
- STORM MANHOLE
- HYDRANT
- GATE VALVE AND WELL
- WATER VALVE
- GAS VALVE
- SIGN
- GUY WIRE
- SPRINKLER
- TREE & TAG NUMBER
- 000.00 = EXIST. ELEV.
- 000.00 = PROP. ELEV.
- FG = FINISHED GRADE
- FF = FINISHED FLOOR
- GFF = GARAGE FINISHED FLOOR
- T/C = TOP CURB
- G = GUTTER
- = TREE
- = PINE, SPRUCE
- = BUSH, SHRUB
- = SOIL BORING
- = SOIL MANHOLE
- = DETROIT EDISON MAN HOLE
- EX. FENCE
- EX. C/L
- PROPERTY LINE
- EX. WATERMAIN
- EX. STORM SEWER
- EX. SANITARY SEWER
- PROP. WATERMAIN
- PROP. STORM SEWER
- PROP. SANITARY SEWER
- EX. GAS LINE
- EX. OVERHEAD UTILITIES
- EX. UNDERGROUND EDISON
- EX. UNDERGROUND AMERITECH
- EX. WETLANDS BOUNDARY
- PROP. FLOODPLAIN

DEVELOPER INSTALL SIDEWALK

HENNESSEY ENGINEERS NOTES:

HENNESSEY ENGINEERS, INC., SHALL NOT BE RESPONSIBLE FOR MEANS, METHODS, PROCEDURES, TECHNIQUES, OR SEQUENCES OF CONSTRUCTION, NOR FOR SAFETY ON THE JOB SITE, NOR SHALL HENNESSEY ENGINEERS, INC. BE RESPONSIBLE FOR THE CONTRACTOR'S FAILURE TO CARRY OUT THE WORK IN ACCORDANCE WITH THE CONTRACT DOCUMENTS.

THE CONTRACTOR SHALL INDEMNIFY AND SAVE HARMLESS THE OWNER AND ENGINEER FROM ALL LIABILITIES FOR INJURY TO PERSON, OR DAMAGE TO OR LOSS OF PROPERTY, OR ANY OTHER LOSS, COST OF EXPENSE, AS A RESULT OF THE ACTIONS OF THE CONTRACTOR, HIS EMPLOYEES, AGENTS, OR SUBCONTRACTORS.

THE LOCATION AND ELEVATION OF EXISTING UNDERGROUND UTILITIES AS SHOWN ON THESE DRAWINGS ARE ONLY APPROXIMATE. NO GUARANTEE IS OTHER EXPRESSED OR IMPLIED AS TO THE COMPLETENESS OR ACCURACY THEREOF. THE CONTRACTOR SHALL BE EXCLUSIVELY RESPONSIBLE FOR DETERMINING THE EXACT LOCATION AND ELEVATION OF THE EXISTING ENGINEER AND PROPERTY UTILITY OWNERS IN THE FIELD PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL NOTIFY THE ENGINEER IF ANY CONFLICTS ARE APPARENT OR IF THE LOCATION OR DEPTH DIFFERS SIGNIFICANTLY FROM THE PLAN.

BENCH MARKS

1. B.M. ARROW ON HYDRANT, SOUTH SIDE OF WATTLES RD. 60' WEST OF BISHOPS RD.
ELEV. 872.93 N.G.V.D.
2. B.M. ARROW ON HYDRANT, SOUTH SIDE OF WATTLES RD. AT HOUSE #430
ELEV. 868.15 N.G.V.D.
TO CONVERT BENCHMARKS TO NAVD 88 (CITY OF TROY DATUM), SUBTRACT 0.30 FROM THE ABOVE FIGURES PER THE CITY OF TROY.

LEGAL DESCRIPTION

A PART OF NORTHWEST 1/4 OF SECTION 22, T. 2 N., R. 11 E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS BEGINNING AT A POINT ON THE CENTERLINE OF WATTLES RD. 83 FT. WIDE, ALSO BEING THE NORTH LINE OF SAID SECTION 22 AND BEARS N88°25'40"W 1117.00 FEET FROM THE NORTH 1/4 CORNER OF SAID SECTION 22, AND PROCEEDING THENCE S00°03'00"W 300.00 FEET; THENCE S89°25'40"E 118.14 FEET TO THE WEST LINE OF NOTTINGHAM SUBDIVISION AS RECORDED IN LIBER 44, PAGE 55, OAKLAND COUNTY RECORDS, SAID LINE ALSO BEING THE NORTH AND SOUTH 1/4 LINE OF SAID SECTION 22; THENCE ALONG SAID WEST LINE S00°26'25"W 1470.24 FEET TO THE CENTERLINE OF BRUNSK DRAIN; THENCE ALONG SAID CENTERLINE N89°42'40"W 70.75 FEET AND N62°33'52"W 59.80 FEET AND N82°30'04"W 225.58 FEET AND N47°32'22"W 37.44 FEET AND N48°19'52"W 28.64 FEET AND N17°40'26"W 88.53 FEET AND N41°07'14"W 28.13 FEET AND N70°03'34"W 92.98 FEET AND N82°38'45"W 58.48 FEET AND N85°41'18"W 82.33 FEET AND N82°54'00"W 33.77 FEET AND N85°51'18"W 28.37 FEET AND N67°07'18"W 73.11 FEET AND N77°07'18"W 42.87 FEET AND N51°44'25"W 34.08 FEET; THENCE N89°40'18"E 282.91 FEET; THENCE N00°25'20"E 1116.08 FEET; THENCE S89°32'42"E 175.50 FEET; THENCE N00°25'20"E 300.00 FEET TO THE CENTERLINE OF SAID WATTLES RD. AND NORTH LINE OF SAID SECTION 22; THENCE ALONG SAID LINE S89°25'40"E 234.00 FEET TO THE POINT OF BEGINNING, INCLUDING THE RIGHTS OF THE PUBLIC AND OF ANY GOVERNMENTAL AGENCY OVER THE NORTHERLY 60 FEET OF THE LAND USED FOR WATTLES ROAD. HAVING AN AREA OF 12.79 ACRES.

PROJECT NUMBER: 5319
DATE: 03/
SCALE: 1" =
DESIGNED BY: JPW
DRAWN BY: JPW
CHECKED BY:
APPROVED BY:
REVISIONS
TITLE: PRELIMINARY SITE PLAN
HENNESSEY ENGINEERING THE FUTURE

June 29, 2005

TO: John Szerlag, City Manager

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

RE: AGENDA ITEM - REQUEST FOR APPROVAL OF PURCHASE AGREEMENT FOR ACQUISITION OF PROPERTY ADJACENT TO HISTORIC GREEN – KATHARYN L. JENSEN SIDWELL #88-20-16-478-027

On January 24, 2005 City Council approved an agreement between Harriet Barnard and the City of Troy for the donation of her house currently located at 5945 Livernois. This donation requires that the house be relocated to the Troy Museum and Historic Green within five years. It was recommended that both parcels to the west of the Museum and Historic Green be acquired for expansion and proper accommodation of the structure, plus additional parking. The goal of the Troy Historical Society's Heritage Campaign is to raise funds during the next five years to support five new projects including the acquisition of this property.

An agreement has been reached with Katharyn L. Jensen, owner of the property at 100 West Wattles Road. This parcel is the second of the two parcels recommended for acquisition. The agreed upon compensation of $180,000 has been reviewed and approved by Kimberly Harper and Pat Petitto, both State Licensed Appraisers.

In order for the City to proceed with the proposed project, management requests that City Council approve the attached Purchase Agreement in the amount of $180,000, plus closing costs.

Monies for this project will come from the Troy Historical Society Heritage Campaign.

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

Sidwell # 20-16-478-027

CITY OF TROY
AGREEMENT TO PURCHASE REALTY
FOR PUBLIC PURPOSES

The CITY OF TROY (the "Buyer"), agrees to purchase from Katharyn L. Jensen (the "Seller"), the following described premises (the "Property"):

LOT 130, EXCEPT THE SOUTH 27.00 FEET TAKEN FOR WATTLES ROAD, LAKEWOOD SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN LIBER 28, PAGE 27 OF PLATS, OAKLAND COUNTY RECORDS.

for a public project within the City of Troy and to pay the sum of One Hundred, Eighty Thousand and no/100 Dollars ($180,000) under the following terms and conditions:

1. A deposit of 10% of the Purchase Price shall be held by the Seller and applied to the purchase price if the sale is consummated. The Seller shall not be responsible to the Purchaser for any interest associated with the subject deposit. Deposit will be returned to the Purchaser if through no fault of the purchaser, the transaction cannot be completed. Deposit will be given to the Seller if the Purchaser defaults or otherwise fails to complete the transaction.

2. Seller shall assist Buyer in obtaining all releases necessary to remove all encumbrances from the property so as to vest a marketable title in Buyer.

3. Seller shall pay all taxes, prorated to the date of closing, including all special assessments, now due or which may become a lien on the property prior to the conveyance.

4. Seller shall deliver the Warranty Deed upon payment of the purchase money by check drawn upon the account of the City of Troy.

5. Buyer shall, at its own expense, provide title assurance information to the Buyer, and the Seller shall disclose any encumbrances against the property.

6. This Agreement is binding upon the parties and closing shall occur not sooner than one (1) year and within three (3) years of the date that this agreement is approved by Troy City Council; and all liens have been released and encumbrances have been extinguished to the satisfaction of the Buyer, unless extended by agreement of the parties in writing. It is further understood and agreed that this period of time is both for the preparation and authorization of purchase money and for the Seller to finalize plans to relocate.

7. Buyer shall notify the Sellers immediately of any deficiencies encumbering marketable title, and Seller shall then proceed to remove the deficiencies. If the Seller fails to remove the deficiencies in marketable title to Buyer's approval, the Buyer shall have the option of proceeding under the terms of this Agreement to take title in a deficient condition or to render the Agreement null and void, and any

deposit tendered to the Sellers shall be returned immediately to the Buyer upon demand.

8. The City of Troy's sum paid for the property being acquired represents the property being free of all environmental contamination. Although the City of Troy will not withhold or place in escrow any portion of this sum, the City reserves its rights to bring Federal and/or State and/or local cost recovery actions against the present owners and any other potentially responsible parties, arising out of a release of hazardous substances at the property.

9. Seller acknowledges that this offer to purchase is subject to final approval by Troy City Council.

10.. Additional conditions, if any: Seller will give buyer three weeks notice when they are ready to close.

SELLER HEREBY ACKNOWLEDGES THAT NO PROMISES WERE MADE EXCEPT AS CONTAINED IN THIS AGREEMENT.

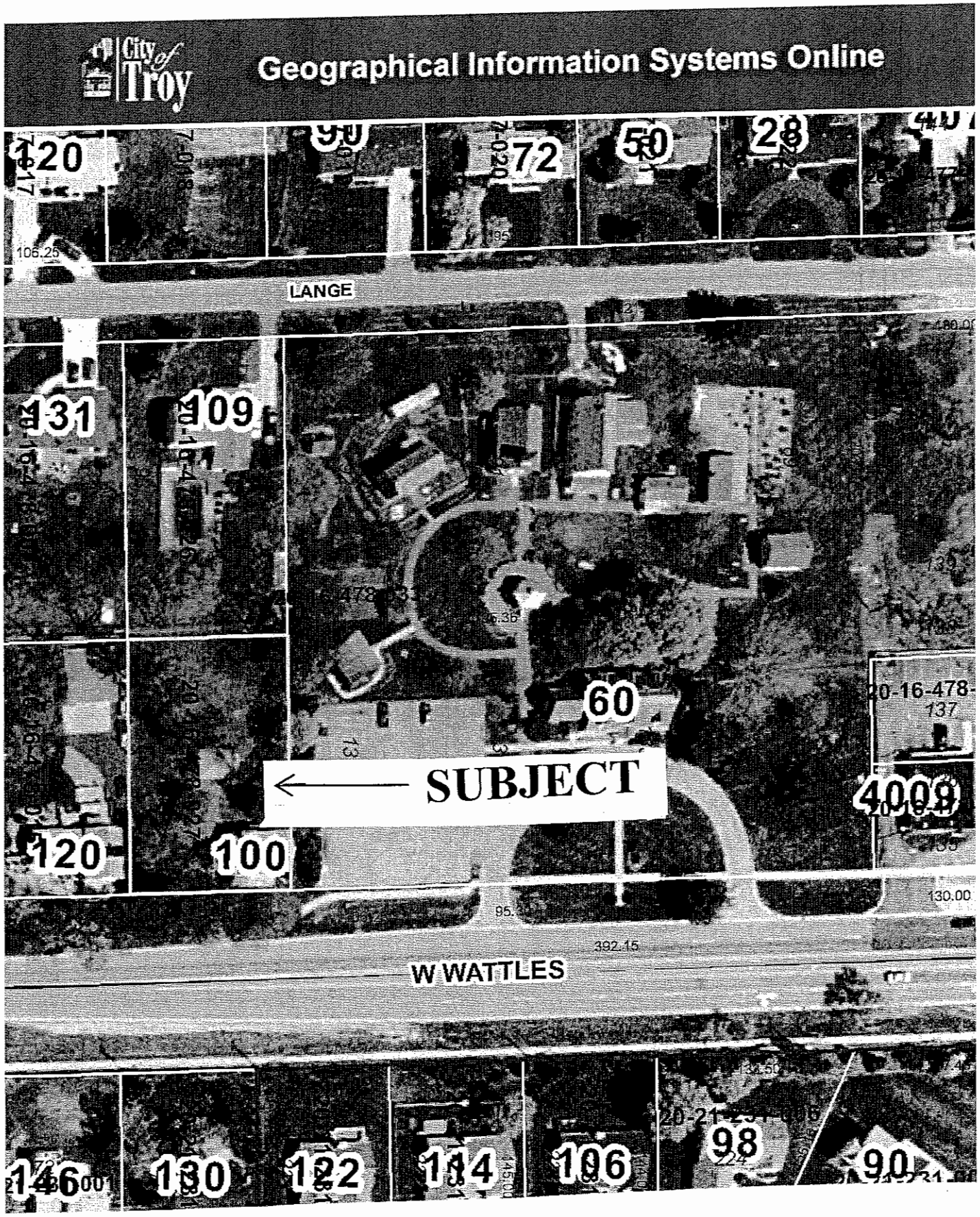
IN WITNESS WHEREOF, the undersigned hereunto affixed their signatures this 24th day of MAY, A.D. 20 05.

In presence of:

CITY OF TROY (BUYER)

Patricia A. Pettitt

SELLER:


City of Troy
Geographical Information Systems Online
120
72
50
28
LANGE
131
109
60
SUBJECT
20-16-478-
137
4009
120
100
130.00
392.15
W WATTLES
146
130
122
114
106
98
90

Troy Historical Society
Board of Trustees Meeting, June 14, 2005

Moved by: Randol
Seconded by: Rounds

RESOLVED, that the Troy Historical Society agrees to pay for the acquisition by the City of Troy of the property adjacent to the Troy Museum & Historic Village identified as Katharyn L. Jensen #88-20-16-478-027 for $180,000. The Troy Historical Society agrees to:

1. Reimburse the City of Troy for a deposit of $18,000 (10%) upon receipt of an invoice.
2. Upon completion of the closing, the Troy Historical Society will reimburse the City of Troy the balance of $162,000 for the purchase of the property.

Yes: 9– Barnard, Siess, Rounds, T. Holdburg, A. Holdburg, Hupman, Anderlie, Randol, Ogawa, Mc Kee, Young

No: 0

MOTION CARRIED

Memorandum

To: Honorable Mayor and City Council

From: John Szerlag, City Manager
Lori Grigg Bluhm, City Attorney
John M. Lamerato, Assistant City Manager/Finance and Administration
Tonni L. Bartholomew, City Clerk

Date: July 5, 2005

Re: Charter Revision Committee Recommendations

The Charter Revision Committee met on Monday, June 20, 2005. Attached is a draft copy of the minutes of the meeting, a red lined copy of the proposed Charter amendments, and a copy of the proposed amendments, as they would appear if adopted by the voters. The amendments are recommended for submittal to the Troy voters at the November 8, 2005 City General Election.

The City Charter was adopted 50 years ago, and is the primary organizational document. As such, it should accurately reflect the current practice and procedure of the City. With the recent passage of election consolidation legislation, which modified our election date to an odd year November cycle, there were several provisions that needed review. Although the election consolidation clean up legislation allows for the extension of terms and the staggering of terms by passage of a resolution, such resolution will not translate into revised charter provisions, absent a vote of the people of the City. Instead, a resolution will result in the placement of an asterisk in the Charter that references the resolution number. The use of asterisks in the Charter document is permissible, but a Charter document that contains such inconsistencies is cumbersome. Therefore, it is the recommendation of City Administration that these house-keeping ballot proposals be submitted to the voters. Due to the recent passage of election consolidation, the ballot questions can specifically refer to this as the justification for the proposed amendment.

Questions recommended by the Charter Revision Committee:

1. **Section 3.4 – Elective Officers and Terms of Office – Proposed Title Change and Text Amendment to Facilitate Implementation of State Law Election Consolidation**

2. **Section 7.5.5 - Proposed Section Re-Numbering and Naming 3.4.1 – Elective Officers Term Limitations and Text Amendment**

3. **Section 3.4.2 – Staggering Terms of Office - Proposed New Section to Facilitate Implementation of State Law Election Consolidation**

4. **Section 7.3 - Election Date – Existing Section in Conflict with State Law - Proposed Text Amendment**

5. **Section 7.6 - Special Election – Existing Section in Conflict with State Law - Proposed Text Amendment**

6. **Section 7.9 – Nominations – Existing Section in Conflict with State Law - Proposed Text Amendment**

7. **Section 7.10 – Form of Petitions – Existing Section in Conflict with State Law - Proposed Text Amendment**

In addition to these election consolidation house-keeping items, the Charter Revision Committee also considered other potential ballot questions. Specifically, the Charter Revision Committee was asked for input and recommendation that corresponded to City Council Resolution 2004-07-368, which "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 Charter Revision Committee was provided with a copy of the attached May 18, 2005 memo concerning the I-75 Ballot Question. After discussion and deliberation, which included a review of some possible ballot questions, the Charter Revision Committee indicated that they did not support proposals specific to an I-75 ballot question, since the issue was too narrowly drawn to justify an amendment to the Charter. In their resolution, however, the Charter Revision Committee expressly stated that their vote was not indicative of any opinion on the I-75/Long Lake/Crooks Road Project. Their concern was directed at the inclusion of such a specific item in the Charter, which is the organizational document of the City.

The Charter Revision Committee was also not in favor of a Charter Amendment that would allow future advisory votes in the City of Troy, especially where there is a right of referendum and/or initiative to enable voter input on LEGISLATIVE issues. Since advisory questions would be prohibited for administrative or executive issues, they felt that the right to have advisory votes was not necessary.

The Charter Revision Committee also discussed a proposal to amend the Charter to allow for study meetings of the City Council. However, since there were a number of proposed ballot questions for the November 2005 ballot, the Committee deferred action on this item, but referred it to City Administration for research and draft language.

Under the Home Rule Cities Act, any City ballot questions is required to be approved by a 3/5 vote of the City Council (or via initiation or referendum petition process) for placement on the ballot. However, any questions should be approved at the August 1, 2005 City Council meeting in order to satisfy the time requirements for ballot submittal and preparation for the November 8, 2005 election.

The Charter Revision Committee has indicated a willingness to reconvene to review any additional submittals that the governing body may wish to place on the November ballot. City Administration recommends such review, since it provides an additional layer of input and opportunity for community participation.

As always, we are available to answer any questions or address concerns relating to this proposal.

PROPOSED AMENDMENTS TO THE CHARTER - Red Line Copy:

1. **Section 3.4 – Elective Officers and Terms of Office – Proposed Title Change and Text Amendment to Facilitate Implementation of State Law Election Consolidation**

Section 3.4 – Elective Officers and Terms of Office:
The elective officers of the City shall be the six (6) members of Council and the Mayor all of whom shall be nominated and elected from the city at large for the terms provided herein. City Council Members and the Mayor shall be elected for terms of ~~three (3)~~ four (4) years and shall serve until ~~8 o'clock p.m.~~ 7:30 PM on the first Monday following the regular election of the ~~third~~ fourth year of their term.

2. **Section 7.5.5 - Proposed Section Re-Numbering and Naming 3.4.1 – Elective Officers Term Limitations and Text Amendment**

Section ~~7.5.5~~ 3.4.1 – Elective Officers Term Limitations
An elected member of the City Council shall not serve more than three terms as Councilperson. The Mayor shall not serve more than two terms as Mayor. ~~Any portion of a term served shall constitute one full term.~~ Any service greater than two (2) years plus one (1) month shall constitute a term. This amendment shall apply only to terms starting after passage of this amendment. (11-08-94)

3. **Section 3.4.2 – Staggering Terms of Office - Proposed New Section to Facilitate Implementation of State Law Election Consolidation**

Section 3.4.2 – Staggering Terms of Office:
City Council Members with terms expiring April 2006 shall have their terms extended until November 2007; City Council Members with terms expiring April 2007 shall have their terms extended until November 2007. The Mayor's term, expiring April 2007, shall be extended until November 2007. The staggering of terms shall be established as follows:

> November 8, 2005 – Two (2) Council Members shall be elected for four (4) year terms with the terms expiring on November 9, 2009;
> November 6, 2007 – One (1) Council Member shall be elected for a two (2) year term with the term expiring on November 9, 2009;
> November 6, 2007 – Three (3) Council Members shall be elected for four (4) year terms with the terms expiring on November 14, 2011;
> November 6, 2007 – Mayor shall be elected for a four (4) year term with the term expiring November 14, 2011.

4. **Section 7.3 - Election Date – Existing Section in Conflict with State Law - Proposed Text Amendment**

Section 7.3 - Election Date:
A regular City election shall be held on the first Tuesday after the first Monday of every odd year November. ~~Monday in April of each year~~, ~~but if some other date in the months of March, April or May is fixed by law for the holding of the state biennial election, then the regular city election shall be held on the date so fixed.~~

5. **Section 7.6 - Special Election – Existing Section in Conflict with State Law - Proposed Text Amendment**

Section 7.6 - Special Election:
Special city elections shall be called in the manner and time as provided by State Statute. ~~held when called by resolution of the Council at least 40 days in advance of such election, or when required by this charter or statute. Any resolution calling a special election shall set forth the purpose of such election. No more special city elections shall be called in any one year than the number permitted by statue.~~

6. **Section 7.9 – Nominations – Existing Section in Conflict with State Law -Proposed Text Amendment**

Section 7.9 - Nominations:
The method of nomination of all candidates at city elections shall be by petition. Each petition may comprise one or more pages. The petition for each candidate must be signed by not less than sixty registered electors of the City. ~~No person shall sign his name to a greater number of petitions for any office than there are persons to be elected to said office at the following City election. If the signature of any persons appears on more petitions than permitted by this section, such signatures shall not be counted on any one of the petitions so signed for that office.~~

Nomination petitions for candidates for regular City elections are to be filed with the Clerk on or before 4 o'clock p.m. of the one-hundredth (100th) day preceding the City election for each election year.

The Clerk shall, prior to every election, publish notice of the last day permitted for filing nomination petitions and of the number of persons to be elected to each office, at least one week and not more than three weeks before such day.

7. **Section 7.10 – Form of Petitions – Existing Section in Conflict with State Law - Proposed Text Amendment**

Section 7.10 – Form of Petitions:
Nominating Petitions shall be in a form as provided by State Statute ~~The Council shall approve a form of nominating petition with spaces thereon for address and date of signing for each signer, an affidavit form for the circulator to sign affirming that he and the petitioners are registered electors and a summary of the qualifications required of candidates and the regulations governing the petition.~~ A supply of official petition forms shall be provided and maintained by the Clerk.

PROPOSED AMENDMENTS TO THE CHARTER - IF ADOPTED:

Section 3.4 – Elective Officers and Terms of Office:
The elective officers of the City shall be the six (6) members of Council and the Mayor all of whom shall be nominated and elected from the city at large for the terms provided herein. City Council Members and the Mayor shall be elected for terms of four (4) years and shall serve until 7:30 PM on the first Monday following the regular election of the fourth year of their term.

Section 3.4.1 – Elective Officers Term Limitations
An elected member of the City Council shall not serve more than three terms as Councilperson. The Mayor shall not serve more than two terms as Mayor. Any service greater than two (2) years plus one (1) month shall constitute a term. This amendment shall apply only to terms starting after passage of this amendment. (11-08-94)

Section 3.4.2 – Staggering Terms of Office:
City Council Members with terms expiring April 2006 shall have their terms extended until November 2007; City Council Members with terms expiring April 2007 shall have their terms extended until November 2007. The Mayor's term, expiring April 2007, shall be extended until November 2007. The staggering of terms shall be established as follows:

November 8, 2005 – Two (2) Council Members shall be elected for four (4) year terms with the terms expiring on November 9, 2009;
November 6, 2007 – One (1) Council Member shall be elected for a two (2) year term with the term expiring on November 9, 2009;
November 6, 2007 – Three (3) Council Members shall be elected for four (4) year terms with the terms expiring on November 14, 2011;
November 6, 2007 – Mayor shall be elected for a four (4) year term with the term expiring November 14, 2011.

Section 7.3 - Election Date:
A regular City election shall be held on the first Tuesday after the first Monday of every odd year November.

Section 7.6 - Special Election:
Special city elections shall be called in the manner and time as provided by State Statute.

Section 7.9 - Nominations:
The method of nomination of all candidates at city elections shall be by petition. Each petition may comprise one or more pages. The petition for each candidate must be signed by not less than sixty registered electors of the City.

Nomination petitions for candidates for regular City elections are to be filed with the Clerk on or before 4 o'clock p.m. of the one-hundredth (100th) day preceding the City election for each election year.

The Clerk shall, prior to every election, publish notice of the last day permitted for filing nomination petitions and of the number of persons to be elected to each office, at least one week and not more than three weeks before such day.

Section 7.10 – Form of Petitions:

Nominating Petitions shall be in a form as provided by State Statute A supply of official petition forms shall be provided and maintained by the Clerk.

RECOMMENDED MOTION:
Resolution #2005-07-
Moved by
Seconded by

RESOLVED, That the Troy City Council **APPROVES** as to form the following proposed Charter amendments for the November 8, 2005 City General Election:

RECOMMENDED CHARTER REVISION PROPOSAL #1 (24 words)

Shall Section 3.4 of the Troy Charter be amended by moving and incorporating Section 7.5 of the Troy Charter in its entirety?

Yes
No

RECOMMENDED CHARTER REVISION PROPOSAL #2 (78 words)

Shall Section 3.4 of the Troy Charter be amended to implement election consolidation revisions to Michigan Election Law, by revising the term of Troy City Council Members and the Mayor from the current three (3) year terms that expire at 8:00 PM of the third year of the term to provide for four (4) year terms that expire at 7:30 PM of the first Monday following the Regular Election of the fourth year of their term?

Yes
No

RECOMMENDED CHARTER REVISION PROPOSAL #3 (20 words)

Shall Section 7.5.5 of the Troy Charter be renumbered as 3.4.1 and titled as Elective Officers Term Limitations?

Yes
No

RECOMMENDED CHARTER REVISION PROPOSAL #4 (46 words)

Shall Section 7.5.5 be amended to revise the definition of a term from the current language that "*any portion of a term served shall constitute one full term*" to "*Any service greater than two (2) years plus one (1) month shall constitute a term*."?

Yes
No

RECOMMENDED CHARTER REVISION PROPOSAL #5 (78 words)

Shall Section 3.4.2 be created to implement election consolidation revisions to Michigan Election Law, by providing for the re-establishment of the staggering of City Council terms by providing for three (3) City Council Members to be elected in one election cycle and the remaining three (3) Council Members and the

Mayor to be elected in a subsequent election cycle, which will be accomplished through an election of a one-time two (2) year City Council Member term?

Yes
No

RECOMMENDED CHARTER REVISION PROPOSAL #6 (94 words)

Shall Section 7.3 of the Troy City Charter be amended to implement election consolidation revisions to Michigan Election Law, by changing the election date from the "*first Monday in April of each year*" to the "*first Tuesday after the first Monday of every odd-year November*" and eliminating "*if some o her date in the months of March, April or May is fixed by law for the holding of the state biennial election, then the regular city election shall be held on the date so fixed*", since these provisions conflict with Michigan Election Law?

Yes
No

RECOMMENDED CHARTER REVISION PROPOSAL #7 (99 words)

Shall Section 7.6 of the Troy City Charter be revised to implement election consolidation revisions to Michigan Election Law, by providing "*Special City Elections shall be called as provided in Michigan Election Law*" and eliminating *"Special city elections shall be held when called by resolution of the Council at least 40 days in advance of such election, or when required by this charter or statute. Any resolution calling a special election shall set forth the purpose of such election. No more special city elections shall be called in any one year than the number permitted by statute.*"

Yes
No

RECOMMENDED CHARTER REVISION PROPOSAL #8 (84 words)

Shall Section 7.9 of the Troy City Charter be revised to eliminate a conflict with Michigan Election Law, by eliminating "*No person shall sign his name to a greater number of petitions for any office than there are persons to be elected to said office at the following City election. If the signature of any persons appears on more petitions than permitted by this section, such signatures shall not be counted on any one of the petitions so signed for that office.*"?

Yes
No

RECOMMENDED CHARTER REVISION PROPOSAL #9 (91 words)

Shall Section 7.10 of the Troy City Charter be revised to eliminate a conflict with Michigan Election Law by striking "*The Council shall approve a form of nominating petition with spaces thereon for address and date of signing for each signer, an affidavit form for the circulator to sign affirming that he and the petitioners are registered electors and a summary of the qualifications required of candidates and the regulations governing the petition" and providing that "Nominating petitions shall be in a form as provided by Michigan Election Law*"?

Yes
No

Yes:
No:

A meeting of the Troy Charter Revision Committee was held Monday, June 20, 2005, at City Hall, 500 W. Big Beaver Road. Chairman Bliss called the Meeting to order at 1:00 PM.

Roll Call:	**PRESENT:**	Lillian Barno, Daniel H. Bliss, Jerry E. Bloom, Shirley Kanoza, Robert Noce, Mark R. Solomon, Cynthia A. Wilsher
	ALSO PRESENT:	City Attorney Lori Grigg Bluhm, Assistant City Manager/Finance and Administration John M. Lamerato, City Clerk Tonni Bartholomew, and Deputy Clerk Barbara Holmes

Appointment of Chair and Vice-Chair

Vote on Resolution to Appoint Chair

Resolution #CR-2005-06-001
Moved by Kanoza
Seconded by Wilsher

RESOLVED, That Daniel H. Bliss hereby be **REAPPOINTED** as Chair to the Charter Revision Committee.

Yes: All-7

Vote on Resolution to Appoint Vice-Chair

Resolution #CR-2005-06-002
Moved by Bliss
Seconded by Barno

RESOLVED, That Shirley Kanoza hereby be **APPOINTED** as Vice-Chair to the Charter Revision Committee.

Yes: All-7

Approval of Minutes: Wednesday, November 5, 2003

Resolution #CR-2005-06-003
Moved by Kanoza
Seconded by Wilsher

RESOLVED, That the Charter Revision Committee Minutes of Wednesday, November 5, 2003 are hereby **APPROVED** as presented**.**

Yes: All-7

Proposed Charter Amendments:

Section 3.4 – Elective Officers and Terms of Office – Proposed Title Change and Text Amendment to Facilitate Implementation of State Law Election Consolidation

Member Solomon supports two-year terms of office for the offices of mayor and council member based on his belief that elected officials are more responsive when elected for shorter terms.

Member Kanoza supports three-year terms because she believes it takes at least two years for a council member to become acclimated to the position.

Vote on Resolution to Modify Recommended Charter Revision #2

Resolution #CR-2005-06-004
Moved by Solomon
Seconded by Bloom

RESOLVED, That the proposed language for *Recommended Charter Revision Proposal #2* be **MODIFIED** by **STRIKING** "four (4) year terms" and **INSERTING** "two (2) year terms".

Yes: Solomon
No: Barno, Bliss, Bloom, Kanoza, Noce, Wilsher

MOTION FAILED

1) Vote on Recommended Charter Revision Proposal #1

Resolution #CR-2005-06-005
Moved by Solomon
Seconded by Kanoza

RESOLVED, That the Charter Revision Committee hereby **SUPPORTS** the proposed language for *Recommended Charter Revision Proposal #1* to read as follows, "Shall Section 3.4 of the Troy Charter be amended by moving and incorporating Section 7.5 of the Troy Charter in its entirety?"

Yes: All-7

2) Vote on Recommended Charter Revision Proposal #2

Resolution #CR-2005-06-006
Moved by Solomon
Seconded by Barno

RESOLVED, That the Charter Revision Committee hereby **SUPPORTS** the proposed language for *Recommended Charter Revision Proposal #2* to read as follows, "Shall Section 3.4 of the Troy Charter be amended to implement election consolidation revisions to Michigan Election Law, by revising the term of Troy City Council Members and the Mayor from the current three (3) year terms that expire at 8:00 PM of the third year of the term to provide for four (4) year terms that expire at 7:30 PM of the first Monday following the Regular Election of the fourth year of their term?"

Yes: All-7

Section 7.5.5 - Proposed Section Re-Numbering and Naming 3.4.1 – Elective Officers Term Limitations and Text Amendment

3) Vote on Recommended Charter Revision Proposal #3

Resolution #CR-2005-06-007
Moved by Kanoza
Seconded by Solomon

RESOLVED, That the Charter Revision Committee hereby **SUPPORTS** the proposed language for *Recommended Charter Revision Proposal #3* to read as follows, "Shall Section 7.5.5 of the Troy Charter be renumbered as 3.4.1 and titled as Elective Officers Term Limitations?"

Yes: All-7

4) Vote on Recommended Charter Revision Proposal #4

Resolution #CR-2005-06-008
Moved by Solomon
Seconded by Wilsher

RESOLVED, That the Charter Revision Committee hereby **SUPPORTS** the proposed language for *Recommended Charter Revision Proposal #4* to read as follows, "Shall Section 7.5.5 be amended to revise the definition of a term from the current language that 'any portion of a term served shall constitute one full term' to 'Any service greater than two (2) years plus one (1) month shall constitute a term.'?"

Yes: All-7

Section 3.4.2 – Staggering Terms of Office - Proposed New Section to Facilitate Implementation of State Law Election Consolidation

5) Vote on Recommended Charter Revision Proposal #5

Resolution #CR-2005-06-009
Moved by Solomon
Seconded by Kanoza

RESOLVED, That the Charter Revision Committee hereby **SUPPORTS** the proposed language for *Recommended Charter Revision Proposal #5* to read as follows, "Shall Section 3.4.2 be created to implement election consolidation revisions to Michigan Election Law, by providing for the re-establishment of the staggering of City Council terms by providing for three (3) City Council Members to be elected in one election cycle and the remaining three (3) Council Members and the Mayor to be elected in a subsequent election cycle, which will be accomplished through an election of a one-time two (2) year City Council Member term?"

Yes: All-7

Section 7.3 - Election Date – Existing Section in Conflict with State Law - Proposed Text Amendment

6) Vote on Recommended Charter Revision Proposal #6

Resolution #CR-2005-06-010
Moved by Wilsher
Seconded by Kanoza

RESOLVED, That the Charter Revision Committee hereby **SUPPORTS** the proposed language for *Recommended Charter Revision Proposal #6* to read as follows, "Shall Section 7.3 of the Troy City Charter be amended to implement election consolidation revisions to Michigan Election Law, by changing the election date from the "first Monday in April of each year" to the "first Tuesday after the first Monday of every odd-year November" and eliminating "if some other date in the months of March, April or May is fixed by law for the holding of the state biennial election, then the regular city election shall be held on the date so fixed", since these provisions conflict with Michigan Election Law?"

Yes: All-7

Section 7.6 - Special Election – Existing Section in Conflict with State Law - Proposed Text Amendment

7) Vote on Recommended Charter Revision Proposal #7

Resolution #CR-2005-06-011
Moved by Kanoza
Seconded by Wilsher

RESOLVED, That the Charter Revision Committee hereby **SUPPORTS** the proposed language for *Recommended Charter Revision Proposal #7* to read as follows, "Shall Section 7.6 of the Troy City Charter be revised to implement election consolidation revisions to Michigan Election Law, by providing "Special City Elections shall be called as provided in Michigan Election Law" and eliminating "Special city elections shall be held when called by resolution of the Council at least 40 days in advance of such election, or when required by this charter or statute. Any resolution calling a special election shall set forth the purpose of such election. No more special city elections shall be called in anyone year than the number permitted by statute."

Yes: All-7

Section 7.9 – Nominations – Existing Section in Conflict with State Law -Proposed Text Amendment

8) Vote on Recommended Charter Revision Proposal #8

Resolution #CR-2005-06-012
Moved by Kanoza
Seconded by Bloom

RESOLVED, That the Charter Revision Committee hereby **SUPPORTS** the proposed language for *Recommended Charter Revision Proposal #8* to read as follows, "Shall Section 7.9 of the Troy City Charter be revised to eliminate a conflict with Michigan Election Law, by eliminating "No person shall sign his name to a greater number of petitions for any office than there are persons to be elected to said office at the following City election. If the signature of any persons appears on more petitions than permitted by this section, such signatures shall not be counted on any one of the petitions so signed for that office."?

Yes: All-7

Section 7.10 – Form of Petitions – Existing Section in Conflict with State Law - Proposed Text Amendment

9) Vote on Recommended Charter Revision Proposal #9

Resolution #CR-2005-06-013
Moved by Wilsher
Seconded by Kanoza

RESOLVED, That the Charter Revision Committee hereby **SUPPORTS** the proposed language for *Recommended Charter Revision Proposal #9* to read as follows, "Shall Section 7.10 of the Troy City Charter be revised to eliminate a conflict with Michigan Election Law by striking, "The Council shall approve a form of nominating petition with spaces thereon for address and date of signing for each signer, an affidavit form for the circulator to sign affirming that he and the petitioners are registered electors and a summary of the qualifications required of candidates and the regulations governing the petition" and providing that "Nominating petitions shall be in a form as provided by Michigan Election Law"?

Yes: All-7

Member Bloom suggested inserting the words "by eliminating the following language" to clarify the intent of the recommended language.

City Attorney Bluhm replied that type of language is not included because of the 100-word limitation.

City Clerk Bartholomew recommended that the text also be italicized to distinguish it further.

Discussion Regarding Recommended Charter Revision Proposals #10, #11 and #12

City Clerk Bartholomew advised that Charter Revision Proposals 10, 11 and 12 are a result of a directive given to the City Attorney. City Clerk Bartholomew further advised that City Council has not reviewed the language and although this review is not a part of the initial charge given to the Charter Revision Committee, it is before the committee today due to time constraints.

City Attorney Bluhm asked the Charter Revision Committee to provide input on the proposals so that their recommendation could be forwarded to City Council.

10) Recommended Charter Revision Proposal #10

Shall Section 5.6(b) of the Troy City Charter, which requires an affirmative vote of a majority of the members elect of the Council for the effective thereof, be revised to add subsection "(8) Authorizing local financial contributions in State of Michigan I-75 Road Projects when local financial contributions are in excess of $1,000,000.00"?

Member Solomon noted that the proposed language should be corrected by inserting "ness" in the word "effective".

Member Solomon does not agree that this type of specific language should be included in the City Charter because he believes this type of issue should be voted on by the City Council.

City Attorney Bluhm read the directive given to her by City Council from her memo to the Mayor and Members of Troy City Council Dated May 18, 2005 regarding the I-75 Ballot Question, "the City Attorney is 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." City Attorney Bluhm explained that the language is crafted in furtherance of the assignment given to her.

Members Wilsher and Kanoza agreed that the language is too specific to be included in the Charter.

Member Bloom questioned how this language would be of a benefit because he believes this issue already addressed in Item 5.

City Attorney Bluhm agreed that Item 5 arguably covers it.

Chair Bliss asked whether City Council is looking for a general recommendation from the Charter Revision Committee in regard to Charter Revision Proposals 10, 11 and 12.

City Attorney Bluhm responded that she would forward the Charter Revision Committees general thoughts as to what they believe to be appropriate or other recommendations as to how to address these issues. City Attorney Bluhm continued by stating that the committee may want to consider Charter Revision Proposal 12 separately because it differs somewhat from Charter Revision Proposals 10 and 11.

Chair Bliss advised that the Charter Revision Committee does not support Charter Revision Proposal 10.

Member Solomon added that although the Charter Revision Committee does support Charter Revision Proposals 10 and 11, the Charter Revision Committee is not expressing an opinion of the underlying issue.

11) Recommended Charter Revision Proposal #11

Shall Section 5.11.1 – Council Initiatory Referendary Petitions for I-75 Road Projects, of the Troy City Charter be added to provide a mechanism for referendum on City of Troy's financial participation in State of Michigan I-75 Road Projects when local financial contributions are in excess of $1,000,000.00?

Chair Bliss advised that the Charter Revision Committee does not support Charter Revision Proposal 11 for the same reasons as Charter Revision Proposal 10.

Recommended Charter Revision Proposal #12

Shall Section 7.9.5 – Council Initiated Ballot Questions, of the Troy City Charter be added to provide a mechanism for the City Council to place advisory ballot questions on the Regular City Election Ballot, by an affirmative majority vote of the members elect?

City Attorney Bluhm advised that the Charter Revision Proposal #12 provides for City Council to have the authority to place legislative advisory questions on ballots in future elections. City Attorney Bluhm explained that if approved by the voters in November, this ability would become effective for the next subsequent election. It is City Attorney Blum's opinion that such authority is not permissible without express authority in the City Charter.

Member Solomon understands that an advisory ballot question is not binding and that City Council may still take whatever action they deem to be appropriate.

City Attorney Bluhm agreed that advisory ballot questions are not binding and that is why there is no authority to expend city funds to do that. City Attorney Bluhm noted there is another element to this, which ties into her memo. She explained they have separated the legislative functions from the administrative and executive functions and noted that ballot proposals should be limited to legislative matters only, not administrative or executive matters. City Attorney Blum advised this concern was mentioned in her memo to City Council.

Member Bloom asked whether Charter Revision Proposal #12 would allow the I-75 question to appear on the ballot as a legislative advisory ballot question.

City Clerk Bartholomew advised that the I-75 question is an administrative question and not a legislative question.

City Attorney Bluhm explained that the proposed Charter revision language provides for questions that would be appropriate for voters to vote on such as ordinances.

Recommended Charter Revision Proposal #12

Resolution
Moved by Bloom
Seconded by Kanoza

RESOLVED, That the Charter Revision Committee hereby **SUPPORTS** the proposed language for *Recommended Charter Revision Proposal #12* to read as follows, "*Shall Section 7.9.5 – Council Initiated Ballot Questions, of the Troy City Charter be added to provide a mechanism for the City Council to place advisory ballot questions on the Regular City Election Ballot, by an affirmative majority vote of the members elect?*

Member Solomon stated that it is difficult to object to something that is a way for City Council to find out what the public thinks. However, on the other hand he asked what do we need Council for?

Chair Bliss does not personally believe that advisory questions should appear on a ballot because there are other effective ways to poll the public on particular issues. He explained that there are many ways for the public to voice their opinions to elected officials such as going to City Council meetings, write letters, talk to Council Members directly or Council Members could poll the public directly. Further, there could be dozen of advisory questions appearing on a single ballot for the public to vote on. He believes that it is the responsibility of City Council to make decisions when appropriate.

Member Solomon interjected that advisory questions could also cause delays in the decision making process.

Chair Bliss agreed and continued by stating that it could add additional costs because there is a cost for everything.

Member Wilsher believes that most people who are concerned about a particular issue will make their concerns known. She added that none of the people she knows in Troy were contacted whenever any survey has been conducted by the city.

City Attorney Bluhm reminded the Charter Revision Committee members that there is a mechanism already in place in the City Charter to bring forward a new ordinance that would be binding.

Member Bloom sympathizes with City Council. He does not know if there is any governing body that is wise enough to make a decision about issues such as the I-75 interchange because the public seems to be closely divided. He continued by stating that to a certain extent it would be nice to determine what the public wants using a scientific measure such as elections. He further stated that this proposed language would only apply to a legislative proposition and that the Committee agrees that because the I-75 issue is an administrative issue, that it would not be appropriate to place it on a ballot anyway.

Member Wilsher suggested inserting “legislative” to clarify the intent of the proposed language.

City Attorney Bluhm agreed that inserting the word “legislative” would be appropriate to clarify that a advisory ballot question could not be used for administrative or executive issues.

Member Bloom stated he would support the resolution because he believes City Council is the appropriate governing body to determine whether or not this particular question should appear on the ballot.

Vote on Resolution to Amend Recommended Charter Revision Proposal #12

Resolution #CR-2005-06-014
Moved by Wilsher
Seconded by Kanoza

RESOLVED, That the Charter Revision Committee hereby **AMENDS** the Resolution to *Support Recommended Charter Revision Proposal #12* language by **INSERTING** "nonbinding legislative" **BEFORE** "advisory".

Yes: All-7

12) Vote on Resolution to Support Recommended Charter Revision Proposal #12 as Amended

Resolution #CR-2005-06-015
Moved by Bloom
Seconded by Kanoza

RESOLVED, That the Charter Revision Committee hereby **SUPPORTS** the proposed language for *Recommended Charter Revision Proposal #12* to read as follows, "*Shall Section 7.9.5 – Council Initiated Ballot Questions, of the Troy City Charter be added to provide a mechanism for the City Council to place nonbinding legislative advisory ballot questions on the Regular City Election Ballot, by an affirmative majority vote of the members elect?*

Yes: Bloom, Noce
No: Barno, Bliss, Kanoza, Solomon, Wilsher

MOTION FAILED

Audience Participation: No audience present.

13) Vote on Resolution to Recommend a Charter Revision Provision for City Council to Hold Study Sessions

Resolution #CR-2005-06-016
Moved by Solomon
Seconded by Kanoza

RESOLVED, That the Charter Revision Committee hereby **RECOMMENDS** that the City Charter have a provision permitting City Council to hold "Study Sessions" whereby no City Council action is taken; and

BE IT FURTHER RESOLVED, That the Charter Revision Committee hereby **RECOMMENDS** that if City Council supports the Charter Revision Committee recommendation that City Council **DIRECT** the City Attorney to **DRAFT** the appropriate ballot language.

Yes: Bloom, Kanoza, Noce, Solomon, Wilsher, Barno
No: Bliss

MOTION CARRIED

14) Vote on Resolution to Adjourn

Resolution #CR-2005-06-017
Moved by Wilsher
Seconded by Kanoza

RESOLVED, That the Charter Revision Committee meeting of Monday, June 20, 2005 hereby be adjourned.

Yes: All-7

Attached to and made a part of the original Minutes of this meeting is a memorandum dated May 18, 2005 to the Mayor and Members of Troy City Council from Lori Grigg Bluhm, City Attorney regarding, *"I-75 Ballot Question".*

The meeting **ADJOURNED** at 2:40 PM.

Daniel H. Bliss, Chair	Tonni L. Bartholomew, City Clerk

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

June 14, 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:** Option To Renew and Amend Contract – Sidewalk Replacement Program

RECOMMENDATION

On July 19, 2004, the Troy City Council approved the first of two one-year options to renew, and amended the contract to provide a sidewalk replacement and installation program at a total cost not to exceed $550,000.00, under the same contract prices, terms, and conditions expiring June 30, 2005. (Resolution #2004-07-383)

The original contract included a second option to renew for one additional year to the low bidder, Hard Rock Concrete, Inc. who has agreed to renew the contract under the same prices, terms, and conditions.

City management recommends exercising the option to renew for the second –year not to exceed $550,000.00, which will expire June 30, 2006, and approve an amendment to the contract for additional work not to exceed $92,237.50. Sidewalks scheduled for replacement are located in Sections 13 and 24.

Proposed 2005 Contract Amount	$366,210.00
Additional 25%	$ 91,552.50
Proposed Amendment	$ 92,237.50
Total 2005/2006 Budget Amount	$550,000.00

MARKET SURVEY

A favorable market survey was conducted by the Purchasing Department. Economic conditions indicate prices will continue to rise on concrete due to the shortage caused in part, by the building boom in China. The shortage is compounded by U.S. rail backlogs.

BACKGROUND

- Hard Rock Concrete, Inc. has been producing a quality product for the City.
- The price for fuel and cement is continuing to increase. It is in the City's best interest to take advantage of 2003 pricing for the 2005/06 construction season by amending the construction quantities.
- Moving this work forward would improve the safety for all pedestrians and also reduce the liability for the City.

BUDGET

Funding for this project will come from 2005/2006 budgeted funds available in the Capital Accounts for Sidewalks.

Prepared by: Marina Basta Farouk, Project Construction Manager

May 26, 2005

TO: Jeanette Bennett
Purchasing Director

FROM: Linda N. Bockstanz
Associate Buyer

RE: MARKET SURVEY – SIDEWALK REPLACEMENT

LACARIA CONCRETE CONSTRUCTION – Sam (313) 843-3865

Sam has indicated that concrete has increased in price because of two major items. The number one major reason is that the powder that makes concrete has increased anywhere from $6.00 to $12.00 per cubic yard. The other major reason is fuel costs that have increased in the last couple of years. He believes the increase will continue over the next couple of years.

Based upon the above comments, I respectfully recommend that the City accept the offer to renew the contract for Sidewalk Replacement with the current vendor based on the fact costs for concrete will increase 5% to 10% in price.

CC: Susan Leirstien

ATTN: Racco Grimaldi
Hard Rock Concrete Inc
38146 Abruzzi
Westland, MI 48185

Dear Mr. Gtimaldi:

On August 4,2003, the City of Troy entered into contract 20300123 -OB with Hard Rock Concrete Inc to provide one (1) year requirements of the sidewalk replacement and installation program. This contract contained an option to renew for two (2) additional one- year periods through mutual consent of both parties, within 30 days of contract termination.

Please fax this letter back to Marina Basta Farouk at Public Works Department indicating if Hard Rock Concrete Inc. wishes to renew this contract until June 30,2006. Our fax number is (248) 524-3520. 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 Manager and City Council approval and a blanket purchase order issued.

If you have any questions please call me at (248) 524-3595.

CHECK ONE:

Hard Rock Concrete Inc. is interested in renewing the contract under the same prices, terms, and conditions: X

Hard Rock Concrete Inc. is not interested in renewing the contract: ( )

X Tony Grimaldi
Signed: Authorized Company Representative

Date: 5/18/05

Thank you,
Marina Basta Farouk
Project Construction Manager

F-5 Final Plan Review – Crestwood Site Condominium – North of Wattles, East of Livernois, Part of the Crestfield Subdivision in the SW ¼ of Section 15 – R-1C

Resolution #2004-07-381
Moved by Eisenbacher
Seconded by Lambert

RESOLVED, That the Final Plan, as submitted under Section 34.30.00 of the Zoning Ordinance (Unplatted One-Family Residential Development) for the development of a One-Family Residential Site Condominium known as Crestwood Site Condominium, located on the north side of Wattles Road, east of Livernois Road, including 23 home sites, within the R-1C Zoning District, being 11.983 acres in size, is hereby **APPROVED**, as recommended by City Management.

Yes: All-6
No: None
Absent: Stine

F-6 Change Order for Section 19 Drain Improvements

Resolution #2004-07-382
Moved by Beltramini
Seconded by Broomfield

RESOLVED, That a change order to Contract 03-6, Crooks Road Watermain Abandonment, for the installation of the Section 19 Drain Improvements Project to be **AWARDED** to the second lowest bidder, Troelsen Excavating, Co. for the estimated cost of $280,730.00 at unit prices contained in the tabulation of bids opened June 7, 2004; a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and

BE IT FURTHER RESOLVED, That **AUTHORIZATION IS GRANTED** to add work due to unforeseen circumstances, which is not to exceed 10% of the original project cost. The project will be paid out of the Capital Drains Account.

Yes: All-6
No: None
Absent: Stine

F-7 Option to Renew and Amend Contract – Sidewalk Replacement Program

Resolution #2004-07-383
Moved by Eisenbacher
Seconded by Beltramini

WHEREAS, On August 4, 2003 and corrected on August 18, 2003, a one-year contract to provide Sidewalk Replacement and Installation with an option to renew for two additional one-year periods was awarded to the low bidder, Hard Rock Concrete, Inc., at an estimated cost of $366,210.00, if changes in the work are required, either additive or deductive, such changes

are authorized in an amount not to exceed 25% of the contract total per year (Resolution #2003-08-425-E9).

WHEREAS, Hard Rock Concrete, Inc. has agreed to exercise the first one-year option to renew under the same prices, terms, and conditions.

WHEREAS, It is requested the contract be amended to allow for additional sidewalk work as needed, not to exceed $92,237.50.

NOW, THEREFORE, BE IT RESOLVED, That the option to renew the contract is hereby **EXERCISED AND AMENDED** with Hard Rock Concrete, Inc. to provide Sidewalk Replacement and Installation within the City of Troy for the original contract amount plus $92,237.50, not to exceed a total project cost of$550,000.00, under the same contract prices, terms, and conditions for one-year expiring June 30, 2005.

Yes: All-6
No: None
Absent: Stine

F-9 Final Site Condominium Approval – Wattles Ridge Site Condominium, South of Wattles – East of Rochester – Section 23 – R-1C - Removed by City Management.

MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

G-1 Announcement of Public Hearings:

(a) Rezoning Application – North Side of Big Beaver, West of John R Road, Section 23 – E-P to O-1 and R-1E to E-P (Z-402-C) – **Scheduled for Monday, August 9, 2004**

(b) 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) – **Scheduled for Monday, August 9, 2004**

Noted and Filed

G-2 Green Memorandums:

(a) Proposed Amendments to Taxicab and Limousine Ordinance

(b) Community Center Fitness Room Expansion to Enhance Customer Service

(c) International City/County Management Association (ICMA) Citizen Survey

Noted and Filed

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

July 6, 2004

TO: John Szerlag, City Manager

FROM: Steve Vandette, Acting Assistant City Manager/Services
Jeanette Bennett, Purchasing Director
Timothy L. Richnak, Public Works Director

SUBJECT: **Agenda Item:** Option To Renew and Amend Contract – Sidewalk Replacement Program

RECOMMENDATION

On August 18, 2003, the Troy City Council approved a contract to provide a sidewalk replacement and installation program through June 30, 2004. The contract includes an option to renew for two (2) additional one-year periods to the low bidder, Hard Rock Concrete, Inc. at the same estimated amounts of $366,210.00, plus $91,552.50 (25%) {Resolution #2003-08-425-E9}.

City management recommends exercising the option to renew for one-year, which will expire June 30, 2005, and approving an amendment to the contract for additional work not to exceed $92,237.50. Sidewalks scheduled for replacement are located in sections 1,2,3,10,11, and 12.

Hard Rock Concrete, Inc. has agreed to exercise the one-year option to renew under the same prices, terms, and conditions.

Proposed 2004 Contract Amount	$366,210.00
Additional 25%	$ 91,552.50
Proposed Amendment	$ 92,237.50
Total 2004/2005 Budget Amount	$550,000.00

MARKET SURVEY

A favorable market survey was conducted by the Purchasing Department. Economic conditions indicate prices are expected to rise on concrete, labor, and fuel.

BACKGROUND

- Hard Rock Concrete, Inc. has been able to work at a faster than expected pace while producing a quality product for the City.
- It is to our benefit to take advantage of 2003 pricing for the 2004 construction season by amending the construction quantities.
- Moving this work forward would improve the safety for all pedestrians and also reduce the liability for the City.

BUDGET

Funding for this project will come from 2004/2005 budgeted funds available in the Capital Accounts for Sidewalks.

Prepared by: Marina Basta Farouk, Project Construction Manager

March 17, 2004

TO: Jeanette Bennett
Purchasing Director

FROM: Linda N. Bockstanz
Associate Buyer

RE: MARKET SURVEY – Sidewalk Replacement and Installation

MAJOR CEMENT – Frank Jacoboni (313) 215-0972
Frank has indicated that with Union wages going up $1.25 to $1.50 per year, (almost 5%) and Concrete going up $2.00 per yard, (3 –4% increase) along with fuel price continuing to rise, that he would increase his prices on any project the City of Troy has to offer. It is also based on "Who's got the work and who doesn't".

LACARIA CONCRETE – CONSTRUCTION – Salvatorie Lacaria (313) 843-3865
According to Salvatorie – their cost would increase because of the following three things: 1.) Union Wages that go up about 4 to 5% per year, 2.) Dumping charges, (for dumping the replaced concrete waste) and 3.) Fuel prices that keep increasing at the pumps.

Based upon the above comments, I respectfully recommend that the City accept the offer to renew the contract for Sidewalk Replacement & Installation to the current vendor based on the increase cost of concrete, wages, and fuel for the next couple years.

CC: Susan Leirstien

ATTN: Racco Grimaldi
Hard Rock Concrete Inc
36146 Abruzzi
Westland, MI 48185

Dear Mr. Schmitt:

On August 4,2003, the City of Troy entered into contract 20300123 -OB with Hard Rock Concrete Inc to provide one (1) year requirements of the sidewalk replacement and installation program. This contract contained an option to renew for two (2) additional one- year periods through mutual consent of both parties, within 90 days of contract termination.

Please fax this letter back indicating if Hard Rock Concrete Inc, Inc. wishes to renew this contract until June 30,2005. Our fax number is (248) 524-3520. 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 Manager and City Council approval and a blanket purchase order issued.

If you have any questions please call me at (248) 524-3595.

CHECK ONE:

Hard Rock Concrete Inc. is interested in renewing the contract under the same prices, terms, and conditions: (✓)

Hard Rock Concrete Inc. is not interested in renewing the contract: ( )

X Racco Grimaldi

Signed: Authorized Company Representative

Date: 1/26/04

Thank you,
Marina Basta Farouk
Project Construction Manager

E-8 Acceptance of Permanent Easement for Drainage and Approval to Pay Consideration – Section 1 Golf Course Passing Lane – Project No. 98.910.5 – Patricia H. Schaefer Runquist – Sidwell #88-15-36-376-013

Resolution #2003-08-425-E-8

RESOLVED, That the Permanent Easement for Drainage from Patricia H. Schaefer Runquist, owner of property having Sidwell #88-15-36-376-013 is hereby **ACCEPTED**, and that payment is **AUTHORIZED** in the amount of $2,725.00 plus recording costs; and

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

E-9 Corrected Resolution: Standard Purchasing Resolution 1: Award to Low Bidder – Sidewalk Replacement and Installation Program From Regular City Council Meeting Held on Monday, August 4, 2003

NOTE: The below corrected Resolution #2003-08-400 from the Regular City Council Meeting held on Monday, August 4, 2003 has been resubmitted for Council approval noting that June 30, 2003 should read August 4, 2004.

Resolution #2003-08-425-E-9

RESOLVED, That a contract to provide a Sidewalk Replacement and Installation Program through June 30, 2003 2004, with an option to renew for two (2) additional one-year periods is hereby **AWARDED** to the low bidder, Hard Rock Concrete, Inc. for an estimated total cost of $366,210.00, at unit prices contained in the bid tabulation opened 7/22/03, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

BE IT FURTHER RESOLVED, That the award is **CONTINGENT** upon contractor submission of properly executed bid and contract documents, including bonds, insurance certificates and all other specified requirements; and if changes to the quantity of work is needed, the total arithmetic dollar value of all such changes does not exceed +/- 25% of the contract total per year and falls within budgetary limits.

BE IT FINALLY RESOLVED, That City Council **DIRECT** City Administration to provide a report to City Council at the end of this contract listing all cases where development standards were waived and the amount of savings that resulted.

E-11 Private Agreement for Light Industrial Bldg. – 1893 Birchwood – Project No. 03.912.3

Resolution #2003-08-425-E-11

July 22, 2003

E-06

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager
Gary A. Shripka, Assistant City Manager/Services
Jeanette Bennett, Purchasing Director
Timothy L. Richnak, Public Works Director

SUBJECT: Standard Purchasing Resolution 1: Award to Low Bidder – Sidewalk Replacement and Installation Program

RECOMMENDATION

On July 22, 2003, bids were received for the Sidewalk Replacement and Installation Program. City management recommends awarding the contract to the low total bidder, Hard Rock Concrete Inc. for an estimated total cost of $366,210.00, at unit prices contained in the attached bid tabulation opened 7/22/03.

In addition, staff requests authorization to change the quantity of work either additive or deductive at unit prices quoted, provided the total arithmetic dollar value of all such changes does not exceed 25% of the contract total per year and falls within budgetary limits.

The award is contingent upon the recommended bidder submission of proper contract and bid documents, including bonds, insurance certificates and all specified requirements. Due to bonding requirements, the program was bid on a low total award basis.

BUDGET

Funds are available from the 2003/04 budget in the Capital Accounts for Public Works Construction Sidewalk Replacement and Installation Programs.

A comparison of the budgeted amount to the low bid follows:

Account Number	Project Description	As- Bid Amount	Budget Amount
401513.7989.700	Sidewalk Replacement	$334,915.00	$385,000.00
401513.7989.610	Sidewalk Installation	$31,295.00	$110,000.00

Locations for sidewalk installations have not been specified, and will only be used if areas occur with sidewalk gaps.

44 MITN Vendors Notified
2 Vendor Walk-Ins
3 Bid Responses Rec'd

Prepared by: Marina Basta/Farouk, Project Construction Manager

Opening Date -- 7-22-03
Date Prepared -- 7/24/03

CITY OF TROY
BID TABULATION
SIDEWALK REPLACEMENT & INSTALLATION

ITB-COT 03-12

VENDOR NAME:	* HARDROCK CONCRETE INC	LACARIA CONCRETE CONSTRUCTION	MAJOR CEMENT
CHECK #:	473451098	650329643	214824
CHECK AMOUNT:	$ 2,500.00	$ 2,500.00	$ 2,500.00

PROPOSAL A: Sidewalk Replacement

ITEM	DESCRIPTION	EST. QTY	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
1	Remove and Replace 4" Concrete	79,100 S.F.	$ 3.15	$ 249,165	$ 3.05	$ 241,255	$ 4.15	$ 328,265
2	Remove and Replace 6" Concrete	8,500 S.F.	$ 3.50	$ 29,750	$ 4.00	$ 34,000	$ 5.00	$ 42,500
3	Remove and Replace 8" Concrete	500 S.F.	$ 4.50	$ 2,250	$ 4.50	$ 2,250	$ 5.50	$ 2,750
4	Adjusting Drainage Structure	30 EACH	$ 175.00	$ 5,250	$ 125.00	$ 3,750	$ 350.00	$ 10,500
5	Reconstruct Drainage Structure	20 EACH	$ 175.00	$ 3,500	$ 300.00	$ 6,000	$ 550.00	$ 11,000
6	Reconstruct Sanitary Manhole	10 EACH	$ 275.00	$ 2,750	$ 350.00	$ 3,500	$ 550.00	$ 5,500
7	Handicap Ramps	50 EACH	$ 300.00	$ 15,000	$ 240.00	$ 12,000	$ 350.00	$ 17,500
8	Tree Root Grind	545 EACH	$ 50.00	$ 27,250	$ 59.00	$ 32,155	$ 115.00	$ 62,675
9	Traffic Maintenance	Included	Included		Included		Included	
10	Soil Erosion Control	Included	Included		Included		Included	
11	Restoration	Included	Included		Included		Included	
	Est. Total Cost - Proposal A			$ 334,915		$ 334,910		$ 480,690

PROPOSAL B: Sidewalk Installation

ITEM	DESCRIPTION	UNITS	EST QTY	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
1	Removing Tress 3" - 7"	Ea	2.0	$ 200.00	$ 400	$ 200.00	$ 400	$ 300.00	$ 600
2	Removing Trees 8" - 18"	Ea	2.0	$ 500.00	$ 1,000	$ 500.00	$ 1,000	$ 750.00	$ 1,500
3	Removing Sidewalk & Driveway App	S.Y.	10.0	$ 4.50	$ 45	$ 10.00	$ 100	$ 16.00	$ 160
4	Relocate Hydrant, If needed	Ea	1.0	$ 2,000.00	$ 2,000	$ 2,500.00	$ 2,500	$ 2,500.00	$ 2,500
5	Relocate Flag Pole, If needed	Ea	1.0	$ 150.00	$ 150	$ 200.00	$ 200	$ 250.00	$ 250
6	Relocate Sign & Posts, If needed	Ea	1.0	$ 60.00	$ 60	$ 100.00	$ 100	$ 150.00	$ 150
7	Remove/Replace Concrete Curb/Gutt	L.F.	20	$ 22.00	$ 440	$ 20.00	$ 400	$ 38.00	$ 760
8	Class A Culvert, 12", If needed	L.F.	10	$ 35.00	$ 350	$ 20.00	$ 200	$ 65.00	$ 650
9	Adjust Drainage Structures	Ea	3.0	$ 200.00	$ 600	$ 200.00	$ 600	$ 350.00	$ 1,050
10	Drainage Structure Covers	LBS	2000	$ 1.90	$ 3,800	$ 0.90	$ 1,800	$ 1.00	$ 2,000
11	Install Concrete Sidewalk 4"	S.F.	2000	$ 3.00	$ 6,000	$ 3.30	$ 6,600	$ 4.65	$ 9,300
12	Install Concrete Sidewalk 6"	S.F.	3600	$ 3.15	$ 11,340	$ 3.90	$ 14,040	$ 5.25	$ 18,900
14	Traffic Maintenance	LSUM	1.0	$ 1,500.00	$ 1,500	$ 1,000.00	$ 1,000	$ 2,000.00	$ 2,000
15	Soil Erosion Control	LSUM	1.0	$ 1,000.00	$ 1,000	$ 1,000.00	$ 1,000	$ 200.00	$ 200
16	Class A Sod	S.Y.	335	$ 6.00	$ 2,010	$ 12.00	$ 4,020	$ 4.00	$ 1,340
17	Watering Lawn Areas (1,000 Gal)	UNITS	1.0	$ 300.00	$ 300	$ 500.00	$ 500	$ 200.00	$ 200
18	Mowing Grass Areas	TIMES	4.0	$ 75.00	$ 300	$ 100.00	$ 400	$ 250.00	$ 1,000
19	Restoration	Included		Included		Included		Included	
	Est. Total Cost - Proposal B				$ 31,295		$ 34,860		$ 42,560
	ESTIMATED GRAND TOTAL - PROPOSALS A & B:			*	$ 366,210		$ 369,770		$ 523,250

INSURANCE:	Can Meet	XX	XX	XX
	Cannot Meet			
PROGRESS PAYMENTS:		N/A	BLANK	SAME AS PRIOR YEARS
	Identified as			
TERMS		AS IN THE CONTRACT	BLANK	BLANK
WARRANTY		AS IN THE CONTRACT	PER CONTRACT	BLANK
EXCEPTIONS		NONE	BLANK	NONE

*** DENOTES LOW TOTAL BIDDER**

ATTEST:
Marina Basta-Farouk
MaryAnn Hays
Linda Bockstanz

Jeanette Bennett
Purchasing Director

Downloading History for ITB-COT 03-12Sidewalk

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 **7/24/2003.**

Document Title:	Sidewalk Replacement And Installation Program
Date Issued:	7/1/2003
Close Date:	7/22/2003

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
11428	Adj Excavating, Inc	E-mail		
12306	Advanced Services Lawn and Landscape	E-mail	7/9/2003	
12964	Ajax Materials Corporation	E-mail	7/3/2003	
12466	Al's Asphalt Paving Co., Inc.	E-mail		
10139	B & J Parking Lot Maintenance, Inc.	E-mail		
12250	Barrett Paving Materials Inc.	E-mail		
10142	Benchmark Financial Ltd	E-mail		
11742	Bowen Paving, Inc.	Fax		
11631	Bowman Construction LLC	Free	7/7/2003	
10928	Commercial Contracting Corporation	E-mail		
12323	D.L.F. Trucking, Inc.	Fax		
12287	Demko Inc.	Free	7/3/2003	
10850	DiLisioContracting Inc.	E-mail		
12624	DLZ Michigan, Inc.	Free	7/16/2003	
12402	Dusing Security & Surveillance, Inc.	E-mail	7/12/2003	
13228	E.A. Graphics	Free	7/7/2003	
12164	Edw. C. Levy Co.	E-mail		
12938	Farrow Group, Inc.	Fax	7/2/2003	
11657	Giffels-Webster Engineers, Inc.	Free	7/2/2003	
10938	Great Lakes Landscaping & Construction Inc.	Fax		

13332	HARDROCK CONCRETE, INC.	Free	7/12/2003	
10833	Hartwell Cement Company	E-mail	7/2/2003	
11514	Highway Maintenance & Construction Co.	E-mail		
12021	JOHN CARLO, INC.	E-mail		
13259	L Squared Construction, L.L.C	Fax	7/8/2003	
12254	L-D-J CONSTRUCTION, INC.	E-mail		
13213	Major Cement Co.	Free	7/3/2003	
11884	Mathisen Company	Fax		
10429	Metropolitan Asphalt Paving, Inc.	Fax		
12149	National Alliance of Cabling & Technology	E-mail	7/10/2003	
12761	Northwest Consultants, Inc.	E-mail		
11059	Pamar Enterprises, Inc.	E-mail	7/2/2003	
12670	Professioanl Engineering Associates	Free	7/2/2003	
12265	scodeller construction, inc.	E-mail		
12005	Speedy Excavating, Inc	Fax		
10113	Sullivan Corporation	Free	7/2/2003	
10327	T & M ASPHALT PAVING, INC.	E-mail		
12181	T-III, LTd.	Free	7/8/2003	
12577	terrasini cement	E-mail		
10974	The Avrie Group, Inc.	E-mail		
12535	The Stansley Group	E-mail		
11814	Tony Anthony Inc	E-mail		
10101	Vac-All Service, Inc.	E-mail		
10604	white excavating company inc.	Fax		

Return to Main Menu Return to Report Menu

July 7, 2005

TO: John Szerlag, City Manager

FROM: Brian Murphy, Assistant City Manager / Services
Steven Vandette, City Engineer
John K. Abraham, Traffic Engineer

SUBJECT: Final Environmental Impact Statement for Widening and Reconstruction of I-75 from M-102 to M-59

Recommendation:

The City Council passed a resolution in support of the Draft Environmental Impact Statement for the above project at their March 01, 2004 meeting (Resolution # 2004-03-120). City staff recommends that City Council adopt a resolution supporting MDOT's FINAL Environmental Impact Statement (FEIS) for the I-75 widening project and encourage communities along I-75 to do the same.

Background:

As you may be aware, the *I-75 Corridor Study in Oakland County* (Feasibility Study*)* completed in November 2000 recommended providing four (4) through travel lanes in each direction throughout Oakland County. It also recommended the improvement of several interchanges and arterial streets near I-75. An Environmental Impact Study was performed as a part of the I-75 widening project to continue the regulatory process necessary to pursue federal construction funding. The planning/environmental study took the results of the earlier I-75 corridor study, examined its recommendations, re-evaluated them in more detail and perfected them. The analysis examined transit and the use of high-occupancy vehicle techniques, both as solutions to regional travel.

The FEIS for the project has been completed and released for public comment. MDOT will hold an open house on July 19th from 4:30 PM to 8:30 PM at 3500 Marais Ave, Royal Oak.

Improvements in the I-75 corridor are much overdue and City staff feels that any delays to this project may exacerbate traffic congestion concerns that we are already facing. City staff recommends that City Council pass a resolution supporting the FEIS so that the regulatory process to authorize funds for the improvements recommended may proceed without further delays.

JKA

F-6 Alternate Dispatch Center (ADC) Relocation Budget

Resolution #2004-03-119
Moved by Beltramini
Seconded by Stine

RESOLVED, That the Troy City Council hereby **APPROVES** the budget for the moving of the Alternate Dispatch Center from the Department of Public Works to the Troy Police and Fire Training Center for a cost not to exceed $47,000.00.

Yes: All-6
No: None
Absent: Broomfield

F-7 Environment Impact Statement for Widening and Reconstruction of I-75 from M-102 to M-59

Resolution #2004-03-120
Moved by Beltramini
Seconded by Lambert

WHEREAS, Improvements to the I-75 Corridor such as additional lanes on I-75, interchange improvements and local roadway improvements are overdue, and are recommended by the I-75 corridor study; and

WHEREAS, The lack of these improvements continues to exacerbate traffic congestion concerns in the City and the region.

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Troy **RECOMMENDS** that the Draft Environmental Impact Statement for the I-75 Corridor Study be approved by the Federal Highway Administration and **ENCOURAGES** communities along I-75 to support the DEIS, for the timely approval of federal funds for the completion of the recommended improvements.

Yes: All-6
No: None
Absent: Broomfield

COUNCIL COMMENTS

There was a consensus of City Council to **DIRECT** City Management to set a tentative joint meeting with the Parks and Recreation Advisory Board on Monday, March 29, 2004 in the Lower Level Conference Room.

COUNCIL REFERRALS

DATE: July 5, 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
Parking Variance, Maple Research Center

We have received a request from Joe Trinkle of Liberty Properties to locate facilities for Central Michigan University in one of the buildings in the Maple Research Center. This complex is located on the north side of Maple Road, just west of I-75 and is in the R-C (Research Center) Zoning District. With this proposed use, combined with the other uses existing in the center, a total of 1,627 parking spaces would be required for the six building complex based upon the requirements of Section 40.21.00 of the Zoning Ordinance. The existing development has only 1,309 parking spaces available.

In light of this 318 parking space deficiency the plans for the conversion of the space for CMU have been denied. In response to our denial, the petitioners have filed an appeal asking for a variance on the parking requirement. In accordance with Section 44.01.00 a public hearing on the request has been scheduled for your meeting of July,18, 2005.

We have included copies of the appeal request as well as the supporting documentation for your information.

Prepared by: Mark Stimac, Director of Building and Zoning

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

RECEIVED
JUL 05 2005
BUILDING DEPT.

TO TROY CITY COUNCIL DATE: 7/5/05

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

Applicant: ~~JOE TRINKLE~~ LIBERTY PROPERTY TRUST Phone: 248·262·1010

Address: 26957 NORTHWESTERN HWY. STE 140 SOUTHFIELD, MI 48034

Address of Property: 1650 RESEARCH DRIVE

Lot #_____ Subdivision: _____

Zoning District: RC Sidwell # 88 20262360 29

Owner of Property: LIBERTY PROPERTY TRUST Phone: _____

Address: (SEE ABOVE)

This appeal is made on a determination by the Director of Building & Zoning, in the enforcement of the Zoning Ordinance, in a letter dated: JUNE 22, '05

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

and particulars _____

REASON FOR VARIANCE:

Dimension of Stall? _____ Parking Spaces Required: 1627 PER NEW PLAN

Number of Stalls? _____ Parking Spaces Provided: 1309

Other Dimensions? _____ Variance Requested: 318 SPOTS

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

REFER TO ATTACHED MEMO DATED JUNE 22, '05

RECEIVED
JUL 05 2005
BUILDING DEPT.

PLOT PLAN OF SITE ATTACHED HERETO

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

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

Date: JULY 5 2005 DAVIS & DAVIS
(Signature of Applicant)

Signed and Sworn to before me this 5th day of July 20 05

Pamela R Pasternak
Notary Public

My Commission Expires: _____

Filing Fee $200.00	Date Paid 7-5-05

REV:2/2002

PAMELA R. PASTERNAK
Notary Public, State of Michigan, County of Macomb
My Commission Expires September 1, 2007
Acting in the County of Oakland

DAVIS & DAVIS
INTERIOR DESIGN CO.

MEMORANDUM

TO: City of Troy Building / Planning Department
Joe Trinkle - Liberty Property Trust

FROM: Chuck Brewer

RE: **Maple Research Park parking variance**
Central Michigan University
Davis & Davis Job Numbers 05098, 05115, 05123

DATE: July 5, 2005

****

This letter is being submitted by Davis & Davis to discuss the parking issues. We have had conversations with Joe Trinkle - Liberty Property Trust and Mark Stimac - Troy Building Department; it is understood that the Central Michigan University proposed project will have only "after hours" classes. Refer to submitted letter from Central Michigan. Most of the other tenants in this complex do not have shifts or employees working after 5:00 pm. The tenant, International Academy of Design & Technology, has classes that are after 5:00 pm. However, these parking requirements have been included in the attached calculations.

It is our understanding that this situation would constitute non-simultaneous use & parking requirements. Granting this variance should not create a parking issue that would violate the zoning or parking requirements for this complex.

Please call if you have any questions or need any additional information.

RECEIVED
JUL 05 2005
BUILDING DEPT.

5829 WEST MAPLE ROAD • SUITE 119 • WEST BLOOMFIELD • MICHIGAN 48322 • (248) 855-7040 • FAX (248) 855-7744

DAVIS & DAVIS
INTERIOR DESIGN CO.

MEMORANDUM

TO: City of Troy Building / Planning Department
Joe Trinkle - Liberty Property Trust

FROM: Chuck Brewer

RE: **Maple Research Park parking count**
Central Michigan University
Davis & Davis Job Numbers 05098, 05115, 05123

DATE: June 22, 2005

RECEIVED
JUL 05 2005
BUILDING DEPT.

****

Parking space counts for the entire Maple Research Center complex:
(excluding the existing restaurant & hotel – separate parcels)

Building A (3 stories) total gross square footage 75,000 sf
Building B (1 story) total gross square footage 30,450 sf
Building C (1 story) total gross square footage 30,450 sf
Building D (3 stories) total gross square footage 75,000 sf
Building E (1 story) total gross square footage 38,600 sf
Building F (1 story) total gross square footage 38,600 sf

Parking spaces required when complex was built:
Total: 288,100 sf x .80 (for 80% of spaces useable) = 230,480 sf / 200 = 1152 required

TOTAL PARKING PROVIDED WHEN COMPLEX WAS BUILT: 1309
The attached layout indicates the number of spots. This layout has been "spot checked" & appears to be an accurate count.

BUILDING A (1650) - Parking spaces increase for proposed tenant:
First Floor (since an approximate floor plan is available)
The total floor area is 26,492. Excluding corridors, lobby areas, vertical shafts, restrooms, mechanical spaces and storage areas (6144 sf), the useable floor area is 20,348 usf. 220 students will be attending classes on this floor; therefore, 220 spots will be required for the classroom spaces using the calculation of 1 spot per student. 7428 usf will be deducted from the useable floor area number for the classrooms. The balance of12,920 sf will be calculated as office space standards as 1 parking spot per

5829 WEST MAPLE ROAD • SUITE 119 • WEST BLOOMFIELD • MICHIGAN 48322 • (248) 855-7040 • FAX (248) 855-7744

200 sf. The parking required for this floor would be 64 + 220 = 284 spots.

Second Floor (since a floor plan is not available)
The total floor area is 26,113. Excluding corridors, lobby areas, vertical shafts, restrooms, mechanical spaces and storage areas (3,918 sf), the useable floor area is 22,195 sf x .8 = 17,756 / 200 assumed as business. The parking for this floor would be 89 parking spots.

Third Floor (since an approximate floor plan is available)
The total floor area is 25,611. Excluding corridors, lobby areas vertical shafts, restrooms, mechanical spaces and storage areas (2892 sf), the useable floor area is 22,719 sf / 200 assumed as business. The parking for this floor would be 113 parking spots.

The parking spots required now for this building, as proposed would be 486 spots. Refer to enclosed site plan, the outlined area indicates more than the 486 spots required.

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BUILDING D (1850) - Parking spaces increase for proposed tenant:
First Floor (since an approximate floor plan is available)
The International Academy of Design and Technology is a tenant on the first and second floor of this building. Refer to the attached 11x17 floor plans provided. The floors have been walked and visually reviewed. The school has administrative functions (registration, offices, work rooms, etc.) on the north half of this floor. This half of the floor is 8568 sf / 200 for business = 43 parking spots. The southern half of the first floor minus the stairs and corridor to the exterior of the building is considered classroom use (1 parking spot per student). By counting chairs and number of students, verified by the tenant, a total of 142 students would requires 142 parking spots. The parking for this floor would be 185 spots.

Second Floor (since an approximate floor plan is available)
The majority of this floor is lecture halls and lab rooms. We have been informed that lab rooms are areas that "overlap" or are "redundant uses". They are rooms that the students from the lecture halls go into to do their work. They are not rooms for addition students. The total number of seats, counted and verified by the tenant is 308. 1000 square feet of this floor are for offices, work areas, faculty spaces therefore they should be calculated for business 1000 sf/200 = 5. The parking for this floor would be 313 parking spots.

Third Floor (since an approximate floor plan is not available)
The total floor area is 25,611 – 2820 sf (for core elements) = 22,791 x .8 = 18,233/ 200 (assumed for business). The parking for this floor would be 91 parking spots.

This building requires 589 parking spots as currently designed.

The remaining buildings B, C, E & F are intended to remain; therefore their parking calculations would remain as is. 138,100 sf x .80 = 110,480 sf / 200 = 552 parking spots.

Please keep in mind that many of tenants currently in the park have long term leases and have made the commitment to keep their business in the city of Troy. Almost every tenant is currently below the "worse case scenario" from a parking perspective (1 parking spot per 200 sf). At any time during the day parking spots are readily available without "looping or hovering" for a spot. This scenario could be documented in the future if necessary.

TOTAL PARKING SPOTS REQUIRED (FOR PROPOSED CMU PLANS): 1627 PARKING SPACES

The 1309 existing spots represent 80% of the new total spots required.

Therefore, the existing parking would not be sufficient to accommodate this increase without a variance. The solution to this parking issue is being addressed by documented information that the Central Michigan University (CMU) classrooms are used only "after work hours". The additional parking this classroom use requires can be acquired from existing parking spots vacated by employees working 9-5. REFER TO ATTACHED LETTER FROM CMU EXPLAINING HOW THE PROPOSED SPACES WILL BE USED.

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Mr. Joseph A. Trinkle
Vice President/City Manager
Liberty Property Trust
26957 Northwestern Highway - Suite 140
Southfield, MI 48034

Dear Joe,

In response to your request concerning our expected staff personnel and student (customer) usage of our new CMU - Troy Learning Center at 1650 Research Drive, Troy, MI during day-time, evening, and weekend hours, I respectfully submit the following information:

1st Floor – Approximately 12,000 sq ft. – Administrative and Classroom Usage

1) Staff personnel – 8 FTE employees working between 8 am & 6 pm – Monday thru Friday
2) Students – 7 classrooms operating between
    a. 6 pm & 10 pm - Monday thru Friday
    b. 9 am & 5 pm - Saturday & Sunday
    c. Staff personnel are NOT present during the classroom evening & weekend hours. Faculty instructors handle the closing / securing of the classrooms & offices.
    d. Student attendance averages 18 – 22 per class throughout the fiscal year.
    e. It is common during each 8 week term for 1 to 2 classes to remain vacant throughout the weeknight and weekend.
    f. Only during a short time span (2 to 4 weeks) during the summer months will 1 or 2 classrooms be used during the weekday hours of 9 am & 5 pm. These special classes are offered primarily to accommodate Metro Detroit elementary, middle, and high school teachers who choose to take 1 week long educational classes during their summer employment break.
    g. A small break-room lounge will be used by staff during the day and students attending evenings & weekends. Typically 2 - 15 minute breaks are provided to students during weeknight programs and 3 to 4 – 15 minute breaks in 8 hour weekend classes.
    h. Only students registered for weeknight or weekend classes are allowed to be in the building during classroom hours.

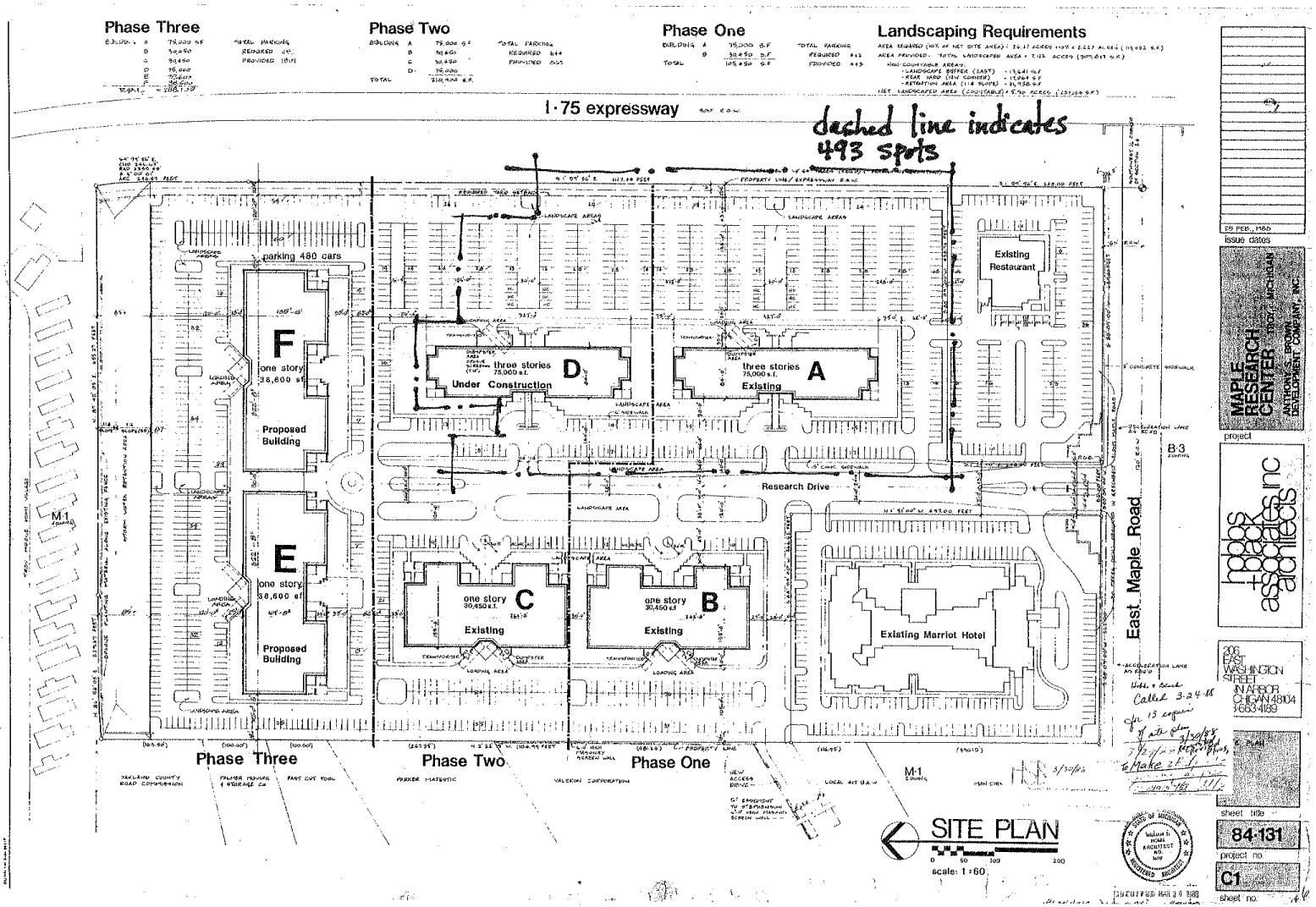
3rd Floor – Approximately 10,000 sq ft. – Administrative Usage Only

1) Staff personnel – 25 FTE employees operating between 8 am & 6 pm – Monday thru Friday
2) Traditional administrative office use – NO classroom use

If additional information is needed, please don't hesitate to contact me.

Sincerely,

Daniel J. Stephens
Director of Finance
Central Michigan University
Off-Campus Programs
989-774-1573



Phase Three
Phase Two
Phase One
Landscaping Requirements
I·75 expressway
dashed line indicates 493 spots
parking 480 cars
F
one story 38,600 s.f.
Proposed Building
E
one story 38,600 s.f.
Proposed Building
three stories 75,000 s.f.
D
Under Construction
three stories 75,000 s.f.
A
Existing
Existing Restaurant
Research Drive
one story 30,450 s.f.
C
Existing
one story 30,450 s.f.
B
Existing
Existing Marriot Hotel
East Maple Road
M-1
B-3
Phase Three
Phase Two
Phase One
SITE PLAN
scale: 1:60
Called 3-24-88
for 13 copies
25 FEB., 1988
issue dates
MAPLE RESEARCH CENTER
TROY, MICHIGAN
ANTHONY S. BROWN DEVELOPMENT COMPANY, INC.
project
hobbs + black associates inc architects
206 EAST WASHINGTON STREET
ANN ARBOR MICHIGAN 48104
313-663-4189
sheet title
84-131
project no.
C1
sheet no.

DATE: June 25, 2005

TO: John Szerlag, City Manager

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

SUBJECT: Agenda Item - Announcement of Public Hearing
Commercial Vehicle Appeal
82 Miracle Drive

On June 16, 2005, I spoke with Mr. Dzubur Emir. Mr. Emir is interested in purchasing the existing home at 82 Miracle Drive. However his decision for the purchase is predicated on whether or not he would be able to park his commercial vehicle on the property. His vehicle is a Ford cube van that he proposes to park on the north side of the home, behind the fence.

In order to seek approval for this vehicle, Mr. Emir has filed an appeal. To our knowledge this is the first request that has been submitted by an individual who is not the owner or occupant of the existing home at the time of application. As such, we have asked for and received authorization from the existing owner of the property for the petitioner to file the appeal. We have also spoken with the petitioner regarding the limitations that the City Council has regarding length of time that an appeal can be approved. The appeal requests that a public hearing date be held in accordance with the ordinance. A public hearing has been scheduled for your meeting of July 18, 2005.

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

Attachments

Prepared by: Mark Stimac, Director of Building and Zoning

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JUN 1 6 2005
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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: DZUBUR EMIR

ADDRESS: 2771 Charter Blvd apt 108

CITY: TROY MI. ZIP: 48083 PHONE: (248)689-4657

ADDRESS OF SITE: 82 MIRACLE DR TROY, MI 48084

NUMBER OF VEHICLES: 1

VEHICLE IDENTIFICATION NUMBER(S)
1FDNE 2724 XHB11359

LICENSE PLATE NUMBER(S) 1473 MQ

DESCRIPTION OF VEHICLE(S) VAN

REASON FOR APPEAL (see A - D below) C - A garage or accessory building on the subject site cannot accomodate, or cannot reasonably be constructed or modified to accommodate the subject commercial vehicle.

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..

EMIR IZUBUR
(signature of applicant)

STATE OF MICHIGAN
COUNTY OF Oakland

On this 10 day of June, 20 05 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.

Cathy Dickens
Notary Public, Oakland County, Michigan

CATHY DICKENS
Notary Public, Oakland County
My Commission Expires Nov. 3, 2006

My Commission Expires: 11-03-06

MORTGAGE SURVEY

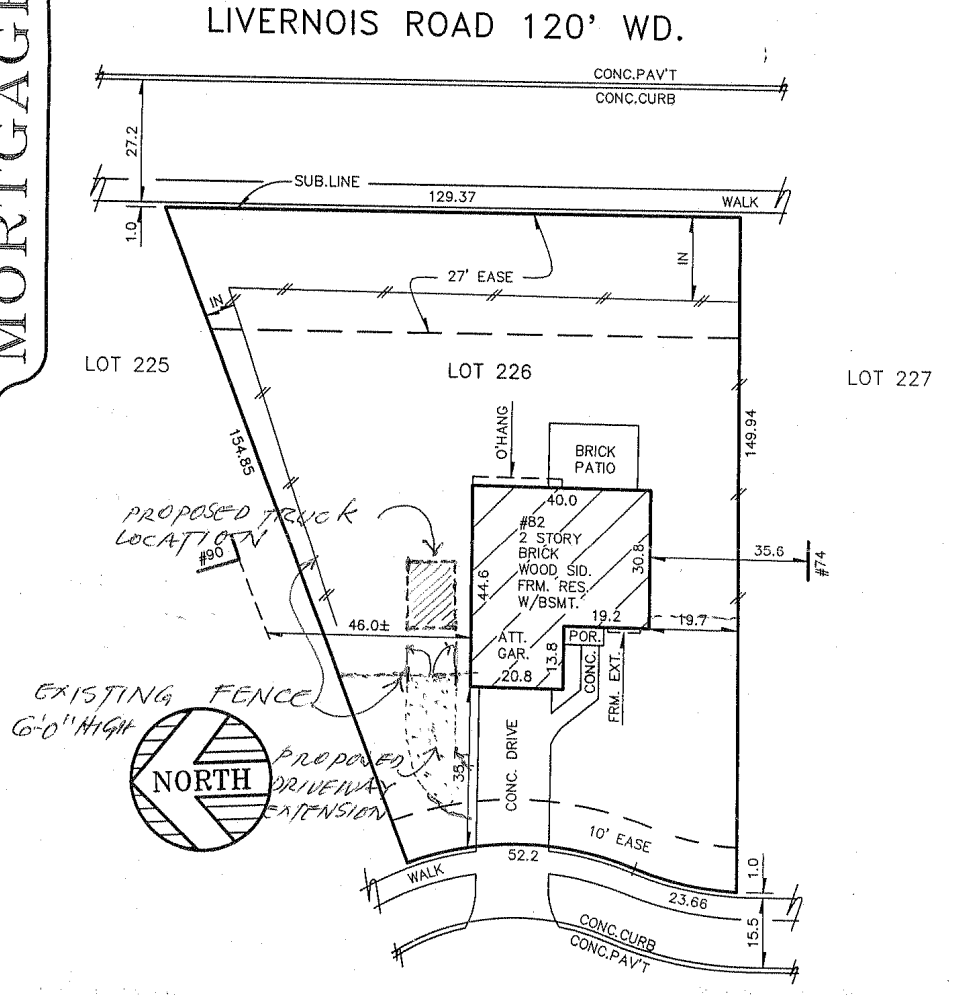
RECEIVED
JUN 1 6 2005
BUILDING DEPARTMENT

Certified to: RICHLAND MORTGAGE

Applicant: JIUNN CHEN AND LIU WANG

Property Description:

Lot 226; TROY MEADOWS SUBDIVISION NO. 4, a part of the N.E. 1/4 of Section 21, T.2 N., R.11 E., City of Troy, Oakland County, Michigan, as recorded in Liber 201 of Plats, Pages 27 and 28 of Oakland County Records.



CERTIFICATE: We hereby certify that we have surveyed the above-described property in accordance with the description furnished for the purpose of a mortgage loan to be made by the forementioned applicants, mortgagor, and that the buildings located thereon do not encroach on the adjoining property, nor do the buildings on the adjoining property encroach upon the property heretofore described, except as shown. This survey is not to be used for the purpose of establishing property lines, nor for construction purposes, no stakes having been set at any of the boundary corners.

STATE OF MICHIGAN
SHANE P. AZBELL
PROFESSIONAL SURVEYOR
No. 46724
LICENSED PROFESSIONAL SURVEYOR

Shane P. Azbell

JOB NO: 03-33899 SCALE: 1"=30'

DATE: 10-20-03 DR BY: LAO

KEM-TEC
LAND SURVEYORS
22556 Gratiot Avenue
Eastpointe, MI 48021-2312
(586) 772-2222
FAX: (586) 772-4048

KEM-TEC WEST
LAND SURVEYORS
800 E. STADIUM
Ann Arbor, MI 48104-1412
(734) 994-0888 * (800) 433-6133
FAX: (734) 994-0667

RECEIVED
JUN 1 6 2005
BUILDING DEPARTMENT

To: City of Troy Code Enforcement Department

I, Jiunn An Chen, owner of the property at 82 Miracle Drive, Troy, Michigan, hereby grant permission to Emir Dzubur, potential buyer of my home, to file the necessary application to be able to park a van (that will not fit into the existing garage) on the property (once it becomes his). I have no opposition to the process nor to the eventual parking of the van.

Sincerely,

Jiunn An Chen

6/14/05.

248-740/5810

NYU 423

DATE: July 7, 2005

TO: John Szerlag, City Manager

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

SUBJECT: AGENDA ITEM – ANNOUNCEMENT OF PUBLIC HEARING (July 18, 2005) - PRELIMINARY PLANNED UNIT DEVELOPMENT REVIEW – PUD-004 (The Monarch Private Residences) – North side of Big Beaver Road, east of Alpine and west of McClure, Section 20

The petitioner, Joseph Freed and Associates, submitted a revised Preliminary Planned Unit Development proposal on July 1, 2005. City Management and the City's Planning Consultant will continue to review the Preliminary PUD proposal and forward a final report to City Council for the public hearing on July 18, 2005.

PRELIMINARY RECOMMENDATION

From the beginning of the PUD process, the petitioner and development team allocated substantial resources to assemble and employ a team of very qualified consultants. These consultants contributed their expertise towards the project, which is highlighted by the exemplary architecture and landscape architecture design incorporated into the development. The petitioner conducted three public input meetings to address neighborhood concerns. In addition, the development team was responsive to the recommendations and comments from City Management, Planning Commission and City Planning Consultant.

City Management and the City Planning Consultant recommend approval of the proposed PUD. On June 14, 2005, the Planning Commission recommended approval of the PUD. It is recognized that this high-rise residential project will help support the existing concentration of office space and offer another type of housing which is not available in the City. It is also been determined that property values are decreasing within the Big Beaver Corridor and this PUD can be the impetus to initiate diverse economic sustainability. This economic sustainability will further be investigated as part of the Big Beaver Corridor Study.

However, there is one outstanding issue identified by City Management, Planning Commission and City Planning Consultant: What is the appropriate level of public benefit? All three parties agreed that the PUD package submitted for the Planning Commission public hearing did not include an appropriate level of public benefit. On July 1, 2005, a new public benefit package was submitted by the petitioner. City Management will further review this and submit a more complete recommendation for the July 18, 2005 City Council public hearing.

PUBLIC BENEFIT

The Preliminary PUD proposes both general and specific public benefits:

Specific Public Benefits as proposed by Petitioner

1. A $200,000 donation to assist with the design and improvement costs related to the City of Troy Transit Facility located at Midtown Square.

2. Pedestrian crossing pavement striping and new stop signs will be installed by the petitioner, at the intersections of Muer Lane and Alpine Road, Muer Lane and McClure Road and McClure and Banmoor Drive.

3. The Monarch Private Residences will cover the cost for a traffic signal at Big Beaver Road and McClure Road, subject to Road Commission for Oakland County and City of Troy approval (based upon Michigan Uniform Traffic Code Warrant requirements).

4. In the event that improvement #3, the traffic signal, does not receive approval, the following improvements will be offered by the petitioner:

    A. A cul de sac will be constructed at the southern end of McClure Road, just north of the subject PUD property. Therefore, McClure would no longer be a through street to Big Beaver Road.

    B. $100,000 will be donated to the City of Troy Parks and Recreation Department and shall be used for improvements to Boulan Park. The City of Troy would determine the appropriate improvement.

General Public Benefits as proposed by Petitioner

1. Creation of a new symbol of value and economic development, by adding $1.9 million of additional revenue.

2. Overall improvement of landscaping and streetscape along Big Beaver, Alpine and McClure by improving the pedestrian atmosphere.

3. Offsite landscaping improvements along Big Beaver, Alpine and McClure. This includes ornamental pole fixtures, street trees, seating areas and decorative pavers.

4. The landscape areas and neighborhood dog park will create opportunities to create a neighborhood atmosphere.

5. The project will become an architectural icon for the City of Troy.

6. The site makes maximum use of its surface area through the use of structured parking and subsurface storm water detention, thereby increasing the amount of green and permeable surface area.

7. The project will provide a new type of housing for the City of Troy.

8. As a mixed-use development, it will create a more exciting and interactive environment in the Big Beaver Corridor.

9. Over 60% of the onsite parking will be housed in a structured indoor parking facility, a significant improvement over the existing surface parking lot.

10. The project will create a structure that is sustainable and meets LEED (Leadership in Energy and Environmental Design) certification requirements.

GENERAL INFORMATION

Name of Owner / Applicant:
The owner is Big Beaver Office, LLC. The applicant is Big Beaver Alpine, LLC.

Size of Subject Parcel:
The parcel is approximately 5.85 acres in size.

Proposed Use(s) of Subject Parcel:
The applicant is proposing a mixed-use development. Proposed uses include a building with a 23-story tower and 12-story tower fronting on Big Beaver Road. The ground floor will include 11,166 square feet of retail and other ancillary uses. There will be a total of 155 residential condominium units in the two towers, including 9 live/work units with entrances on the west and north sides of the tower. Parking will be accommodated by a combination of 59 at-grade spaces and 308 heated above ground parking garage spaces. A total of 52 townhouse units are proposed for the area north of the towers, between the towers and the single-family residential neighborhood to the north.

Current Use of Subject Property:
The property is presently comprised of office and single family residential uses.

Current Use of Adjacent Parcels:
North: Single family residential.
South: Office and restaurant.
East: Office and single family residential.
West: Office and single family residential.

Current Zoning Classification:
The parcel is currently zoned O-1 Office Building, P-1 Vehicular Parking and R-1B One Family Residential.

Zoning Classification of Adjacent Parcels:
North: R-1B One Family Residential.
South: O-S-C Office Service Commercial and O-1 Office Building.
East: O-1 Office Building, P-1 Vehicular Parking and R-1B One Family Residential.
West: O-1 Office Building and R-1B One Family Residential.

Future Land Use Designation:
The property is designated on the Future Land Use Plan as Low Rise Office.

Stormwater Detention:
The applicant is proposing to provide underground detention in the parking area in front of the towers and in the park area in the northeast portion of the property. In addition a green roof system is proposed which will assist in reducing storm water runoff.

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

Compatibility with Adjacent Land Uses:
The 52 town house units serve as a transitional use between the single-family residential units and the high-rise building. The applicant proposes extensive landscaping to buffer the uses. The distance from the northern property line to units 8, 16 and 24 is approximately 38 feet. The distance from the northern property line to units 32, 42 and 52 is approximately 33 feet. Landscaping and open space at the northwest and northeast corners of the site also help to buffer the uses.

Compliance with Standards for Approval of Planned Unit Developments (Section 35.70.00)

In considering applications for Planned Unit Developments, the Planning Commission and City Council shall make their determination based upon the following standards:

The overall design and all proposed uses shall be consistent with and promote the Intent of the Planned Unit Development approach, as stated in Section 35.10.00, and the Eligibility conditions as stated in Section 35.30.00:

The proposed PUD is consistent with the Intent of the PUD approach (Article 35.10.00). Specifically, the application meets the following criteria:

A. Encourage innovation and variety in design, layout, and types of land uses and structures;
B. Achieve economy and efficiency in the use of land, natural resources, energy, and the providing of public services and facilities;
C. Encourage a higher quality of development than can be achieved utilizing the requirements of the underlying zoning classifications;
D. Encourage the assembly of properties and redevelopment of outdated structures and areas;
E. Provide for enhanced housing, employment, recreation, and shopping opportunities for the citizens of Troy;
F. Ensure compatibility of developments with the design and function of neighboring sites;

The PUD meets the Eligibility criteria of Article 35.30.00 (A), (B) and (C).

In granting approval of the Preliminary PUD, it must be determined whether the proposed PUD has enough public benefit to justify the intensity of development.

The proposed Planned Unit Development shall be consistent with the intent of the Master Land Use Plan:

This area is master planned as Low Rise Office, which correlates with the O-1 Zoning District. On the surface, it appears that the proposed high density residential, medium density residential and retail uses are not consistent with the letter of the Future Land Use Plan. However, the PUD is consistent with the intent of the Future Land Use Plan.

The Future Land Use Plan is silent on the concept of Planned Unit Developments in general and mixed use developments in particular. In addition, the Plan has built-in Euclidean rigidness that makes it difficult to consider mixed-use applications. The Development Policies in the Plan make it possible to consider whether the proposed PUD is consistent with the intent of the Future Land Use Plan. The PUD is clearly consistent with the Plan's more flexible Development Goals.

1. RESIDENTIAL AREAS

   a) Continue the development of Troy's residential areas at densities compatible with adjacent areas.
   b) Encourage a variety of housing types within the density framework of the Future Land Use Plan.
   c) Encourage private development, renovation, and redevelopment of residential areas.

d) Provide for recreational and cultural amenities and facilities which will support and enhance residential areas.
e) Encourage the provision and maintenance of open space and environmental preservation areas within residential areas.

2. COMMERCIAL AREAS

c) Initiate and support actions to aesthetically integrate and provide positive identities for commercial areas.

3. OFFICE AND OFFICE/RESEARCH AREAS

b) Subsequently take actions to optimize the revenue, service, and employment values of office and office/research areas.
d) Support the upgrading and enhancement or redevelopment of existing office and office/research areas.
e) Encourage the provision of support service and commercial uses within office and office/research developments.
f) Initiate and support actions to aesthetically integrate and provide positive identities for office and office/research areas.

The proposed Planned Unit Development includes information which clearly sets forth specifications or information with respect to structure height, setbacks, density, parking, circulation, landscaping, views, and other design and layout features which exhibit due regard for the relationship of the development to the surrounding properties and uses thereon, as well the relationship between the various elements of the proposed Planned Unit Development. In determining whether this requirement has been met, consideration shall be given to the following:

The bulk, placement, and materials of construction of the proposed structures and other site improvements:

The tower structure will be located relatively close to Big Beaver and will therefore have a strong visual relationship with Big Beaver Road. The height of the towers provides a less obtrusive design than a lower, bulkier building. The materials used to construct both the tower building and the villas will be of high quality. The design will complement the Somerset Collection and establish a character and sense of place for this area. Other site improvements such as the sculpture in the arrival auto court, right-of-way tree plantings, site landscaping assist in creating a high quality mixed use development. It is anticipated that this development will serve as a catalyst for future development along the Big Beaver Corridor.

The location and screening of vehicular circulation and parking areas in relation to surrounding properties and the other elements of the development:

The circulation drive along the northern boundary within the villa portion of the project will be screened from abutting property to the north by a solid 10-foot high hedge. Auto courtyards will be screened from the east and west north by the villa units and from the north by the solid hedge. The expansiveness of the courtyards will be broken up by small landscape beds. The southern portion of the drive will be shielded from the north and south by buildings and landscape material.

The retail parking along Big Beaver will be screened by hedges and softened by trees and shrubs. Parking for all residential tower units will be located in the parking deck. Parking for the villa units will be in individual garages. Guest parking spaces located north of the towers will be screened by hedges and trees.

The location and screening of outdoor storage, loading areas, outdoor activity or work areas, and mechanical equipment:

Garbage pick-up for the individual villas will be within the auto court, which will be screened from the east and west by units and from the north by a solid 10-foot high hedge. Garbage for the tower units will be stored inside the building and picked up via the service court. Mechanical equipment will be located on top of the towers and screened. Air conditioning condensing units for the villas will be located on the north and south ends of the units. Landscaping will screen these units and assist in noise reduction.

The hours of operation of the proposed uses:

The retail uses and spa will have hours of operation typical to similar facilities in the area.

The location, amount, type and intensity of landscaping, and other site amenities:

The applicant is proposing significant landscaping on the parcel, on both private and public property. Trees will be planted on both sides of Alpine and McClure, thereby enhancing the southern portion of these rights-of-way. The northern property line will by planted with 10-foot high juniper trees, planted 3-feet on center, to form a solid screen wall. The entire site will be enhanced by landscape material. A landscaped garden area and green roof system will add landscaping to the sixth floor of the tower structure. A sculpture in the arrival auto court will add visual interest and an artistic amenity. A vest pocket park will be created at both the Big Beaver/Alpine and Big Beaver/McClure intersections. Two large open space areas provide passive recreation opportunity to PUD residents.

Sidewalks throughout the site encourage pedestrian movement within and without the site.

The proposed development shall not exceed the capacities of existing public facilities and available public services, including but not limited to utilities, roads, police and fire protection services, recreation facilities and services, and educational services (Section 35.70.04):

The proposed PUD will not exceed the capacities of existing public infrastructure and services.

A Traffic Impact Study prepared by Parsons, dated December 20, 2004, indicates that traffic generated by the proposed PUD will not significantly impact the existing Level of Service at intersections in the area.

The Rezoning Traffic Study prepared by Parsons on December 13, 2004, includes trip generation information. The report compares the projected number of trips for the PUD compared to the number of trips if it were to be built out as zoned. There are 26 more A.M. peak hour trips and 59 more peak hour P.M. trips for the PUD, and a net gain of 803 daily trips for the PUD.

The Planned Unit Development shall be designed to minimize the impact of traffic generated by the PUD on the surrounding uses and area (Section 35.70.05):

The PUD will share the entry drive with DADA, therefore no new curb cuts will be required on Big Beaver. One entry drive is proposed for the villa units on McClure, one entry drive for the villa units and one for the service court are proposed for Alpine.

The Planned Unit Development shall include a sidewalk system to accommodate safe pedestrian circulation throughout the development, and along the perimeter of the site, without undue interference from vehicular traffic:

The PUD proposes an extensive sidewalk system. The sidewalk along Big Beaver will be retained and improved. Sidewalks will be developed on the east side of Alpine and the west side of McClure. Sidewalks are proposed for the front of each villa unit, with walkway connections to each unit. The tower and villa portions of the PUD will be connected by sidewalk. There is a need for a sidewalk just to the north of the DADA property**,** to connect McClure to the villa units and the northern tower entrance.

The proposed Planned Unit Development shall be in compliance with all applicable Federal, State and local laws and ordinances:

The proposed PUD shall be incompliance with all applicable uses.

Attachments

1. Locational Map
2. Carlisle/Wortman Associates, Inc., June 8, 2005 report
3. Planning Commission draft minutes, June 14, 2005
4. Uniformity of Analysis Memorandum
5. Application Highlights and Amendments, July 1, 2005 (Save)
6. CD Application, July 1, 2005

cc: Applicant
File/PUD-004

G:\PUD's\PUD 004 Monarch\CC Announce PH 7 11 05.doc

CITY OF TROY

PREPARED BY CITY OF TROY PLANNING DEPT.

PROPOSED PLANNED UNIT DEVELOPMENT
THE MONARCH
N SIDE BIG BEAVER, BTWN ALPINE & McCLURE
SEC. 20 (PUD #4)

CARLISLE/
WORTMAN
Associates, Inc.

Community Planners *Landscape Architects*
605 S. Main, Suite 1 Ann Arbor, MI 48104 734-662-2200 *fax* 734-662-1935
6401 Citation Dr., Suite E Clarkston, MI 48346 248-625-8480 *fax* 248-625-8455

Date: February 14, 2005
Rev: June 8, 2005

Preliminary Planned Unit Development (PUD) Review For City of Troy, Michigan

Applicant:	Big Beaver Alpine LLC Joseph Freed & Associates 220 N. Smith St., Suite 300 Palatine, IL 60067
Project Name:	The Monarch PUD
Plan Date:	May 12, 2005
Location:	North side of Big Beaver Road, between Alpine Road and McClure Road.
Zoning:	O-1 (Office Building: three lots along Big Beaver Rd.) P-1 (Vehicular Parking: next lot north, adjacent to Alpine Rd.) R-1B (Residential; four northerly lots)
Action Requested:	Preliminary Planned Unit Development review for public hearing
Required Information:	As noted in the following review.

PROJECT AND SITE DESCRIPTION

The applicant proposes to construct a mixed planned unit development project on 5.85 acres.

Project Elements include:

- Two residential towers (12 stories and 23 stories tall) are proposed to front Big Beaver Road that include 155 condominiums.
- 308-space parking structure.
- Nine live-work residences wrap around the parking structure.
- 52 villa townhouse units that span the northern part of the property.
- Ground floor retail consisting of 11,166 square feet.
- Combination of 189 surface, on-street, and townhouse unit parking spaces through project site.

PUD REVIEW CRITERIA

The PUD District Regulations are given in Section 35 of the Zoning Ordinance, and require the applicant to demonstrate that the PUD proposal meet the three conditions outlined in the ordinance. The applicant has submitted a written narrative with the Preliminary Plan outlining how the development complies with these conditions.

A) *The proposed development site shall be under a single ownership or control, and be capable of being planned and developed as one integral unit.*

The applicant has provided proof of single control, and the proposal is being planned as one cohesive unit.

B) *The proposed development site shall be limited in its location to one of the following areas: 1) The City Center Area; 2) Parcels where PUD regulations would achieve a substantially higher quality of development than could be achieved under a conventional zoning approach; 3) Parcels on which extreme economic obsolescence exists and would be extremely difficult to achieve economically sound development under a conventional zoning approach.*

The proposed development is not located within the City Center Area as defined in Section 35.30.00. However, the proposed project takes an approach to developing these parcels that could not be achieved under current zoning, and that will create a much higher quality development than if developed under current zoning as office, parking, and low-density residential. It also replaces partially vacant office space with a desirable residential choice

that is not currently available within the City. The last point speaks to criteria B.3. As a low rise office building, the main component of the site lacks the flexibility to respond to changes in the market place where there are high office space variances.

C) *The approach must show that a sufficient number of the following objectives, which would not be able to be accomplished without the use of the PUD, are met:*

It is our opinion that this proposal meets the following objectives:

1. *Provide development quality objectives such as those referred to in Section 35.30.00-B-2 above;* See the response to the previous question.

2. *Provide a mixture of land uses that would otherwise not be permitted, provided that other objectives of this Article are met and the resulting development would promote the public health, safety, and welfare;* The proposal meets several objectives outlined in the "Intent" paragraph of this section, including:

   - Innovation and variety in design, layout and types of land uses and structures. This mixed use proposal provides for a variety of residential choices (high-rise condominiums, live-work units, and townhouses) integrated with high quality retail/service use.

   - The proposal also offers to use LEED technologies and approaches to lessen the environmental impact of the development.

   - Achieving economy and efficiency in the use of land. The project offers compact and efficient development of the site in a manner which minimally impacts the surrounding area;

   - Encouraging higher quality of development. High quality materials and first-rate design are exampled throughout the project; and

   - Ensuring compatibility of developments with neighboring sites.

3. *Provide a public improvement, or other facility used by the public, which could not otherwise be required, that would further the public health, safety and welfare, or protect existing or future uses from the impacts of the proposed uses.*

   There are a number of tangible benefits in terms of advancing the improvement of Big Beaver, particularly the diversification of the economic base. However, the Commission has expected to see specific public improvement benefits identified with past projects which are <u>proportional</u> to the benefit received by the applicant. Specific physical improvements include on-site (along Big Beaver, Alpine and McClure) and off-site streetscape elements.

To supplement the public benefits, the applicant has offered three alternatives ranging from additional property acquisition to a contribution of $200,000 towards amenity improvements to Big Beaver.

We would advise that the latter alternative, roughly $1000 per unit, is insufficient and should be altered.

The $1,000 per unit is adequate for the base level units. However, we would suggest that the amount be gradually increased for the more costly units. In other words, a contribution ranging between $1,000 - $2,000 would seem more equitable based on the cost of the luxury units.

4. *Provide for the appropriate redevelopment or re-use of sites that are occupied by obsolete uses;*

   The City has a considerable amount of office space that is not currently being used. Some studies have indicated vacancy rates as high as 15 – 18%. Replacing this relatively small building with a luxury high-rise and townhouse residential development will provide a more economically-viable alternative to additional office space. As mentioned, the current building has little ability to respond to a changing market.

5. *Provide a complementary variety of housing types that is in harmony with the adjacent uses;*

   The types of residential units being proposed (high-rise condominiums, live/work units, and townhouses), meets this criteria in our opinion. Furthermore, the project will provide a housing type that is otherwise not available in the City.

6. *Promote the intent of the Master Plan* (see Master Plan discussion)

In addition to the general standards, specific design criteria are set forth in Section 35.40 of the Ordinance. Individual sections of this report provide more detail regarding how these standards are met.

Items to be Addressed: *Public benefit contribution.*

NEIGHBORING ZONING AND LAND USE

The following lists the zoning and current land uses of properties adjacent to the subject site:

North: Zoning to the north of this property is zoned R-1B, One-Family Residential (15,000 s.f. minimum with sewer) and used for single-family residential on large lots.

South: Big Beaver Road is the southern boundary to this property. Parcels across the street are zoned O-S-C, Office Service Commercial, and are used for an office building and small commercial mall.

East: Properties east of the site have two zoning designations. The property along Big Beaver Road is zoned and used for O-1, Office Building. The properties across McClure Road are zoned R-1B, One-Family Residential (15,000 s.f. minimum) on large lots. All properties are used as zoned.

West: Parcels across Alpine Road to the west are zoned O-1, Office Building, and R-1B, One Family Residential. The parcel adjacent to Big Beaver is used for office space, the parcel north is vacant, and the parcel north of that is used for single-family residential.

While the residential properties are zoned to be a minimum of 15,000 s.f., they are actually much larger at an average of 35,760 s.f., or approximately .8 acres.

Items to be Addressed: *None.*

MASTER PLAN

The Future Land Use Plan designates the following future uses for the adjoining properties:

North: Low Density Residential

South: Low Rise Office

East: Low Rise Office and Low Density Residential

West: Low Rise Office and Low Density Residential

Master Plan designations are quite varied along this portion of Big Beaver and include a combination low rise office, mid rise office, high rise office, office service, non-center commercial, and regional center. Although the Master Plan contemplates a mixed use environment in the overall area, it does not specifically designate mixed use on any given site. Given the fact that one of the criteria to be considered for a PUD is providing a mixture of uses, we would advise the City that stronger policy guidance is needed in the City's Master Plan regarding areas which are conducive to mixed use development. We believe this is such an area.

The subject site is designated for low rise office along Big Beaver, and low density residential development at the rear on the Future Land Use Plan. Note that there is no definition of low rise office in the Master Plan.

While the mapped Land Use designation is for low rise office and low density residential, there are Master Plan goals and policies that would support the proposed development:

1) The Master Plan concentrates urban development along Big Beaver. The proposed high-rise mixed use residential development is typical of such urban development.

2) Over the past 20 years or so, the City has amended the Master Plan to provide for more variety in housing alternatives to single-family detached units. This proposal provides alternative types of housing.

3) While the major office concentrations are along the Big Beaver corridor, the Master Plan acknowledges that the City's "office center" status will cause some existing office complexes to be re-developed or expanded to a greater level of intensity and value to the City. This is especially true of older, obsolete office buildings. The City states that they would like to encourage this type of redevelopment. The proposal is consistent with this policy.

   Another situation that encourages development like the proposal is that the City has experienced an increase in office space vacancies. This indicates that if the parcels along Big Beaver were to be redeveloped as planned, there would be even more vacant office space. A mixed use residential project is an opportunity to provide a more sustainable economic base along Big Beaver. In addition, the low density residential lots behind the office designation are surrounded on three sides by either office districts, or a low density residential transition area.

The Master Plan also provides goals and policies that are addressed in relation to this proposal, including:

1) The Master Plan ensures that the ultimate development along Big Beaver should not exceed the ability of the roads and utilities to serve the area. Although the proposal will be reviewed by the City engineering staff, it is our understanding that the existing utilities and roadways are adequate to handle the project.

2) The new development shall enhance the existing development. Full development of the property as a low rise office could have negative impacts on neighboring residences. Conversely, a well planned residential project, albeit high density, may well be more compatible than other possible uses. As requested, the applicant has provided a comparison of the impacts of developing the property fully under the low rise office district to the current proposal.

   As zoned, the property will support an office building of nearly 26,000 square feet and seven dwelling units. Alternatively, the entire site would support an office of 87,750 square feet. The proposed project represents a significantly greater amount of building. However, due to the predominantly residential nature of the project, the increase in peak traffic is not at all significant.

3) The Master Plan clearly states that there is no need for additional commercial uses within the City. However, the type of commercial contemplated for this project is largely confined to service residents.

4) A plan goal states that it strives to continue residential development at densities compatible with adjacent areas. While the project will be at densities considerably higher than the adjacent uses, the highest density portion of the project is related almost solely to Big Beaver. As requested, plans have been revised to ensure a proper transition is made to the low density single family residence to the north.

Items to be Addressed: *None.*

DENSITY

The proposed project will consist of 207 units on 5.85 acres. In calculating density for this proposal, we compared the proposed housing types with the different residential districts in the Zoning Ordinance. It is our opinion that the high-rise portion of the project is more consistent with RM-3 High-Rise Residential District, and that the townhouse portion of the project is more consistent with the RM-1 Multi family Low Rise Residential District. (As a note, we have found the Ordinance to be overly complex and cumbersome as it pertains to multiple family developments.)

The applicant previously prepared an analysis comparing the proposed project to alternative development scenarios. With that information, we have prepared our own analysis of development potential.

- If developed as a Low Rise Office, the applicant estimates that an 87,750 square foot building would be possible on the entire site. We would agree with that estimate. It is interesting to note that under that scenario, the amount of traffic generated during peak hours will be 2 to 3 times more than the current project.

- If developed in an RM-1 fashion, the applicant estimates the site would yield 253 units based on a combination of efficiency and one bedroom units. We disagree and believe that a combination of one and two bedroom units would be more realistic. Our analysis indicates a total of 200 units is more realistic.

- Under the RM-3 requirements, our same comments apply. We estimate a total of 186 units are possible.

Based on our analysis, the proposed density compares favorably with that allowed by the comparative districts.

Items to be Addressed: *None.*

NATURAL RESOURCES

As an urban site that has existing development, there are few natural features of note on the property.

Topography: Contour lines have not been provided on the plans across the entire site; however, spot elevations give an idea of the site's topography. The site is relatively flat, with just a few feet in elevation change from west to east, and from north to the south.

Woodlands: Existing vegetation on the site is mainly limited to scrub. A tree survey has been provided, which shows the main species to be American Elm, and Tree of Heaven (exotic invasive). A tree demolition plan (Sheet L-2) has been provided, showing that six trees will be preserved or transplanted under this concept. Note that the City has a Tree Preservation Plan process that needs to be followed as part of the site plan review process.

Wetlands: There are no wetlands on this site, which is confirmed by a letter from King & MacGregor Environmental, Inc. However, the current County data identifies a floodplain across the northwest corner of the site, which is consistent with the floodplain line shown on the plans. The applicant explains in their narrative that the Flood mapping for Oakland County is being updated, and the new data shows the floodplain outside the subject site.

Soils: Soil borings have been conducted and provided by the applicant.

Items to be Addressed: *None.*

TRAFFIC IMPACT

The site plan proposes to have two vehicular access points off of Alpine Road, one off of McClure Road, and one from Big Beaver that shares access with the adjacent office building to the east.

The applicant has submitted a traffic study conducted by Parsons in December, 2004 that has concluded the following:

- Peak AM traffic generation of PUD will be 75 trips (8 inbound/67 outbound)
- Peak PM traffic generation of PUD will be 125 trips (92 inbound/33 outbound)

- Under **existing** conditions without this project, all intersections operate at an acceptable level except the Big Beaver and Crooks road intersection. Several movements at this intersection are operating in the Level of Service (LOS) range of "E" and "F", where "D" is typically considered to be the lowest acceptable level. The study has provided a possible solution (that would need to be implemented by the Road Commission of Oakland County) that could mitigate this situation.

- Considering **future** traffic patterns that include traffic generated by The Monarch development, the study reports that the signalized eastbound Big Beaver crossover west of Coolidge Highway would operate at an unacceptable level. However, because the signal is responsive to traffic flow, the signal should be able to correct the situation as it responds to changes in traffic demand. The background timing plan at this study location would need to be updated, however.

As requested, a comparison has been made between traffic generated by the existing zoning district and traffic generated by proposed PUD development. Although, we would defer to the City's Traffic Engineer, we believe the project will not create an unreasonable impact.

In considering traffic flow patterns between office and residential uses, the office use would generate traffic during day-time hours, while the proposed high-density residential uses will have activity at more times of the day and night and on week-ends.

Items to be Addressed: *None.*

ESSENTIAL FACILITIES AND SERVICES

The site plan proposes the use of existing water, sanitary, and storm drainage systems. We will defer technical review of these systems to the City's Engineer.

Items to be Addressed: *None.*

AREA, WIDTH, HEIGHT, SETBACKS

The underlying zoning of these parcels (O-1: Office Building; P-1: Vehicular Parking; and R-1B: One-Family Residential; minimum area 15,000 s.f.) are not applicable to a project of this nature. The following table illustrates a comparison between RM-1 and RM-3 requirements which are more applicable to the proposed project. However, as we have pointed out previously, the City's existing multiple family requirements are outdated and in need of revisions.

	Required RM-1	Required RM-3	Provided
Setbacks			
Front	30 ft.	50 ft.	15 - 36 ft.
Side	30 ft.	50 ft.	33 ft.
Rear	30 ft.	50 ft.	NA
Distance Between Units	30 ft.		40 ft.
Min. Floor Area/Unit	1-BR-600; 2-BR-800; 3-BR-1,000; 4-BR 1,200	1-BR-600; 2-BR-800; 3-BR-1,000; 4-BR 1,200	Requirements Met
Lot Area Coverage	30%	25%	35%**
Building Height	2 stores or 25 ft.	No max.	2 – 23 stories

*There are no specific requirements in the ordinance for these categories.

**This figure includes the parking structure.

The front setback lines for the Villas are 16'-18', where the ordinance requires a 30' front setback. The side setbacks for these same buildings are 33' from the northern property line, where the ordinance requires a 30' side setback. The high-rise building's minimum side setback to the east is 21', where the ordinance requires 50'. However, the adjacent use is an office building and this deviation is not significant.

RM-3 (Section 17.50.04) requires that the length of the building shall not exceed three times its height. The high-rise building meets this standard. However, the RM-1 district only allows buildings up to 180' in length. The proposed Villas are slightly over, at 200' long. We do not believe this is a significant deviation.

Items to be Addressed: *None.*

BUILDING LOCATION AND SITE ARRANGEMENT

In general, the building locations and site arrangement is appropriate. The large towers are oriented toward Big Beaver Road, while the smaller townhomes are clustered behind the towers adjacent to existing residential properties. In particular, a significant improvement has been made with the layout of the townhomes. Two units have been eliminated, additional guest parking added, circulation is improved, and critical setbacks have been increased.

The applicant states in the accompanying narrative that the location of the 52 Villa townhouses will serve as a transition from the single-family neighborhood to the tower structure. The document also states that the scale of the high-rise buildings will establish a visual center for Troy and that the high quality materials and design of the buildings will complement the buildings at the Somerset Collection.

We agree and have the following comments:

1) The proposed residential use is consistent with the other residential uses in this area, although at significantly different densities. However, providing high-density residential uses along Big Beaver Road creates a compatible arrangement along this roadway.

2) The scale of the towers is such that they are compatible with other large buildings along the Big Beaver roadway. The quality of materials and design will make the towers an attractive addition to this road corridor.

3) While the towers will be used for residential purposes, the physical structure is similar to a large urban office building which is appropriate for the Big Beaver roadway. The townhomes are more in scale with the single-family homes. Transition between the townhomes and single family residential has been imposed.

4) The applicant has provided an analysis of how the proposed high-rise towers affect sunlight on the adjoining residential lots and there are no significant impacts.

Items to be Addressed: *None.*

PARKING AND LOADING

The required number of parking spaces for the proposed uses is determined under Section 40.20 of the Zoning Ordinance.

	Required	Provided
Residential (Structure & Surface) Parking	414	446
Retail (surface)	56 spaces	51 spaces
Total	470	497

As mentioned previously in this review, we consider the integrated parking structure to be a strong point of this plan. The orientation of the villas to Alpine and McClure Roads is also positive.

The character of the courtyard parking on Big Beaver has been improved with the design details and elements.

Parking will be allowed on Alpine or McClure Roads in front of the townhouses. We think this is a necessary feature of the project and can be done without impacting traffic patterns.

Items to be Addressed: *None.*

SITE ACCESS AND CIRCULATION

This site is accessed from several different directions. The front, main vehicular and pedestrian access is off of Big Beaver Road. This drive is shared with the adjacent office building, and leads to a paved courtyard and drop off area for the towers. The front drive also provides parking and access to a service area on the east side of the towers.

There are two access points from Alpine Road, which includes a service drive to the west tower and access to the parking garage. McClure Road has one access point. The access through the villas has been greatly improved by the elimination of two units in the central portion of the site.

Multiple access points provide good opportunities for emergency vehicles to access all sides of the towers, and all townhouse units. The circulation pattern looks well thought out and appears to function properly.

Items to be Addressed: None.

PEDESTRIAN WALKWAYS

The sidewalks and 8' wide safety paths are shown on the site plan to traverse Big Beaver, Alpine and McClure Roads. Sidewalks are also provided within the internal circulation system, allowing pedestrians to walk through most of the development to the other without having to walk in the roadway. However, we suggest the sidewalk be extended along the entire drive to McClure to provide continuous access.

Items to be Addressed: *Sidewalk to McClure.*

LANDSCAPING

A landscape concept plan has been provided.

Landscape Plan: The general formal concept is appropriate for a luxury residential high-rise. As with other aspects of the project, there is exceptional attention to detail. It provides similar landscape elements that visually tie this building with Somerset. Vertical plant material provided on the landscaped terrace will help soften and add interest to the building façade.

The concept plan for the townhouse area is also appropriate, with many shade trees creating a softer, less urban feeling than along Big Beaver Road.

Screening: The buffer along northern property line has been increased to 33 feet. The applicant has stated that the existing vegetation will remain as a buffer. Based on a recent site visit, this vegetation is an assortment of various trees and shrubs that is very transparent in the winter months. It will create an insufficient buffer.

To provide a better transition, we previously recommended that the applicant consider increasing the distance between the Villas and the northern property line, and/or providing a much more substantial buffer. The applicant has actually addressed both recommendations by increasing the setback and adding landscape materials and fencing.

Parking Lot: Most of the parking is provided within the parking structure or in each townhouse unit. Therefore, no landscaping is needed for the spaces dedicated to units. However, parking is framed with landscaping.

Parking areas in the rear of the towers have, in our opinion, sufficient landscape buffering for townhouse units.

Landscaping: The following requirements pertain to the RM-1 district:

1) Section 15.50.02 states that that 70% of any required yard or space between buildings must be landscaped and designed for pedestrian use only. Since the space between units is needed to access garages, landscaping is not practical, nor desirable.

2) Section 39.70.02 requires that one tree, at least 10’ in height or with a 2” caliper minimum be planted within 10’ of the front setback for every 30 linear feet of public roadway. The RM-1

district abuts both Alpine and McClure Roads, equaling 480 linear feet of roadway. Therefore, 16 trees are required. Sixteen trees have been provided.

3) Section 39.70.04 requires that at least 10% of the net site area shall be developed as landscaped open space. Using the land for the Villa development only (approximately 144,000 s.f.), the requirement would equal 14,400 s.f. of landscaping. The plans state that 1.52 ac. of landscaped area is provided across the entire site.

The following requirements pertain to the RM-3 district:

1) Section 17.50.2 states that 75% of any required yard or space between buildings must be landscaped and designed for pedestrian use only. 60% of this open space must be in direct proximity to the building. This requirement cannot be practically applied to a project of this nature.

2) Section 17.50.03 states that sites in the RM-3 district must have open space of 450 s.f. per unit, or 1.6 acres for this project (155 units x 450 = 1.6 acres). The site plan that landscaped area across the entire site equals 1.52 acres.

3) Section 15.60.01 states that a landscaped berm or equivalent screening device, at least five feet in height, shall be required along any property line abutting a major thoroughfare. This landscape treatment would not be appropriate along Big Beaver, and we would suggest that it be waived.

Plant Material: More general information about plant species has been provided at this time, although the current plans propose a wide variety of plant material, including evergreen hedges and vertical evergreen trees on terrace for winter interest.

Trash Container: We understand that trash will be handled internally in the development.

Items to be Addressed: *None.*

LIGHTING

A lighting and photometric plan has been provided. A subdued and residential style of lighting has been selectively consisting of a combination of pole mounted and pedestal lights.

Items to be Addressed: *None.*

SIGNS

A signage plan has also been provided. Two (2) signs are shown on the site plan. One large sign is located near the southwest corner of the property. Another smaller sign is located at the drive off of McClure Road. Typical details have been provided which illustrate that sign design and materials will complement the building design.

Items to be Addressed: *None.*

FLOOR PLAN AND ELEVATIONS

Floor plans for both the towers and townhomes have been provided. They function very nicely.

Elevations of the towers and townhomes have also been provided. Both building styles are attractive, and propose quality building materials. Similar materials are used on both structure types.

We continue to have reservations about the use of EIFS on the villa units. If not properly applied, this material has a history of deteriorating due to moisture problems.

Items to be Addressed: *EIFS*

RECOMMENDATIONS

The proposed project will offer many benefits to the Big Beaver corridor. A great deal of thought has gone into this plan. While high-rise residential was previously not considered as a possibility amongst the City's high concentration of office space, the option would help support existing office and commercial development, offer another housing type currently unavailable in Troy, redevelop obsolete office space, bring the high-quality construction and landscaping elements from Somerset east along Big Beaver, and enhance the overall economic sustainability of the corridor.

Therefore, we would recommend that the Commission provides a recommendation of approval to the Council subject to the following:

1. Modification of public benefit contribution formula.

2. Sidewalk to McClure.

3. Use of EIFS on villa units.

CARLISLE/WORTMAN ASSOCIATES, INC.

Richard K. Carlisle, PCP

#225-02-2401

cc: Jennifer Mooney, Joseph Freed and Associates, (fax (847) 215-5282
Professional Engineering Associates, 2430 Rochester Ct., Suite 100, Troy, MI 48083
SB Architects, One Beach St., Suite 301, San Francisco, CA 94133

PLANNED UNIT DEVELOPMENT REQUEST

6. PUBLIC HEARING – PLANNED UNIT DEVELOPMENT (PUD 4) – Proposed The Monarch Private Residences, 209 units, 11,166 S.F. retail space and structured parking, North side of Big Beaver Road between Alpine and McClure, Section 20 – O-1 (Low Rise Office), P-1 (Vehicular Parking) and R-1B (One Family Residential) Districts

Mr. Miller reported that City Management recommends approval of the proposed PUD with four conditions.

(1) The public benefit be reviewed and increased to an appropriate level.
(2) The auto courts and circulation drive north of the auto courts in the Villas be designated as fire lanes and no parking permitted.
(3) A connecting sidewalk provided from McClure to the northern tower entrance.
(4) A screen wall provided along the northern property line.

Mr. Miller said he believes it is a superlative project that would provide impetus and direction for the Big Beaver Road corridor.

Richard Carlisle, Planning Consultant, highlighted key elements why the proposed development meets the PUD criteria and the intent of the Master Plan. He said the project would offer many benefits to the Big Beaver Road corridor and enhance the overall economic sustainability of the corridor. Mr. Carlisle specifically addressed the public benefit. A contribution of $200,000 (roughly $1,000 per unit) has been offered by the petitioner to be appropriated to a Big Beaver Road improvement fund. Mr. Carlisle said the contribution would not be proportional to the benefit that is being received by the applicant. He recommended a more equitable contribution and suggested a graduated range from $1,000 to $2,000 per unit, based on the quality of the unit.

Chair Strat requested a recess at 8:15 p.m.

The meeting reconvened at 8:20 p.m.

Thomas Kafkes of Joseph Freed and Associates, 220 North Smith Street, Palatine, Illinois, provided a visual and descriptive narrative presentation of the proposed project. He introduced members of the development, design and marketing teams and reviewed design highlights and benefits to the City of Troy that would support the project. Mr. Kafkes respectfully requested that the Planning Commission forward a favorable recommendation to the City Council.

Mr. Kafkes specifically addressed the following issues.

- The relocation of air-conditioning units in the Villas to screen potential noise.
- The traffic impact – comparison of office building -vs- the PUD.
- The pavement widening along Alpine and McClure to accommodate parallel parking.
- The containment of trash within a private courtyard accessible off of Alpine. Trash from residents in The Villas would be contained in respective garages and placed on curbside for pickup.
- The vegetation screen wall to the north at 100% opacity, and the flexibility of the petitioner to construct a brick wall as well as limited vegetation should the City desire.
- The use of cutting-edge technology to become LEED certified.

PUBLIC HEARING OPENED

Tom Krent of 3184 Alpine, Troy, was present. Mr. Krent addressed concern for the increase of traffic that would result from the proposed development. Mr. Krent distributed information to the members addressing specific concerns on traffic and CD's depicting the length of time cars would have to wait to exit Alpine onto Big Beaver Road during peak rush hours. He said the quality of life for existing residents would be affected by the proposed development.

Mike Baxter of 3141 McClure, Troy, was present. Mr. Baxter is one of the property owners immediately to the north of the proposed development. Mr. Baxter said there are outstanding concerns that have not been addressed; i.e., setbacks, layout of the auto courts. He stated a preference for a stone wall at the northern edge of the development. Mr. Baxter urged the members to give attention to comments in the Planning Department and Planning Consultant reports relating to stronger policy guidance for the Master Plan, outdated requirements for existing multiple family developments, and the compatibility of the proposed development with the Future Land Use Plan. Mr. Baxter expressed concern with the future use of the land. He said developers who are interested in developing the area for future town homes have already approached neighbors. Mr. Baxter said the contribution of $200,000 to the City for public benefit would set precedence and appears to be a kickback.

Debbie Liposky of 3492 Balfour, Troy, was present. She is a resident of the Somerset North subdivision. Ms. Liposky is opposed to the proposed development. She said in their search of a perfect home, they checked on the surroundings. They were told that the City would not build any more tower buildings similar to the Top of Troy; the airport at Maple and Coolidge would restrict building heights; in essence, the surroundings would remain the same. Ms. Liposky asked how many stories would be considered high-rise if a mid-rise building is 23 stories. She referenced that the word on the streets is too many

hands have been greased on this project and it is a done deal. It is her understanding that the taxes generated from the proposed development would go to the Downtown Development Authority, and she questioned the validity of that as opposed to using the tax dollars to repair Coolidge Road or any other side streets that would incur higher traffic volumes from the proposed development. Ms. Liposky addressed the affect the proposed development would have on future development in the area. She cited cities such as Birmingham, Bloomfield Hills and Rochester Hills do not have high-rise residential developments. Ms. Liposky encouraged the members to look at its vision of the city of tomorrow and determine if they would like to build a Birmingham or a Southfield.

Ms. Drake-Batts and Mr. Wright asked the audience to refrain from comments that suggest members have been paid off, or hands have been greased.

Zakariya Abuzaid of 3128 Alpine, Troy, was present. Mr. Abuzaid is one of the property owners directly to the north of the proposed development. Mr. Abuzaid said his previous concerns with respect to the floodplain and snow removal have not been addressed. He would like to have a 30-foot fence that would obscure the proposed development.

Wade Fleming of 3820 Victoria Court, Troy, was present. Mr. Fleming spoke in support of the proposed development. He said the project would benefit the Big Beaver Road corridor and the City's tax base. He asked that the City seriously address and remedy the traffic concerns voiced by the residents.

Ted Wilson of 5038 Kellen, Bloomfield Township, was present. Mr. Wilson spoke on behalf of the Troy Chamber of Commerce Board of Directors and the Economic Development Committee in support of the proposed development. He addressed the original proposal that offered alternative traffic flow patterns (i.e., cul de sacs) for the neighborhood to the north and a corporate America view for residents near the Big Beaver Road corridor.

Barbara Dawson of 1834 Boulan, Troy, was present. Ms. Dawson is opposed to the potential increase in traffic and expressed concern with the safety of school children and pedestrians. She said their subdivision roads have no curbs or stop signs, and the long straight roads encourage speeders. She noted that Boulan is used as a cut-through to avoid the light at Big Beaver and Crooks. Ms. Dawson suggested barriers be placed on Alpine/Muer and McClure/Banmoor in an effort to prevent cut-through traffic. She distributed written comments to the members.

Keith Howard of 3229 McClure, Troy, was present. Mr. Howard said he bought his property after checking the City's Zoning Ordinance with respect to what he wanted to do with his property. He said the Zoning Ordinance permits only 3-story buildings in the area. Mr. Howard expressed concern with the future of the neighborhood. He said prior to his move to McClure, he was compelled to relocate due to an improvement generated by the City.

Michael Otti of 3225 McClure, Troy, was present. Mr. Otti is a 30-year resident and likes the area. He asked what the future plan is for the subdivision. Mr. Otti said he had seen advertisements for the proposed development several weeks ago, and questioned how they could advertise the sale of units before the project gets City approval.

Kim Duford of 3141 Alpine, Troy, was present. Ms. Duford noted that she has spoken before the Commission several times with respect to her concerns. Ms. Duford addressed the comments of Mr. Wilson, and noted residents were not given an opportunity to vote on the cul de sac layout proposed originally for the development. Ms. Duford said it would have been beneficial to circulate a survey to get suggestions from the residents. She noted that there are elderly neighbors who are unable to attend public meetings. Ms. Duford addressed public benefit (suggested sidewalks throughout the subdivision), setbacks, parallel parking, transitional screening, and noise. She expressed concern for the safety of the young children for whom she cares. Ms. Duford asked the petitioner to offer a public benefit to the neighborhood because they have supported the City prior to the proposed development.

Paul Piscopo of 3129 Alpine, Troy, was present. Mr. Piscopo spoke in support of the proposed development. He said the development would be a benefit to the City and its tax base. Mr. Piscopo feels there have been misrepresentations on behalf of the petitioner, and referenced the petitioner's contribution toward the monster garage lawsuit. Mr. Piscopo voiced a concern with the potential increase in traffic as a result from the proposed development.

Shirley Jordan of 3268 Alpine, Troy, was present. Ms. Jordan addressed the tax base, increase in traffic and traffic flow, turnaround for trash pickup, access to schools, additional residential expenses and the Master Land Use Plan. She suggested looking into rezoning the whole area of land, and addressed the attractiveness of the City for commercial use.

PUBLIC HEARING CLOSED

Mr. Miller confirmed that all City departments reviewed the proposed development. He said the Fire Department reported no concerns with the layout.

Chair Strat said the Road Commission of Oakland County reported that a traffic signal is not warranted on Big Beaver Road, based on its traffic study. He said the Road Commission should listen to the comments of the residents in how difficult it is to exit onto Big Beaver. Chair Strat said cul de sacs create dead-end situations and can cause problems with emergency access.

Chair Strat asked the petitioner if he was involved with developments in other areas where the values of the homes adjacent to the development were either greater or had diminished in value.

Mr. Kafkes has been in the development business over 25 years. Mr. Kafkes said the impact to property values has been positive for residential developments similar to The Monarch that were situated immediately adjacent to another residential neighborhood. He said the only time in his career there was a negative affect on adjacent property values was when an industrial development was constructed adjacent to a residential area.

A brief discussion took place with respect to an appropriate public benefit contribution.

Mr. Kafkes said he could not make a commitment at tonight's meeting but would be willing to agree to a recommendation of approval conditioned upon final resolution of public benefit, to be discussed and determined at the City Council level.

Mr. Carlisle said the members would be assured that the public benefit contribution would be no less than what was initially offered.

Ms. Lancaster said the proposal could go forward to the City Council without a commitment from the petitioner with respect to the appropriate public benefit contribution because City Council is the actual body with the authority for final approval.

Resolution # PC-2005-06-099
Moved by: Chamberlain
Seconded by: Waller

WHEREAS, the Planning Commission has reviewed a Preliminary Plan for a Planned Unit Development, pursuant to Article 35.60.01, as requested by Big Beaver Alpine LLC for the Monarch Planned Unit Development (PUD 4), located on the north side of Big Beaver Road east of Alpine and west of McClure, located in Section 20, within the O-1, P-1 and R-1B zoning districts, being 5.85 acres in size.

RESOLVED**,** the proposed PUD meets the location requirements set forth in Article 35.30.00, A and B.2.

BE IT FURTHER RESOLVED, pursuant to Article 35.30.00.C*,* the applicant demonstrated quality objectives such as those referred to in Section 35.30.00.B-2. This includes a high quality of architectural design and materials, the provision of a higher quality of landscape materials, the provision of extensive pedestrian facilities and amenities.

BE IT FURTHER RESOLVED, pursuant to Article 35.30.00.C.2, the applicant being a mixture of land uses that would otherwise not be permitted, including retail, high rise residential, town home residential and live-work units.

BE IT FURTHER RESOLVED, pursuant to Article 35.30.00.C.3, the applicant provides a public improvement, or other facility used by the public, which could not otherwise be required, that would further the public health, safety, and welfare, or protect existing or future uses from the impacts of the proposed uses. The applicant will be making a number of improvements within the Big Beaver, Alpine, and McClure rights-of-way. Furthermore, the applicant is in the process of determining the feasibility of which of the following three contributions will be made to the City: the donation of the two parcels north of the project; the donation of one residential parcel plus a cash contribution; or, a cash contribution only.

BE IT FURTHER RESOLVED, pursuant to Article 35.30.00.C.6, the applicant provides a complementary variety of housing types that is in harmony with the adjacent uses. This variety includes three housing types: high-rise residential, including luxury condominiums (some penthouses), town homes and live-work units.

BE IT FURTHER RESOLVED**,** pursuant to Article 35.30.00.C. 7, the PUD promotes the intent of the Future Land Use Plan, which generally calls for more intense uses on major thoroughfares with less intense uses serving as transition areas between the more intense uses and single-family residential development.

BE IT FURTHER RESOLVED, that the Preliminary Planned Unit Development consist of a project manual, dated May 23, 2005, and a supplemental letter dated June 10, 2005, which contain narratives, reduced plans, and full size plans, including the following:

<u>Reduced plans and illustrations:</u>

Sheet L-1.1	Conceptual Landscape Plan (color)
Sheet L-1.3	The Villas Landscape Elevations (color)
Sheet C1.1	Topographic Survey
Sheet C2.1	Tree Survey
Sheet C3.1	Site Plan
Sheet C4.1	Utility Plan
Sheet C5.1	Grading Plan
Sheet C6.1	Snow Removal Plan
Sheet L-1.1	Conceptual Landscape Plan
Sheet L-2	Tree Demolition Plan
Sheet A2.0	Ground Level Floor Plan
Sheet A-2.1	Building Plans Level 2
Sheet A-2.2	Building Plans Level 3
Sheet A-2.3	Building Plans Level 4
Sheet A-2.4	Building Plans Level 5
Sheet A-2.5	Building Plans Level 5.5
Sheet A-2.6	Building Plans Level 6
Sheet A-2.7	Building Plans Level 8

Sheet A-2.8	Building Plans Level 19
Sheet A-2.9	Building Plans Level 20
Sheet A-3.0	Exterior Elevations
Sheet A-3.1	Elevations
Sheet A4.0	Unit Plans Levels 3-5, Levels 8-18
Sheet A10.1	Somerset Bridge Conceptual 3D Study
Sheet A10.1a	Big Beaver Road Conceptual 3D Study
Sheet A10.1b	Alpine Street Conceptual 3D Study
Sheet A10.2	Height Studies
Sheet A-1	First Floor (Townhouse Units)
Sheet A-2	Second Floor (Townhouse Units)
Sheet A-3	Elevations
Sheet A10.4	Sales Center & Signage Plan
Sheet A10.5	Signage Site Plan
Sheet A10.6	Signage Elevation
(No number)	Exterior Materials (Tower Building) (color)
(No number)	(No title - Villa Unit Exterior Materials) (color)
Sheet L-1.2	Conceptual Lighting Plan
(No number)	View From Somerset Bridge (color)
(No number)	View From Big Beaver (color)
(No number)	View From Alpine Street (color)
(No number)	Big Beaver (South) Elevation (color)
(No number)	North Elevation (color)
(No number)	Alpine Street (West) Elevation (color)
(No number)	Photo Montage Views from McClure Street (color)
(No number)	Photo Montage Views from Alpine Street (color)
(No number)	Shadow Studies June 21st (color)
(No number)	Shadow Studies December 21st (color)

Full Size Plans:

Sheet C1.1	Topographic and Boundary Survey
Sheet C2.1	Tree Survey
Sheet C3.1	Site Plan
Sheet C4.1	Utility Plan
Sheet C5.1	Grading Plan
Sheet C6.1	Snow Removal Plan
Sheet L-1.1	Conceptual Landscape Plan
Sheet L-2	Tree Demolition Plan
Sheet A-1	First Floor (Townhouse Units)
Sheet A-2	Second Floor (Townhouse Units)
Sheet A-3	Elevations

BE IT FINALLY RESOLVED**,** That the Planning Commission recommends that The Monarch Preliminary Planned Unit Development be approved subject to the following conditions:

1. Troy Planning Consultant recommendation for the public benefit contribution formula is appropriate.
2. The auto courts and the circulation drive north of the auto courts shall be designated as fire lanes. No parking shall be permitted within the fire lanes at any time.
3. Provide a connecting sidewalk from McClure to the northern tower entrance, on the south side of the drive that is north of the DADA parcel.
4. There will not be a screen wall along the northern property line; it will be vegetation.

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

MOTION CARRIED

Mr. Vleck said he is supportive of the overall development. He noted the areas of concern relate directly to the town house portion of the development. Mr. Vleck's concerns are: (1) density is too great of an impact on the property to the north; (2) parallel parking abuts the existing property on McClure and Alpine; and (3) setbacks are not in line with the existing residential homes in the area.

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Chair Strat requested a recess at 9:40 p.m.

The meeting reconvened at 9:50 p.m.

_____

December 30, 2002

TO: Gary Shripka, Assistant City Manager/Services
John Abraham, Traffic Engineer
Bill Huotari, Deputy City Engineer
Mark Miller, Planning Director
Doug Smith, Real Estate & Development Director
Mark Stimac, Director of Building/Zoning
Steve Vandette, City Engineer

FROM: John Szerlag, City Manager

SUBJECT: Uniformity of Analysis When Reviewing Proposed Planned Unit Developments (PUDs)

Our PUD ordinance is saturated with criteria to justify and quantify when PUDs can be utilized. And now that we no longer have a dimensioned requirement for PUDs, we're going to be using this ordinance for proposed infill developments; at least until such time as we develop an infill ordinance. In any event, our objective is to remain fair and consistent in determining what factors should be examined to achieve a fair balance between community benefit and developer output. Thus while each proposed PUD should have comment on each criterion listed in the ordinance, it would be of benefit to Planning Commission, City Council and developer to have an overview of what is being proposed in terms of the following elements:

1) Environment

- What is being done to preserve significant natural features and open space areas?
- Is any area being designated as a conservation easement?
- Is any blight to be eradicated?

2) Traffic

- Identify traffic volumes of proposed development to what could be generated from maximum density under existing zoning classifications. Relate to peak and non-peak times.
- Analysis to also include comparison of traffic patterns and points of ingress/egress from proposed development to what could be developed under existing zoning.

3) Durability of Design and Use

- What architectural features, materials, and building elements are being proposed that exceed industry standards?. Also delineate obstacles developer had or will overcome in achieving this particular site development, and include any assemblage of adjacent parcels in your commentary.

- Comment on how landscaping on the proposed site compares to basic requirements.

- If you were to visit this site in 50 years, what do you think you'd see?

- How does proposal compare with general direction of the master land use plan?

4) Economics

- Determine if proposed PUD will be a catalyst to improve and/or support surrounding area.

- If a density incentive is being proposed, determine differential from maximum density under applicable zoning

5) Public Input

- As the first stages of a PUD is a blending of developer and staff input which is later calibrated by the Planning Commission and City Council, meetings will be held with surrounding property owners prior to the public hearing at the Planning Commission level. Staff members will attend the informational meeting along with the developer so that public input comments can be made as part of the analysis by staff to the Planning Commission, and City Council; also because staff will have had input in the PUD plan.

In order to adequately address the above issues, the developer will need to submit a site plan that comports with existing zoning. This submittal will be in tandem with a proposed PUD.

Before formalizing this process via administrative memorandum, please let me know if there are any other factors you, as well as individuals copied below, would like considered in this executive summary of PUDs.

JS/mr\2002\Procedure for Reviewing Proposed PUDs

c: City Council
Planning Commission
Lori Grigg Bluhm, City Attorney
Susan Lancaster, Assistant City Attorney

TO: Mayor and Members of Troy City Council
FROM: John Szerlag, City Manager
Brian Murphy, Assistant City Manager/ Services
Carol Anderson, Director of Parks and Recreation
Lori Grigg Bluhm, City Attorney
DATE: July 1, 2005
SUBJECT: Proposed Amendments to Chapter 26- Parks- General Regulations

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The City of Troy received a request for a waiver of some of the provisions of Chapter 26 for the Troy Soccer City Classic. However, the current version of the ordinance did not provide express authority for a waiver of the conditions for special events hosted by civic, social, church, and club groups. In reviewing the current ordinance, the City Manager is vested with the authority to grant use of the parks to non-profit organizations, but is not currently authorized to allow for the sale of merchandise, which is requested for events such as the Troy Soccer City Classic or Troy Daze. City Administration has therefore proposed an amendment to Chapter 26, which expressly allows a non-profit organization to be granted a permit for these special events in the Troy parks.

Since the ordinance would be an agenda item, City Administration also incorporated other items into the proposed revision, including a sequential numbering and the inclusion of a new section on Radio Controlled Models in the City Parks. Additional changes were made to the text in an effort to increase the clarity of the ordinance. Attached please find a red lined copy of the ordinance, which depicts the proposed amendments. Also included is a clean copy of the ordinance that incorporates all proposed revisions.

City Administration recommends approval of the proposed revisions to Chapter 26. As always, if you have any questions, please let us know.

TITLE III - PARKS AND PUBLIC GROUNDS

CHAPTER 26 - PARKS - GENERAL REGULATIONS

26.01 Restricted Use of Park. The use and enjoyment of the Parks that are established and maintained by the City of Troy shall be, and is hereby, restricted to the following:

(a) Persons permanently residing within the corporate limits of the City of Troy and their families.

(b) Persons owning and paying taxes on real estate within the corporate limits of the City of Troy, and their families.

(c) Persons temporarily residing within the corporate limits of the City of Troy.

(d) Bonafide guests of any person referred to in paragraphsa,b,andc,above, attending the parks in the company of such person.

(e) Special permission to use the Park may be authorized by the City Manager to Civic, Social, Cultural, Church and Club groups and the like, and to visiting dignitaries, officers of other governmental agencies, City employees, and in such other special instances where, in the judgment of the Manager, the issuance of special permission will serve the public benefit and welfare.

26.02 Protection of Park Property. No person shall willfully mark, deface, disfigure, tamper with, displace or remove any buildings, tables, benches, fireplaces, trees, shrubs, flowers or any other park property or appurtenances whatsoever, either real or personal. No structure, booth, tent or stall shall be erected on park property for any purpose without permission from the City Manager.

26.03 Traffic Regulations. Each person shall comply with all provisions of the City Code relative to equipment and operation of motor vehicles. No person shall drive or park a motor vehicle on any park area except roads or parking area, or such other areas as may on occasion be specifically designated as temporary parking areas by the City Manager or his/her designee.

(Rev. 3-26-79)

26.04 Service and Repair of Autos. No person shall clean, wash, polish, repair, or in any manner service any motor vehicle or trailer in any public park or playground or cause the same to be done. For the purpose of this Chapter, the term "repair" means the replacement of old, worn-out parts of the vehicle with new parts, and the term "service" means the draining of oil, sludge, gasoline and water and other engine cooling fluids for the purpose of replacing same with a new supply. This prohibition shall not apply to the changing of deflated tires or the performing of necessary emergency work on a disabled car for the purpose of immediate movement.

(Rev. 3-26-79)

26.05 Motor Cycles. Unless authorized, motor vehicles, including, motorcycles, motor scooters or motor bicycles or motor cars commonly known as "go carts" that are lawfully permitted to be driven, ridden or operated on public streets shall be permitted only on the improved or paved portion of the right of way designated for vehicles in any public park, playground or any other public property.

(Rev. 6-27-94)

26.06 Refuse and Trash Disposal. No person shall dump, deposit or leave any bottles, broken glass, ashes, boxes, cans, rubbish, waste, garbage or other trash of any nature in a public park, except in proper receptacles where they are provided. Where proper receptacles are not so provided, all such rubbish or waste shall be carried away from the park by the person responsible for its presence, and properly disposed of elsewhere.

26.07 Fires. No person shall kindle or build a fire in any public park or playground except in receptacles provided therein for public use, or in private receptacles or grills, provided that the allowable receptacles or grills are placed in areas designated for that purpose.

26.08 Fireworks. No person shall bring into a park, or have in his/her possession, or set off any firecrackers, torpedoes, rockets, or other fireworks or explosives, or otherwise cause the same to explode in a park. No person shall discharge any firecrackers, torpedoes, rockets, or other fireworks or explosives, or throw them into any park area from land or highway. The exception to this prohibition is when a special permit is granted by the City Manager and Fire Chief, which should include restrictions as to time and location.

26.09 Disorderly Conduct. No person shall sleep or protractedly lounge on the seats or benches or other park area, or engage in loud, boisterous, threatening, abusive, insulting or indecent language or behavior, or engage in any disorderly conduct or behavior tending to a breach of the public peace.

26.10 Merchandising and Advertising. Except for any regularly licensed concessionaire acting by and under the authority and regulation of the City Manager, or any organization that is granted a Non-Profit Organizational Permit, no person shall expose or offer for sale in a park any saleable merchandise. The City Manager can grant a Non-Profit Organizational Permit to any civic, social, cultural, church, club groups and the like, or visiting dignitaries or officers of other governmental agencies or employees, as long as the special permission will serve the public benefit and welfare. Limitations as to time, location, duration, or other restrictions may be authorized by the City Manager in the granting of a Non-Profit Organizational Permit, and a violation of these conditions may result in a revocation of the Non-Profit Organizational Permit. Persons requesting a Non-Profit Organizational Permit shall fully complete the application for the Permit, which shall be available through the Parks and Recreation Department, and submit it to the Parks and Recreation Department at least ten days prior to the requested event. No person shall paste, glue, tack or otherwise post any sign, placard, advertisement, or inscription whatsoever in any park, nor shall any person erect or cause to be erected any sign whatsoever in any park (with the exception of directional signs that are authorized by the City Manager or his/her delegate) The exception to this prohibition is for advertising banners used during special events for non-profit community based organizations, as long as approval for the placement of the banners is granted by the City Manager and/or his delegate. The banners shall be limited to 48 square feet in size, and shall not advertise tobacco, alcohol or political candidates.

(Rev. 3-2-92)

26.11 Alcoholic Beverages. No person shall bring alcoholic beverages into the Park nor shall any person drink alcoholic beverages at any time in the Park unless he/she shall have first obtained a written permit for beer for that specific date from the Police Chief. No permit shall be issued for consumption of alcoholic beverages that have a higher alcoholic content than beer.

26.12 Bicycles, Games and Activities. No person shall take part in or abet bicycle riding, or the playing of any games involving thrown or otherwise propelled objects such as ball, arrows, or javelins, except in areas specifically set apart for such forms of recreation.

26.13 Radio Controlled Models. No person shall operate any radio controlled model planes, rockets, boats or wheeled model vehicles in any park, except in areas specifically designated and set apart for such forms of recreation.

26.14 Enclosures. No person shall take down, climb over or upon, interfere with, disturb or displace or walk upon any rails, posts, boards, fence, or other structures enclosing any park or playground or portion thereof.

26.15 Animals. No person shall permit any dog that is owned by him/her or under his/her control or custody to enter any park where a sign or signs are posted bearing the legend "No Dogs Allowed", or other words to that same effect. In park areas where dogs are permitted, such dogs shall at all times be kept under reasonable control by means of a leash. No person shall permit any other animal (either wild or domestic) that isowned by him/her or under his/her control or custody to enter any park, except when special permission is granted by the City Manager.

26.16 Loitering. No person shall loiter or remain upon any public park or playground between the hours of 10:00 P.M. and 7:00 A.M.; provided, however, that this section shall not apply to employees of the City of Troy in the course of their duties or to activities being held under the auspices of the Parks and Recreation Department. The City Manager is hereby empowered to waive this section when such action will serve the public benefit and welfare.

(Rev. 4-27-79)

26.17 Additional Rules. The City Manager is hereby empowered to make such rules and regulations, subject to the approval of the City Council, pertaining to the conduct and use of 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. Each person shall comply with such rules and regulations.

(Rev. 3-26-79)

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26.15 Animals. No person shall permit any dog that is owned by him/her or under his/her control or custody to enter any park where a sign or signs are posted bearing the legend "No Dogs Allowed", or other words to that same effect. In park areas where dogs are permitted, such dogs shall at all times be kept under reasonable control by means of a leash. No person shall permit any other animal (either wild or domestic) that is owned by him/her or under his/her control or custody to enter any park, except when special permission is granted by the City Manager.

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June 23, 2005

TO: John Szerlag, City Manager

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

SUBJECT: Agenda Item: Chapter 28 - Tree Ordinance Revision

In response to an inquiry at the City Council meeting of June 6, 2005, regarding the City's Tree Ordinance, staff offers the following chronology of revisions to the ordinance and to the supporting Landscape Design and Tree Preservation Standards.

Staff has been revising the Tree Ordinance – Chapter 28 and will be sending the revised document to you and Council for review/adoption this summer. The purpose of the revision is to align the ordinance with the Landscape Design and Tree Preservation Standards, clean up document language and formatting, update the prohibited species list, establish penalties for unauthorized removal or destruction of trees and plants in public spaces, clarify existing policies, and add new provisions for landscape maintenance requirements of public spaces (lawn extensions, subdivision entry islands, cul-de-sac islands) by adjoining property owners. If it is the desire of Council to increase the requirements for tree preservation, staff will propose changes and requirements to the ordinance in the future.

BACKGROUND

Chapter 28 of the City Ordinances outlines regulations for trees and plants within the city, and charges the Parks and Recreation Director with the responsibility to seek compliance with the provisions of the Chapter. In 1973, Council approved the tree ordinance, which was intended to govern the protection, installation, and long-term maintenance of trees, plants, and vegetation within the City of Troy.

The City Council approved a separate document called the Landscape Design and Tree Preservation Standards in 1975 to assist in the enforcement of Chapter 28 specifically as it relates to private development. In the years since initial adoption, the standards have been revised four (4) times. The standards were amended in 1977 to add landscape standards and adjust the size range of preserved trees to between 4" and 10". The rationale behind the adjustment to the preservation range was that trees within this range were most likely to survive not only the construction phase, but also the environmental alterations brought about by the development. Amendments to the landscape standards and fee schedules were made in 1986 and 1987.
The most recent revisions were adopted in 1996. At the behest of Council and prior to the adopted revisions, staff met with developers to get input on the

ordinance changes and requirements. Subsequently, Council adopted revisions which included:
Elimination of the tree preservation deposit, decreased requirements from developers, and eliminated the need for a grading plan. Although the functionality of the ordinance was not significantly changed, the view of the Council at the time was to expedite development and reduce developer cost.

Staff will soon begin further revisions to more closely align the standards with Chapter 28 – Tree and Plant Ordinance.

CURRENT LANDSCAPE AND TREE PRESERVATION STANDARDS

Prior to January of 2002, developers were required to submit a Tree Preservation Plan to the City for review. Following approval of the Tree Preservation Plan and payment of review fees, the developer was issued a Tree Preservation Permit, which authorized removal of all trees on the site other than those identified for preservation. After receiving the Tree Preservation Permit the developer was not required to notify the City in advance of tree removal associated with that permit.

The project review process was such that a preservation plan was submitted and approved by the Parks and Recreation Department prior to the City's final site plan review. Often, adjustments to the development required by other City reviewing departments affected trees identified on the Tree Preservation Plan. The developer was not required to resubmit another Tree Preservation Plan reflecting those changes.

The Planning and Parks Departments instituted a procedural change in 2002 calling for submittal of a final Tree Preservation Plan at the time of final site plan review, thereby eliminating any confusion over which trees on the site are to be preserved. Additionally, changes to the Tree Preservation Permit now require the developer to notify the City forty-eight (48) hours in advance of any tree removal on the development site.

SUMMARY

The revision of Chapter 28 – Tree and Plant Ordinance, if approved by Council, will clarify the responsibilities of private property owners, as well as City staff with regards to tree and plant installation, maintenance, preservation, and/or removal. Used in tandem with the Landscape Design and Tree Preservation Standards, Chapter 28 also serves to define the process and responsibilities of developers within the City of Troy.

Attached: Landscape Design and Tree Preservation Standards

Prepared by: Jeff Biegler

Landscape Design and Tree Preservation Standards

Reviewing Agency:
CITY OF TROY PARKS AND RECREATION
DEPARTMENT

ADOPTED: 9-15-75

RESOLUTION NO. 75-829

REVISED: 1-31-77

RESOLUTION NO. 77-88

REVISED: 11-3-86

RESOLUTION NO. 86-1148

REVISED: 3-16-87

RESOLUTION NO. 87-301

REVISED: 2-12-96

RESOLUTION NO. 96-152

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LANDSCAPE DESIGN AND TRESS PRESERVATION STANDARDS

1.00 Introduction

It is the intent of the City Code Chapter 39, Section 12.60.01; 11.50.05; 12.60.02; 13.60.00; 15.60.00; 16.60.00; 17.60.00; 39.30.01-07; 10.30.03 (C); 18.30.03 (B); 10.30.01 (E); 22.30.01 (B); 24.30.06 (B) and Chapter 41, Sections (E) and (F) to obtain an environment which is responsive to human needs, socially positive, economically viable and environmentally satisfying. The standards contained herein are forwarded as criteria toward the achievement of these objectives. The reviewing agency for standards is the City of Troy Parks and Recreation Department.

1.01 Circumstances for Variations from the Landscape Design and Tree Preservation Standards

These Standards are not intended to be arbitrary or inhibiting to creative solutions. Project conditions may justify modifications of these standards when conditions arise where full compliance is impossible, or under circumstances where achievement of the City's objectives can be better obtained through modified requirements. Therefore, in specific cases, variation of the requirements may be permitted by the Director of Parks and Recreation when this variation more fully achieves the objectives contained herein and when one or more of the following conditions justify the variance:

1. Topography, soil, or other site conditions are such that full compliance is impossible.

2. Improved environmental quality, and/or utility would result from the variance.

3. Alternate methods, materials or equipment may be used when their use would more closely fulfill the intended objectives of these standards.

4. Lack of existing native vegetation within the limits of the property.

1.02 Request for Variance

A request for variance must be submitted to the Director of Parks and Recreation in writing at the beginning of the review procedure.

Describe completely the rationale for the variance request. Example: All existing vegetation on the site is below the four (4) inch D.B.H. preservation size requirement.

1.03 Special Conditions

Because of various conditions in a specific project, the Director of Parks and Recreation may require compliance with standards other than those contained herein, in order to obtain those characteristics of viability, utility, service, public safety, and low maintenance expense, while satisfying its objectives and insure continued market acceptance of the project.

1.04 Federal and State Standards

It should be noted that where Federal and/or State standards pertain, the higher standard shall govern. An example of a possible higher standard would be the Federal Government's Endangered Species Act.

2.00 Standards for Landscape Development and Tree Preservation Plans

The intent of this section of the Standards is to insure that the proper consideration is given to the development of tree preservations and/or landscape plan, and that a logical step design process is instituted by the developer. By using a logical design process, it is expected that a great many potential problems of the plan will be resolved during this planning process, and excessive and expensive on-site changes during the implementation of the design will be eliminated.

2.01 Request for Waiver of Tree Preservation Standards

Developer may request relief from conforming to the tree preservation requirement by requesting a waiver and should be requested in writing to the Parks and Recreation Department, explaining the reasons for the request. The waiver request will be evaluated in the field and the developer will be advised of the department's finding in writing.

2.02 General Requirements for Tree Preservation Plan Submittals

Both preliminary and final tree preservation plans shall conform to this format. Three (3) copies shall be provided at the time of submittal.

A. Title Sheet
   1. Project Name
   2. Project Location Map with a scale of 1" = 200'
   3. Name of Developer, address, phone and fax number
   4. Name of Project Engineering Firm, address, phone and fax number
   5. Name, address, phone and fax of Landscape Architect, Designer or Tree Appraiser
   6. Zoning Classification of the project

B. All Other Sheets
   1. Number
   2. Scale
      a. 100'
   3. North Arrow (except on detail sheet)
   4. Title
   5. Legend
   6. Property Lines
   7. All Structures existing on the site
   8. Proposed and existing easements, utilities, rights-of-way and building envelopes
   9. Adjacent Land Use
   10. Label existing topographic contours on preliminary plans
   11. Label existing and proposed topographic contour lines on final plan submittal

2.03 General Requirement for Landscape Plan Submittals

A. Title Sheet
   1. Project Name
   2. Project Location Map 200 Scale
   3. Name of Developer
   4. Name of Landscape Architect or Designer
   5. Zoning Classification

B. All Other Sheets
   1. Number
   2. Scale
      a. Minimum 1" - 30' 0"
      b. Maximum 1" - 5' 0"
   3. North Arrow (except on detail sheet)
   4. Title
   5. Legend
   6. Property Lines
   7. All Structures (except on detail sheet)
   8. Easement, utilities and otherwise

2.04 Trees To Be Preserved

The City desires to preserve trees within the size range four (4) to ten (10) inches in diameter at breast height (D.B.H.).

A. It is not necessary to locate any tree outside this size range on a tree preservation plan unless the developer shows there is a valid reason for its inclusion.

1. Trees smaller than four (4) inches D.B.H. are very difficult to work around during the construction phase of most projects.

2. Trees over ten (10) inches D.B.H. are mature and often do not recover after construction has occurred around them.

3. The City maintains a prohibited species list. Trees may exist on the development site that appear on the prohibited species list. Prohibited tree species within the preservation size range will be included on tree preservation submittals, however it is left to the developer's discretion whether to preserve these trees or remove them as part of the construction operation.

   a) Trees on this list that occur in any zoning classification other than residential will not be considered as an acceptable element of any required landscape.

2.05 Preliminary Tree Preservation Plans

A. Preliminary tree preservation plans shall be submitted to the Director of Parks and Recreation when making the submittal to the Planning Department for tentative site plan review for a building project or when the tentative preliminary plat for a subdivision is submitted for review.

   1. On a project plan all tree masses shall be delineated.

      a. The tree masses will be surveyed. The Appraiser shall indicate on the plan the number of trees in the preservation size range. This quantity shall be divided up by tree species and indicated on the plan. Example: 4 Silver Maple, 16 Norway Maple, 2 Red Oak, 19 Box Elder.

      b. Any single trees outside a tree mass within the preservation range shall be identified and it's approximate location delineated on the plan.

B. The preliminary plan will be reviewed by the Parks and Recreation Department.

   1. An on site visit will be made to validate the survey. The owner or his agent is encouraged to join staff in this process.

   2. After the on site inspection is complete, staff will, if necessary, make suggestions for design alternatives that will enhance the possibilities of preserving trees without negatively impacting the project. This information will be forwarded to the owner or his agent.

3. During the preliminary review, it will be determined what area can be exempted from further tree preservation considerations (i.e., street rights-of-way, detention ponds, building envelopes, utility easement areas, extensive cut or fill, etc.)

2.06 Final Tree Preservation Plan

A. It is the intent of the final tree preservation plan to locate trees within the preservation size range that are of significant value and warrant preservation, during the construction phase of any commercial building project or subdivision.

B. The final tree preservation plan will be based on the data collected for the preliminary plan. Prior to this phase the Parks and Recreation Department will have provided a written review of the preliminary plan and will graphically delineate all areas that should be included in the final plan.

C. The final tree preservation plan shall include the following:

1. Base sheet information which is the same as was described for the preliminary plan, updated to reflect any design changes made during the review process.

2. The tree plan shall graphically delineate the following:

a) All existing wood lots on the property.

b) Differentiate all wooded areas that have been excluded from tree preservation consideration.

c) Graphically delineate areas where selective clearing of trees in the preservation size range will occur.

d) Graphically delineate areas where it is expected no trees in the preservable range will be removed.

3. Survey all trees within the preservation size range for those areas not previously excluded from consideration. The survey shall include the following:

a) Key number which relates back to the tree location on the plan

b) Botanical name of the tree

c) Describe the condition of the tree as good, fair or poor.

2.07 Planting Plan

A. All planting plans shall have a plant list. The plant list can be printed on the plan or can be typed and attached to each of three (3) sets of plans submitted for review.

B. A plant list shall contain the following information:

1. Botanical name
2. Common name
3. Plant size
4. Number of each plant variety used
5. Condition

    a. Balled and Burlapped (B & B)
    b. Bare Root (BR)
    c. Potted (Pot)
    d. Container grown (Can)

C. All planting areas will be indicated and all plant material in these areas shall be to scale delineating their size at the time of installation. This scale requirement does not cover the delineation of ground covers such as the vine varieties which may be shown as mass plantings.

D. Section drawing shall be included delineating the anticipated appearance of the required landscaping after ten (10) years of growth.

E. All plants shall be identified with the proper botanical name.

1. This requirement does not preclude the use of a key system method of identifying plant materials on the plan.

F. Planting details will be provided for each plant group to be installed on the site (shade trees, shrubs, evergreens, ground covers, etc.)

2.08 Construction Drawings

All construction (engineering) drawings and specifications shall conform to the City of Troy Development Design Standards.

2.09 Landscape Planting Specifications

Along with the landscape planting plan, the developer is required to provide a copy of the landscape planting specifications that will be employed during the implementation of the project. If these specifications are found to be insufficient, the proper changes are required to be made before the landscape plans will be approved.

2.10 Cost Estimate

A. An estimate covering the costs of all landscaping scheduled for the project needs to be submitted with all landscape plans. Cost estimates for irrigation systems should not be included in the landscape cost estimate.

3.00 Submittal Requirements

It is the intent of this section of the Landscape Design Standards to inform the developer of submittal requirements, review procedures, fees and inspections and guarantees. It should be noted that strict adherence to the procedures outlined herein will insure expeditious processing of plans and thereby minimize the need for project modifications.

3.01 The Reviewing Body

All landscape plans and specifications will be reviewed by the Director of Parks and Recreation or his designated agent.

3.02 Submission for Review

A. It is required that all landscape data be submitted, reviewed and approved before any building permit can be issued or before final plat approval is granted.

B. Three (3) copies of the landscape plan, planting specifications and cost estimates will be submitted to the Parks and Recreation Department.

3.03 Changes in a Landscape Plan Resulting from the City of Troy's Plan Review Process

Any changes required by the reviewing body must be included in three (3) complete sets of revised plans to be submitted to the Parks and Recreation, along with the revised specifications and cost estimates.

3.04 Tree Preservation Plan Review Fee

The Tree Preservation Plan Review Fee is based on the size of the project area. The fee will be charged at the rate of $25.00 per acre with a minimum charge of $175.00. A fee of $85.00 will be charged on all approved tree preservation plan waivers. Neither of these fees are refundable.

3.05 Landscape Plan Review Fee

The landscape review fee will be based on the land area of the entire project. The fee will be charged at the rate of $115.00 per acre with a minimum charge of $85.00. This fee is not refundable.

3.06 Other Charges

A. After the landscape plans, planting specifications and cost estimate have been approved, and prior to the issuance of any landscape permit, the developer shall post with the City an irrevocable bank letter of credit and/or cash in the amount of twenty-five (25) percent of the project's total landscaping cost estimate.

1. The purpose of this requirement is to insure implementation of the landscape plan as approved by the City and will be refunded in a two-step process upon completion of landscape (see 3.06 B.).

   a. The irrevocable bank letter of credit, and/or cash deposit will be returned after the completion of the entire project.

2. On-site changes of an approved landscape plan may be made using the following procedure:

   a. All changes must be approved by the City.

   b. Prior to any deviation from the accepted plan, the developer shall contact the City and ask for an evaluation of the proposed change. Should the proposed change be acceptable, a signed approval form will be forwarded to the developer.

   c. In projects where deviation from the accepted landscape plan has been approved, the developer shall forward as-built drawings to the City prior to inspection of the site.

   d. It should be noted that these requirements apply only to the landscaping required by the City Code.

B. Once the landscape plan has been fully implemented, the developer shall post with the Parks and Recreation office an irrevocable bank letter of credit and/or cash in the amount of ten (10%) percent of the approved cost estimate of the landscaping required by the City Code. This letter shall be posted with the Parks and Recreation Department prior to the issuance of the final certification of occupancy.

1. The intent of this requirement is to insure that all dead, dying, diseased and/or weakened plant materials found to be existing on the landscape project site shall be replaced with viable plant materials during the next acceptable installation season.

2. The irrevocable bank letter of credit and/or cash will be held for a minimum of one year. At the end of this one year holding and after the final inspection, the developer will receive in writing from the City a notice listing any and all replacements which must be installed.

3. When the replacement plant materials have been installed to the satisfaction of the City, the bank letter of credit and/or cash will be released, and a final project approval letter will be forwarded to the developer.

4. It should be noted that these requirements apply only to the landscaping required by the City Code.

5. Failure on the part of the developer to comply with these standards may result in the forfeiture of either or both of the irrevocable letters of credit and/or cash.

3.07 Tree Preservation Permits

A. Once the tree preservation is approved and the review fees have been remitted to the City, a Tree Preservation Permit will be issued.

1. No tree removals shall occur without a permit.

B. Performing any tree removals without having a valid Tree Preservation Permit will result in the doubling of the review fee.

Landscape Permit

A. Once the landscape plan is approved and all fees and deposits have been remitted to the City in an acceptable manner a landscape permit will be issued.

1. No landscape work shall take place without a permit.

B. Performing any landscaping construction without having a valid landscape permit shall result in the doubling of the landscape review fee and no temporary or final certificate of occupancy will be granted until these standards are complied with fully.

4.00 Inspection Schedule

A. The intent of this section of the Standards is to inform the developer of the inspection schedule which will be employed by the City during the landscape construction period. By this section the developer is also informed of what procedures must be employed in order to receive an inspection at the requested time, and the scope of each inspection.

4.01 Initial Site Inspection

A. When a landscape plan is received by the City, a site inspection may be made to help the reviewing body to determine if any problem areas can be found that may not be fully delineated on the plans. This will also help the reviewing body realize the full impact of the proposed landscape development on the local environment. This inspection will be carried out by the City.

4.02 First Landscape Implementation Inspection

A. After the landscape plan has been approved, review fee paid, and the irrevocable bank letter of credit and/or cash deposit has been posted with the Parks and Recreation office, the implementation of the landscape plan can begin. It is also a requirement that the City be informed of the proposed starting date at least twenty-four (24) hours before work on the project begins.

B. Upon receiving notification of date of implementation of the project, an inspection will be scheduled.

C. During the inspection, all plant materials will be inspected to see that they meet the approved specifications, and are viable, and free from disease.

1. Developer shall be advised of any substandard plant materials.

D. Failure to follow this procedure on the part of the developer, will result in a stop work order until all requirements are met.

4.03 Spot Inspections

A. During the course of the implementation of the plan, spot inspections of the project may be made to insure that the approved specifications are being followed.

4.04 Final Implementation Inspection

A. The developer will request a final implementation inspection by the City at least twenty-four (24) hours prior to the proposed inspection date.

B. When the project has been approved by the City, he shall sign and forward to the developer an approval certificate and shall request release of the irrevocable bank letter of credit and/or cash deposit.

C. In cases where the project has not been approved, the objections shall be outlined in writing by the City and shall then forward this notice to the developer. This notice will also stipulate the date and/or dates by which the required alterations will be completed.

D. When a project has not been approved at the time of the final implementation inspection, an additional inspection will be made as soon as the required alterations have been completed. The date for this inspection can be set by contacting the City at least twenty-four (24) hours prior to the proposed inspection date.

E. The irrevocable bank letter of credit and/or cash deposit will not be returned until the required alterations are completed.

4.05 Final Inspection

A. This inspection will take place within the twelfth month after the date of the final implementation inspection.

B. It is the responsibility of the developer to contact the City requesting a final inspection, and to establish a date and time for this inspection.

C. At the established date and time, the developer may meet with the City on the site. At that time all landscape materials will be inspected.

D. All materials that do not pass this inspection will be listed in written form and forwarded to the developer by the City. This notice will also stipulate the date by which all replacements will be completed.

E. When a project has not been approved at the time of the final inspection, an additional inspection will be made when the required alterations have been completed. The date for this inspection can be established by contacting the City at least twenty-four (24) hours prior to the proposed inspection date.

F. When the project has been approved by the City, the irrevocable bank letter of credit and/or cash deposit shall be released.

G. Failure on the part of the developer to follow this procedure will result in the forfeiture of the irrevocable bank letter of credit and/or cash deposit.

5.00 Landscape Contractor Qualifications and Responsibilities

The intent of this section of the Standards is to inform the developer of what minimum qualifications a Tree Appraiser and/or landscape contractor must have prior to any landscape project coming under the control of these standards. Information as to the responsibilities of the landscape contractor other than the simple implementation of the landscape plans can be found in this section of these standards.

5.01 Qualifications of the Landscape Contractor

A. The landscape contractor shall be licensed by the State of Michigan, Department of Agriculture Plant Industries Division to handle plant materials.

B. The landscape contractor will be covered by a public liability and property damage insurance policy.

C. The landscape contractor shall conform to all Federal and State Labor Laws.

5.02 Tree Appraiser Qualifications and Responsibilities

The intent of this section of the Standards is to inform the developer of what minimum qualifications a Tree Appraiser must have prior to tree preservation project coming under the control of these standards. Information as to the responsibilities of the Appraiser other than the simple implementation of the landscape plans can be found in this section of these standards.

Qualifications of Tree Appraiser

A. A qualified Tree Appraiser shall have a minimum of two (2) years of college in the areas of Horticulture, Forestry, Urban Forestry, Landscape Architecture or related field or two (2) years experience at a supervisory level in one of these disciplines or related field. The Department will review credentials upon request of the developer.

5.03 Responsibilities of the Landscape Contractor

A. The landscape contractor shall guarantee that all plants are true to botanical name, and that the quality and size meet the approved specifications.

B. The landscape contractor shall fully guarantee that all plants are in a vigorous growing condition during and at the end of the guarantee period. This guarantee period shall be minimum of one (1) year from the completion date of the project.

C. Replacement plants and/or landscape materials other than plants shall be in accordance with the approved original specifications.

D. The contractor shall at all times keep the premises and public streets free from any excessive accumulation of soil and waste material or rubbish caused by his employees or work, and at the completion of the work, he shall remove all his waste, excessive material, rubbish and equipment so as to leave the premises neat and clean and ready for the purpose for which it was intended.

E. The contractor shall properly protect all existing structures and property. This is to include, but not to be limited to: sidewalks, curbs, fences, buildings, lawns, trees and shrubbery. Repair of all parts shall be done in strict accordance with the requirements of the proper City authorities.

5.04 Responsibilities of the Tree Appraiser

A. Be able to provide the necessary graphic and written reports as outlined in this Standard.

B. Shall be held accountable for the accuracy of all graphic and written submittals.

6.00 Plant Material Requirements

The intent of this section of the Landscape Design and Tree Preservation Standard is to inform the developer of the minimum requirements placed on all plant materials used to implement those landscape requirements as called for by the City Code.

A. The following information includes the definitions of the six (6) major plant groups that come under the control of these standards and the specific requirements placed on each plant group.

6.01 Broadleaf Evergreens

As the name implies, this group of plant materials have broad leaves, rather than needles, and retain their foliage throughout the winter months. This plant group is a woody perennial having both low spreading varieties and shrub forms.

A. Minimum required size for low spreading varieties of broadleaf evergreens is fifteen (15) to eighteen (18) inches.

B. Minimum required size for shrub form broadleaf evergreens is eighteen (18) to twenty-four (24) inches.

6.02 Coniferous Evergreens

This group of plant materials maintains its foliage throughout the entire year in a green condition. These plants are woody perennials and for the most part, have very narrow leaves, often referred to as needles. It should be noted that coniferous evergreens have both spreading and upright varieties.

A. Minimum required size for spreading coniferous evergreens if fifteen (15) to eighteen (18) inches in width.

B. Minimum required size for upright coniferous evergreens is five (5) to six (6) feet tall.

6.03 Deciduous Shrubs

This group is made up of those perennial woody plants with several self-supporting canes, which lose their foliage each autumn.

A. Each plant will have a minimum of at least five (5) canes, at least eighteen (18) to twenty-four (24) inches long.

B. This requirement does not preclude the possibility of using espaliered shrubs.

6.04 Deciduous Shade and Small Flowering Trees

Are those woody perennial plant materials with one or more self-supporting stems or trunks with a usually well defined branching network located near the distal end of the trunk. The foliage of this plant group is dropped each autumn, and is renewed in the spring of the year.

A. The minimum heights and caliper requirements for shade trees are as follows:

1. The minimum caliper requirement is two (2") inches to two and one half (2½) inches.

2. The minimum height requirement is twelve (12) to fourteen (14) feet.

B. The minimum height and caliper requirements for small flowering trees are as follows:

1. Minimum caliper requirement one and one-half (1½) to one and three-quarters (1-3/4) inches.

2. Minimum height requirement is six (6) to eight (8) feet.

C. It should be noted that all caliper measurements will be taken at least six (6) inches above the graft (on grafted materials) and six (6) inches above root, shoot junction on all non-grafted materials.

D. All height measurements will be taken from the soil line at the base of the tree to the end of the central leader.

6.05 Ground Covers

A. As a general requirement placed on all ground covers, no rooted cutting will be deemed as acceptable plant materials. The reason behind the prohibition against the use of rooted cuttings is because of the very limited root systems causing, in many cases, a very high mortality rate. All ground cover materials shall be at least one (1) year bedded stock.

B. The following requirements shall govern those ground covers that spread over the desired area by the use of above ground runners.

1. The minimum number of runners required per plant is three (3).
2. The minimum required length of each is ten (10) inches.

C. The following requirements shall govern those ground covers that spread over the desired area by the use of underground runners.

1. All plants shall be potted in peat or clay pot containers with the minimum dimensions of two and one-quarter (2 1/4) inches by two and three-quarter (2 3/4) inches.

2. All plants shall be well balanced and have a well established root system.

3. Maximum spacing between plants at installation shall not exceed eight (8) inches on center.

6.06 Turf Grass

Those herbaceous plant materials which have a low spreading growth habit covering the soil surface often used in lieu of an ornamental ground cover, or an organic/inorganic material such as woodchips or stone.

A. Standards governing turf grass installations shall conform to the City's Development Design Standards.

6.07 Other Requirements Placed on Plant Materials

The following information is a list of all other requirements placed on all plant materials used in the implementation of those landscape projects called for by City Code.

A. All plant material shall conform in botanical name, dimensions, and quality of the "Horticultural Standards" adopted by the American Association of Nurserymen.

B. All bare root (BR) plant material shall have a well branched root system, characteristic of the species. The root system will meet the minimum standards for bare root nursery stock as set down by the American Association of Nurserymen.

C. Balled and Burlapped (B & B) plant material shall be balled with original soil, intact with the fibrous roots to insure maximum recovery after transplanting.

D. Plants shall conform to the above standards when materials are balled and burlapped (B & B).

E. Potted plants shall have sufficient root structures to insure full recovery and development.

F. Any plants existing on the site requiring relocation must be dug in accordance with the above stated standards.

G. Nursery stock shall be vigorous, free from disease, insects, insect eggs, or larvae.

H. Substitution of materials included in an approved plan shall be made with the consent of the City. The owner may request an amendment verbally or in writing. Approval can be given verbally and followed up in writing. The developer shall provide an as-built drawing indicating the changes prior to the release of the landscape deposit.

6.08 Prohibited Plant Materials

The following list of plant materials shall not be planted in the City:

A. Acer saccharinum/Acer dasycarpum (Silver Maple) and/or clones and cultivars: This species is very susceptible to storm and wind damage, which could prove hazardous to life and property.

B. Acer negundo (Box Elder) and/or clones and cultivars: The prohibition of this species is because of the Box Elder's susceptibility to storm and wind damage.

C. Ailanthus (Tree of Heaven) and/or species, clones and cultivars: This group is prohibited because it is very susceptible to storm damage.

D. Berberis vulgaris (European Barberry) and/or clones and cultivars: This plant is the alternate host for wheat rust disease and is on the United States Department of Agriculture's "Prohibited Species List".

E. Catalpa speciosa (Northern Catalpa) and/or clones and cultivars: This species suffers a great deal of storm and wind damage and could be hazardous.

F. Juniperus virginiana (Eastern Red Cedar) and/or clones and cultivars: This plant is the alternate host for the Hawthorn-Apple-Cedar Rust.

G. Populus (Poplar) species and/or clones and cultivars: This generic plant group can prove to be hazardous due to its susceptibility to storm and wind damage.

H. Salix (Willow) species and/or clones and cultivars: Problems will develop with this generic plant group because of the large root system which quite often finds its way into sanitary and storm sewers. In order to prevent unnecessary sewer maintenance, Salix (Willow) is prohibited.

I. Ulmus americana (American Elm) and/or clones and cultivars which are not resistant to the fungus disease Cerotostomella Elmi (Dutch Elm Disease): Due to the disease problems affecting this plant group, and since the dead and dying trees could be hazardous to life and property, the planting of Ulmus americana (American Elm) is prohibited.

J. Ulmus parvifolia (Chinese Elm) and/or clones and cultivars: This species is very susceptible to storm and wind damage and could be very hazardous during these conditions.

D-1 LANDSCAPING AS REQUIRED BY TROY CITY CODE

DISTRICT	PRESENT LANDSCAPE REQUIREMENTS
C-F, B-1, B-2, B-3, H-S, O-1, O-M, O-S-C, R-C, M-1	1. 10′ greenbelt along any public street, with 1 tree for every 30 lineal feet of frontage. 2. 10% of site area landscaped - front and side yards only. General Note: Not more than 20% of required landscape area will be covered with non-living material, i.e. woodchips, stone, etc.
R-1 and R-2	Subdivision Control Ordinance requirements only
CR-1	1. 10′ greenbelt along any public street, with 1 tree planted for every 20′ of frontage. 2. 5′ berm along any property line abutting a major thoroughfare with 1 tree planted for every 20′ of frontage. 3. 15% of site shall be landscaped open space. 4. One tree shall be planted for every 2 dwelling units.
R-1T and R-M	1. 10′ greenbelt along any public street with 1 tree planted for every 20′ of frontage. 2. 4′ berm along any property line abutting a major thoroughfare, with 1 tree planted for every 20′ of frontage. 3. 5′ berm along any property line abutting freeway, landscaped with double row 6′ apart, evergreen species, 4′ O.C. staggered 2′ O.C. 4. 70% of required yards shall be landscaped, and 1 tree shall be planted for every 2 dwelling units.
RM-1	1. Same as R-1T and R-M, with the exception that a 5′ rather than a 4′ minimum height berm is required along any property line abutting a major thoroughfare.
RM-2 and RM-3	1. Same as RM-1, with the following exceptions: a. 75% (vs 70%) of required yards shall be landscaped. b. Overall requirement of 450 square feet of landscaped open space per dwelling unit. 60% of this open space area shall be located in direct proximity to the buildings.

D-2 The City: The City of Troy, Parks and Recreation Department.

D-3 The Developer: The person and/or firm responsible for owning the project.

D-4 The Landscape Contractor: The person and/or firm responsible for the implementation of the approved landscape development plan.

D-5 The Planting Plan: This drawing will delineate all plant materials that will be installed on the site, and all existing plant materials that will remain on the site as an element of the total landscape.

D-6 Balled and Burlapped Materials: Those plants which are transplanted with the soil in which they were grown in, left intact around the plant's root system. This mass of soil is then wrapped tightly with burlap material to hold the earth in place.

D-7 Bare Root Materials: Those small deciduous trees (under two [2] inches in caliper) and small deciduous shrubs (under three [3] feet tall) which have all the soil from around the plant's root system removed in the transplanting process. All plants which are moved in this fashion shall be in a dormant state at the time of transplanting. Evergreens shall not be transplanted in this fashion.

D-8 Potted Materials: These plants have been dug in the bare root fashion and then replanted in a container until the time they are installed as an element of a landscape project.

D-9 Container Grown Materials: These plants are grown in containers usually in a non-soil growing medium.

D-10 Landscape Specifications: Those statements that outline the procedures that will be used to install all plant materials and other landscape elements.

A meeting of the Troy Charter Revision Committee was held Wednesday, November 5, 2003, at City Hall, 500 W. Big Beaver Road. Chairman Bliss called the Meeting to order at 3:00 P.M.

Roll Call: PRESENT: Lillian Barno, Daniel Bliss, Jerry Bloom, Shirley Kanoza, Robert Noce, Cynthia Wilsher
ABSENT: Mark Solomon – Arrived at 3:05
ALSO PRESENT: City Attorney Lori Grigg Bluhm, Assistant City Manager/Finance and Administration John M. Lamerato, City Clerk Tonni Bartholomew, Deputy Clerk Barbara Holmes, Assistant to the City Manager Laura Fitzpatrick

Approval of Minutes:
Resolution #CR-2003-11-014
Motion by: Bloom
Seconded by: Kanoza

RESOLVED, That the Minutes of October 21, 2003 are approved with the following correction to page 6, paragraph 3: strike "Tuesday" and insert "Wednesday".

Yes: All 6
Absent: Solomon

Member Solomon arrived at 3:05 PM

Reconsideration of the Minutes:
Resolution #CR-2003-11-015
Motion by: Bloom
Seconded by: Kanoza

RESOLVED, That the Minutes of October 21, 2003, be reconsidered.

Yes: All 7

Approval of Corrected Minutes:
Resolution #CR-2003-11-016
Motion by: Solomon
Seconded by: Bloom

RESOLVED, That the Minutes of October 21, 2003 are approved with the following correction to page 5, paragraph 8 by inserting "the" in front of "date of the City election" and striking the word "of" following "date of the City election".

Yes: All 7

Proposed Charter Amendments

Section 5.11 Initiatory and Referendary Petitions
Resolution #CR-2003-11-017
Motion by: Solomon
Seconded by: Bloom

RESOLVED, That the consideration of Section 5.11, Initiatory and Referendary Petitions, of the City Charter be amended by striking “ten percent of the” and inserting “2,000” after the words “shall be signed by not less than” and by striking “twenty-one” and inserting “ninety” after the words “obtained within” in the first paragraph.

BE IT FURTHER RESOLVED, That the second paragraph be amended by striking the words “and fifteen days from such notification shall be allowed for filing of supplemental petition papers” After the words “mail the person filing such petition”.

Yes: All 7

Section 5.14 Ordinance Suspended: Miscellaneous Provisions on Initiatory and Referendary Petitions
Resolution #CR-2003-10-018
Motion by: Bliss
Seconded by: Bloom

RESOLVED, That no action be taken on Section 5.14, Ordinance Suspended: Miscellaneous Provisions on Initiatory and Referendary Petitions, of the City Charter.

Yes: Bliss, Barno, Kanoza, Solomon, Wilshire
No: Bloom, Noce

Audience Participation
Mrs. Mary Ann Bernardi and Mr. Peter Ziegenfelder were both present and indicated support for the reduction of the number of signatures required for Initiatory and Referendary Petitions.

Adjournment
Resolution #CR-2003-11-019
Motion by: Barno
Seconded by: Kanoza

RESOLVED, That the Charter Revision Committee be adjourned.

Yes: All 7

Assistant City Manager/Finance and Administration Lamerato noted that the recommendations of the Charter Revision Committee will be advanced to the City Council at their November 17, 2003 Meeting as a green item for proposed action at their December 1, 2003 meeting.

Adjournment: 4:05 PM

Daniel Bliss, Chair

Tonni L. Bartholomew, City Clerk

LIBRARY BOARD MINUTES - FINAL **APRIL 14, 2005**

A Regular Meeting of the Troy Library Board was held on Thursday April 14, 2005 at the Office of the Library Director. Brian Griffen, Chairman, called the meeting to order at 7:30 P.M.

ROLL CALL PRESENT: Joanne Allen
Lynne Gregory
Brian Griffen
Nancy Wheeler
Audre Zembrzuski

Lauren Andreoff, Student Representative
Cheng Chen, Student Rpresentative

Brian Stoutenburg, Library Director

The Pledge of Allegiance to the Flag was given

Resolution #LB-2005-04-001
Moved by Zembrzuski
Seconded by Wheeler

RESOLVED, That the Minutes of March 10, 2005 be approved with a correction. Under Board Member Comments, the fourth paragraph should read: Griffen asked that the 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-2005-04-002
Moved by Wheeler
Seconded by Allen

RESOLVED, That the Agenda be approved

Yes: **5—Allen, Gregory, Griffen, Wheeler, Zembrzuski**
No: 0

MOTION CARRIED

POSTPONED ITEMS
There were no postponed items.

REGULAR BUSINESS

Review of Exhibitor Procedure. The Board discussed the draft of changes to the Exhibitor Procedure that was based on language from the Law Department dealing with the issue of pricing and sales information.

Resolution #LB-2005-04-003
Moved by Wheeler
Seconded by Zembrzuski

RESOLVED, That the draft of the Exhibitor Procedure be sent to the City Attorney for review.

Yes:	**5—Allen, Gregory, Griffen, Wheeler, Zembrzuski**
No:	0

MOTION CARRIED

Friends of Michigan Libraries Linking. Allen, Zembrzuski and Stoutenburg will attend along with Julie Siegler from the Friends of the Troy Public Library.

PLATAOC Annual Spring Dinner. Allen, Gregory, Griffen and Wheeler will attend to represent the Board.

National League of Cities Audio Conference. Andreoff and Cheng were invited to participate in this Audio Conference that deals with youth issues. Both will try to attend.

Election of Board Officers. The Board was reminded that officers are scheduled to be elected at the May meeting.

REPORTS & COMMUNICATIONS

Director's Report.
At this point, the Library's Capital Budget request for funds to create a computer hot spot are still in the budget document. City Council Budget Hearings are scheduled for April 25, May 2 and May 7. The Library is beginning to develop a welcome packet for new patrons in cooperation with the Community Affairs Department. Tickets will be available for a Tigers Baseball game in May that is a promotional effort between Ernie Harwell, Alan Trammell and the Library Foundation of Michigan. Ten dollars of each ticket will be donated to the Foundation to support public libraries in Michigan. The HVAC project is underway.

Board Member comments.
There were no Board Member comments.

Student Representative's Comments.
Chen asked about the wi-fi hotspot and the State law about minor's and Internet access. We have been informed by the Law Librarian at the State that since it would be personal equipment individuals would be using and not the Library's, the Law would not apply.

SLC Report.
The substitute list will be continued. eVanced software will be purchased. This software provides for program registration online. The SLC Board adopted a records retention policy. The Romeo District Library Director is retiring.

Friends of the Library.
No report

Gifts.
No gifts were received.

Informational Items.
April TPL Calendar

Contacts and Correspondence.
13 written comments from the public were reviewed.

Public Participation.
There was no public participation.

The Library Board meeting adjourned at 8:45 P.M.

Brian Griffen
Chair

Brian Stoutenburg
Recording Secretary

Downtown Development Authority FINAL Meeting Minutes April 20, 2005

A meeting of the Downtown Development Authority was held on Wednesday, April 20, 2005 in the Lower Level Conference Room of Troy City Hall, 500 W. Big Beaver Troy, Michigan. Alan Kiriluk called the meeting to order at 7:30 a.m.

PRESENT: Stuart Frankel (arrived 7:33)
David Hay
Michele Hodges (arrived 7:41)
William Kennis
Alan Kiriluk
Daniel MacLeish
Carol Price
Ernest Reschke
Douglas Schroeder (Departed 8:45)
G. Thomas York
Louise Schilling
Harvey Weiss

ABSENT: Michael Culpepper

ALSO PRESENT: John Szerlag
Lori Bluhm
John M. Lamerato
Brian Murphy
Mark Miller
Doug Smith
Brent O. Bair, Road Commission of Oakland County
Craig Bryson, Road Commission of Oakland County
James Page, Harley, Ellis

APPROVAL OF MINUTES

Resolution: DD-05-01
Moved by: Kennis
Seconded by: York

RESOLVED, That the minutes of the December 15, 2004 regular meeting be approved.

Yeas: All (10)
Absent: Culpepper, Frankel, Hodges

OLD BUSINESS

A. Corridor Study Update

John Szerlag and Doug Smith gave a brief update on the Corridor Study.

Resolution: DD-05-02
Moved by: Hay
Seconded by: York

RESOLVED, That a not to exceed amount of $137,500 be inserted into the resolution.

Yeas: All (12)
Absent: Culpepper

Resolution: DD-05-03
Moved by: Hay
Seconded by: York

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

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

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

WHEREAS, This committee unanimously recommends that Birchler Arroyo Associates, Inc., at an amount not to exceed $137,500.00, be selected to perform the Big Beaver corridor study as this firm submitted the best proposal in terms of stakeholder input, land use policies to determine long term economic viability, transportation management, design/esthetics.

NOW, THEREFORE, BE IT RESOLVED, That the Downtown Development Authority authorizes the chairman and executive director to execute a contract with Birchler Arroyo Associates, Inc. to conduct the Big Beaver corridor study contingent upon endorsement of the contract by Troy City Council.

Yeas: All (12)
Absent: Culpepper

B. Update on Big Beaver Landscaping

Board voiced their concerns with condition of landscaping along Big Beaver. City administration will review concerns with staff responsible for maintenance

NEW BUSINESS

A. Business for Better Roads

Resolution # DD-05-04
Moved by: York
Seconded by: Hodges

Brent O. Bair from the Road Commission of Oakland County and James Page of Harley, Ellis made a presentation to the Board of the Business for Better Roads congestion reduction plan. The following resolution was passed:

RESOLVED, That the Troy Downtown Development Authority supports the effort of the Business for Better Roads (BBR) to identify and secure a solution to the funding needs for county, city and village road infrastructure

Yeas: All (12)
Absent: Culpepper

B. 2005/06 Proposed Budget

Resolution: DD-05-05
Moved by: Reschke
Seconded by: York

RESOLVED, That the Proposed 2005/06 Budget for the Troy Downtown Development Authority be approved and submitted to City Council for approval.

Yeas: All (11)
Absent: Culpepper, Schroeder

C. Wireless Oakland Proposal

The Board supports the Wireless Oakland proposal.

D. Beaver Tales

Dave Waller made a brief presentation of the Beaver Tales Project. The Board asked the City Attorney whether it would be permissible to sponsor a Beaver.

E. Standard Federal Fountain

Resolution: DD-05-06
Moved by: MacLeish
Seconded by: Hodges

RESOLVED, That the Troy Downtown Development Authority recognize the investment made by Standard Federal to illuminate the front entrance to their World Headquarters and enhance the Big Beaver Corridor with this private investment to the advantage of the entire citizenry of Troy.

NOW BE IT RESOLVED, that the Troy Downtown Development Authority congratulates Standard Federal on this major investment contributing to the enhancement of the Big Beaver Corridor

Yeas: All (11)
Absent: Culpepper, Schroeder

F. I-75 Crooks Road Interchange Improvements

Resolution: DD-05-07
Moved by: Kennis
Seconded by: MacLeish

RESOLVED, That the Board reconfirm their support of the I-75 Crooks Road Interchange improvements.

Yeas: All (11)
Absent: Culpepper, Schroeder

PUBLIC COMMENT

Several members in attendance addressed the Board.

EXCUSE ABSENT MEMBERS

Resolution: DD-05-08
Moved by: MacLeish
Seconded by: York

RESOLVED, That Culpepper be excused.

Yeas: All (11)
Absent: Culpepper, Schroeder

The meeting was adjourned at 9:10 a.m.

Next Meeting: May 18, 2005 @ 7:30 a.m. @ Troy City Hall, Lower Level Conference Room

_____
Alan Kiriluk, Chairman

_____
John M. Lamerato, Secretary/Treasurer

JL/pg

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
Marcia Gies
Michael Hutson
Matthew Kovacs
Mark Maxwell
Wayne Wright

ALSO PRESENT: Mark Stimac, Director of Building & Zoning
Susan Lancaster, Assistant City Attorney
Pamela Pasternak, Recording Secretary

ITEM #1 – APPROVAL OF MINUTES – MEETING OF 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

A. CALL TO ORDER

A regular meeting of the Troy Daze Advisory Committee was held **Tuesday, May 24, 2005** at the Troy Community Center. Meeting was called to order at 7:30 pm.

B. MEMBERS PRESENT

Present:

Jim Cyrulewski
Cecile Dilley
Cheryl Whitton-Kaszubski
Bill Hall
Mike Gonda
Bob Preston

City Staff Present:

Cindy Stewart
Bob Matlick
Gerry Scherlinck
Tonya Perry

Absent
Kessie Kaltsounis
Bob Berk
Jeff Stewart
Marilyn Musick

EXCUSE ABSENT MEMBERS

Resolution # TD-2005-05-15
Moved by Jim Cyrulewski
Seconded by Bill Hall
RESOLVED that absent members are excused.

Yeas: All
Nays: None
MOTION CARRIED

APPROVAL OF MINUTES

Resolution # TD-2005-05-16
Moved by Mike Gonda
Seconded by Cecile Dilley

RESOLVED that the minutes from the April 26, 2005 Troy Daze Advisory Committee are approved*.

Yeas: All
Nays: None
MOTION CARRIED

*with addition Laura Fitzpatrick be added under City Staff

C. NEW BUSINESS

- No new appointments
- Plaques for booth participants – next meeting
- Schedule of Events needs to be finalized by June 30, 2005

D. OLD BUSINESS

- Update on contracts just starting to get underway
- Fireworks complete (Mad Bomber) wants to come out Wednesday, June 1st to look at site. Jeff B will show him site.

- Committee Manual Review

  Purchasing Guideline Section - page 3
  - Purchases under $800 should be $500
  - Purchases greater than $800 but under $1200 should read **Purchases greater than $500 but under $1000**
  - Purchases greater than $1200 but under $10,000 should read **Purchases greater than $1,000 but under $10,000**

  Petty Cash - page 5
  - No increase – stay at $400

  Insurance Certificates – page 5
  - Showed to Risk Manager- he will take care of all certificates. Food vendors should also be checked to have City of Troy and Troy Daze as additional insured

  - Both sentences after the first one can be deleted

  Approval of Press Releases & Other Printed Material for Public Release – page 6
  - Change from P & R Director to Community Affairs Director

  Page 1 – The Troy Daze Advisory Committee shall consist of 9 members plus a liaison member from P & R Advisory Board

  Approval (with changes and exhibits) will be at June meeting.

<u>ADJOURN MEETING</u>

Resolution # TD-2005-05-17
Moved by Cecile Dilley
Seconded by Mike Gonda

RESOLVED that the Troy Daze Advisory Committee Meeting be adjourned at 7:47 p.m.

Yeas: All
Nays: None
MOTION CARRIED

_____
Cheryl Whitton Kaszubski, Treasurer

_____
Cindy Stewart, Recording Secretary

TROY DAZE FESTIVAL COMMITTEE MEETING – FINAL MAY 24, 2005

A regular meeting of the Troy Daze Festival Committee was held **Tuesday, May 24, 2005** at the Troy Community Center. Meeting was called to order at 7:47 pm.

A. ROLL CALL

Present:

Mike Gonda
Bob Preston
JoAnn Preston
Cecile Dilley
Bill Hall
Tom Kaszubski
Doris Schuchter
Dan O'Brien
Shirley Darge
Megan Cyrulewski
Linda Hannon
Jeff Winarski
Jim Cyrulewski
Sandy Macknis
Cheryl Whitton-Kaszubski
Tarcisio Massaini
Jeffrey Super
Susan Burt
Alison Miller

City Staff Present:

Jeff Biegler
Bob Matlick
Tonya Perry
Gerry Scherlinck
Cindy Stewart

B. APPROVAL OF MINUTES

Moved by Mike Gonda
Seconded by Cecile Dilley

RESOLVED that the minutes from the April 26, 2005 Troy Daze Festival Committee are approved.

Yeas: All
Nays: None
MOTION CARRIED

C. TREASURER'S REPORT

- April 30, 2005
  Revenue: $158,657.06
  Exp: $172,015.27

  May expenses: $100 sick pay
  $20.33 operating

- <u>Check Requests</u>
  Any committee member needing checks, have check request in to Cheryl W by the June Meeting. Check requests for prize money also needed. Jim will email form to committee

- Trophies, plaques, ribbon requests - all will be purchased by same vendor. Bids will go out asap. Send requests to Cheryl immediately.

D. CORRESPONDENCE

1. Meeting Notice
2. Info for Troy Today
   - Cost for ad $400
   - Need updates by June 14th

E. EVENTS CHAIRPERSONS REPORT

- Booths - Cele
  Food 9
  Vendors 17 Inside
  Vendors 2 Outside
- Volunteers – Sandy: Meeting with National Honor Society and International Academy
  Letters out to Troy High Students. Cindy making up volunteer form for students.
  Volunteer form for adults on web site – change student form to include birthdate
  Cindy Stewart will put on website (add who to return info)
  Check Arts Beats & Eats website for waiver regarding background check
- Info Booth – Bill
  Need helium tanks (6)
- Mr. Troy – Cyndee won't be there – add Cindy Stewart number on form
- Adv Comm Person with Disabilities/Susan Burt new representative
- Teen Event – 4 bands 8:30 – 10:30 pm
  1 band providing all sound equipment. All play for ½ hour. Laura Fitzpatrick reported TYC very enthusiastic regarding assisting with event. Waiting to hear back from Megan
- Car Show – things coming along. Request for photos of event
- Fire/Bob Matlick – Can Water Battle be earlier on Sunday (1 or 2 pm)?
  What is the best time on Saturday for Police-Fire Tug of War
  Jim will coordinate with Lois, Shirley, Dan regarding entertainment
- Police – good shape
- Operations – good shape
- Volunteers – Bob: getting student volunteers (events needing students: EthniCity, Student Art, Info Booth, Car show, Magic Cauldron)
- EthniCity – JoAnn: Ethnic groups - application in or interests expressed: Taiwan, Philippines, Egypt, Korea. Letters regarding poster contests sent to all school districts.
  EthniCity information video still in works by Community Affairs Department.
  Need 24 more flag stands – only have 12 currently. These new ones would help at opening ceremony. Pancho will build them.

- Entertainment – Shirley: Friday/Saturday/Sunday – more on Sunday (indoor and outdoor stage) due to no parade. Cultural Show will be Sunday 6-8 p.m.
- Jaycees – 5K Run/Walk: Everything is in good shape. Flyer will be ready soon.
- Special Needs Adults – Jeff got free DJ, & Elvis impersonator
  Buscemi's will donate pizza for dinner. Costco might donate bags of cookies
- Special Kids Day – registration has begun. 600 should be maximum
  Buscemi's will do all food. Dan & Bill will ask for donation of chips 700 bags.
- Senior Sensation – back without lunch
  Walk, Bingo, Health Fair, Donuts and Coffee, Amusement Rides
  (No lunch or entertainment)

F. NEW BUSINESS

G. OLD BUSINESS

1. Action Item Schedule
   -Corporate Sponsors to date –
   Comcast, Arnolds, DTE, WOW, Tringali Sanitation, National City, President Tuxedo, Pepsi, Ninos, Salinger Electric, International Transmission, Henry Ford Health System, Troy Times

   Lois will finalize Dance Studios, Race all set as well as Miss Troy Pageant

   CS – check listings in AAA Michigan Living

   Talent Show application on website

   June to do –

- Contracts out
- Order lanyards
- Check requests
- Trophy requests
- Contract car dealers
- Contract Corporate Sponsors
- Finalize Entertainment
- Finalize Entertainment for Magic Cauldron
- Publicity

ADJOURN MEETING

Moved by Bill Hall
Seconded by Cecile Dilley
RESOLVED that the Troy Daze Festival Committee Meeting be adjourned at 8:36 p.m.

Yeas: All
Nays: None
MOTION CARRIED

The Chairman, Ted Dziurman, called the meeting of the Building Code Board of Appeals to order at 8:30 A.M. on Wednesday, June 1, 2005.

PRESENT: Ted Dziurman
Rick Kessler
Bill Nelson
Tim Richnak

ABSENT: Frank Zuazo

ITEM #1 – APPROVAL OF MINUTES – MEETING OF MAY 4, 2005

Motion by Kessler
Supported by Richnak

MOVED, to approve the minutes of the meeting of May 4, 2005 as written.

Yeas: 4 – Dziurman, Kessler, Nelson, Richnak
Absent: 1 – Zuazo

MOTION TO APPROVE MINUTES CARRIED

ITEM #2 – VARIANCE REQUESTED. LLOYD LEWIS, 3405 UPTON, for relief of Chapter 83 to install a 6' high privacy fence 26' from the south property line in the front setback along Wendover.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 83 to install a 6' high privacy fence. This lot is a double front corner lot. As such, it has a 40' front yard setback along both Upton and Wendover. The site does however have a common rear yard to rear yard relationship with the adjacent site to the west. The site plan submitted indicates a 6' high privacy fence located 26' from the south property line along Wendover. The front setback in this Zoning District is 40'. Chapter 83 limits the height of fences to non-obscuring 48" in the front setback of the side street when there is a common rear yard to rear yard relationship.

Mr. Dziurman clarified that there were two (2) variances involved with this request, one, which is a setback variance, and the other, which is the height of the fence. Mr. Stimac explained that if Mr. Lewis wished to put up a 48" high non-obscuring fence it could be placed at the property line.

Mr. Lewis was present and stated that he has lived at this location for five (5) years and presently there is a 6' high stockade fence that is deteriorating. Mr. Lewis explained that this existing fence cannot be repaired and that is the reason they wish to replace it. Mr. Lewis also said that they have a pool in their yard and this location would increase their privacy. The home at 3404 Adams also has a privacy fence and Mr. Lewis said

ITEM #2 – con't.

that if the location of their fence were approved, it would line up with that fence.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are three (3) written approvals on file. There are no written objections on file.

Mr. Richnak asked if the existing fence had been put up with a permit. Mr. Stimac said that the existing fences goes from the southwest corner of the house and meets the required setback. Mr. Stimac also said that this petitioner wishes to put the new fence 14' farther south.

Motion by Nelson
Supported by Kessler

MOVED, to grant Lloyd Lewis, 3405 Upton, relief of the Chapter 83 to install a 6' high privacy fence 26' from the south property line in the front setback along Wendover.

- Variance is not contrary to public interest.
- Variance will not have an adverse effect to surrounding property.
- Variance applies only to the property in this petition.

Yeas: 4 – Kessler, Nelson, Richnak, Dziurman
Absent: 1 – Zuazo

MOTION TO GRANT VARIANCE CARRIED

ITEM #3 – VARIANCE REQUESTED. RICH CARRELL, 585 W. BIG BEAVER, for relief of Chapter 78 to install two (2) wall signs at a proposed TGI Fridays Restaurant.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 78 to install two (2) wall signs at 585 W. Big Beaver, proposed TGI Fridays Restaurant. The site plan submitted indicates two (2) wall signs, with sizes of 44.5 square feet and 26.67 square feet on the north and west elevation respectively. The primary wall sign for this development is being used for the Drury Inn. Tenants within the building are limited to a maximum of one, 20 square foot wall sign. These proposed signs exceed the number and size of signs permitted by Section 9.02.03 of the Sign Ordinance.

Mr. Tim Poole, representing Mr. Carrell, was present and stated that the main reason they are requesting this signage was to have visibility in recognizing the restaurant. Mr. Poole went on to say that the previous restaurant had received a variance regarding the amount of signage and they are actually proposing signage that will be smaller than the previous sign. Mr. Poole also stated that they would be putting up a new building and

ITEM #3 – con't.

extra signage would be crucial because of this location. To traffic heading east on Big Beaver the wall sign on the west side of the building would be a recognizable icon. Traffic coming off of I-75 to Big Beaver would also be able to identify this location more easily. Other restaurants on Big Beaver have monument signs and this would enable this restaurant to compete with their competitors.

Mr. Dziurman asked if the Drury Inn owned the property and Mr. Poole said that the Drury Inn does own the property, but they were going to build the building. Mr. Dziurman then asked if a variance had been granted to the previous restaurant. Mr. Stimac said that in June 1997, City Council granted a variance for two wall signs not to exceed 176 square feet.

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.

Chief Nelson asked if the addition to the Drury Inn would change the size of the allowable signs. Mr. Stimac said that he thought they are already at the maximum of 200 square feet. Chief Nelson then asked if there were any other signs at this location and Mr. Stimac said that there currently there is a monument sign on the site, however, there are no additional wall signs.

Motion by Nelson
Supported by Richnak

MOVED, to grant Rich Carrell, 585 W. Big Beaver relief of Chapter 78 to install two (2) wall signs, with sizes of 44.5 square feet and 26.67 square feet on the north and west elevation respectively, at a proposed TGI Fridays Restaurant.

- The site has frontage and visibility to both Big Beaver and I-75.
- Signs will increase visibility to on-coming traffic.
- Variance will not be contrary to public interest.
- Variance will not have an adverse effect to surrounding property.

Yeas: 4 – Kessler, Nelson, Richnak, Dziurman
Absent: 1 – Zuazo

MOTION TO GRANT VARIANCE CARRIED

ITEM #4 – VARIANCE REQUESTED. STEVE & SHARON TATAREK, 239 LANGE, for relief of Chapter 83 to install a 6' high privacy fence.

ITEM #4 – con't.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 83 to install a 6' high privacy fence in the front setback along Virgilia. This lot is a double front corner lot.

As such, it has front yard setback requirements along both Lange and Virgilia. The site does however have a common rear yard to rear yard relationship with the adjacent site to the south. The site plan submitted indicates a proposed 6' high privacy fence to be installed along the rear property line out to the west property line along Virgilia as well as sections from the house out to the west property line. This places portions of the fence in the front setback along Virgilia. Chapter 83 limits the height of fences to 48" high, non-obscuring in the front setback along Virgilia.

Ms. Sharon Tatarek was present and stated that they had received approval to put a fence up but are asking for this variance in height, to allow more privacy for their pool. On the side of the property that faces Virgilia, presently there is a hedge and the back of their house faces Wattles. The fence will line up with the hedge. Ms. Tatarek brought in two (2) written approvals as well as pictures of their pool. Ms. Tatarek also said that the house across Wattles is vacant and she believes it is in the process of being repossessed. The City has cut the weeds, however, the property once again has high weeds and is unkempt.

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 is one (1) written objection on file.

Ms. Tatarek said that there is a 6' high privacy fence along the property of the home kitty corner to their home. Mr. Richnak asked for clarification of the location of the proposed fence. Ms. Tatarek said that the fence will butt up to the hedge, and they would like the additional 40' of fencing to be 6' high instead of 4' high. Mr. Stimac said that the fence is proposed to go the entire width of the south property line. Ms. Tatarek added that it would not go past the hedge.

Chief Nelson said that it appears from the mortgage survey that this house is currently 13' – 14' from the right of way line. Mr. Stimac said assuming the survey is correct those dimensions would also be correct.

Motion by Kessler
Supported by Richnak

MOVED, to grant Steve & Sharon Tatarek, 239 Lange, relief of Chapter 83 to install a 6' high privacy fence in the front setback along Virgilia where Chapter 83 limits the height of fences to 48" high, non-obscuring in the front setback.

- Variance is not contrary to public interest.

ITEM #4 – con't.

- The existing landscape hedge already establishes a visual barrier in that yard.
- The fence will not go beyond the existing hedge.
- Variance would not have an adverse effect to surrounding property.
- Variance applies only to the property in this application.

Yeas: 4 – Dziurman, Kessler, Nelson, Richnak
Absent: 1 – Zuazo

MOTION TO GRANT VARIANCE CARRIED

ITEM #5 – VARIANCE REQUESTED. JILL STEWART OF YAMASAKI ASSOCIATES, INC., 755 W. BIG BEAVER, for relief of Chapter 78 to install three (3) wall signs for National City Bank.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 78 to install three (3) wall signs at 755 W. Big Beaver for National City Bank. The plans submitted indicate three (3) wall signs, one on each elevation of the triangular shaped building, with a size of 662 square feet each. Section 9.02.03 of the Sign Ordinance states that one wall sign is permitted for each building, not to exceed 10% of the area of the front of the structure to a maximum of 200 square feet. Their proposal exceeds both the number and size of the signs permitted.

Mr. David Haboian of Kojaian Management was present and introduced several people that had also come to this hearing: Jim McCarthy, Tony Antoine, Mike Davis, Robert Szantner and Jill Stewart. Mr. Haboian said that National City will be the largest tenant in this building and they have signed a lease for twenty-five (25) years. Mr. Haboian said he believes this will be an enhancement to this building and is very happy that National City has decided to put their headquarters here in Troy. Mr. Haboian also said that they would be re-naming the building to the National City Bank Building.

Jill Stewart of Yamasaki Associates stated that they felt the proposed size of the three signs would be the best solution because of the height of the building. Ms. Stewart explained that they had looked at alternative sizes and determined that they would not be visible and would not give the credibility to the building that they are looking for. The total square footage of the signs would still be less than 10% of the size of the building. Ms. Stewart also explained that they are planning to put a "cap" around the top portion of the building and will not cause any interference with the antennas that are presently in that location. The National City logo will also help to conceal some of the items on the top of the building.

Mr. Szantner said that although the signs would be readable if they were each 200 square feet, in terms of the proportion of the signs to the building, they feel that the larger signs would be more aesthetically pleasing. Mr. Szantner also said that this

ITEM #5 – con't.

structure is very unique and once the top of the building is capped it will bring the top of the building forward.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are no written approvals or objections on file.

Mr. Dziurman said that he felt the proposed signs at 200 square feet each would be more than adequate.

Motion by Kessler
Supported by Richnak

MOVED, to grant Jill Stewart of Yamasaki Associates, Inc., 755 W. Big Beaver relief of Chapter 78 to install three (3) wall signs, with a size of 662 square feet each, where Section 9.02.03 of the Sign Ordinance states that one wall sign is permitted for each building, not to exceed 10% of the area of the front of the structure to a maximum of 200 square feet.

- Total area of the signs is less than 10% of the face of the structure.
- This is the largest building in the City of Troy.
- Variance is not contrary to public interest.
- Variance will not have an adverse effect to surrounding property.
- Variance applies only to the property in this application.

Yeas: 3 – Kessler, Nelson, Richnak
Nays: 1 – Dziurman
Absent: 1 – Zuazo

MOTION TO GRANT VARIANCE CARRIED

ITEM #6 – VARIANCE REQUESTED. J & E HOME IMPROVEMENTS, 2288 PRESTIWCK, for relief of the 2003 Michigan Residential Code to finish a basement.

Mr. Stimac explained that the petitioner is requesting relief of the 2003 Michigan Residential Code to finish a basement that will result in a 6'-10" overall ceiling height and a 6'-4" ceiling height under a ductwork drop area. The 2003 Michigan Residential Code, Section R-305 requires a 7' minimum finished basement ceiling height and 6'-6" minimum for dropped areas.

Mr. David Shipley of J & E Home Improvements, and Mr. Mark St. Cyr the homeowner were present. Mr. Shipley said that they are proposing to squeeze the drop ceiling up to 6'-10" and will add a plywood soffet under the ductwork.

ITEM #6 – con't.

Mr. Dziurman asked about the 36" door located on the plans and Mr. Shipley said that this door will allow access to the egress window.

Motion by Nelson
Supported by Richnak

MOVED, to grant J & E Home Improvements, 2288 Prestwick, relief of the 2003 Michigan Residential Code to finish a basement result in a 6'-10" overall ceiling height and a 6'-4" ceiling height under a ductwork drop area. Section R-305 of the Michigan Residential Code requires a 7' minimum finished basement ceiling height and 6'-6" minimum for dropped areas.

- Variance is not contrary to public interest.
- Variance will not have an adverse effect to surrounding property.

Yeas: 4 – Dziurman, Kessler, Nelson, Richnak
Absent: 1 – Zuazo

MOTION TO GRANT VARIANCE CARRIED

The Building Code Board of Appeals meeting adjourned at 9:15 A.M.

Ted Dziurman, Chairman

Pamela Pasternak, Recording Secretary

The Special/Study Meeting of the Troy City Planning Commission was called to order by Vice Chair Schultz at 7:30 p.m. on June 7, 2005 in the Council Board Room of the Troy City Hall.

1. ROLL CALL

Present:
Gary Chamberlain
Lynn Drake-Batts
Fazal Khan
Lawrence Littman
Robert Schultz
Thomas Strat (arrived 7:35 p.m.)
Mark J. Vleck
David T. Waller
Wayne Wright

Also Present:
Mark F. Miller, Planning Director
Brent Savidant, Principal Planner
Allan Motzny, Assistant City Attorney
Kathy L. Czarnecki, Recording Secretary

2. MINUTES

Resolution # PC-2005-06-092
Moved by: Littman
Seconded by: Wright

RESOLVED, To approve the May 10, 2005 Regular Meeting minutes as published.

Yes: Drake-Batts, Khan, Littman, Schultz, Wright
No: None
Abstain: Chamberlain, Vleck, Waller
Absent: Strat (arrived 7:35 p.m.)

MOTION CARRIED

Resolution # PC-2005-06-093
Moved by: Wright
Seconded by: Khan

RESOLVED, To approve the May 24, 2005 Special/Study Meeting minutes as published.

Yes: All present (8)
No: None
Absent: Strat (arrived 7:35 p.m.)

MOTION CARRIED

3. PUBLIC COMMENTS

There was no one present who wished to speak.

4. PLANNED UNIT DEVELOPMENT (PUD 4) – Proposed The Monarch Private Residences, 209 units, 11,166 S.F. retail space and structured parking, North side of Big Beaver Road between Alpine and McClure, Section 20 – O-1 (Low Rise Office), P-1 (Vehicular Parking) and R-1B (One Family Residential) Districts

Mr. Miller reported that the PUD application is in the process of departmental review and is scheduled for a Public Hearing at the June 14, 2005 Regular Meeting.

(Chair Strat arrived at 7:35 p.m.)

Jennifer Mooney, Bob Dudick, Tom Kafkes and John Bender of Joseph Freed and Associates, Gary Jonna of Whitehall Real Estate, and Ron Phillips of Tadian Homes were present.

Ms. Mooney reviewed specific revisions to the site plan with the use of visual boards and renderings and addressed signage and public benefit.

Landscape Architect Randy Metz of Grissim Metz Andriese Associates and Architects David Donnellon and Paul Burton of Design Resources addressed questions from the members.

A virtual reality presentation of the project was given by Donald Fullenwider of CitySimulation, LLC.

Comments from around the table revealed a general consensus that the petitioner has addressed most issues and concerns, and the project would be positive for the City. It was agreed that it would be in the best interest of all to streamline the PUD application process.

Chair Strat opened the floor for public comment.

Kim Duford of 3141 McClure, Troy, was present. Ms. Duford's home is one of the homes to the north of the proposed development. She said she did not accept the petitioner's offer to purchase her home at market price. Ms. Duford expressed opposition to the proposed development and addressed concerns related to density, traffic, noise (i.e., air conditioning units, garage doors, dogs, traffic), parallel parking,

and safety of children in the area. Ms. Duford said their neighborhood is being taken away for the benefit of the City of Troy.

Zakariya Abuzaid of 3128 Alpine, Troy, was present. Mr. Abuzaid, whose home is also to the north of the proposed development, supported all the comments made by Ms. Duford. He addressed concerns related to potential flooding, noise, density, traffic, emergency access, and snow removal.

Mike Baxter of 3141 McClure, Troy, was present. Mr. Baxter said the proposed auto courts line up with their home and expressed concern with headlights and noise. He addressed the parallel parking in relation to the width of road. Mr. Baxter questioned the allowable setbacks for the proposed development with respect to setbacks for residential homes. He expressed concern with noise from the air-conditioning units should they be placed at the end of the units and the placement of dumpsters. Mr. Baxter said he would like a wall to be erected for screening purposes.

Donna Eichner of 3086 McClure, Troy, was present. Ms. Eichner said she is not happy with the proposed development. She asked where the parallel parking would begin and indicated “no parking” signs are currently on the street. Ms. Eichner expressed concerns with the affect on the neighborhood from lighting, noise and traffic.

Jeni Baker of 6396 Emerald Lake Drive, Troy, was present. Ms. Baker said she could not understand why the City would go forward with a project of such density next to a neighborhood that has expressed concerns with its potential negative affects. She addressed the current vacancy rate of existing condominiums located in the City.

The floor was closed.

Ms. Mooney announced that she would not be present at the June 14, 2005 Public Hearing but all other project team members would be present.

Chair Strat requested a recess at 8:45 p.m.

The meeting reconvened at 8:57 p.m.

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5. <u>ZONING ORDINANCE TEXT AMENDMENT (ZOTA 214)</u> – Group Daycare Homes in the R-1 (One Family Residential) Districts

Mr. Miller provided a review of the proposed zoning ordinance text amendment relating to group daycare homes. He noted that City Management continues to not recommend revising the ordinance because of the negative impacts that group daycare homes might have on neighborhoods. City Management feels that family

daycare homes, currently allowed within the City, can sufficiently accommodate childcare needs. Mr. Miller asked for direction from the members on how to proceed with the matter.

There was discussion on a memorandum prepared by the Director of Building and Zoning with respect to the State classification of a group daycare home and the requirement to comply with the Michigan Building Code.

Discussion followed on:

- Coordination of State law and City requirements.
- Compliance to Michigan Building Code.
- City inspection and enforcement of Michigan Building Code regulations.
- Financial burden on residential providers to comply with Michigan Building Code regulations.
- Limit on number of children and age restrictions in relation to State and City requirement differences.
- Special Use Approval.
- Exemption of group daycare homes from Home Occupation provisions.
- Family daycare vs group daycare in residential districts.
- Need for childcare providers.
- Safety of homeowner and child.
- Childcare practices of surrounding communities.
- Commercialization of residential neighborhoods.

Mr. Motzny said there is a conflict in State laws as relates to compliance to the Michigan Building Code with respect to family daycare homes (up to 6 children). He said a Court decision would have to be made should it become necessary. With respect to group daycare homes (up to 12 children), Mr. Motzny said it might be a good idea to impose the Michigan Building Code requirements. Mr. Motzny noted that townships are required to allow group daycare homes as a special use.

Mr. Motzny said the Planning Commission has authority to allow group daycare homes as a special use and conditions on that use could be imposed, such as compliance with the State building code. Mr. Motzny said it is his opinion that if there is a State building code, it should be complied with regardless. He said lowering the count to 5 children for family daycare homes to comply with the State limit would conflict with City zoning statutes that states 6 children are allowed.

After soliciting comments from around the table, a straw vote was taken to determine if there was an interest to go forward with a zoning ordinance text amendment to allow group daycare homes.

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

There was a brief discussion on a resolution to recommend no further consideration of ZOTA 214.

Chair Strat opened the floor for public comment.

Sharon Schafer of 5593 Mandale, Troy, was present. Ms. Schafer said the Commission's consideration in allowing group daycare homes is very important to her. She asked the Commission to not put up a stop sign on the proposed zoning ordinance text amendment. Ms. Schafer encouraged further research on the Michigan Building Code and the operation of residential childcare homes in other cities with respect to State laws and regulations. She said there has to be some explanation how other cities can allow residential childcare providers. Ms. Schafer distributed copies of an article from the 2004 summer edition of the *Planning Commission Journal* on daycare providers. She said childcare providers would be forced to go underground; therefore, providers would not be licensed and the safety of children could be jeopardized. Ms. Schafer referenced potential changes in the State of Michigan rules and regulations. She provided the information to the Assistant City Attorney for his review. Ms. Schafer cited minor complaints that were made to the Police Department with respect to traffic. She said residential childcare providers are in demand, and she would like to continue to provide childcare out of her home.

Sandra Ginal of 3824 Brimfield, Auburn Hills, was present. Ms. Ginal uses a residential childcare provider in the City of Troy where she has worked for two years. She said some children are better suited for a small environment as opposed to commercial childcare. Ms. Ginal said it is very important to a working mother to place a child in the right environment, and encouraged the City to keep options available for working parents.

Kerri Gentry of Sandstone Drive, Rochester Hills, was present. Ms. Gentry, a resident of Troy for five years, recently moved to Rochester Hills. Ms. Gentry said there were childcare options available to her in Rochester Hills, but she chose to keep her daughter in the residential childcare home in Troy. She asked the members to provide childcare options that would attract young professional people.

Jeni Baker of 6396 Emerald Lake Drive, Troy, was present. Ms. Baker addressed childcare options from the perspective of a parent and the reasons why she chose group daycare.

George Renaud of 170 Hampshire, Troy, was present. Mr. Renaud asked the members to give as much attention to the care of children as given to proposed multi-million dollar projects.

Kim Duford of 3141 McClure, Troy, was present. Ms. Duford is a group daycare provider. She cited statistics provided on the Family Independence website show the average income of a fulltime daycare home provider is $18,000 annually. Ms. Duford said there are 65 daycare homes in the City that would be affected should the City impose the State building code regulations. She noted childcare for newborns to 2.5 years is limited. Ms. Duford is President of the Oakland County Daycare Home Association and said she would make sure that everyone knows that Troy is going to shut down family childcare providers.

Mr. Motzny confirmed that the State building code is the law and the City enforces it.

Mr. Littman asked Ms. Duford how other cities operate childcare facilities as relates to the State regulations.

Ms. Duford replied that cities do not enforce the State law. She said building and planning departments become involved only in proposed new developments. She said the City never got involved in all her years and her mentors' years of providing childcare. Ms. Duford said her home is an accredited childcare provider both on the State and national level. She that churches that have daycare operations do not have sprinkler systems and are not barrier-free. She asked how the City could enforce the regulations on residential homes and not on churches. Ms. Duford suggested that the members contact the 4C (Community Coordinated Child Care Agency) at 248.681.5633 and to call the State license department. Ms. Duford said she follows State regulations; her home has a fire extinguisher, three smoke detectors, two fire exits, monthly fire drills and tornado drills, posted emergency numbers and she and her employees have the required medical tests. Ms. Duford said she is covered for liability through homeowners insurance.

The floor was closed.

Discussion followed.

Several members thought it would be best to do further research on the Michigan Building Code.

Mr. Chamberlain said State applications stipulate that a provider check with their municipalities to confirm that family or group daycare is allowed, and group daycare homes are not allowed in the City of Troy.

Resolution # PC-2005-06-094
Moved by: Chamberlain
Seconded by: Wright

RESOLVED, That the guidance given tonight from this board is that the Planning Department no longer extend any more effort on ZOTA 214, group daycare in the R-1A through R-1E districts, but they should look into that applicability of the State building code for family daycare homes to see if anything should be done in the City ordinances to clear up potential legalities.

Discussion on the motion on the floor.

Mr. Schultz said he would like to see how other communities address the State laws.

Mr. Waller said the City does not need another potential hot issue, and he would like a better understanding of the building code and how other communities address residential childcare providers.

Chair Strat agreed that other communities, including Birmingham, Bloomfield, Auburn Hills, and Sterling Heights, should be investigated to see how they address the State law as relates to residential childcare providers.

Vote on the motion on the floor.

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

MOTION DENIED

6. REVIEW OF JUNE 14, 2005 REGULAR MEETING

Agenda items for the June 14, 2005 Regular Meeting were briefly reviewed.

7. PUBLIC COMMENTS

Sharon Schafer of 5593 Mandale, Troy, thanked the members in their decision to look further into the proposed zoning ordinance text amendment relating to group daycare homes.

Chris Komasara of 5287 Windmill, Troy, was present. Mr. Komasara addressed the need for interconnectivity between subdivisions.

Ted Wilson, chairperson of the Chamber of Commerce Economic Development Committee, was present. Mr. Wilson addressed the proposed Monarch PUD, the

City's PUD process, and the Chamber's support in the City's review of the Master Plan as well as the Big Beaver Road, Maple Road and Stephenson Highway studies.

GOOD OF THE ORDER

Ms. Drake-Batts apologized for comments that might have offended other members in her dialogue relating to group daycare homes. She said the issue is very important to her and her family.

Mr. Littman referenced the interest in The Monarch's proposed dog walk/park and suggested a dog park might be an item to consider for the City.

Mr. Schultz said there was reference made in discussion tonight that the Planning Commission would profit from The Monarch development. He said nothing could be further from the truth. Mr. Schultz said the members are here to listen to public comments and not to be threatened.

Chair Strat apologized for his reaction to the public comments on group daycare homes.

There was a brief discussion on the length of the June 14, 2005 Regular Meeting agenda.

Mr. Motzny said the information provided him by Ms. Schafer is proposed changes to administrative rules, and he would look into the matter and report back to the members.

Chair Strat reported he is continuing to work on the assignment of sub-committees (Bylaws and PUD process), as well as going forward with the review of the Master Plan and Zoning Ordinance.

ADJOURN

The Special/Study Meeting of the Planning Commission adjourned at 10:22 p.m.

Respectfully submitted,

_____

Thomas Strat, Chair

_____

Kathy L. Czarnecki, Recording Secretary

The Special/Study Meeting of the Troy City Planning Commission was called to order by Vice Chair Schultz at 7:30 p.m. on June 7, 2005 in the Council Board Room of the Troy City Hall.

1. ROLL CALL

Present:
Gary Chamberlain
Lynn Drake-Batts
Fazal Khan
Lawrence Littman
Robert Schultz
Thomas Strat (arrived 7:35 p.m.)
Mark J. Vleck
David T. Waller
Wayne Wright

Also Present:
Mark F. Miller, Planning Director
Brent Savidant, Principal Planner
Allan Motzny, Assistant City Attorney
Kathy L. Czarnecki, Recording Secretary

2. MINUTES

Resolution # PC-2005-06-092
Moved by: Littman
Seconded by: Wright

RESOLVED, To approve the May 10, 2005 Regular Meeting minutes as published.

Yes: Drake-Batts, Khan, Littman, Schultz, Wright
No: None
Abstain: Chamberlain, Vleck, Waller
Absent: Strat (arrived 7:35 p.m.)

MOTION CARRIED

Resolution # PC-2005-06-093
Moved by: Wright
Seconded by: Khan

RESOLVED, To approve the May 24, 2005 Special/Study Meeting minutes as published.

Yes: All present (8)
No: None
Absent: Strat (arrived 7:35 p.m.)

MOTION CARRIED

3. PUBLIC COMMENTS

There was no one present who wished to speak.

4. PLANNED UNIT DEVELOPMENT (PUD 4) – Proposed The Monarch Private Residences, 209 units, 11,166 S.F. retail space and structured parking, North side of Big Beaver Road between Alpine and McClure, Section 20 – O-1 (Low Rise Office), P-1 (Vehicular Parking) and R-1B (One Family Residential) Districts

Mr. Miller reported that the PUD application is in the process of departmental review and is scheduled for a Public Hearing at the June 14, 2005 Regular Meeting.

(Chair Strat arrived at 7:35 p.m.)

Jennifer Mooney, Bob Dudick, Tom Kafkes and John Bender of Joseph Freed and Associates, Gary Jonna of Whitehall Real Estate, and Ron Phillips of Tadian Homes were present.

Ms. Mooney reviewed specific revisions to the site plan with the use of visual boards and renderings and addressed signage and public benefit.

Landscape Architect Randy Metz of Grissim Metz Andriese Associates and Architects David Donnellon and Paul Burton of Design Resources addressed questions from the members.

A virtual reality presentation of the project was given by Donald Fullenwider of CitySimulation, LLC.

Comments from around the table revealed a general consensus that the petitioner has addressed most issues and concerns, and the project would be positive for the City. It was agreed that it would be in the best interest of all to streamline the PUD application process.

Chair Strat opened the floor for public comment.

Kim Duford of 3141 McClure, Troy, was present. Ms. Duford's home is one of the homes to the north of the proposed development. She said she did not accept the petitioner's offer to purchase her home at market price. Ms. Duford expressed opposition to the proposed development and addressed concerns related to density, traffic, noise (i.e., air conditioning units, garage doors, dogs, traffic), parallel parking,

and safety of children in the area. Ms. Duford said their neighborhood is being taken away for the benefit of the City of Troy.

Zakariya Abuzaid of 3128 Alpine, Troy, was present. Mr. Abuzaid, whose home is also to the north of the proposed development, supported all the comments made by Ms. Duford. He addressed concerns related to potential flooding, noise, density, traffic, emergency access, and snow removal.

Mike Baxter of 3141 McClure, Troy, was present. Mr. Baxter said the proposed auto courts line up with their home and expressed concern with headlights and noise. He addressed the parallel parking in relation to the width of road. Mr. Baxter questioned the allowable setbacks for the proposed development with respect to setbacks for residential homes. He expressed concern with noise from the air-conditioning units should they be placed at the end of the units and the placement of dumpsters. Mr. Baxter said he would like a wall to be erected for screening purposes.

Donna Eichner of 3086 McClure, Troy, was present. Ms. Eichner said she is not happy with the proposed development. She asked where the parallel parking would begin and indicated “no parking” signs are currently on the street. Ms. Eichner expressed concerns with the affect on the neighborhood from lighting, noise and traffic.

Jeni Baker of 6396 Emerald Lake Drive, Troy, was present. Ms. Baker said she could not understand why the City would go forward with a project of such density next to a neighborhood that has expressed concerns with its potential negative affects. She addressed the current vacancy rate of existing condominiums located in the City.

The floor was closed.

Ms. Mooney announced that she would not be present at the June 14, 2005 Public Hearing but all other project team members would be present.

Chair Strat requested a recess at 8:45 p.m.

The meeting reconvened at 8:57 p.m.

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5. <u>ZONING ORDINANCE TEXT AMENDMENT (ZOTA 214)</u> – Group Daycare Homes in the R-1 (One Family Residential) Districts

Mr. Miller provided a review of the proposed zoning ordinance text amendment relating to group daycare homes. He noted that City Management continues to not recommend revising the ordinance because of the negative impacts that group daycare homes might have on neighborhoods. City Management feels that family

daycare homes, currently allowed within the City, can sufficiently accommodate childcare needs. Mr. Miller asked for direction from the members on how to proceed with the matter.

There was discussion on a memorandum prepared by the Director of Building and Zoning with respect to the State classification of a group daycare home and the requirement to comply with the Michigan Building Code.

Discussion followed on:

- Coordination of State law and City requirements.
- Compliance to Michigan Building Code.
- City inspection and enforcement of Michigan Building Code regulations.
- Financial burden on residential providers to comply with Michigan Building Code regulations.
- Limit on number of children and age restrictions in relation to State and City requirement differences.
- Special Use Approval.
- Exemption of group daycare homes from Home Occupation provisions.
- Family daycare vs group daycare in residential districts.
- Need for childcare providers.
- Safety of homeowner and child.
- Childcare practices of surrounding communities.
- Commercialization of residential neighborhoods.

Mr. Motzny said there is a conflict in State laws as relates to compliance to the Michigan Building Code with respect to family daycare homes (up to 6 children). He said a Court decision would have to be made should it become necessary. With respect to group daycare homes (up to 12 children), Mr. Motzny said it might be a good idea to impose the Michigan Building Code requirements. Mr. Motzny noted that townships are required to allow group daycare homes as a special use.

Mr. Motzny said the Planning Commission has authority to allow group daycare homes as a special use and conditions on that use could be imposed, such as compliance with the State building code. Mr. Motzny said it is his opinion that if there is a State building code, it should be complied with regardless. He said lowering the count to 5 children for family daycare homes to comply with the State limit would conflict with City zoning statutes that states 6 children are allowed.

After soliciting comments from around the table, a straw vote was taken to determine if there was an interest to go forward with a zoning ordinance text amendment to allow group daycare homes.

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

There was a brief discussion on a resolution to recommend no further consideration of ZOTA 214.

Chair Strat opened the floor for public comment.

Sharon Schafer of 5593 Mandale, Troy, was present. Ms. Schafer said the Commission's consideration in allowing group daycare homes is very important to her. She asked the Commission to not put up a stop sign on the proposed zoning ordinance text amendment. Ms. Schafer encouraged further research on the Michigan Building Code and the operation of residential childcare homes in other cities with respect to State laws and regulations. She said there has to be some explanation how other cities can allow residential childcare providers. Ms. Schafer distributed copies of an article from the 2004 summer edition of the *Planning Commission Journal* on daycare providers. She said childcare providers would be forced to go underground; therefore, providers would not be licensed and the safety of children could be jeopardized. Ms. Schafer referenced potential changes in the State of Michigan rules and regulations. She provided the information to the Assistant City Attorney for his review. Ms. Schafer cited minor complaints that were made to the Police Department with respect to traffic. She said residential childcare providers are in demand, and she would like to continue to provide childcare out of her home.

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Mr. Motzny confirmed that the State building code is the law and the City enforces it.

Mr. Littman asked Ms. Duford how other cities operate childcare facilities as relates to the State regulations.

Ms. Duford replied that cities do not enforce the State law. She said building and planning departments become involved only in proposed new developments. She said the City never got involved in all her years and her mentors' years of providing childcare. Ms. Duford said her home is an accredited childcare provider both on the State and national level. She that churches that have daycare operations do not have sprinkler systems and are not barrier-free. She asked how the City could enforce the regulations on residential homes and not on churches. Ms. Duford suggested that the members contact the 4C (Community Coordinated Child Care Agency) at 248.681.5633 and to call the State license department. Ms. Duford said she follows State regulations; her home has a fire extinguisher, three smoke detectors, two fire exits, monthly fire drills and tornado drills, posted emergency numbers and she and her employees have the required medical tests. Ms. Duford said she is covered for liability through homeowners insurance.

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Resolution # PC-2005-06-094
Moved by: Chamberlain
Seconded by: Wright

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Discussion on the motion on the floor.

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Mr. Waller said the City does not need another potential hot issue, and he would like a better understanding of the building code and how other communities address residential childcare providers.

Chair Strat agreed that other communities, including Birmingham, Bloomfield, Auburn Hills, and Sterling Heights, should be investigated to see how they address the State law as relates to residential childcare providers.

Vote on the motion on the floor.

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

MOTION DENIED

6. REVIEW OF JUNE 14, 2005 REGULAR MEETING

Agenda items for the June 14, 2005 Regular Meeting were briefly reviewed.

7. PUBLIC COMMENTS

Sharon Schafer of 5593 Mandale, Troy, thanked the members in their decision to look further into the proposed zoning ordinance text amendment relating to group daycare homes.

Chris Komasara of 5287 Windmill, Troy, was present. Mr. Komasara addressed the need for interconnectivity between subdivisions.

Ted Wilson, chairperson of the Chamber of Commerce Economic Development Committee, was present. Mr. Wilson addressed the proposed Monarch PUD, the

City's PUD process, and the Chamber's support in the City's review of the Master Plan as well as the Big Beaver Road, Maple Road and Stephenson Highway studies.

GOOD OF THE ORDER

Ms. Drake-Batts apologized for comments that might have offended other members in her dialogue relating to group daycare homes. She said the issue is very important to her and her family.

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Chair Strat reported he is continuing to work on the assignment of sub-committees (Bylaws and PUD process), as well as going forward with the review of the Master Plan and Zoning Ordinance.

ADJOURN

The Special/Study Meeting of the Planning Commission adjourned at 10:22 p.m.

Respectfully submitted,

_____

Thomas Strat, Chair

_____

Kathy L. Czarnecki, Recording Secretary

CHARTER REVISION COMMITTEE MINUTES - Draft June 20, 2005

A meeting of the Troy Charter Revision Committee was held Monday, June 20, 2005, at City Hall, 500 W. Big Beaver Road. Chairman Bliss called the Meeting to order at 1:00 PM.

Roll Call: **PRESENT:** Lillian Barno, Daniel H. Bliss, Jerry E. Bloom, Shirley Kanoza, Robert Noce, Mark R. Solomon, Cynthia A. Wilsher

ALSO PRESENT: City Attorney Lori Grigg Bluhm, Assistant City Manager/Finance and Administration John M. Lamerato, City Clerk Tonni Bartholomew, and Deputy Clerk Barbara Holmes

Appointment of Chair and Vice-Chair

Vote on Resolution to Appoint Chair

Resolution #CR-2005-06-001
Moved by Kanoza
Seconded by Wilsher

RESOLVED, That Daniel H. Bliss hereby be **REAPPOINTED** as Chair to the Charter Revision Committee.

Yes: All-7

Vote on Resolution to Appoint Vice-Chair

Resolution #CR-2005-06-002
Moved by Bliss
Seconded by Barno

RESOLVED, That Shirley Kanoza hereby be **APPOINTED** as Vice-Chair to the Charter Revision Committee.

Yes: All-7

Approval of Minutes: Wednesday, November 5, 2003

Resolution #CR-2005-06-003
Moved by Kanoza
Seconded by Wilsher

RESOLVED, That the Charter Revision Committee Minutes of Wednesday, November 5, 2003 are hereby **APPROVED** as presented**.**

Yes: All-7

Proposed Charter Amendments:

Section 3.4 – Elective Officers and Terms of Office – Proposed Title Change and Text Amendment to Facilitate Implementation of State Law Election Consolidation

Member Solomon supports two-year terms of office for the offices of mayor and council member based on his belief that elected officials are more responsive when elected for shorter terms.

Member Kanoza supports three-year terms because she believes it takes at least two years for a council member to become acclimated to the position.

Vote on Resolution to Modify Recommended Charter Revision #2

Resolution #CR-2005-06-004
Moved by Solomon
Seconded by Bloom

RESOLVED, That the proposed language for *Recommended Charter Revision Proposal #2* be **MODIFIED** by **STRIKING** "four (4) year terms" and **INSERTING** "two (2) year terms".

Yes: Solomon
No: Barno, Bliss, Bloom, Kanoza, Noce, Wilsher

MOTION FAILED

1) Vote on Recommended Charter Revision Proposal #1

Resolution #CR-2005-06-005
Moved by Solomon
Seconded by Kanoza

RESOLVED, That the Charter Revision Committee hereby **SUPPORTS** the proposed language for *Recommended Charter Revision Proposal #1* to read as follows, "Shall Section 3.4 of the Troy Charter be amended by moving and incorporating Section 7.5 of the Troy Charter in its entirety?"

Yes: All-7

2) Vote on Recommended Charter Revision Proposal #2

Resolution #CR-2005-06-006
Moved by Solomon
Seconded by Barno

RESOLVED, That the Charter Revision Committee hereby **SUPPORTS** the proposed language for *Recommended Charter Revision Proposal #2* to read as follows, "Shall Section 3.4 of the Troy Charter be amended to implement election consolidation revisions to Michigan Election Law, by revising the term of Troy City Council Members and the Mayor from the current three (3) year terms that expire at 8:00 PM of the third year of the term to provide for four (4) year terms that expire at 7:30 PM of the first Monday following the Regular Election of the fourth year of their term?"

Yes: All-7

Section 7.5.5 - Proposed Section Re-Numbering and Naming 3.4.1 – Elective Officers Term Limitations and Text Amendment

3) Vote on Recommended Charter Revision Proposal #3

Resolution #CR-2005-06-007
Moved by Kanoza
Seconded by Solomon

RESOLVED, That the Charter Revision Committee hereby **SUPPORTS** the proposed language for *Recommended Charter Revision Proposal #3* to read as follows, "Shall Section 7.5.5 of the Troy Charter be renumbered as 3.4.1 and titled as Elective Officers Term Limitations?"

Yes: All-7

4) Vote on Recommended Charter Revision Proposal #4

Resolution #CR-2005-06-008
Moved by Solomon
Seconded by Wilsher

RESOLVED, That the Charter Revision Committee hereby **SUPPORTS** the proposed language for *Recommended Charter Revision Proposal #4* to read as follows, "Shall Section 7.5.5 be amended to revise the definition of a term from the current language that 'any portion of a term served shall constitute one full term' to 'Any service greater than two (2) years plus one (1) month shall constitute a term.'?"

Yes: All-7

Section 3.4.2 – Staggering Terms of Office - Proposed New Section to Facilitate Implementation of State Law Election Consolidation

5) Vote on Recommended Charter Revision Proposal #5

Resolution #CR-2005-06-009
Moved by Solomon
Seconded by Kanoza

RESOLVED, That the Charter Revision Committee hereby **SUPPORTS** the proposed language for *Recommended Charter Revision Proposal #5* to read as follows, "Shall Section 3.4.2 be created to implement election consolidation revisions to Michigan Election Law, by providing for the re-establishment of the staggering of City Council terms by providing for three (3) City Council Members to be elected in one election cycle and the remaining three (3) Council Members and the Mayor to be elected in a subsequent election cycle, which will be accomplished through an election of a one-time two (2) year City Council Member term?"

Yes: All-7

Section 7.3 - Election Date – Existing Section in Conflict with State Law - Proposed Text Amendment

6) Vote on Recommended Charter Revision Proposal #6

Resolution #CR-2005-06-010
Moved by Wilsher
Seconded by Kanoza

RESOLVED, That the Charter Revision Committee hereby **SUPPORTS** the proposed language for *Recommended Charter Revision Proposal #6* to read as follows, "Shall Section 7.3 of the Troy City Charter be amended to implement election consolidation revisions to Michigan Election Law, by changing the election date from the "first Monday in April of each year" to the "first Tuesday after the first Monday of every odd-year November" and eliminating "if some other date in the months of March, April or May is fixed by law for the holding of the state biennial election, then the regular city election shall be held on the date so fixed", since these provisions conflict with Michigan Election Law?"

Yes: All-7

Section 7.6 - Special Election – Existing Section in Conflict with State Law - Proposed Text Amendment

7) Vote on Recommended Charter Revision Proposal #7

Resolution #CR-2005-06-011
Moved by Kanoza
Seconded by Wilsher

RESOLVED, That the Charter Revision Committee hereby **SUPPORTS** the proposed language for *Recommended Charter Revision Proposal #7* to read as follows, "Shall Section 7.6 of the Troy City Charter be revised to implement election consolidation revisions to Michigan Election Law, by providing "Special City Elections shall be called as provided in Michigan Election Law" and eliminating "Special city elections shall be held when called by resolution of the Council at least 40 days in advance of such election, or when required by this charter or statute. Any resolution calling a special election shall set forth the purpose of such election. No more special city elections shall be called in anyone year than the number permitted by statute."

Yes: All-7

Section 7.9 – Nominations – Existing Section in Conflict with State Law -Proposed Text Amendment

8) Vote on Recommended Charter Revision Proposal #8

Resolution #CR-2005-06-012
Moved by Kanoza
Seconded by Bloom

RESOLVED, That the Charter Revision Committee hereby **SUPPORTS** the proposed language for *Recommended Charter Revision Proposal #8* to read as follows, "Shall Section 7.9 of the Troy City Charter be revised to eliminate a conflict with Michigan Election Law, by eliminating "No person shall sign his name to a greater number of petitions for any office than there are persons to be elected to said office at the following City election. If the signature of any persons appears on more petitions than permitted by this section, such signatures shall not be counted on any one of the petitions so signed for that office."?

Yes: All-7

Section 7.10 – Form of Petitions – Existing Section in Conflict with State Law - Proposed Text Amendment

9) Vote on Recommended Charter Revision Proposal #9

Resolution #CR-2005-06-013
Moved by Wilsher
Seconded by Kanoza

RESOLVED, That the Charter Revision Committee hereby **SUPPORTS** the proposed language for *Recommended Charter Revision Proposal #9* to read as follows, "Shall Section 7.10 of the Troy City Charter be revised to eliminate a conflict with Michigan Election Law by striking, "The Council shall approve a form of nominating petition with spaces thereon for address and date of signing for each signer, an affidavit form for the circulator to sign affirming that he and the petitioners are registered electors and a summary of the qualifications required of candidates and the regulations governing the petition" and providing that "Nominating petitions shall be in a form as provided by Michigan Election Law"?

Yes: All-7

Member Bloom suggested inserting the words "by eliminating the following language" to clarify the intent of the recommended language.

City Attorney Bluhm replied that type of language is not included because of the 100-word limitation.

City Clerk Bartholomew recommended that the text also be italicized to distinguish it further.

Discussion Regarding Recommended Charter Revision Proposals #10, #11 and #12

City Clerk Bartholomew advised that Charter Revision Proposals 10, 11 and 12 are a result of a directive given to the City Attorney. City Clerk Bartholomew further advised that City Council has not reviewed the language and although this review is not a part of the initial charge given to the Charter Revision Committee, it is before the committee today due to time constraints.

City Attorney Bluhm asked the Charter Revision Committee to provide input on the proposals so that their recommendation could be forwarded to City Council.

10) Recommended Charter Revision Proposal #10

Shall Section 5.6(b) of the Troy City Charter, which requires an affirmative vote of a majority of the members elect of the Council for the effective thereof, be revised to add subsection "(8) Authorizing local financial contributions in State of Michigan I-75 Road Projects when local financial contributions are in excess of $1,000,000.00"?

Member Solomon noted that the proposed language should be corrected by inserting "ness" in the word "effective".

Member Solomon does not agree that this type of specific language should be included in the City Charter because he believes this type of issue should be voted on by the City Council.

City Attorney Bluhm read the directive given to her by City Council from her memo to the Mayor and Members of Troy City Council Dated May 18, 2005 regarding the I-75 Ballot Question, "the City Attorney is 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." City Attorney Bluhm explained that the language is crafted in furtherance of the assignment given to her.

Members Wilsher and Kanoza agreed that the language is too specific to be included in the Charter.

Member Bloom questioned how this language would be of a benefit because he believes this issue already addressed in Item 5.

City Attorney Bluhm agreed that Item 5 arguably covers it.

Chair Bliss asked whether City Council is looking for a general recommendation from the Charter Revision Committee in regard to Charter Revision Proposals 10, 11 and 12.

City Attorney Bluhm responded that she would forward the Charter Revision Committees general thoughts as to what they believe to be appropriate or other recommendations as to how to address these issues. City Attorney Bluhm continued by stating that the committee may want to consider Charter Revision Proposal 12 separately because it differs somewhat from Charter Revision Proposals 10 and 11.

Chair Bliss advised that the Charter Revision Committee does not support Charter Revision Proposal 10.

Member Solomon added that although the Charter Revision Committee does support Charter Revision Proposals 10 and 11, the Charter Revision Committee is not expressing an opinion of the underlying issue.

11) Recommended Charter Revision Proposal #11

Shall Section 5.11.1 – Council Initiatory Referendary Petitions for I-75 Road Projects, of the Troy City Charter be added to provide a mechanism for referendum on City of Troy's financial participation in State of Michigan I-75 Road Projects when local financial contributions are in excess of $1,000,000.00?

Chair Bliss advised that the Charter Revision Committee does not support Charter Revision Proposal 11 for the same reasons as Charter Revision Proposal 10.

Recommended Charter Revision Proposal #12

Shall Section 7.9.5 – Council Initiated Ballot Questions, of the Troy City Charter be added to provide a mechanism for the City Council to place advisory ballot questions on the Regular City Election Ballot, by an affirmative majority vote of the members elect?

City Attorney Bluhm advised that the Charter Revision Proposal #12 provides for City Council to have the authority to place legislative advisory questions on ballots in future elections. City Attorney Bluhm explained that if approved by the voters in November, this ability would become effective for the next subsequent election. It is City Attorney Blum's opinion that such authority is not permissible without express authority in the City Charter.

Member Solomon understands that an advisory ballot question is not binding and that City Council may still take whatever action they deem to be appropriate.

City Attorney Bluhm agreed that advisory ballot questions are not binding and that is why there is no authority to expend city funds to do that. City Attorney Bluhm noted there is another element to this, which ties into her memo. She explained they have separated the legislative functions from the administrative and executive functions and noted that ballot proposals should be limited to legislative matters only, not administrative or executive matters. City Attorney Blum advised this concern was mentioned in her memo to City Council.

Member Bloom asked whether Charter Revision Proposal #12 would allow the I-75 question to appear on the ballot as a legislative advisory ballot question.

City Clerk Bartholomew advised that the I-75 question is an administrative question and not a legislative question.

City Attorney Bluhm explained that the proposed Charter revision language provides for questions that would be appropriate for voters to vote on such as ordinances.

Recommended Charter Revision Proposal #12

Resolution
Moved by Bloom
Seconded by Kanoza

RESOLVED, That the Charter Revision Committee hereby **SUPPORTS** the proposed language for *Recommended Charter Revision Proposal #12* to read as follows, "*Shall Section 7.9.5 – Council Initiated Ballot Questions, of the Troy City Charter be added to provide a mechanism for the City Council to place advisory ballot questions on the Regular City Election Ballot, by an affirmative majority vote of the members elect?*

Member Solomon stated that it is difficult to object to something that is a way for City Council to find out what the public thinks. However, on the other hand he asked what do we need Council for?

Chair Bliss does not personally believe that advisory questions should appear on a ballot because there are other effective ways to poll the public on particular issues. He explained that there are many ways for the public to voice their opinions to elected officials such as going to City Council meetings, write letters, talk to Council Members directly or Council Members could poll the public directly. Further, there could be dozen of advisory questions appearing on a single ballot for the public to vote on. He believes that it is the responsibility of City Council to make decisions when appropriate.

Member Solomon interjected that advisory questions could also cause delays in the decision making process.

Chair Bliss agreed and continued by stating that it could add additional costs because there is a cost for everything.

Member Wilsher believes that most people who are concerned about a particular issue will make their concerns known. She added that none of the people she knows in Troy were contacted whenever any survey has been conducted by the city.

City Attorney Bluhm reminded the Charter Revision Committee members that there is a mechanism already in place in the City Charter to bring forward a new ordinance that would be binding.

Member Bloom sympathizes with City Council. He does not know if there is any governing body that is wise enough to make a decision about issues such as the I-75 interchange because the public seems to be closely divided. He continued by stating that to a certain extent it would be nice to determine what the public wants using a scientific measure such as elections. He further stated that this proposed language would only apply to a legislative proposition and that the Committee agrees that because the I-75 issue is an administrative issue, that it would not be appropriate to place it on a ballot anyway.

Member Wilsher suggested inserting “legislative” to clarify the intent of the proposed language.

City Attorney Bluhm agreed that inserting the word “legislative” would be appropriate to clarify that a advisory ballot question could not be used for administrative or executive issues.

Member Bloom stated he would support the resolution because he believes City Council is the appropriate governing body to determine whether or not this particular question should appear on the ballot.

Vote on Resolution to Amend Recommended Charter Revision Proposal #12

Resolution #CR-2005-06-014
Moved by Wilsher
Seconded by Kanoza

RESOLVED, That the Charter Revision Committee hereby **AMENDS** the Resolution to *Support Recommended Charter Revision Proposal #12* language by **INSERTING** "nonbinding legislative" **BEFORE** "advisory".

Yes: All-7

12) Vote on Resolution to Support Recommended Charter Revision Proposal #12 as Amended

Resolution #CR-2005-06-015
Moved by Bloom
Seconded by Kanoza

RESOLVED, That the Charter Revision Committee hereby **SUPPORTS** the proposed language for *Recommended Charter Revision Proposal #12* to read as follows, "*Shall Section 7.9.5 – Council Initiated Ballot Questions, of the Troy City Charter be added to provide a mechanism for the City Council to place nonbinding legislative advisory ballot questions on the Regular City Election Ballot, by an affirmative majority vote of the members elect?*

Yes: Bloom, Noce
No: Barno, Bliss, Kanoza, Solomon, Wilsher

MOTION FAILED

Audience Participation: No audience present.

13) Vote on Resolution to Recommend a Charter Revision Provision for City Council to Hold Study Sessions

Resolution #CR-2005-06-016
Moved by Solomon
Seconded by Kanoza

RESOLVED, That the Charter Revision Committee hereby **RECOMMENDS** that the City Charter have a provision permitting City Council to hold "Study Sessions" whereby no City Council action is taken; and

BE IT FURTHER RESOLVED, That the Charter Revision Committee hereby **RECOMMENDS** that if City Council supports the Charter Revision Committee recommendation that City Council **DIRECT** the City Attorney to **DRAFT** the appropriate ballot language.

Yes: Bloom, Kanoza, Noce, Solomon, Wilsher, Barno
No: Bliss

MOTION CARRIED

14) Vote on Resolution to Adjourn

Resolution #CR-2005-06-017
Moved by Wilsher
Seconded by Kanoza

RESOLVED, That the Charter Revision Committee meeting of Monday, June 20, 2005 hereby be adjourned.

Yes: All-7

Attached to and made a part of the original Minutes of this meeting is a memorandum dated May 18, 2005 to the Mayor and Members of Troy City Council from Lori Grigg Bluhm, City Attorney regarding, *"I-75 Ballot Question".*

The meeting **ADJOURNED** at 2:40 PM.

Daniel H. Bliss, Chair	Tonni L. Bartholomew, City Clerk

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

June 27, 2005

TO: John Szerlag, City Manager

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

SUBJECT: Agenda Item – 2005 Community Development Block Grant Funds Released

SUMMARY:

The Community and Home Improvement Division of Oakland County has notified the City of Troy that we can now obligate and expend program year 2005 Community Development Block Grant (CDBG) Funds as follows:

Administration	$ 5,000.00
Flood Drain Improvements	$109,795.00
Public Services	$ 70,000.00
TOTAL:	$184,795.00

Prepared by: Vicki Richardson, Solid Waste Coordinator

TO: MAYOR AND MEMBERS OF CITY COUNCIL
FROM: LORI GRIGG BLUHM, CITY ATTORNEY
ROBERT F. DAVISSON, ASSISTANT CITY ATTORNEY
SUSAN M. LANCASTER, ASSISTANT CITY ATTORNEY
ALLAN T. MOTZNY, ASSISTANT CITY ATTORNEY
DATE: July 1, 2005
SUBJECT: 2005 SECOND QUARTER LITIGATION REPORT

The following is the quarterly report of pending litigation and other matters of interest. **The accomplishments during the second quarter of 2005 are in bold.**

A. ANATOMY OF THE CASE

Once a lawsuit has been filed against the City or City employees, the City Attorney's office prepares a memo regarding the allegations in the complaint. At that time, our office requests authority from Council to represent the City and/or the employees. Our office then engages in the discovery process, which generally lasts for several months, and involves interrogatories, requests for documents, and depositions. After discovery, almost all cases are required to go through case evaluation (also called mediation). In this process, three attorneys evaluate the potential damages, and render an award. This award can be accepted by both parties, and will conclude the case. However, if either party rejects a case evaluation award, there are potential sanctions if the trial result is not as favorable as the mediation award. In many cases, a motion for summary disposition will be filed at the conclusion of discovery. In all motions for summary disposition, the Plaintiff's version of the facts are accepted as true, and if the Plaintiff still has failed to set forth a viable claim against the City, then dismissal will be granted. It generally takes at least a year before a case will be presented to a jury. It also takes approximately two years before a case will be finalized in the Michigan Court of Appeals and/or the Michigan Supreme Court.

B. ZONING CASES

These are cases where the property owner has sued for a use other than that for which the land is currently zoned and/or the City is suing a property owner to require compliance with the existing zoning provisions.

1. Troy v. Papadelis and Papadelis v Troy - This is a case filed by the City against Telly's Nursery, seeking to enjoin the business from using the northern parcel for commercial purposes. After a lengthy appellate history, an order has been entered in the Oakland County Circuit Court, requiring compliance on or before April 29, 2002. The Papadelis family failed to comply with the Court's order, and therefore a Contempt Motion was filed. Oakland County Circuit Court Judge Colleen O'Brien determined that the defendants were in contempt of court, and required them to pay $1,000 to the City of Troy. However, the Court also determined that the defendants were in compliance with the City of Troy zoning ordinances as of the date

of the court decision. The Troy City Council authorized an appeal of this decision to the Michigan Court of Appeals. It was filed on September 27, 2002. The neighbors filed an application for leave to appeal, which was denied by the Michigan Court of Appeals on 2/10/03. After receiving criminal citations from the City for expansion of the business, Papadelis filed a federal lawsuit against the City of Troy, alleging civil rights violations and seeking an injunction against the prosecution and/or further expansion. The neighboring property owners have filed a Motion to Intervene, which was granted by Federal US District Court Judge Arthur Tarnow**.** Troy filed a counterclaim in the Federal Court case but it was dismissed by Judge Tarnow, who refused to exercise jurisdiction over the counter-complaint, since it would require him to interpret the opinion of the Oakland County Circuit Court Judge. Troy has subsequently filed two separate motions to dismiss the Papadelis complaint. One of the motions asserts the same jurisdictional claim that was raised against the counter-complaint. **The Court granted Troy's motion based on jurisdictional issues and dismissed the case without prejudice. The court did not rule on the other motion, but instead, directed the Papadelises to re-file their case in state court. The Papadelis family has re-filed its lawsuit in Oakland County Circuit Court. Troy will soon file an answer and a counterclaim. Troy's answer is due July 11, 2005.**

2. Williams et. al v. City of Troy and Ken Freund- Some of the residents in the Middlesex Country Homesites Subdivision have filed this lawsuit against the City and developer Ken Freund. The lawsuit challenges that the City of Troy improperly approved the Freund Site Condominium project without requiring an official replat of the property. The Troy City Council granted preliminary approval of the site condominium plan on March 3, 2003. Each of the parties filed a Motion for Summary Disposition. On 9/3/03, Judge Kuhn heard oral arguments from all parties on the Motions for Summary Disposition. On 3/24/04, the Court entered an order that holds that a re-plat is not required for site condominium developments. This resulted in the Court granting Summary Disposition in favor of the City on Counts I and II of the Plaintiffs' Complaint. However, the Court failed to rule on Count III, a violation of substantive due process allegation. The City has filed a Supplemental Brief asking for dismissal of Count III. **Judge Warren granted the City's Motion for Summary Disposition and an Order closing the case was entered on May 25, 2005. The Plaintiff has filed a Claim of Appeal with the Court of Appeals.**

3. Rathka v. City of Troy – This lawsuit was filed by Roy Rathka, Jr. and concerns property he owns on Canham, a gravel drive located south of Square Lake Road and west of Livernois Road. Mr. Rathka claims he was wrongfully denied a building permit to build a duplex on Canham. The permit was denied pursuant to Section 40.10.01 of the Troy Zoning Ordinance that requires proposed building in one or two family residential districts to front on a public street that has been accepted for maintenance

by the City. The City filed a motion for summary disposition, which was granted on 6/21/04. On 6/28/04, Plaintiff filed an appeal of the dismissal to the Michigan Court of Appeals. Rathka has filed three motions for an extension of time to file his appellate brief. The first two motions were granted but the last motion was denied. Rathka has now filed a motion to hold the appeal in abeyance to allow him to pursue settlement negotiations with the City. **The Court granted the motion and held the case in abeyance for 90 days. However, the case was not resolved in that period. Rathka has therefore proceeded, and has recently filed his brief on appeal. Troy's brief on appeal is due July 25, 2005.**

4. **<u>Piscopo v Troy, et al</u> – In this lawsuit, the Plaintiffs Paul and Louise Piscopo are challenging a decision made on April 19, 2005 by the Troy Board of Zoning Appeals (BZA). The BZA determined that Mr. and Mrs. Piscopo should not have been issued a permit for their 6000 square foot garage, which is located at 3129 Alpine. The BZA decision was initiated by an appeal filed by George Reed, Betty Reed, and Thomas Krent, which challenged the decision to issue a building permit for the structure. In reaching its decision, the BZA issued an interpretation of Section 04.20.01 of the zoning ordinance, holding that accessory structures, as defined by that section, 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). Upon receiving notification of the BZA decision and the new restrictions for the structure, Mr. and Mrs. Piscopo filed this lawsuit. In addition to appealing the BZA decision, the lawsuit also seeks equitable and declaratory relief. George Reed, Betty Reed and Thomas Krent are also named as defendants. The record on appeal has been filed and the Court should soon issue a scheduling order.**

C. <u>EMINENT DOMAIN CASES</u>

These are cases in which the City wishes to acquire property for a public improvement and the property owner wishes to contest either the necessity or the compensation offered. In cases where only the compensation is challenged, the City obtains possession of the property almost immediately, which allows for major projects to be completed.

1. <u>Parkland Acquisition (Sections 22, 24, 36)</u>

<u>Troy v. Premium Construction, L.L.C.</u> – **The last testimony in this lengthy bench trial was taken on June 10, 2005. The Judge has required the parties to submit post-trial "Finding of Facts and Conclusion of Law" and a summary Memorandum by July 13, 2005. Replies to those briefs are due July 20, 2005. After all briefs are in, the Judge will review and issue a ruling.**

2. Big Beaver Improvements – Rochester to Dequindre

Troy v Saoud & Nidhal Jamo – The City obtained an Order for Possession and Payment of Just Compensation into Escrow on 1/5/05. The case was filed since the City could not otherwise get clear title, due to a dispute between the mortgage company and the former property owners. As a result, the just compensation was escrowed with the City until a further Court order concerning the disbursement. **The case is currently in the discovery stage. Case Evaluation is scheduled for January 3, 2006.**

D. CIVIL RIGHTS CASES

These are cases that are generally filed in the federal courts, under 42 U.S.C. Section 1983. In these cases, the Plaintiffs argue that their civil rights were somehow violated by the City and/or the police officers of the City of Troy.

Maria Elena Hunciag v. Troy- This is an alleged employment discrimination case filed on July 1, 2003. According to the complaint, Ms. Hunciag argues that she was denied the position of Troy Museum Curator due to alleged age, gender, and/or national origin discrimination. A Motion for Summary Judgment was filed with the Court, and the parties are waiting for the Court to schedule a hearing on the motion. On January 12, 2005, Judge Victoria Roberts granted the Motion for Summary Judgment and dismissed all federal claims. Ms. Hunciag had also asserted some state law claims, which the Judge dismissed on jurisdictional grounds. The Court's dismissal of the state law claims allows Plaintiff to file a new complaint in the Oakland County Circuit Court, where the state law claims could still be adjudicated. **Ms. Hunciag filed an almost identical state court lawsuit with the Oakland County Circuit Court in April. A motion for summary disposition was filed as the first responsive pleading, based on the discovery that was conducted in the federal action. The Court will set the date for the hearing on the motion.**

E. PERSONAL INJURY AND DAMAGE CASES

These are cases in which the Plaintiff claims that the City or City employees were negligent in some manner that caused injuries and/or property damage. The City enjoys governmental immunity from ordinary negligence, unless the case falls within one of four exceptions to governmental immunity: a) defective highway exception, which includes sidewalks and road way claims; b) public building exception, which imposes liability only when injuries are caused by a defect in a public building; c) motor vehicle exception, which imposes liability when an employee is negligent when operating their vehicle; d)

proprietary exception, where liability is imposed when an activity is conducted primarily to create a profit, and the activity somehow causes injury or damage to another; e) trespass nuisance exception, which imposes liability for the flooding cases.

1. Doris and Morris Story v. Troy– The City was served with this lawsuit on 2/24/04. On the morning of 5/27/03, Doris Story, a California resident, was walking on the sidewalk in front of the residence at 5737 Patterson Drive. According to the complaint, she "tripped on an uneven and dangerous buckle in the defective sidewalk." Her injuries from the fall include a fractured right wrist and arm, in addition to pain, limited range of motion, swelling, and scarring from surgery. Morris Story has asserted a claim for loss of consortium. **The parties stipulated to dismissal of this matter, and the appropriate order was entered on May 5, 2005. Plaintiffs released all claims against the City on May 16, 2005, in exchange for a nominal settlement that was brokered by facilitator Tom Ryan.**

2. Estate of Leslie McPherson v. Troy - This case was filed against the City on behalf of the Estate of Leslie McPherson by Trudy McPherson as Personal Representative. The lawsuit is based on a sewer back up that occurred in August 2002 and is brought under the newly revised statutory exception to governmental immunity, MCL 691.1416, *et seq.* Plaintiff's alleged damages include claims of structural damage and diminution in value of the property, plus the costs of sanitizing and cleaning the home. Additionally, plaintiff claims Leslie McPherson's exposure to the backed up sewage resulted in his death. The case has been settled for a nominal sum. **Plaintiff has signed a Release and an Order Dismissing the Case with Prejudice has been entered.**

F. MISCELLANEOUS CASES

1. Catherine Norris and Kathleen Livingway v. City of Troy – This lawsuit is identical to lawsuits filed in 12 other communities in the State of Michigan. The complaint asserts that the revenue paid by cable television companies, pursuant to franchise agreements, constitutes an impermissible tax that is prohibited by the Headlee Amendment**.** A motion for summary disposition, in addition to a motion for class certification, was scheduled for 4/21/04. Plaintiffs have filed appeals in several of the lawsuits against some of the other twelve communities in the Michigan Court of Appeals. As a result, Troy's case is stayed until these appeals are concluded. The briefs on appeal have been filed. **Oral argument on the St. Clair Shores and other companion cases is set for July 12, 2005.**

2. Kent Fehribach v. City of Troy – In this lawsuit, there are two challenges to the City's political sign ordinance. Plaintiff is challenging the restriction of placing political signs in residential areas more than 30 days prior to an election and the two sign per residence limit. Plaintiff filed a motion for a temporary restraining order, which was heard in Judge Gadola's absence by Judge

Steeh. Judge Steeh temporarily restrained the City from enforcing the two provisions against the plaintiff until Judge Gadola entered a subsequent order. An Opinion and Order Granting Preliminary Injunction was entered on 10/18/04. The City has filed its answer and affirmative defenses. Meanwhile, amendment of the sign ordinance is underway. **Discovery is on-going. The Plaintiff has scheduled Marlene Stuckman's deposition for July 28, 2005.**

3. Sunset Excavating, Inc. v MDOT - Sunset has indirectly sued the City of Troy for an alleged change order in the Big Beaver Road Project (from I-75 to Rochester Road). Sunset argues that the unexpected requirement to remove some of the existing soil and replace it with a finer grade of soil justifies an additional $190,000 in compensation. Since the Project was partially financed with federal funds, MDOT was required to serve as the coordinator of the project, and therefore signed the contract with Sunset Excavating, Inc. As the contracting party, MDOT is actually the named defendant in this lawsuit, even though it is the City of Troy that assumes all liability for the Project. **Discovery is scheduled to continue through July 1, 2005. However, Plaintiff has filed a motion seeking additional discovery. A hearing on the discovery motion is scheduled for July 6, 2005. A facilitative mediation was held on June 9, 2005, which did not resolve the case. All motions for summary disposition must be filed prior to case evaluation, which is scheduled in August 2005. If the case is not dismissed or resolved by case evaluation, a trial will be scheduled in the Michigan Court of Claims (Ingham County Circuit Court) after October 1, 2005.**

G. CRIMINAL CASE APPEALS

People v. Vincent Ankawi – Mr. Ankawi was found guilty of Operating While Intoxicated. He has filed an appeal of his conviction with the Oakland County Court. Appeal briefs have been filed and oral argument has been scheduled for 4/13/05**. Judge Mester upheld the finding in the 52/4 District Court. An Order for Dismissal was entered on 4/26/05, and the case has been remanded to the district court for sentencing.**

If you have any questions concerning these cases, please let us know.

COUNTY OF OAKLAND

OFFICE OF THE SHERIFF

J-03a

MICHAEL J. BOUCHARD

June 14, 2005

Sergeant Don Ostrowski
Troy Police Department
500 West Big Beaver Road
Troy, MI 48084

Dear Sergeant Ostrowski:

It is my pleasure to award you this "Letter of Appreciation" for your continuous display of professionalism. The Weapons of Mass Destruction training classes you teach have provided the necessary instruction needed for our officers to be better prepared for possible terrorist events. The time you have spent to do this voluntarily is to be admired and appreciated.

I wish to compliment you on behalf of the Oakland County Sheriff's Office for your commitment to duty. We are proud of the manner in which you have performed and, hereby, commend your efforts.

Sincerely,

Michael J. Bouchard
Sheriff

MJB/rcs

cc: Awards Council

RECEIVED
Chief of Police
6/16/05 CR

cc: City Mgr
Capt's.
Sgt. Ostrowski
Dept/HR Files

1201 N. Telegraph Road – Pontiac, Michigan 48341-1044 – (248) 858-5000

J-03b

Macomb Community College
Education • Enrichment • Economic Development

Macomb Criminal Justice Training Center
Career Academy

Chief Charles Craft
Troy Police Dept.
500 W. Big Beaver Rd.
Troy, Michigan
48084

Chief Craft,

I am writing to thank you for your support of the 2004 Career Academy. Your department's participation is greatly appreciated. The students and program benefit greatly from positive contact with law enforcement. The professional instruction provided by members of your department was well received and appreciated.

I commend Craig Fitzpatrick for his enthusiasm and professional presentation. The students enjoyed hearing about Bicycle Patrol.

I look forward to your continued support and participation in this program.

RECEIVED
Chief of Police
6/27/05 CC

Best Regards,

Larry W. West

Larry W. West Sr.
Career Academy Manager

Cc: City Mgr
Capt Mayer
Off. Fitzpatrick
Dept/HR Files

32101 Caroline Street, Fraser, Michigan 48026-3296

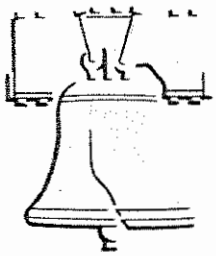
TOWNSHIP OFFICES
(248) 625-5111
FAX: (248) 625-2585

DAVID H. WAGNER
Supervisor

SHELAGH VANDERVEEN
Clerk

JAMES R. WENGER
Treasurer

TOWNSHIP TRUSTEES
CHARLES E. DUNN
DANIEL J. KELLY
LARRY ROSSO
DANIEL F. TRAVIS



J-04a

OK

CHARTER TOWNSHIP OF INDEPENDENCE
90 NORTH MAIN STREET P.O. BOX 69 CLARKSTON, MICHIGAN 48347-0069
www.twp.independence.mi.us

RESOLUTION REGARDING LOCAL CONTROL OF LIQUOR LICENSES

WHEREAS, Michigan's liquor law allocates quota liquor licenses to municipalities based on population figures derived from the latest census; and

WHEREAS, quota liquor licenses are awarded by the Liquor Control Commission (LCC) following adoption of a resolution by a local municipality indicating approval or disapproval of the request for a license; and

WHEREAS, applicants are awarded quota liquor licenses for which they have paid no monies to the local municipality, except for an application processing fee; and

WHEREAS, current Michigan liquor law allows for the recipient of a quota liquor license to use the license and realize the profits from the sale of alcoholic beverages, to place the license in escrow with the LCC, to sell the license, or to transfer the quota license to another entity in or out of the local municipality; and

WHEREAS, cities, villages and townships are the local governmental bodies wishing to retain local control over matters such as business development, including the award of quota liquor licenses, in their communities; and

WHEREAS, allowing a quota liquor license to be transferred from a local municipality in which it was originally issued without the consent of that municipality has the effect of weakening the economic viability of that municipality and being counter-productive to the best interests of the State of Michigan; and

WHEREAS, the Charter Township of Independence is a growing community desirous of deciding how and 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 Charter Township of Independence is a local government that has lost local control of several quota liquor licenses no longer in use in Independence Township through placement into escrow or transfer to another municipality.

NOW, THEREFORE, BE IT RESOLVED THAT the Board of Trustees of the Charter Township of Independence supports the principle of local control by local municipalities of quota liquor licenses; and

BE IT FURTHER RESOLVED THAT the Board of Trustees of the Charter Township of Independence petitions the State legislature to enact an amendment to Michigan liquor law that would ensure local control of liquor licenses through the requirement that any and all quota liquor licenses be returned to the quota for a particular local municipality, whether city, village, or township, when no longer in use, for whatever reason, in conjunction with the viable business to which it was originally issued; and

BE IT FURTHER RESOLVED THAT copies of this resolution, once certified, be forwarded to the Liquor Control Commission; Speaker of the House Craig DeRoche, Senate Majority Leader Ken Sikkema; Senator Michael Bishop, Senator Gilda Jacobs, State Representative James Marleau, Governor Jennifer Granholm, and to each of the municipalities in Oakland County.

On a motion by Kelly, seconded by Wenger, to adopt the resolution as presented, the roll call vote was as follows:

AYE: VanderVeen, Wagner, Wenger, Dunn, Rosso, Kelly, Travis
NAY: None
ABSTAIN: None
ABSENT: None

RESOLUTION DECLARED ADOPTED.

Certification

I, Shelagh VanderVeen, duly appointed Clerk of Independence Township, do hereby certify that the foregoing is a true copy of a Resolution as adopted by the Board of Trustees at a regular meeting held on Tuesday, April 5, 2005.

Shelagh Van der Veen

Shelagh VanderVeen, Clerk
Charter Township of Independence

Dated: April 6, 2005

OK
RS

J-04b

CITY OF FERNDALE

RESOLUTION

DETROIT INTERMODAL FREIGHT TERMINAL (DIFT) PROJECT

Moved by Councilman Galloway, seconded by Councilman Covey, to adopt the following Resolution:

In May, 2005, the Michigan Department of Transportation (MDOT) released its Draft Environmental Impact Statement (DEIS) for the Detroit Intermodal Freight Terminal Project (DIFT); and

The DEIS proposes alternative plans, largely funded by hundreds of millions of taxpayers' dollars, for the DIFT to consolidate and expand privately owned intermodal freight terminals in Southeast Michigan, including "Alternative 4" which proposes expanding both the Livernois Junction Intermodal Freight Terminal in Southwest Detroit and the Canadian National (CN) Intermodal Freight Terminal (Yard) in Ferndale by taking 35 acres of valuable State Fairgrounds property and dramatically increasing the use of the Yard in Ferndale. Inexplicably, MDOT never addresses the fact that because CN has a major intermodal facility in Port Huron, there appears to be no reason for CN to seek an expansion into the State Fairgrounds except that MDOT is pressing for the plan and offering to use taxpayer money for most of the cost; and

The DEIS contains a Memorandum of Understanding signed by three major Railroads, including CN, in which CN asserts that it does not intend to consolidate its operations at the Livernois Junction facility which makes Alternative 4 MDOT's most likely action alternative; and

In the early 1990s, the City of Ferndale was forced to litigate problems concerning nuisance conditions, including excessive light, noise, dust, odors, debris and other problems stemming from the Grand Trunk Western Railroad Intermodal Facility located in Ferndale, which is now the CN Yard; and

Increasing the intensity of the intermodal operation in the Yard may violate the terms of the Amended Consent Judgment entered to protect area residents and businesses from these nuisance conditions and deterioration of taxpayer financed roadway infrastructure (reference Oakland County Circuit Court Case No. 90-402257-AA); and

The dense urban development of the residential neighborhoods abutting the Yard and State Fairgrounds renders intensifying the use of the Yard and expanding into the Fairgrounds unreasonably harmful to residents. Expansion of the Yard into the State Fairgrounds, with its inevitable storage of vast quantities of hazardous materials so close to residential homes is inherently dangerous and poses an unacceptable risk of fire, explosion and release of toxic substances into the air immediately adjacent to nearby residents; and

The expanded Yard will require Police, Fire, HAZMAT and DPW services and tax dollars from Ferndale and Detroit without CN paying any local taxes to offset these costs at a time when both Cities face severe budget cuts each fiscal year; and

MDOT has not proven the need for the expansion, particularly in light of technology and manufacturing changes since its previous, vastly outdated, projected needs study was completed. In fact, MDOT has not demonstrated that their proposal will benefit local manufacturing more than overseas manufacturing, and there is a legitimate unanswered concern that this proposal may actually foster the flight of middle class manufacturing jobs from Michigan, a concern arising as a result of a reference in the DEIS and its attachments to intermodal use with marine containers. Moreover, MDOT admits that the environmental and economic impact studies MDOT relies on in the DEIS are inherently flawed and inaccurate which may mask the actual harm and give the false appearance of benefits for a project Michigan may not need. The outdated, as well as the flawed, studies on which the DEIS relies should be discarded; and

In contrast, a Metropark at the State Fairgrounds that includes the same 35 acres MDOT seeks to take would greatly enhance the value of property and the quality of life in the surrounding areas. A Metropark would be a great attraction for desirable development to address the growing problem of urban sprawl, and, unlike an intermodal terminal, would not violate the State Fair covenant mandate for the land to be dedicated to recreational or educational uses; and

While taxes from the heavily urban area in Detroit and the immediately surrounding suburbs ("urban residents") have helped develop, build and maintain the 13 existing Metroparks for over 60 years, these parks are not accessible by public transportation, and are all inaccessible to many urban residents who have paid for them; and

The State Fairgrounds are accessible via public transportation and are otherwise much more accessible to urban residents than any of the 13 Metroparks; and

Urban residents have a great need for healthy recreational, educational and green space activities that do not currently exist within reasonable reach despite the taxes they have paid toward the 13 Metroparks; and

Alternative 4 in the DEIS would irreversibly destroy forever any hope for a wonderful urban Metropark at the State Fairgrounds while costing taxpayers hundreds of millions of dollars to harm the surrounding area and drain desperately needed local taxes and public services as set forth above.

NOW, THEREFORE BE IT RESOLVED that based on the above recitals, the City of Ferndale City Council (Council), along with its residents, urge Governor Jennifer Granholm, MDOT, the Federal Highway Administration and Canadian National Railroad to drop and disavow Alternative 4 of the DEIS.

BE IT FURTHER RESOLVED that for the reasons set forth above, the City of Ferndale strongly endorses a Metropark to be developed and built at the Michigan State Fairgrounds instead of a harmful intermodal freight yard.

BE IT FURTHER RESOLVED that because none of this is possible to achieve unless and until there is a commitment to establish a Metropark at the Fairgrounds, the Ferndale City Council calls upon the State of Michigan and the Huron-Clinton Metropolitan Authority to commit to the establishment of a Metropark on the site of the Michigan State Fairgrounds.

BE IT FURTHER RESOLVED that a copy of this Resolution be provided to Governor Jennifer Granholm; Gloria Jeff, Director, Michigan Department of Transportation; Norman Y. Mineta, Secretary of Transportation, U.S. Department of Transportation; Joseph H. Boardman, Administrator, Federal Railroad Administration; Mary E. Peters, Administrator, Federal Highway Administration; Senator Carl Levin; Senator Debbie Stabenow; Congressman Sander Levin; Michigan State Senator Gilda Jacobs; Michigan State Representative Andy Meisner; Oakland County Commissioner Dave Coulter; County of Oakland; County of Wayne; and neighboring municipalities, including Hazel Park, Huntington Woods, Royal Oak and Berkley and Canadian National.

AYES: Council Members Covey, Galloway, Lennon, Weber; Mayor Porter
NAYS: None
MOTION CARRIED

I, Karen Pedro, City Clerk of the City of Ferndale, do hereby certify that the foregoing is a true and compared copy of a Resolution duly made and passed by the Ferndale City Council at a meeting held June 13, 2005.

Karen Pedro

Karen Pedro, City Clerk

J-04c

OK 90

CITY OF FERNDALE

SOCIAL SECURITY RESOLUTION

Moved by Councilman Galloway, supported unanimously, to adopt the following Resolution:

Social Security's income protections-guaranteed, lifelong benefits, cost-of-living adjustments to guard against inflation, increased benefits for families, greater income replacement for low-income workers, and disability and survivor benefits, which are the backbone of retirement security and family protection in the United States; and

Social Security provides crucial, often indispensable income protection for the 47 million individuals-one of every six Americans-receiving benefits; and

Social Security benefits have been paid by Ferndale residents and remain a vitally important economic necessity for the current and future well being for the 22,105 residents who call Ferndale home; and

In Michigan, 1.7 million residents receive Social Security benefits for an average of $874 per month. Of these, 202,770 are disabled and 256,000 are survivors. Benefits to all three of these groups would be reduced under privatization; and

Social Security actuaries say benefits can be paid until 2042 with no changes and raising the cap on taxable income (now $90,000) to $140,000 would provide almost one-third of the solvency needed for 75 years; and

In England where privatization took place in 1986 at a cost of $30 billion, government regulators now admit that at least 1.7 million Britons were duped; insurance companies have been fined more than $3 billion (few have paid). Courts have upheld more than 50,000 convictions for fraud and 400,000 cases are being investigated. In Chile, employers who formerly paid two-thirds of the pension-health program, now pay nothing. Individuals pay it all. The value of all privatized stock accounts have fallen and two-thirds of Chileans workers, experts predict, will never qualify for even a minimum poverty-level pension; and

Administrative costs of handling private accounts could be as high as 17%; Social Security administrative costs are less than 1%; and

Cutting guaranteed benefits will hurt the elderly because Social Security provides at least half the income for nearly two-thirds of older Americans and lifts more than 11 million seniors out of poverty; and

Cutting guaranteed benefits will particularly hurt women and people of color, as they are especially likely to rely on Social Security for most of their retirement income and are less likely than average to receive job-based pensions in retirement; and

Diverting resources from Social Security to fund private accounts will threaten guaranteed survivor and disability benefits, thus harming working families-particularly African-Americans-, roughly one in five workers dies before retiring and nearly three in 10 become too disabled to work before reaching retirement age; and

Congress should not rush through drastic and damaging changes in Social Security that undermine its family income protections but instead, should take the time needed to develop careful and thoughtful reforms that address Social Security's funding needs without slashing benefits or exploding the deficit:

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the City of Ferndale requests

(1) Congress should first commit to repaying all of the money borrowed from the social security Trust fund, so that Americans can be paid the Social Security benefits they have paid for;

(2) Congress should carefully consider prudent changes that will strengthen Social Security's finances, to ensure the program continues to meet its purpose of providing income protection and economic security for America's families; and

(3) Any changes adopted by Congress must strengthen Social Security's family income protection without significantly reducing guaranteed benefits or increasing the budget deficit; and

(4) Congress should reject any proposal that diverts money out of Social Security to fund private accounts; and

(5) In regards to the War in Iraq, Congress should institute a war tax to cover the costs of the war, thereby lessening the need to raid the funds of other domestic programs, including the Social Security Trust Fund, to cover the cost of the war.

BE IT FURTHER RESOLVED, that the Ferndale City Council declares its opposition to the privatization of America's Social Security program and that we notify our U.S. Senators Carl Levin and Debbie Stabenow, and our U.S. Representative Sander Levin, to stand firm and oppose any legislation that would privatize Social Security.

ADOPTED UNANIMOUSLY

I, Karen Pedro, City Clerk of the City of Ferndale, certify that this is a true and compared copy of a Resolution duly made and passed by the Ferndale City Council at a meeting held June 13, 2005.

Karen Pedro

Karen Pedro, City Clerk

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

* * * * *

NOTICE OF HEARING FOR THE CUSTOMERS OF THE DETROIT EDISON COMPANY CASE NO. U-14528

- The Michigan Public Service Commission (Commission) will hold a public hearing related to the adoption by The Detroit Edison Company and Commission Staff of a uniform pole attachment tariff for educational telecommunications facilities.
- The May 17, 2005 order commencing this proceeding is located on the Commission's Website at www.cis.state.mi.us/mpsc/orders/electric/.
- The information below describes how a person may participate in this case.
- A public hearing in this matter will be held:

DATE:	July 12, 2005 This will be a prehearing conference to determine future hearing dates and other procedural matters.
TIME:	9:00 a.m.
PRESIDING OFFICER:	Administrative Law Judge Daniel E. Nickerson, Jr.
LOCATION:	Michigan Public Service Commission 6545 Mercantile Way, Suite 7 Lansing, Michigan
PARTICIPATION:	Any interested person may attend and participate. The hearing site is accessible, including handicapped parking. Persons needing any accommodation to participate should call the Commission's Executive Secretary at (517) 241-6160 a week in advance to request mobility, visual, hearing or other assistance.

On May 17, 2005, the Michigan Public Service Commission issued an order commencing a contested case proceeding for the adoption by The Detroit Edison Company and Commission Staff of a uniform pole attachment tariff for educational telecommunication facilities.

The Commission has selected this case for participation in its Electronic Filings Program. The Commission recognizes that all filers may not have the computer equipment or access to the Internet necessary to submit documents electronically. Therefore, filers may submit documents in the traditional paper format and mail them to the: Executive Secretary, Michigan Public Service Commission, 6545 Mercantile Way, P.O. Box 30221, Lansing, Michigan 48909. Otherwise, all documents filed in this case must be submitted in both paper and electronic versions. An original and four paper copies and an electronic copy in the portable document format (PDF) should be filed with the Commission. Requirements and instructions for filing electronic documents can be found in the Electronic Filings Users Manual at: http://efile.mpsc.cis.state.mi.us/efile/usersmanual.pdf. The application for account and letter of assurance are located at http://efile.mpsc.cis.state.mi.us/efile/help. You may contact Commission staff at 517.241.6170 or by e-mail at mpscefilecases@michigan.gov with questions and to obtain access privileges prior to filing.

Jurisdiction is pursuant to 1909 PA 106, as amended, MCL 460.551 et seq.; 1919 PA 419, as amended, MCL 460.51 et seq.; 1939 PA 3, as amended, MCL 460.1 et seq.; 1969 PA 306, as amended, MCL 24.201 et seq.; and the Commission's Rules of Practice and Procedure, as amended, 1999 AC, R 460.17101 et seq.

June 14, 2005
Lansing, Michigan

J-04e

6V

R-24-05

A RESOLUTION

of the Council of the City of Berkley, Michigan supporting Local Control of Liquor Licenses

WHEREAS, Michigan law limits the number of licenses for on-premise consumption in municipalities within the state; and

WHEREAS, Quota liquor licenses are awarded by the Liquor Control Commission (LCC) following adoption of a resolution by a local municipality indicating approval of disapproval of the request for a license; and

WHEREAS, Applicants are awarded quota liquor licenses for which they have paid no monies to the local municipality, except for an application processing fee and

WHEREAS, Current Michigan liquor law allows for the recipient of a quota liquor license to use the license and realize the profits from the sale of alcoholic beverages; to place the license in escrow with the LCC; to sell the license; or to transfer the quota license to another entity in or out of the local municipality; and

WHEREAS, Cities, villages, and townships are the local governmental bodies wishing to retain local control over matters such as business development, including the award of quota liquor licenses in their communities; and

WHEREAS, Allowing a quota liquor license to be transferred from a local municipality in which it was originally issued without the consent of that municipality has the effect of weakening the economic viability of that township or municipality and being counter-productive to the best interests of the State of Michigan; and

WHEREAS, The City of Berkley is a growing community desirous of deciding how and to whom quota liquor licenses are to be issued in the interest of promoting a healthy business climate and to ensure the health, safety and welfare of the local citizenry; and

WHEREAS, The City of Berkley is a local government that has already lost local control of one quota liquor license no longer in use in the City of Berkley though placement into escrow or transfer to another municipality.

NOW, THEREFORE, THE CITY OF BERKLEY RESOLVES:

SECTION 1: That the City Council supports the principle of local control by local townships and municipalities of quota liquor licenses; and

SECTION 2: That the Berkley City 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 local municipality, whether city, village or township, when no longer in use, for whatever reason, in conjunction with the viable business to which it was originally issued; and

SECTION 3: That copies of this resolution be forwarded to the Liquor Control Commission; Governor Jennifer Granholm; Speaker of the House Craig De Roche; Senate Majority Leader Ken Sikkema; State Senator Shirley Johnson, State Representative Andy Meisner; County Commissioner Vince Gregory, the Michigan Municipal League and surrounding communities.

Introduced and passed at a Regular City Council Meeting on Monday, June 20, 2005

John Mooney

John Mark Mooney
Mayor

Attest:

Karen L. Brown
City Clerk

R-25-05

A RESOLUTION

of the Council of the City of Berkley, Michigan supporting a resolution to revise the Michigan Liquor License Policy in Downtown Development Authority Districts

WHEREAS, Michigan law limits the number of licenses for on-premise consumption in municipalities within the state; and

WHEREAS, The number of licenses available for downtown restaurants, bars and taverns is limited, and competition of licenses in many municipalities has grown; and

WHEREAS, The competition has resulted in licenses selling for up to $500,000.00 on the market, because of the lack of supply and arbitrary market boundaries; and

WHEREAS, The limited number of licenses and the resultant cost of procurement undermine economic development initiatives in downtowns which by their very purpose serve those beyond their confines and the confines of the municipality; and

WHEREAS, The unique position of "downtowns" as economic centers in many communities, fostering dining and drinking establishments within the downtown is imperative to both the downtown's and community's economic viability; and

WHEREAS, Downtowns have shifted from all-purpose service centers to a hybrid capitalizing on unique infrastructure and architecture, community landmarks and cultural centers, specialty shopping and services among other assets where restaurants and nightspots are critical to sustaining this business mix.

NOW, THEREFORE, THE CITY OF BERKLEY RESOLVES:

SECTION 1: That the City Council of Berkley recommends legislation amending the Michigan Liquor Control Code of 1998 to allow for the issuance of new Downtown Development District (DDA) licenses in cities and villages with determination of the total number of new downtown licenses being made by the elected leadership of the municipality; and

SECTION 2: That copies of this resolution, once certified, be forwarded to the Liquor Control Commission; Governor Jennifer Granholm; Speaker of the House Craig De Roche; Senate Majority Leader Ken Sikkema; State Senator Shirley Johnson, State Representative Andy Meisner; County Commissioner Vince Gregory, the Michigan Municipal League and surrounding communities.

Introduced and passed at a Regular City Council Meeting on Monday, June 20, 2005.

John Mark Mooney
Mayor

Attest:

Karen L. Brown
City Clerk

J-04f

RECEIVED

JUL 0 5 2005

CITY OF TROY
CITY MANAGER'S OFFICE

PRESENT: Payne, Roncelli, Devine, Stefanes, Buckley, Barnett, Savoie
Also present, Attorney William Hampton
ABSENT: None

ITEM #14: Consider resolution in support of Local Control of Liquor Licenses.

MOTION WAS MADE by Devine and supported by Stefanes to ADOPT the following Resolution in support of Local Control of Liquor Licenses.

RESOLUTION IN SUPPORT OF LOCAL CONTROL
OF LIQUOR LICENSES

WHEREAS, Michigan liquor law allocates quota liquor licenses to townships and municipalities based on population figures derived from the latest census; and

WHEREAS, quota liquor licenses are awarded by the Liquor Control Commission (LCC) following adoption of a resolution by a local municipality/township indicating approval or disapproval of the request for a license; and

WHEREAS, applicants are awarded quota liquor licenses for which they have paid no monies to the local township/municipality (except in some cases for an application fee); and

WHEREAS, current Michigan liquor law allows for the recipient of a quota liquor license to use the license and realize the profits from the sale of alcoholic beverages; to place the license in escrow with the LCC; to sell the license; or to transfer the quota license to another entity in or out of the local township/municipality; and

WHEREAS, townships, cities and villages are the local governmental bodies wishing to retain local control over matters such as business development, including the award of quota liquor licenses in their communities; and

WHEREAS, allowing a quota liquor license to be transferred from a local township/municipality in which it was originally issued without the consent of that township/municipality has the effect of weakening the economic viability of that township/municipality and of being counterproductive to the best interests of the State of Michigan; and

WHEREAS, the Charter Township of Bloomfield is desirous of deciding how and to whom quota liquor licenses are to be issued in the interest of promoting a healthy business climate and to ensure the health, safety and welfare of the local citizenry.

NOW, THEREFORE, BE IT RESOLVED: that the Charter Township of Bloomfield supports the principle of local control by local townships/municipalities of quota liquor licenses; and

BE IT FURTHER RESOLVED: that the Township Board of the Charter Township of Bloomfield petitions the State legislature to enact an amendment to Michigan liquor law that would ensure local control of liquor licenses through the requirement that any and all quota liquor licenses be returned to the quota for a particular local township or municipality when no longer in use, for whatever reason, in conjunction with the viable business to which it was originally issued.

BE IT FURTHER RESOLVED: that copies of this Resolution be forwarded to the Liquor Control Commission; Speaker of the House Craig De Roche; Senate Majority Leader Ken Sikkema; State Senator Shirley Johnson; State Representative Shelley Taub; Govenor Jennifer Granholm, and to each of the townships and municipalities in Oakland County.

AYES: Payne, Roncelli, Devine, Stefanes, Buckley, Barnett
NAYS: None
ABSTAIN: Savoie

RESOLUTION DECLARED ADOPTED.

I, JANET RONCELLI, TOWNSHIP CLERK of the Charter Township of Bloomfield, County of Oakland, Michigan, do hereby certify the foregoing is a true and correct copy of a resolution adopted by the Board at their regular meeting held on June 13, 2005.

Janet Roncelli
JANET RONCELLI
TOWNSHIP CLERK

pad

July 2005

July 2005

S	M	T	W	T	F	S
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3	4	5	**6**	7	8	9
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31						

August 2005

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Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
				July 1	2
					3
4	5	6	7	8	9
		8:30am BUILDING CODE BOARD OF APPEALS (Conference Room LL) 7:00pm ADVISORY COMMITTEE FOR PERSONS WITH			10
11	12	13	14	15	16
7:30pm City Council-Regular (Council Chambers)	7:30pm Planning Commission-Regular (Council Chambers)				17
18	19	20	21	22	23
7:30pm City Council-Regular (Council Chambers)	12:00pm Updated: Assessing Board of Review (Conference Room D) 7:30pm BZA (Chambers) 7:30pm Historic District Commission (Conference Room C)	7:30am DDA Meeting (Conference Room Lower Level)			24
25	26	27	28	29	30
	7:30pm Planning Commission-Study (Council Boardroom)				31

Parking Variance – Maple Research Center – 7/18/2005
Comm Vehicle App – 82 Miracle Dr – 7/18/2005
Prelim Planned Unit Dev Rev– PUD-004 (The Monarch) - 7/18/05

August 2005

August 2005

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September 2005

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Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
August 1	2	3	4	5	6
7:30pm City Council-Regular (Council Chambers)		8:30am BUILDING CODE BOARD OF APPEALS (Conference Room LL) 7:00pm ADVISORY COMMITTEE FOR PERSONS WITH			7
8	9	10	11	12	13
	7:30pm Planning Commission-Regular (Council Chambers)				14
15	16	17	18	19	20
7:30pm City Council-Regular (Council Chambers)	7:30pm BZA (Chambers) 7:30pm Historic District Commission (Conference Room C)	7:30am DDA Meeting (Conference Room Lower Level)			21
22	23	24	25	26	27
	7:30pm Planning Commission-Study (Council Boardroom)				28
29	30	31			

Parking Variance – Maple Research Center – 7/18/2005
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September 2005

September 2005

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October 2005

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Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
			September 1	2	3
			10:00am Senior Advisory Board meeting (Comm Ctr conf rm)		4
5	6	7	8	9	10
		8:30am BUILDING CODE BOARD OF APPEALS (Conference Room LL) 7:00pm ADVISORY COMMITTEE FOR PERSONS WITH	7:30pm Park Board meeting (Comm Ctr conf rm)		11
12	13	14	15	16	17
7:30pm City Council-Regular (Council Chambers)	7:30pm Planning Commission-Regular (Council Chambers)				18
19	20	21	22	23	24
7:30pm City Council-Regular (Council Chambers)	7:30pm BZA (Chambers) 7:30pm Historic District Commission (Conference Room C)	7:30am DDA Meeting (Conference Room Lower Level)			25
26	27	28	29	30	
	7:30pm Planning Commission-Study (Council Boardroom)				

Parking Variance – Maple Research Center – 7/18/2005
Comm Vehicle App – 82 Miracle Dr – 7/18/2005
Prelim Planned Unit Dev Rev– PUD-004 (The Monarch) - 7/18/05

J-06

Laura A. Fitzpatrick

3123 Coolidge Road #132 • Royal Oak, MI • 48073 • H 248/207.9078 • W 248/526.5141 • laurafitzpatrick@comcast.net

June 28, 2005

John Szerlag
City Manager
500 West Big Beaver Road
Troy, MI 48084-5285

Dear John:

I am writing to confirm my resignation from the position of Assistant to the City Manager. My last day will be Friday, July 15, 2005. As you know, I have accepted the Deputy City Manager position with the City of Manassas Park, Virginia. While I will miss the staff in Troy, my new role in Manassas Park will help move me towards my professional goals.

I would like to to thank you for the opportunity you gave me nearly six years ago (first as a part-time intern in 1999 and then as Assistant to the City manager in 2001). Your support allowed me to attain my Masters of Public Administration Degree at the University of Kansas with practical experience as an intern in Troy City Hall already under my belt. You also gave me my first job in professional local government management. I will be indebted to you for that for the rest of my career. Hopefully I will be able to give someone else the same opportunity in the future.

I am also thankful to Assistant City Managers John Lamerato, Gary Shripka and Brian Murphy for the opportunities they provided me. Finally, I must also thank your team of department heads and their staff for all of their guidance and help during my tenure.

Please be assured that I will do all I can to assist in the smooth transfer of my responsibilities before leaving. I wish both you and the rest of the organization good fortune and I would once again like to thank you for having me as part of the team.

Sincerely,

Laura

Laura A. Fitzpatrick

C: John M. Lamerato
Brian P. Murphy
Gary A. Shripka

J-07

June 29, 2005

TO: John Szerlag, City Manager

FROM: Charles T. Craft, Chief of Police CTC
Gary Mayer, Police Captain GM

SUBJECT: Intra-County Class C Liquor License Transfers

Recently, there has been action taken by local municipalities attempting to change the current Michigan liquor law that allows for the intra-county transfer of Class C quota licenses. This change in law would require that any and all quota liquor licenses be returned to the quota of the issuing municipality when no longer in use, regardless of the reason. It would end the practice of allowing an applicant to purchase an escrowed Class C license that has been issued in one municipality, and transfer it to another municipality within the same county.

As background, the Michigan Liquor Control Commission (MLCC) authorizes each municipality a specific number of licenses based on the most recent census, these license are referred to a quota licenses. In order for any Class C license to be issued or transferred-in, local governmental approval, in the form of a resolution, must be given. If approval is not granted, the license will not be issued/transferred. If all quota licenses are issued, a municipality may allow the transfer in of a Class C license from another governmental unit, within the same county, without the consent of the "donor" municipality.

Previous MLCC rules did not allow quota licenses to be transferred out of the originating community. As a result, the market value of resort Class C licenses, which could be transferred, skyrocketed. Often, owners of escrowed quota licenses owed back taxes and/or fees to a municipality, but were not allowed to sell the license to pay off their debt. When the Commission changed the rule to allow quota licenses to be transferred intra-county, there was a rush to buy up escrowed licenses. Many of the licenses were purchased out of escrow by large chain restaurants, and were transferred from older "core" cities to the suburbs.

Prohibiting intra-governmental unit transfers would serve municipalities who hope to utilize their quota licenses to attract investment. It would also serve a slow growth community, or one with a declining population, that would most likely not receive any additional quota licenses after the next census. As the City of Troy does not have any quota licenses remaining, banning intra-governmental transfers could negatively impact development. As example, the Class C license approved by Council for

Mayur Indian Cuisine was transferred in from Orion Township, and the recent request from Morton's Steakhouse involves a license being brought in from Farmington Hills. Additionally, if quota licenses were not permitted to be transferred, the cost of purchasing a Class C resort license would very likely skyrocket again.

In summary, if a municipality would like to increase the number of Class C establishments they have (over and above the number granted by quota), the current law allowing intra-governmental transfers benefits them. In that municipalities have the right to reject such transfers, the current law will not lead to a municipality becoming "over populated" with Class C liquor establishments, unless the governing body allows that to occur. Governmental units wishing to retain licenses for future issuance, without the fear of having them being purchased out of escrow and transferred, would support the changing of the current liquor laws.

Prepared by: Sergeant Tom Gordon

TJG/tjg

R/C

Fax

Cc Murphy
Vandette
Richnak

J-08

July 1, 2005

ROAD COMMISSION for OAKLAND COUNTY
QUALITY LIFE THROUGH GOOD ROADS.
ROAD COMMISSION FOR OAKLAND COUNTY
"WE CARE"

John Szerlag, Manager
City of Troy
500 West Big Beaver Rd.
Troy, MI 48084

TLC
7/01/05

Dear Mr. Szerlag:

I am writing to inform you that on June 22, the Road Commission for Oakland County (RCOC) ceased performing all routine maintenance work on all state roads in Oakland County. We were forced to take this drastic action because the state funds available to us through our maintenance contract with the Michigan Department of Transportation (MDOT) have been expended. This is due in part to the worse-than-usual winter, as well as the fact that the amount of money budgeted by MDOT for RCOC to provide maintenance under our contract has remained at the same amount for the last five years, while the cost of maintaining the roads has increased. In addition, in recent years the MDOT system has grown (the addition of M-5 and the DaimlerChrysler headquarters interchange on I-75), but the amount of money provided by MDOT through the maintenance contract has not.

This is the second time this year that we have reached this point. We first ran out of state road maintenance funding and ceased maintenance operations on May 10. MDOT eventually provided some additional funding at that point. The additional funding has now been depleted. We met with MDOT Director Gloria Jeff on June 23 to discuss this issue. At that time, she committed to attempt to find additional funds, but indicated that MDOT is currently experiencing financial difficulties. We understand the state's dilemma. The state-collected road funds that provide the majority of road maintenance dollars for MDOT, county road commissions, and cities and villages alike have not kept up with inflation for years. In fact, RCOC will receive the same amount of state road funds in 2005 that we received in 2000.

This work cessation means that RCOC will perform only emergency pothole patching, emergency traffic signal repairs, and other emergency-related activities on the state roads, using MDOT work orders. To date, this funding for emergency work is the only additional funding MDOT has been able to make available. Freeway slope mowing and street sweeping will continue, since contracts are in place with private companies to do that work. Work that WILL NOT be performed by RCOC workers includes boulevard mowing, routine drainage work, routine pothole patching, litter pickup, shoulder maintenance, routine traffic signal maintenance, etc. We have no choice but to cease this work, as state statutes do not permit us to expend our county road funds on state highways without guaranteed reimbursement.

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

31001 Lahser Road
Beverly Hills, MI
48025

248-645-2000

FAX
248-645-1349

TDD
248-645-9923

www.rcocweb.org

Fax

ROAD COMMISSION for OAKLAND COUNTY

QUALITY LIFE THROUGH GOOD ROADS: ROAD COMMISSION FOR OAKLAND COUNTY "WE CARE"

We recognize that this situation is frustrating for you and your constituents. It is frustrating for us as well. Unfortunately, it is another symptom of Michigan's inability or unwillingness to adequately fund its roads. We will let you know if MDOT provides any additional funding that would allow us to restore any or all of these activities.

Sincerely,

Brent O. Bair
Managing Director

c: Rudy D. Lozano
Larry P. Crake
Richard G. Skarritt
Gerald M. Holmberg
Thomas Meszler
County Commissioner Charles Palmer

/lb

DATE: July 6, 2005

TO: John Szerlag, City Manager

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

SUBJECT: Enforcement Activities Regarding Non-Permitted Group Day Care Homes in Single Family Residential Zoning

In the spring of 2004 we received a complaint regarding a day care facility being operated within a Single Family Residential Zoning District in the City of Troy. Investigation of the complaint showed that this facility was licensed by the State of Michigan to care for between 7 to 12 children. This type of facility license is known as a Group Day Care Facility. The Troy Zoning Ordinance, in Section 10.25.02, does provide for Family Day Care Homes caring for up to 6 children as a Use Subject to Special Conditions in the Single Family Zoning Districts. There are no provisions of the Troy Zoning Ordinance that would allow for a Group Day Care Home within the setting of a single family residence.

As a result of our contacts the operator of that facility has requested that the Troy Zoning Ordinance be modified to allow for these types of uses in Single Family Zoning Districts. The Troy Planning Commission has been considering a proposed text amendment to the ordinance that may allow for these larger day care facilities as a Use Subject to Special Use Approval. That text amendment (ZOTA 214) is set for public hearing on August 9, 2005.

In doing the research for the text amendment we found through a website of the State licensing agency that there are in fact 19 of these types of facilities with licenses located in the City of Troy. While these other facilities could be equally in violation of the Troy Zoning Ordinance as the first one found as a result of the complaint received, we did not send out additional violations pending the outcome of the Planning Commission's work. Because of other text amendments with higher priorities that have been placed before the Planning Commission, the time frame for their work on the possible amendment for day care homes has extended for more than a year.

In addition there is currently legislation working its way through the State legislature that would amend the State Law regarding the way that cities would review and approve Group Day Care Facilities. We are also working with the State agencies that deal with

the approval of licenses for these facilities to more closely look at the zoning and building code implications of their process of reviewing and approving licenses.

The Director of Building and Zoning has within his powers the discretion to establish a reasonable time frame for violations of ordinance provisions to be corrected. In exercising that discretion, the impact on the public health, safety, and welfare, as well as an estimate of what time a reasonably diligent person would need to make the correction are taken into consideration. Initially we determined that 90 days was a sufficient amount of time to reduce the amount of children that were cared for at the facility. However, shortly after that notice was sent out the owner began the process of working with the Planning Commission to look at revising the ordinance. As such, I determined that no additional enforcement action be taken until the Planning Commission completed their work on the proposed ordinance amendment. The scope of the research has also expanded to look at State zoning enabling legislation and State licensing policy.

In accordance with your direction, a letter will be sent to all licensed group day care centers indicating that:

1. A violation may currently exist.
2. No additional enforcement action will be taken at this time because the Planning Commission is considering making a recommendation to City Council, which may make group day care centers allowable in residential districts.
3. Additionally, the State of Michigan could legislatively allow group day care centers in residential areas.
4. The group day care center licensee will be kept advised of this matter and invited to the Planning Commission meeting where the issue will be discussed on August 9, 2005

Prepared by: Mark Stimac, Director of Building and Zoning

NOTE TO MAYOR AND COUNCIL:

My directive to Brian and Mark as stated above is more expedient that suspending the ordinance because a public hearing would first need to be held by the Planning Commission to do so. And this process is already in the works with a public hearing by the Planning Commission on the ordinance per se August 9, 2005. In any event, the outcome is the same as no further enforcement action will be taken until this matter is resolved by City Council or the State of Michigan decides to allow group day care centers in residentially zoned areas.

John Szerlag,
City Manager